PLANNING COMMISSION AGENDA

FEBRUARY 25, 2016

Commission Members

Tim D'Alessandro

David Culbertson

Norman Fincher

Joe Foley

Bill Mansfield

David McFadden

Mark McKechnie

Patrick Miranda

Jared Pulver

Regular Planning Commission meetings are held on the second and fourth Thursdays of every month

Meetings begin at 5:30 PM

City of Medford

City Council Chambers

411 W. Eighth Street, Third Floor

Medford, OR 97501

541-774-2380

Planning Commission

Agenda

Public Hearing
February 25, 2016
5:30 PM

Council Chambers, City Hall, Room 300
411 West Eighth Street, Medford, Oregon

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10. Roll Call

20. Consent Calendar/Written Communications (voice vote)

30. Minutes

30.1 Consideration for approval of minutes from the February 11, 2016, hearing.

40. Oral and Written Requests and Communications

50. Public Hearings – Old Business

50.1 **LDS-15-141 / E-15-142** Consideration of a proposed tentative plat for Panther Landing Subdivision, a seven lot residential subdivision, with an exception to reduce the street dedication requirement for South Columbus Avenue and an exception to the number of units allowed to take access off a minimum access easement, for an 0.86 acre parcel located on the east side of South Columbus Avenue, approximately 120 feet north of Garfield Street, within a SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zoning district (1579 S. Columbus Avenue – 372W36CA2200). (Tommy Malot, Applicant/Agent)

New Business

50.2 **CP-15-163 / ZC-15-164** Consideration of a request for a minor general land use plan map amendment from Urban Residential (UR) to Service Commercial (SC) and a zone change from SFR-4 (Single Family Residential, four dwelling units per gross acre) to C-S/P (Service Commercial and Professional Office) for 5.72 acres located between Corona Avenue and Covina Avenue and between East McAndrews Road and Grand Avenue. (HATH LLC, Applicant; CSA Planning Ltd., Craig Stone, Agent)

60. Reports

60.1 Site Plan and Architectural Commission

60.2 Joint Transportation Subcommittee

60.3 Planning Department

70. Messages and Papers from the Chair

80. Remarks from the City Attorney

90. Propositions and Remarks from the Commission

100. Adjournment

Minutes

from Public Hearing on **February 11, 2016**

The regular meeting of the Planning Commission was called to order at 5:33 PM in the City Hall Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present
David McFadden, Chair
Patrick Miranda, Vice Chair
Tim D'Alessandro
Norman Fincher
Joe Foley
Jared Pulver

Staff Present
Jim Huber, Planning Director
Kelly Akin, Principal Planner
Kevin McConnell, Deputy City Attorney
Alex Georgevitch, City Engineer
Greg Kleinberg, Fire Marshal
Terri Rozzana, Recording Secretary
Jennifer Jones, Planner III
Sarah Sousa, Planner IV

Commissioner Absent
David Culbertson, Excused Absence
Bill Mansfield, Unexcused Absence
Mark McKechnie, Unexcused Absence

10. Roll Call
10.1 Election of Officers

Commissioner D'Alessandro nominated Vice Chair Miranda to serve as Chair for 2016. Commissioner Fincher seconded.

Roll Call Vote: Motion passed, 5-0-1 with Vice Chair Miranda abstaining.

Vice Chair Miranda nominated Chair McFadden to serve as Vice Chair for 2016. Commissioner Fincher seconded.

Roll Call Vote: Motion passed, 5-0-1 with Chair McFadden abstaining.

10.2 Chair Miranda reappointed Commissioner D'Alessandro to the Site Plan and Architectural Commission for 2016.

Chair Miranda reappointed Commissioner D'Alessandro, Commissioner Fincher and Commissioner Pulver to the Joint Transportation Subcommittee.

20. Consent Calendar/Written Communications.

20.1 LDS-15-118 / E-16-001 Final Order of a tentative plat application for a mixed-use development to be known as West Meadows Village, consisting of a total of 15 lots on 9.14 acres within a SFR-10 (Single-Family Residential – 10 dwelling units per gross acre) and MFR-20 (Multiple-Family Residential – 20 dwelling units per gross acre) zoning district, with the PUD (Planned Unit Development) Zoning Overlay, and associated exception application requesting reduced right-of-way dedication and reduced landscape planter strip for the north side of Lozier Court. Subject tentative plat consists of 5 Single-family lots, 5 duplex lots, 2 commercial lots and 3 multi-family lots; generally located on the east side of Lozier Lane on the north and south sides of Meadows Lane. David & Elahe Young Family Trust, Applicant (Richard Stevens & Associates, Inc., Agent)

Motion: Adopt the consent calendar.

Moved by: Vice Chair McFadden Seconded by: Commissioner D'Alessandro

Voice Vote: Motion passed, 6–0.

30. Minutes

30.1. The minutes for January 28, 2016, were approved as submitted.

40. Oral and Written Requests and Communications. None.

Kevin McConnell, Deputy City Attorney, read the Quasi-Judicial Statement.

50. Public Hearings – New Business

50.1 SV-15-160 Consideration of a request to vacate a public alley located between Oakdale Avenue and Park Avenue that extends northerly 402 feet from Dakota Avenue. (City of Medford, Public Works Department, Applicant/Agent)

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex parte communication they would like to disclose. Vice Chair McFadden stated that he did not have a conflict of interest or ex parte communication but he submitted testimony for his employer regarding this application. Due to that issue he recused himself.

Chair Miranda inquired whether anyone in attendance wishes to question the Commission as to conflicts of interest or ex-parte contacts. None were disclosed.

Jennifer Jones, Planner III, read the street vacation criteria and gave a staff report. Ms. Jones reported that a letter in opposition of the application was received today. It was emailed to the Planning Commissioners and they have a copy of the letter at their places. It will be submitted into the record as Exhibit O.

Commissioner D'Alessandro asked if there was a precedence set for other properties or areas that the City has done this. The concern is from Avista in their testimony and the opposing property owners. Ms. Jones reported that the City has done other vacations. The last vacation she brought to the Planning Commission was for additional area of right-of-way. There was an easement placed on that particular area. It was less of an issue regarding the fencing. The Public Works Department may want to speak to that further. It is her understanding that it is typical to have an easement in the case of any utilities.

Commissioner Foley asked where will the utilities go? Is it correct that it ends on personal property at the end? He is assuming the utilities do not stop at 400 feet. Ms. Jones stated that she would assume they continue underneath and the overhead power as well. It is common to have easements through the rear of properties. In this particular case that is what Avista asked for.

Commissioner Foley stated that if it is good for the people at the end of the alley to have fences on that property, why is it not good for the affected properties? Ms. Jones deferred the question to the City Engineer.

Alex Georgevitch, City Engineer, stated that there will be a series of alley vacations coming forward over the next year or two. These are all paper alleys. That means they were never improved. Often utilities go down an alley and just stop because that is the end of their service line. They could continue with a private easement through someone's property or they may not have an easement. Public Works does not have information on public utilities that are not City owned facilities. Public Works often recommends an easement because they may have utilities in that area along with other utilities. Avista is making a recommendation because they want to make sure they have clear access. Utilities are in the back of lots that are fenced. As a recommendation, if the Planning Commission chooses to forward a recommendation of not following Avista's request, the Commission could include language in the easement agreement that if there are any costs associated with moving the fence it is the burden of the property owner.

Commissioner Pulver reported that Mr. Georgevitch mentioned modifying the easement language that moving the fence would be the burden of the property owner. Is that common, uncommon or case-by-case? Mr. Georgevitch replied that it is case-by-case. The standard form does not include that language. A fence is not considered a structure under the Oregon Residential Specialty Code if it is less than 7 feet high. Therefore, under the Code no permit is required. The reason he suggested that language is that someone could build a fence without the City knowing.

Mr. McConnell reported that he does not see any problem with that language. If there is a public utility easement required by the City per the Code, the Planning Commission could include that language or leave it silent. If a property owner builds a fence where

there is a recorded public utility easement they take a risk that a utility company could access their property at the burden of the property owner's cost. Mr. McConnell recommended using the general language and not to add anything special.

Commissioner Pulver asked if Mr. McConnell believes it is clear as who bears the cost of repairing a fence if a utility company needs to access the property. Mr. McConnell stated that it is clear under the law.

The public hearing was opened.

a. Aaron R. Thayer, 705 Park Avenue, Medford, Oregon, 97501. Mr. Thayer objects to vacating the property on the condition that it could be blocked off. There is an Avista gas line, Pacific Power has the power line and Charter has their cable line. Approximately every two years Pacific Power has a company trim the trees back from the power line. He is unsure of how an easement will affect his property taxes. The Assessor's office has told him that it should not have a significant affect. If his taxes go up because 700 feet of the easement is now his property he is adversely affected. He did not buy 700 feet, does not want ownership of that 700 feet and he certainly does not want his taxes raised because of an action of the parties. He objects to the vacation of the alley.

Commissioner D'Alessandro asked if Mr. Thayer currently utilizes the alley. Mr. Thayer stated that he does not utilize the alley frequently. He has several large trees that hang over that property. In order for an arborist to come in and take care of the trees it is essential they have access for their vehicles and equipment. The City has never maintained the alley.

The public hearing was closed.

Motion: Based on the findings and conclusions that all of the approval criteria are met or are not applicable, the Planning Commission forwards a favorable recommendation to the City Council for approval of the alley vacation, SV-15-160, per the staff report dated February 4, 2016, including Exhibits A through N and adding Exhibit O into the record.

Moved by: Commissioner Pulver Seconded by: Commissioner Fincher

Voice Vote: Motion passed, 5-0-1, with Vice Chair McFadden recusing himself.

50.2 LDS-15-141 / E-15-142 Consideration of a proposed tentative plat for Panther Landing Subdivision, a seven lot residential subdivision, with an exception to reduce the street dedication requirement for South Columbus Avenue and an exception to the number of units allowed to take access off a minimum access easement, for an 0.86 acre parcel located on the east side of South Columbus Avenue, approximately 120 feet north of Garfield Street, within a SFR-10 (Single Family Residential – 10 dwelling units

per gross acre) zoning district (1579 S. Columbus Avenue – 372W36CA2200). (Tommy Malot, Applicant/Agent)

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex parte communication they would like to disclose. None were disclosed.

Chair Miranda inquired whether anyone in attendance wishes to question the Commission as to conflicts of interest or ex-parte contacts. None were disclosed.

Sarah Sousa, Planner IV, read the land division and exception criteria and gave a staff report.

Vice Chair McFadden stated that the minimum access street may be dedicated as presented but the street would not go the full length of the area presented. The applicant could install a Y-shaped turnaround at the end of the street within the right-of-way. Ms. Sousa reported that the City Engineer could speak to that statement. Planning staff is saying that the applicant needs some kind of turnaround.

Vice Chair McFadden asked why the applicant cannot set the area up as a flag lot? Is it because they would not have enough frontage on Columbus? Ms. Sousa deferred the question to the applicant as to what they have considered in that area.

Commissioner Foley asked when the turnaround is added does the applicant run into problems with lot sizes? Ms. Sousa reported that she does not know. The applicant would have to come back and propose how that would function. A turnaround could be part of some ones property. It does not necessarily have to be a distinct area that is not on some ones property.

The public hearing was opened.

a. Tommy Malot, 624 Lynn Lane, Central Point, Oregon, 97502-3735. Mr. Malot reported that it was difficult to make the project affordable and not damage properties existing on the site. They came up with the best plan they thought would be acceptable as far as lower cost and size of homes. The sizes range from 1275 square feet to 1500 square feet. The reason they came up with the size and configuration was due to only one access onto Columbus. They are making the minimum access street wider with one side of the street marked no parking. There will be enough room at the end of the street for a turnaround.

As far as a flag lot, it would be difficult to do and they would not end up with as many lots.

Commissioner Foley asked if Mr. Malot had a proposal of what they would do for the turnaround that the City is proposing? Mr. Malot replied that with a minimum access street they can go as low as 20 feet. They have 33 feet with one side that has a 10 foot

easement at the end of the block. On the east side they could put an 8 foot driveway that would be an actual turnaround almost like a hammerhead. They could mark it as turnaround only no parking. The end of the street will be a dead end.

b. Tom Rosia, 1168 Peachwood Court, Medford, Oregon, 97501. Mr. Rosia testified that he is requesting that the Planning Commission deny the exceptions. It is his opinion that the applicant is forcing too much that does not fit the general welfare of the neighborhood. He has concerns of the minimum access road. It is directed towards his back fence of his property that they are claiming to be a turnaround. Maintenance of a private road can be a headache trying to go all the neighbors to pay their portions. If it is City maintained they do not have to worry about maintenance. If the applicant develops this property by City Code there would be no problem.

If the townhomes are two-story they are not 20 feet from the property line. They need a different frontage than what they have proposed. They show a 20 foot frontage and townhomes require a 25 foot frontage. There are a lot of problems with this plan.

He wants them to develop the property. The neighborhood is already a blue collar neighborhood. He does not know what the low cost means. He disagrees that this project needs to happen.

c. Miguel Guiao, 1174 Peachwood Court, Medford, Oregon, 97501-4308. Mr. Guiao testified that he is one of the properties on the east side of the proposed project. The existing project site is flat. Currently, his experience is that when it rains the water in his backyard and proposed project property is not draining properly. He hopes that if this project is approved the City should make sure that rain water drains properly.

Mr. Georgevitch addressed the drainage concerns stating that it is a requirement that there be a hydrology and hydraulic analysis that all surface water be contained and treated. Any concerns that are there now the applicant will mitigate and make it better than what is happening today. The applicant will be required to look at his property and all the surrounding land that would flow into it.

Commissioner Pulver asked if Mr. Georgevitch was comfortable that the turnaround solution will be created based on the current plat. Mr. Georgevitch replied that it is not public right-of-way. Public Works does not get involved outside of the public right-of-way. They want to make sure it operates safely. As Mr. Malot stated they could reserve an area for a turn-in area to pull in and back out or back-in and pull out. The street is going to be low volume and Public Works does not have a concern with that. The concern is to make sure trash and delivery vehicles can get in there. It is all private.

Commissioner Foley asked if the Fire Department had any concerns. Greg Kleinberg, Fire Marshal, stated that the Fire Code requires a turnaround if the street is longer than 150 feet. This street is not that long. Normally they would pull in and back out. They

would not require a Fire Department turnaround on this minimum access easement road. They have someone outside of the truck directing traffic when they back up.

Mr. Malot stated that he would like to request a two week extension and come back with a plan showing the actual turnaround for this project. He would also like to request an extension of time of the 120-day rule.

The public hearing was closed.

Motion: Except the applicants request for a two week extension of this project so that he can come back with a revised plan showing the exact location of the turnaround; also the extension of the 120-day rule.

Moved by: Vice Chair McFadden Seconded by: Commissioner Foley

Voice Vote: Motion passed, 6–0.

60. Reports

60.1 Site Plan and Architectural Commission.

Commissioner D'Alessandro reported that the Site Plan and Architectural Commission met on Friday, February 5, 2016. The Site Plan and Architectural Commission heard the proposed Code requirement that would remove the requirement for land use projects inside the Airport security fence. After deliberation the Site Plan and Architectural Commission forwarded a favorable recommendation to the City Council.

Today at noon the Site Plan and Architectural Commission met with City Council in a study session regarding a decision that the Site Plan and Architectural Commission made that was overturned by the City Council. They discussed flexibility in new projects and how the City Council is going to move forward with projects that may be outside the normal for residential housing downtown.

60.2 Report of the Joint Transportation Subcommittee. None.

60.3 Planning Department

Kelly Akin, Principal Planner, reported that the next Planning Commission study session is scheduled for Monday, February 22, 2016. Discussion will continue on multiple family design standards.

There is business scheduled for the Planning Commission on Thursday, February 25, 2016, Thursday, March 10, 2016 and Thursday, March 24, 2016.

Last week the City Council adopted the Airport Master Plan but not the associated code amendment. The code amendment is scheduled for the City Council on March 3, 2016. The City Council also adopted the Medford School District 549C Long Range Facility Plan Update. The Update was also incorporated into the City's *Comprehensive Plan.*

At City Council's next meeting the Planning Department will request that they initiate a right-of-way vacation on Second Street. It dead ends at the Railroad tracks between the Railroad tracks and Front Street.

The Planning Department has a study session scheduled with the City Council on Thursday, February 25, 2016 regarding the Urban Growth Boundary.

70. Messages and Papers from the Chair. None.

80. Remarks from the City Attorney. None.

90. Propositions and Remarks from the Commission. None.

100. Adjournment

The meeting was adjourned at 6:48 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Terri L. Rozzana
Recording Secretary

Patrick Miranda
Planning Commission Chair

Approved: February 25, 2016

REVISED STAFF REPORT

for a type-C quasi-judicial decision: Land Division / Exception

PROJECT	Panther Landing Subdivision Applicant: Tommy Malot	
FILE NO.	LDS-15-141/E-15-142	
TO	Planning Commission	*for February 25, 2016 hearing*
FROM	Sarah Sousa, Planner IV	
REVIEWER	Kelly Akin, Principal Planner	
DATE	February 18, 2016	

BACKGROUND

Proposal

Proposed tentative plat for Panther Landing Subdivision, a seven lot residential subdivision, with an exception to reduce the street dedication requirement for South Columbus Avenue and an exception to the number of units allowed to take access off a minimum access easement, for an 0.86 acre parcel located on the east side of South Columbus Avenue, approximately 120 feet north of Garfield Street, within a SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zoning district (1579 S. Columbus Avenue – 372W36CA2200)

Subject Site Characteristics

Zoning: SFR-10 (Single Family Residential – 10 dwelling units per gross acre)
GLUP: UR (Urban Residential)
Use: Duplex

Surrounding Site Characteristics

North
Zoning: SFR-6 (Single Family Residential – 6 dwelling units per gross acre)
Use: Single Family homes

South
Zoning: SFR-10
Use: Duplexes

East
Zoning: SFR-10
Use: Single Family Homes

West
Zoning: SFR-6
Use: Single Family Homes / High School

Related Projects

ZC-05-127 Zone Change
LDS-06-317 Land Division (expired)

Applicable Criteria

Medford Land Development Code §10.270, Land Division Criteria

The approving authority (Planning Commission) shall not approve any tentative plat unless it first finds that, the proposed land division together with the provisions for its design and improvement:

(1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;

(2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;

(3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;

(4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property unless the approving authority determines it is in the public interest to modify the street pattern;

(5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;

(6) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

Medford Land Development Code §10.253, Exception Criteria

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority (Planning Commission/Site Plan and Architectural Commission) having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

(1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The Planning Commission/Site Plan and Architectural Commission shall have the authority to impose conditions to assure that this criterion is met.

(2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.

(3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.

(4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

ISSUES AND ANALYSIS

Project Summary

The tentative plat submitted consists of a single phase development with seven lots (Exhibit B). Lot 1 contains an existing duplex that is proposed to remain. Lots 2, 3, and 7 are shown as single family lots, while Lots 4-6 are proposed to have attached row housing. In addition, the applicant has submitted an exception to the required right-of-way dedication for a portion of South Columbus Avenue and an exception to the number of units that can take access of a minimum access easement.

All proposed lots conform to the standards of the Medford Land Development Code for length, width, square footage, and lot frontage.

Density

The standard density calculation for the SFR-10 zone is between six and ten dwelling units per acre. The permitted density range for the subject subdivision is between six to ten dwelling units. The applicant is proposing seven lots (and eight units), which meet the minimum and does not exceed the maximum number of units.

Street Circulation

The subject property fronts upon South Columbus Avenue. The tentative plat does not include the creation of new streets, as only a minimum access easement is proposed. Lots 1 and 7 have frontage on South Columbus Avenue but will obtain vehicular access from the minimum access easement as Medford Land Development Code Section 10.550 restricts direct access on higher order streets when a lower order street is abutting.

Medford Land Development Code Section 10.450 states minimum access easements shall only be permitted when the approving authority finds that any of the following conditions exist: excess slope, presence of a wetland or other body of water which cannot be bridged or crossed, existing development on adjacent property, or the presence of a freeway or railroad. It also allows the approving authority to allow minimum access easements when it is not possible to create a street pattern which meets the design requirements for streets. In this case, the creation of a new street does not seem practical due to existing development to the north, south, and east, which consists of newly built homes.

Exceptions

The applicant has submitted for two exceptions in conjunction with the land division. The first is to the required right-of-way dedication for a portion of South Columbus

Avenue around the existing duplex. The second is to the number of units that can take access of a minimum access easement.

Reduced Right-of-Way Dedication

South Columbus Avenue is classified as a Major Arterial Street, which requires a 100 foot wide right-of-way. As a result, the applicant would typically be required to dedicate 20 feet along the frontage of the development to comply with the half width standard. The applicant proposes to dedicate the full amount (20-feet) along the southern portion of the property and then narrow the dedication to 12 feet on the northern half due to the location of the existing structure. The Public Works Report explains this will still allow for the adequate right-of-way for all the components of a Major Arterial Street with the elimination of the 10-foot planter strip (Exhibit G-1).

The Applicant's Findings explain that the duplex on the property originally met setbacks (Exhibit F). However, right-of-way acquisitions have reduced the setbacks. If the full dedication is required, the structure would be located within the right-of-way.

Minimum Access Easement (maximum number of units)

Medford Land Development Code Section 10.430A(1) limits the number of units that can take vehicular access of a minimum access easement to three dwelling units. The applicant is requesting an exception to allow eight units to take access off the proposed minimum access easement.

The first submittal the applicant made with the subject application included the proposal for a Residential Lane to dead end at the eastern terminus of the project. The Public Works Department was not in support of the original design of the Residential Lane as it was not proposed with a cul-de-sac bulb (with a 45-foot radius) as required for public dead-end streets. However, the Public Works Department was not opposed to a private street with the same configuration. For example, a public street sweeper is able to sufficiently maneuver a street that includes a cul-de-sac with a 45-foot radius. But a private street does not require this type of City maintenance.

Medford Land Development Code Section 10.010 (Definitions) specifies that private streets are only allowed within Planned Unit Developments. The same section clarifies that minimum access easements are not considered streets. Since the Public Works Department could not support a public street without a cul-de-sac, the applicant has requested a minimum access easement.

Minimum access easements allow for infill properties, such as the subject project, to develop. They are described as an easement containing a shared driveway having the sole purpose of providing direct access to immediately adjacent residentially zoned land.

They are required with a 20-foot width and a turnaround but do not include space for sidewalks, planter strips, or parking.

The Applicant's Findings provide the rationale for the Commission to allow a minimum access easement (Exhibit F). The existing development of adjacent properties would not allow for a street to be stubbed to the east as the adjoining properties contain newer homes within a developed subdivision. Since a street cannot be stubbed, a cul-de-sac configuration (required with a Residential Lane) would make the development of lots impossible.

In addition to the constraints caused by surrounding development, the Commission can also consider allowing a minimum access easement based upon how it would be built. The minimum access easement is actually proposed to be constructed to the standards of a Residential Lane (without the cul-de-sac). It is shown on the tentative plat with a 33-foot width. It would also include a sidewalk and parking on one side, consistent with the Residential Lane standards. So although a minimum access easement is proposed to allow for private ownership, it would function much like a Residential Lane, which allows access for up to eight dwelling units.

Turnaround

Minimum access easements are required to have a turnaround consistent with Medford Land Development Code Section 10.746(11). The tentative plat does not show a turnaround as required and the exception findings do not specifically address the elimination of a turnaround. Staff has included a condition requiring a turnaround to be shown on the final plat (Exhibit A-1).

REVISED TENTATIVE PLAT

At the public hearing of February 11, 2016, the Commission questioned the applicant about a turnaround at the end of the proposed minimum access easement. There was some discussion; in the end the applicant requested a continuance so that the plat could be revised to reflect a turnaround in accordance with the Code. The revised plat was submitted on February 16, 2016, and is included as Exhibit B-1. Staff has included a condition of approval requiring a "NO PARKING" sign to be posted in the turnaround, and removed the condition requiring the turnaround to be shown on the final plat as noted above (Exhibit A-1).

FINDINGS AND CONCLUSIONS

Staff has reviewed the Applicant's Findings and recommends the Commission adopt the findings as presented.

RECOMMENDED ACTION

Direct staff to prepare a Final Order of Approval per the Revised Staff Report dated February 18, 2016, including Exhibits A-1 through M.

EXHIBITS

A-1	Conditions of Approval dated February 18, 2016
B-1	Tentative Plat received February 16, 2016
C	Conceptual Grading & Utility Plan received January 15, 2016
D	Building Elevations received October 14, 2015
E	Applicant's Findings of Fact (Land Division) received January 15, 2016
F	Applicant's Findings of Fact (Exception) received January 15, 2016
G-1	Public Works Report received February 5, 2016
H	Medford Fire Department Report received January 6, 2016
I	Medford Building Department memo received January 6, 2016
J	Address Technician memo received January 19, 2016
K	Medford Water Commission memo received January 28, 2016
L	Rogue Valley Sewer Services letter received December 23, 2015
M	Jackson County Assessor's Map received October 14, 2015
	Vicinity map

PLANNING COMMISSION AGENDA: **FEBRUARY 11, 2016**
FEBRUARY 25, 2016

EXHIBIT A-1

Panther Landing Subdivision
LDS-15-141/E-15-142
Conditions of Approval
February 18, 2016

DISCRETIONARY CONDITIONS

1. A "NO PARKING" sign shall be posted in the turnaround area on the east end of the minimum access easement.

CODE CONDITIONS

2. Prior to Final Plat approval, the applicant shall:

   a. Submit CC&Rs or other document that ensures the maintenance of the minimum access easement;

   b. Comply with the Public Works Department Report received January 6, 2016 (Exhibit G);

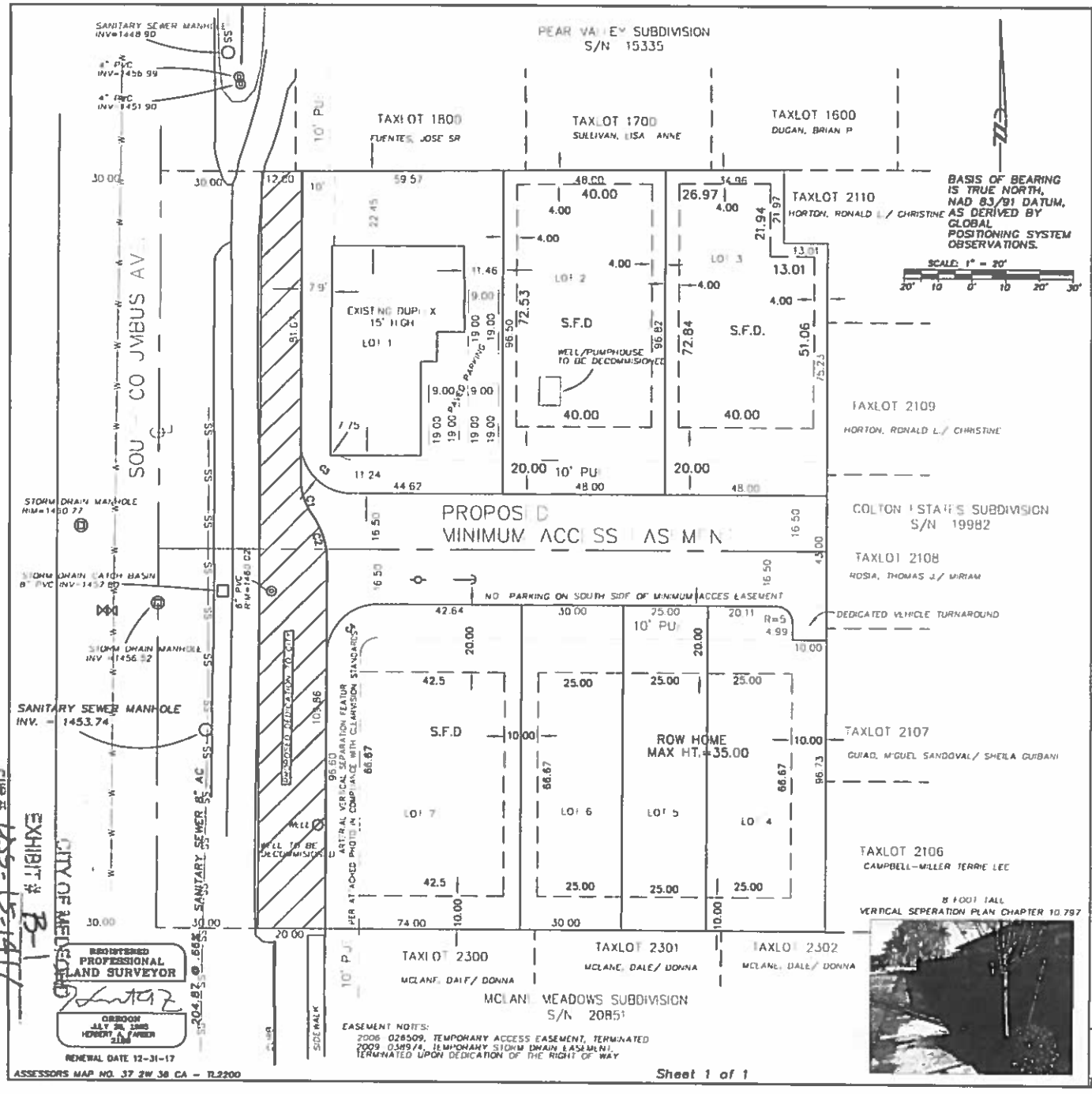
   c. Comply with the Fire Department Report received January 6, 2016 (Exhibit H);

   d. Comply with the Address Technician Memo received January 19, 2016 (Exhibit J);

   e. Comply with the Medford Water Commission memo received January 28, 2016 (Exhibit K);

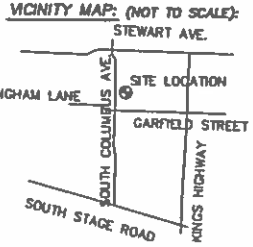
   f. Comply with the Rogue Valley Sewer Services memo received December 23, 2015 (Exhibit L).

CITY OF MEDFORD
EXHIBIT # A-1
File #LDS-15-141/E-15-142



TENTATIVE SUBDIVISION PLAN
of
PANTHER LANDING
located in the
SOUTHWEST QUARTER OF SECTION 36,
TOWNSHIP 37 SOUTH, RANGE 2 WEST,
WILLAMETTE MERIDIAN, IN THE CITY OF MEDFORD
JACKSON COUNTY, OREGON
for
TOM MALOT CONSTRUCTION Co Inc.
situs
1579 SOUTH COLUMBUS AVE
MEDFORD, OREGON 97501

VICINITY MAP: (NOT TO SCALE):



LEGEND:

- = MINIMUM SETBACK
- = PVC INV, SIZE AS NOTED
- = SANITARY SEWER MANHOLE
- = MANHOLE STORM DRAIN
- = STORM DRAIN CATCH BASIN
- = WATER VALVE
- = POWER POLE (PPAL)
- = GUY WIRE

S.F.D. = SINGLE FAMILY DWELLING

CURVE TABLE:

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	36°52'23"	11.58	18.00	S18°03'30"E	11.38
C2	36°41'20"	14.08	22.00	N18°18'46"W	13.85
C3	90°08'15"	23.60	15.00	S44°54'17"E	21.24
C4	88°52'08"	23.53	15.00	S45°02'33"W	21.18

NOTES:
ZONING-SFR-10
IRRIGATION DISTRICT- MEDFORD
SCHOOL DISTRICT MEDFORD
FIRE DISTRICT- MEDFORD
SANITARY SEWER DISTRICT RVSS

FLOOD PLAIN DATA:
PROPERTY IS NOT SUBJECT TO INDUNATION/ 100 YR FLOOD PLAIN AREA.
GROSS=44395 SQ. FT.= 10 units (Max) 8 units (Min Density Factor)
NET= 33945 SQ. FT. (GROSS MINUS PROPOSED DEDICATION TO CITY AND ROW)

Surveyed by:
FARBER & SONS, INC. dba
FARBER SURVEYING
PO BOX 5286
431 OAK STREET
CENTRAL POINT, OREGON 97502
(541) 664-5599

DATE: OCTOBER 12, 2015
JOB NO.: 2223-14
DRAWING FILE: JOBS\Medford_SW\South Columbus\Shasher S Columbus\MicroSurvey\TENATIVE_072815.dwg
DRAWN BY: DEM ORIG. DATE: 10/12/2015 REVISED BY: DATE:

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FEB 16 2016
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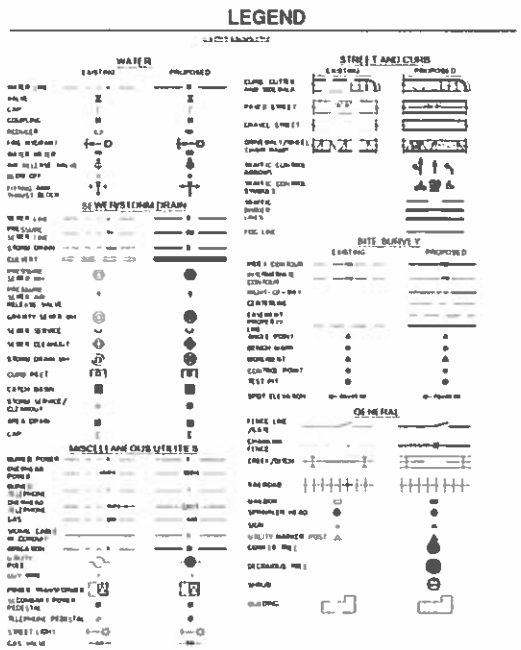
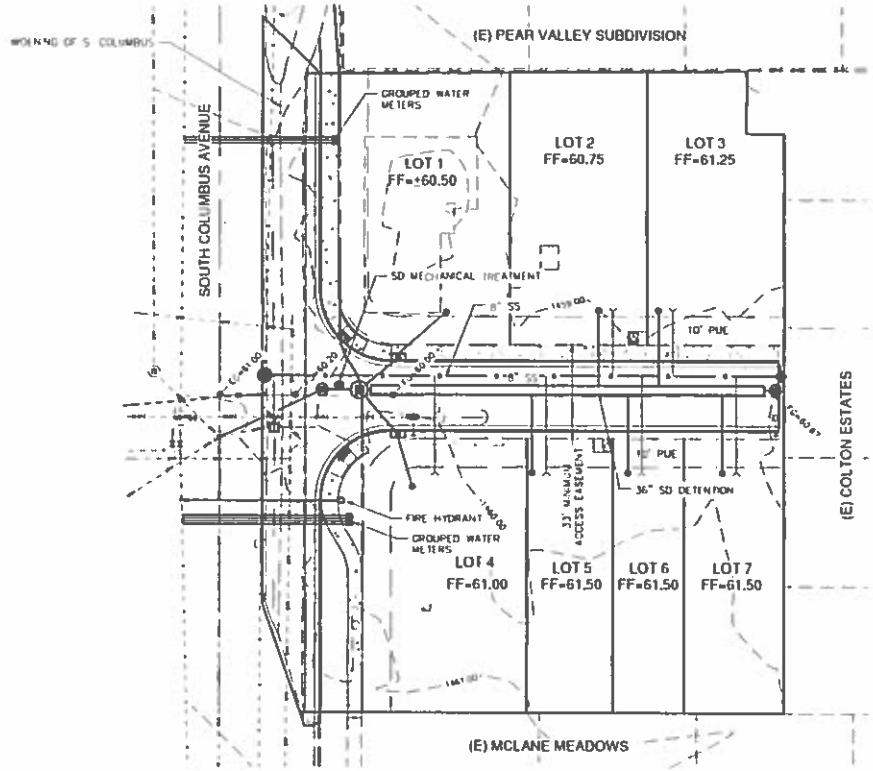
EXHIBIT # B-1
File # 165-15-141
SP-142

44





VICINITY/PROJECT PLAN

SCALE 1"=20'

DATE	9/1/15		
PROJECT	7014-01		
FILE	BACKGROUND		
DESIGNED BY	MJZ		
DRAWN BY	MJZ		
CHECKED BY	MJZ		

SUBCONSULTANT

ADKINS

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CITY OF MEDFORD ENGINEERING DEPARTMENT

PANTHER LANDING SUBDIVISION
MEDFORD, OR

CONCEPTUAL GRADING & UTILITY PLAN

REV CITY ENGINEER

CITY PROJECT

SHEET

C

No.	REVISION	DATE	BY

RECEIVED
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CITY OF MEDFORD
EXHIBIT # C
File #LDS-15-141/E-15-142

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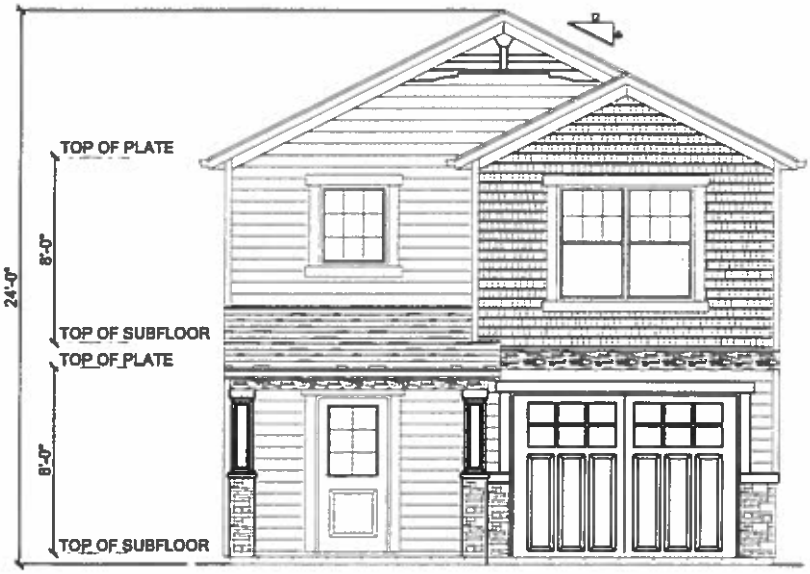
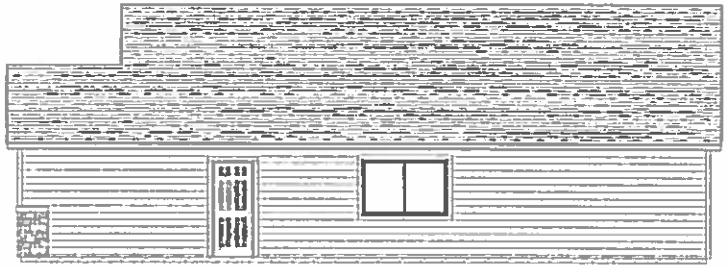


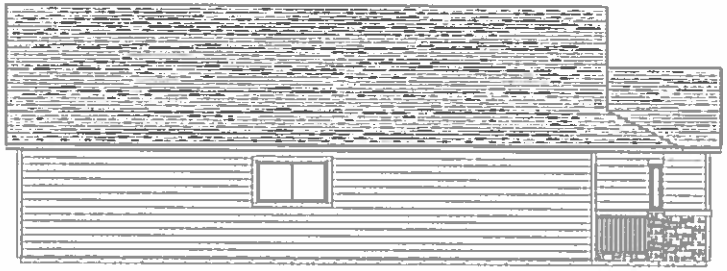
FRONT ELEVATION

CITY OF MEDFORD
EXHIBIT # D
File #LDS-15-141/E-15-142
1 of 2

FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION

REAR ELEVATION

NOTES:

DATE:	CHANGES

TITLE:
MAIN
FLOOR PLAN

FILE:

DRAWN BY:	DATE:
GBC	[illegible]
CHECKED BY:	DATE:
JWT	-

DRAWING INDEX NO.
A0.1

SHEET 4 OF 12

PROJECT:
S.F.D.B
LOT 5, PANTHER LANDING
MEDFORD, OR 97501
FOR: TOM MALOT CONSTRUCTION

CUSTOMER/
GEN. CONTRACTOR
TOM MALOT CONSTRUCTION
P.O. BOX [illegible]
CENTRAL POINT, OR [illegible]
[illegible]
CCB# [illegible]

OWNER:

design residential
Design Residential, Inc.
P.O. Box [illegible]
Medford, OR 97501
[illegible]
www.designresidential.biz

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2 of 2

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Findings of Fact

for
Panther Landing a subdivision of
Tax lot 2200, Assessor's map no. 37 2W 36 CA

A LAND DIVISION APPLICATION IN THE
CITY OF MEDFORD, OREGON

ADDRESSING THE CRITERIA OF MLDC §10.270

December 9, 2015
Amended January 14, 2016

PREPARED BY:
FARBER SURVEYING
431 Oak Street
Central Point, OR 97502

- ***Text bulleted and italicized represents the findings per § 10.270***

CITY OF MEDFORD
EXHIBIT # E
File #LDS-15-141/E-15-142

10.270 Land Division Criteria

The approving authority (Planning Commission) shall not approve any tentative plat unless it first finds that, the proposed land division together with the provisions for its design and improvement:

(1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;

- ***Yes; there are adequate facilities consisting of traffic volume, domestic water, sanitary sewer and storm drainage services available to the property. The development will have a residential lane at the only location that will work to allow this site. The design complies with the urban residential designation and meets the zoning standard for SFR-10 zoning with proposed improvements to City of Medford Standards with the exception requested by separate findings.***

(2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;

- ***No, the intention of this subdivision is to re-configure the existing land and improvements to be consistent with the abutting properties that are already developed.***

(3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;

- ***Name approval has been applied for to the County Surveyor's office.***

(4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property unless the approving authority determines it is in the public interest to modify the street pattern;

- ***N/A; no change to existing street pattern are planned.***

(5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;

- ***N/A; The minimum access street created in this application, will be constructed as a residential lane, and conforms to City of Medford Land Development Code 10.430 except for the variation request attached to this application.***

(6) Contains streets, if applicable, and lots which are oriented to make maximum effective use of passive solar energy; exceptions to this provision may be granted whenever it is impractical to comply due to: (a) The configuration or orientation of the property; (b) The nature of surrounding circulation patterns, or other existing physical features of the site such as topography;

- ***The minimum access street is designed to intersect S. Columbus Ave. at right angles, the lots are at right angles to the minimum access street. The lots are oriented North/South.***

(7) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

- ***N/A; all adjoiners are zoned for residential.***

[Amd. Sec. 4, Ord. No. 2004-259, Dec. 16, 2004.]

Respectfully submitted,

Herbert A Farber

Farber & Sons Inc
Dba., Farber Surveying
431 Oak Street
Central Point Oregon 97502

Phone: 541 664-5599
Email: herb@farbersurveying.com

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PLANNING DEPT.

Findings of Fact

for

Tax lot 2200, Assessor's Map No. 37 2W 36 CA
AN EXCEPTION APPLICATION IN THE
CITY OF MEDFORD, OREGON

ADDRESSING THE CRITERIA OF MLDC §10.253

- ***Text bulleted and italicized represents the findings per § 10.251 & 10.253***

10.251 Application, Exception

The purpose of Sections 10.251 to 10.253 is to empower the approving authority to vary or adapt the strict application of the public improvement and site development standards as contained in Article III, Sections 10.349 through 10.361, and 10.370 through 10.385, as well as Articles IV and V of this chapter. Exceptions may be appropriate for reasons of exceptional narrowness or shape of a parcel; for reasons of exceptional topographic conditions, extraordinary and exceptional building restrictions on a piece of property; or if strict applications of the public improvement or site development standards in the above-referenced Articles would result in peculiar, exceptional, and undue hardship on the owner.

- ***This exception application is for a variation on Chapter 10.430 and 4.30(B) for the full street right of way and street section requirements for South Columbus Avenue. Meeting these standards due to the location of the existing dwelling as shown on the accompanying plot plan is not practical.***
- ***This exception application is for a variation on Chapter 10.450 for the cul-de-sac and Minimum Access Easement requirement for the number of lots served by the easement. Strict application of this section will make this property undevelopable.***

10.253 Criteria for an Exception

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

(1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met. (Effective Dec. 1, 2013).

- ***The intent of Chapter 10.430 and 4.30(B) is to provide vehicle and pedestrian right of way for ingress and egress along the South Columbus right of way. This will be accomplished with a 35 foot half street centerline to curb line consistent with the existing street cross section and a 5 foot sidewalk as shown. The deviation will be***

CITY OF MEDFORD
EXHIBIT # F
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excepting out the 8 foot planter in the area of conflict. There will also be a limited area for a PUE due to the location of the dwelling.

10.450 Cul-de-sacs, Minimum Access Easements and Flag Lots

(1) Cul-de-sacs, minimum access easements and flag lots shall only be permitted when the approving authority finds that any of the following conditions exist:

(a) One or more of the following conditions prevent a street connection: excess slope (15%) or more), presence of a wetland or other body of water which cannot be bridged or crossed, existing development on adjacent property, presence of a freeway or railroad.

(b) It is not possible to create a street pattern which meets the design requirements for streets.

(c) An accessway is provided consistent with the standards for accessways in Section 10.464 through Section 10.466.

- ***(1) (a)The existing development of the adjacent property prohibits a standard street with connectivity or a cul-de-sac, with the only practical way to develop the property is by minimum access easement.***
- ***(b) The development prohibits the street connectivity.***
- ***(c) The standards in Section 10.464 provide for approval without additional pedestrian access for the following reasons directly from the LDO.***

10.464 Accessways

The purpose of an accessway is to provide safe and convenient pedestrian and bicycle access within and from new subdivisions, planned unit developments, shopping centers and industrial parks to nearby residential areas, transit stops and neighborhood activity centers such as schools, parks and shopping. A well connected street network is the primary means of providing this access. Accessways are reserved for situations where street connections are infeasible or inappropriate.
(1) Accessways shall be provided for cul-de-sacs, long blocks or dead-end streets except when the approving authority determines based on evidence in the record, that construction of a separate accessway is infeasible or inappropriate. Such evidence may consist of the following:
(b) when the nature of abutting existing development makes construction of an accessway impractical,

(2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.

- ***The approval of these exceptions will not allow any use that is not already allowed.***

(3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.

- ***This dwelling existed on the property at the time it was purchased by the applicants, Peter and Kathy Slusher. At the time the home was constructed in 1952 it complied with the standards in effect then. The property has been subsequently annexed into the City of Medford and road improvements and right of way acquisitions have reduced the setbacks to the dwelling. While this is an older home it still has value and the applicants plan on keeping it as is.***
- ***The Slusher's purchased the property in April 2013. The property to the north was developed in 1997, the property to the east was developed in March of 2008 and the property to the South was developed in April 2011. With the surrounding property already platted they did not cause the resulting property configuration therefore did not create this hardship. The application of a cul-de-sac will result in non conforming lots and the inability to comply with the minimum number of lots for the SFR-10 zone thereby creating a hardship on this development.***

(4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

- ***This property is the result of developed as approved by the City of Medford. Granting of this exception will not result in any illegal outcome. The resulting lots will be in compliance with all applicable standards except a requested by this exception. The granting of this exception will not result in an undue gain by the applicants; the approval of this exception will not allow any additional lots. The approval of this request will allow for development of affordable housing that would otherwise be a big non conforming lots with a couple of residences on it. Due to its present configuration it would not be able to meet density standards as a cul-de-sac would take up most of the lot.***

Respectfully submitted,

Herbert A Farber

Farber & Sons Inc
Dba., Farber Surveying
431 Oak Street
Central Point Oregon 97502

Phone: 541 664-5599
Email: herb@farbersurveying.com
January 14, 2016

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Revised Date: 2/4/2016
File Numbers: LDS-15-141/E-15-142

PUBLIC WORKS DEPARTMENT STAFF REPORT
Panther Landing Subdivision

Project: **Proposed tentative plat for Panther Landing Subdivision, a seven lot residential subdivision, with an exception to reduce the street dedication requirement for South Columbus Avenue and an exception to the cul-de-sac requirement for Panther Lane and Minimum Access Easement requirements for the number of lots served by the easement, for an 0.86 acre parcel located on the east side of South Columbus Avenue.**

Location: **Approximately 120-feet north of Garfield Street, within a SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zoning district (1579 S. Columbus Avenue – 372W36CATL2200).**

Applicant: **Tom Malot Construction Co. Inc., Applicant (Tommy Malot, Agent). Sarah Sousa, Planner.**

NOTE: **Items A - D Shall be Completed and Accepted Prior to Approval of the Final Plat.**

A. STREETS

1. Dedications

South Columbus Avenue is classified as a Major Arterial Street within the Medford Land Development Code (MLDC), Section 10.428. The developer shall dedicate for public right-of-way, sufficient width of land along the frontage of this proposed subdivision to comply with the half width of right-of-way, which is 50-feet. Based on the proposed plans, it appears there is 30-feet of existing right-of-way east of centerline. **The amount of additional right-of-way needed appears to be 20-feet (MLDC 10.451). The Developers surveyor shall verify the amount of additional right-of-way required.**

An **exception request** has been submitted, which includes a reduction of the half width of right-of-way dedication along the northern portion of the development (north of proposed Minimum

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION
200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us
TELEPHONE (541) 774-2100
FAX (541) 774-2550

CITY OF MEDFORD
EXHIBIT # G-1
File #LDS-15-141/E-15-142

Access Easement and west of Lot 1) to 42-feet. This will provide adequate right-of-way for all the components of a Major Arterial Street with the exception of the 10-foot planter strip. A 7-foot sidewalk adjacent to the curb will be required if this exception is approved. **Public Works supports this request. If the exception request is denied the Developer shall dedicate the additional right-of-way as noted above, per MLDC 10.428.**

The developer will receive S.S.D.C. (Street System Development Charge) credits for the public right-of-way dedication on South Columbus Avenue, per the methodology established by the MLDC 3.815. **Should the developer elect to have the value of the land be determined by an appraisal, a letter to that effect must be submitted to the City Engineer within sixty (60) calendar days of the date of the Final Order of the Planning Commission. The City will then select an appraiser, and a cash deposit will be required as stated in Section 3.815.**

Minimum Access Easement (Private) according to MLDC 10.430A(1) would require a minimum width of 20-feet. However, it is proposed to be constructed as a widened Minimum Access with an easement width of 33-feet. This exceeds the minimum requirements for a Minimum Access Easement.

An **exception request** has been submitted, which includes allowing the eight (8) units to take access from the Minimum Access Easement. The maximum allowed under MLDC 10.430A(1) is 3 dwelling units. Also included is the elimination of the cul-de-sac requirement in MLDC 10.450. **Public Works supports these requests** as the Minimum Access Easement will be a private street, maintained by the home owners, and the property to the north, east and south are all fully developed with no opportunity for future street connectivity. If the exception request is denied then the proposed Minimum Access Easement shall be a Residential Lane with a right-of-way width of 33-feet and a cul-de-sac shall be required at the east terminus of this street per MLDC 10.430(3) and 10.450.

Public Utility Easements, 10-feet in width, shall be dedicated along the street frontage of all the Lots within this development (MLDC 10.471).

The Applicant has noted in their findings for the **requested exception** that there will be a limited area for the PUE along a portion of the west side of Lot 1 due to the configuration of the existing dwelling. Per the proposed plans it appears the PUE will be approximately 7.9 feet wide along this section, and approximately 70-feet in length. **Public Works does not support this exception unless the public utilities benefitting from the PUE agree to the reduction.**

The right-of-way and easement dedications shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: the right-of-way and easement dedication; a copy of a current Lot Book Report, Preliminary Title Report, or Title Policy; a mathematical closure report (if applicable), and the Planning Department File Number; for review and City Engineer acceptance signature prior to recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or mortgages on the right-of-way and PUE area.

2. Public Improvements

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ENGINEERING & DEVELOPMENT DIVISION
200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us
TELEPHONE (541) 774-2100
FAX (541) 774-2552

a. Public Streets

South Columbus Avenue shall be improved to Major Arterial Street standards, which includes a 70-foot wide paved section, complete with curbs, gutters, 10-foot wide park strips, 5-foot wide sidewalks, 6-foot wide bike lanes in accordance with MLDC 10.428(1). **The Developer shall improve the east half plus 12-feet east of the centerline, or to the far edge of the existing pavement, whichever is greater, along the frontage of this development.**

As an option, the Developer may elect to provide evidence of the existing structural section to Public Works for consideration in order to determine if the extent of construction may be reduced. Depending on the results, the Developer still may be responsible for the improvements noted above or at minimum improve the remainder of the east half of South Columbus Avenue from a point 1-foot inside the existing edge of pavement, plus a 10-foot park strip, 5-foot sidewalk along the frontage of this site.

An **exception request** has been submitted, which includes the elimination of the 10-foot planter strip along the northern portion of the development (north of proposed Minimum Access Easement and west of Lot 1). A 7-foot sidewalk adjacent to the curb will be required if this exception is approved. **Public Works supports this request. If the exception request is denied the Developer shall construct the improvements as noted above.**

Minimum Access Easement (Private) shall be built with a minimum width of 20-feet, consistent with MLDC 10.430A(1). However, it is proposed to be constructed to a 26-foot wide paved section, complete with curbs, gutters, 5-foot wide sidewalk on the north side and street lights. This exceeds the minimum requirements for a Minimum Access Easement and it will be the responsibility of the property owners to maintain.

An **exception request** has been submitted, which includes allowing the eight (8) units to take access from the Minimum Access Easement. The maximum allowed under MLDC 10.430A(1) is 3 dwelling units. Also included is the elimination of the cul-de-sac requirement in MLDC 10.450. **Public Works supports these requests** as the Minimum Access Easement will be a private street, maintained by the home owners, and the property to the north, east and south are all fully developed with no opportunity for future street connectivity. If the exception request is denied then the proposed Minimum Access Easement shall be built as a Residential Lane consistent with MLDC 10.430(3) and a cul-de-sac will be constructed at the east terminus of this street per MLDC 10.430(3) and 10.450.

b. Street Lights and Signing

No street lights are required unless the Minimum Access Easement exception request is denied. If it is denied then street lights will be required as follows:

- All street lights and signing for public streets shall be installed to City of Medford specifications.
- The following street lighting and signing installations will be required:

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Street Lighting - Developer Provided & Installed

A. 2 – 100W residential street lights

Traffic Signs and Devices - City Installed, paid by the Developer

A. 1 – Street name sign
B. 1 – Dead end barricade
C. 1 – Dead end sign
D. 1 – Stop sign

All street lights shall be operating and turned on at the time of the final "walk through" inspection by the Public Works Department.

c. Pavement Moratoriums

There is no pavement cutting moratorium currently in effect along this frontage.

The developer shall be responsible for notifying by certified letter all utility companies, as well as all current property owners of parcels which are adjacent to any Public Street being constructed or paved as part of this project. The letter shall inform the utility companies and property owners of the City's street moratorium policy with respect to pavement cutting for future utility services. The utility companies and property owners shall be given the opportunity to install utility services within the right-of-way prior to paving and the subsequent moratorium. Notifications shall be mailed by the Developer at least 6 months before a street is resurfaced or rebuilt per Medford Municipal Code (MMC), Section 3.070. Copies of the certifications shall be submitted to the City Engineer with the submittal of the preliminary construction drawings.

d. Soil Testing

The Developer's engineer shall obtain soil testing data to determine if there is shrink-swell potential in the underlying soils in this development. If they are present, they shall be accounted for in the roadway and sidewalk design within this Development.

e. Access to Public Street System

South Columbus Avenue is classified at a Major Arterial Street. Therefore, access to the proposed development shall be restricted to the proposed Minimum Access Easement for all Lots, and no access shall be taken directly from South Columbus Avenue. In addition, the Final Plat shall state that no lots shall have direct access to South Columbus Avenue.

3. Section 10.668 Analysis

To support a condition of development that an applicant dedicate land for public use or provide a public improvement, the Medford Code requires a nexus and rough proportionality analysis which is essentially a codification of the constitutional provisions in Nollan and Dolan cases.

10.668 Limitation of Exactions

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FAX (541) 774-2552

Notwithstanding any other provisions of this Chapter 10, an applicant for a development permit shall not be required, as a condition of granting the application, to dedicate land for public use or provide public improvements unless:

(1) the record shows that there is an essential nexus between the exaction and a legitimate government purpose and that there is a rough proportionality between the burden of the exaction on the developer and the burden of the development on public facilities and services so that the exaction will not result in a taking of private property for public use, or

(2) a mechanism exists and funds are available to fairly compensate the applicant for the excess burden of the exaction to the extent that it would be a taking.

Nexus to a legitimate government purpose

The purposes for these dedications and improvements are found throughout the Medford Code, the Medford Transportation System Plan, and the Statewide Planning Rule, and supported by sound public policy. Those purposes and policies include, but are not limited to: development of a balanced transportation system addressing all modes of travel, including motor vehicles, transit, bicycles, emergency services and pedestrians. Further, these rights-of-way are used to provide essential services such as sanitary sewer, domestic water and storm drains to serve the developed parcels. It can be found that the listed right-of-way dedications and improvements have a nexus to these purposes and policies.

Rough proportionality between the dedications and improvements, and the impacts of development.

No mathematical formula is required to support the rough proportionality analysis. Furthermore, benefits to the development resulting from the dedication and improvements when determining "rough proportionality" have been considered, including but not limited to: increased property values, intensification of use, as well as connections to municipal services and the transportation network.

As set forth below, the dedications and improvements recommended herein can be found to be roughly proportional to the impacts reasonably anticipated to be imposed by this development.

South Columbus Avenue and Minimum Access Easement

The private Minimum Access Easement does not warrant an analysis. However, if the exception request is denied the following analysis shall apply.

> In determining rough proportionality, the City averaged the lineal footage of roadway per dwelling unit for road improvements and averaged square foot of right-of-way per dwelling unit for dedications to a Residential Lane. The proposed development has 7 dwelling units and will improve approximately 155 lineal feet of roadway which equates to 22 lineal feet per dwelling unit. Also the development will dedicate approximately 5,214 square feet of right-of-way which equates to approximately 745 square feet per dwelling unit.

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To determine proportionality a neighborhood with similar characteristics was used. The development used was Spring Meadows Subdivision Phase 1-5 located between Griffin Creek Road and Orchard Home Drive, and Sunset Drive and South Stage Road, and consisting of 66 dwelling units. The previous development improved approximately 3,048 lineal feet of roadway and dedicated approximately 151,756 square feet of right-of-way (GIS data used to calculate, approximations only). This equates to approximately 46 lineal feet of road per dwelling unit and approximately 2,299 square feet of right-of-way per dwelling unit.

a. Dedication will ensure that new development and density intensification provides the current level of urban services. This development will create an additional 7 Lots within the City of Medford and increase vehicular traffic by approximately 67 average daily trips. The proposed street improvements will provide a safe environment of all modes of travel (vehicular, bicycles, & pedestrians) to and from this development.

b. Dedication will provide access and transportation connections at urban level of service standards for this development. Each Lot in this development will have direct access to a public street with facilities that will allow for safe travel for vehicles, bicycles and pedestrians. There is also sufficient space for on-street parking.

c. Dedication of PUE will benefit development by providing public utility services, which are out of the roadway and more readily available to each Lot being served.

The additional traffic of all modes of travel generated by this proposed development supports the dedication and improvements for all modes of travel and utilities. As indicated above, the area required to be dedicated and improved for this development is necessary and roughly proportional to that required in previous developments in the vicinity to provide a transportation system that meets the needs for urban level services.

The City assesses System Development Charges (SDCs) to help pay for acquisition of right-of-way and construction of additional Arterial & Collector street capacity required as a result of new development. Because a mechanism exists in the form of SDC credit for right-of-way dedication and street improvements in accordance with Medford Municipal Code (MMC) 3.815 and other applicable parts of the Code, to fairly compensate the applicant, the conditions of MLDC, Section 10.668 are satisfied.

B. SANITARY SEWERS

This site lies within the Rogue Valley Sanitary Sewer (RVSS) service area. Contact RVSS for availability and connection. A sanitary sewer lateral shall be constructed to each lot prior to approval of the Final Plat.

C. STORM DRAINAGE

1. Hydrology

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The Design Engineer shall provide an investigative report of the off-site drainage on the subdivision perimeter, a distance not less than 100-feet in all directions. All off-site drainage affecting the subdivision shall be addressed on the subdivision drainage plan. A hydrology map depicting the amount of area the subdivision will be draining shall be submitted with hydrology and hydraulic calculations. The opening of each curb inlet shall be sized in accordance with ODOT design standards. These calculations and maps shall be submitted with the public improvement plans for approval by the Engineering Division.

2. Stormwater Detention and Water Quality Treatment

This development shall provide stormwater detention in accordance with MLDC, Section 10.486, and water quality treatment in accordance with the Rogue Valley Stormwater Quality Manual per MLDC, Section 10.481.

Upon completion of the project, the developer's design engineer shall provide written certification to the Engineering Division that the construction of the controlled storm water release drainage system was constructed per plan. This letter shall be received by the City of Medford Public Works Engineering Department prior to certificate of occupancy of the new building.

3. Grading

A comprehensive grading plan showing the relationship between adjacent property and the proposed subdivision will be submitted with the public improvement plans for approval. Grading on this development shall not block drainage from an adjacent property or concentrate drainage onto an adjacent property without an easement. The Developer shall be responsible that the final grading of the development shall be in compliance with the approved grading plan.

4. Mains and Laterals

The Developer shall show all existing and proposed Storm Drain mains, channels, culverts, outfalls and easements on the Conceptual Grading and Drainage Plan and the final Construction Plans.

In the event the lot drainage should drain to the back of the lot, the developer shall be responsible for constructing a private drain line, including a tee at the low point of each lot to provide a storm drain connection. All roof drains and foundation drains shall be connected directly to a storm drain system.

A storm drain lateral shall be constructed to each tax lot prior to approval of the Final Plat. Easements shall be shown on the Final Plat for storm drain laterals crossing lots other than the one being served by the lateral.

All public storm drain mains shall be located in paved public streets or within easements. All manholes shall be accessible by paved, all-weather roads. All easements shall be shown on the Final Plat and the public improvement plans.

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5. Erosion Control

The erosion prevention and sediment control plan shall be included as part of the plan set. All disturbed areas shall have vegetation cover prior to final inspection/"walk-through" for this subdivision.

D. SURVEY MONUMENTATION

All survey monumentation shall be in place, field-checked, and approved by the City Surveyor prior to the final "walk-through" inspection of the public improvements by City staff.

E. GENERAL CONDITIONS

1. Design Requirements and Construction Drawings

All public improvements shall be constructed in accordance with the "Engineering Design Standards for Public Improvements", adopted by the Medford City Council. Copies of this document are available in the Public Works Engineering office.

2. Construction Plans

Construction drawings for any public improvements for this project shall be prepared by a professional engineer currently licensed in the State of Oregon, and submitted to the Engineering Division of Medford Public Works Department for approval. Approval shall be obtained prior to beginning construction. Only a complete set of construction drawings (3 copies) shall be accepted for review, including plans and profiles for all streets, minimum access drives, sanitary sewers, storm drains, and street lights as required by the Planning Commission's Final Order, together with all pertinent details and calculations. The Developer shall pay a deposit for plan review and construction inspection prior to final plan approval. Public Works will keep track of all costs associated with the project and, upon our acceptance of the completed project, will reconcile the accounting and either reimburse the Developer any excess deposit or bill the Developer for any additional amount not covered by the deposit. The Developer shall pay Public Works within 60 days of the billing date or will be automatically turned over for collections.

In order to properly maintain an updated infrastructure data base, the Surveyor of Record shall submit an as-built survey prior to the Final Inspection and, the Engineer of Record shall submit mylar "as-constructed" drawings to the Engineering Division within sixty (60) calendar days of the Final Inspection (walk through). Also, the engineer shall coordinate with the utility companies, and show all final utility locations on the "as built" drawings.

3. Phasing

The proposed plans do not show any phasing.

4. Draft of Final Plat

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The developer shall submit 2 copies of the preliminary draft of the final plat at the same time the public improvement plans (3 copies) are submitted. Neither lot number nor lot line changes shall be allowed on the plat after that time, unless approved by the City and all utility companies.

5. Permits

Building Permit applications shall not be accepted by the Building Department until the Final Plat has been recorded, and a "walk through" inspection has been conducted and approval of all public improvements as required by the Planning Commission has been obtained for this development.

Concrete or block walls built within a PUE, or within sanitary sewer or storm drain easements require review and approval from the Engineering Division of Public Works. Walls shall require a separate permit from the Building Department and may also require certification by a professional engineer.

Where applicable, the Developer shall address all floodway, floodplain and riparian area issues with the proper Agencies and acquire all necessary permits for work within the floodway, floodplain or riparian areas.

6. System Development Charges

Buildings in this development are subject to sewer treatment and street systems development charges. These SDC fees shall be paid at the time individual building permits are taken out.

This development is also subject to storm drain system development charges, the Developer is eligible for storm drain system development charge credits for the installation of storm drain pipe which is 24 inches in diameter or larger and is not used for storm drain detention in accordance with Medford Municipal Code (MMC), Section 3.891. The storm drain system development charge shall be collected at the time of the approval of the final plat

7. Construction and Inspection

Contractors proposing to do work on public streets, sewers, or storm drains shall 'prequalify' with the Engineering Division prior to starting work. Contractors shall work off a set of public improvement drawings that have been approved by the City of Medford Engineering Division. Any work within the County right-of-way shall require a separately issued permit to perform from the County.

For City of Medford facilities, the Public Works Maintenance Division requires that public sanitary sewer and storm drain mains be inspected by video camera prior to acceptance of these systems by the City.

Where applicable, the developer shall bear all expenses resulting from the adjustment of manholes to finish grades as a result of changes in the finish street grade.

Prepared by: Jodi Cope/Doug Burroughs
Revised by: Doug Burroughs
Revised by: Jodi Cope

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SUMMARY CONDITIONS OF APPROVAL

Panther Landing Subdivision

LDS-15-141/E-15-142

A. Streets

1. **Street Dedications to the Public:**
   - Dedicate approximately 20' of right-of-way on South Columbus Avenue unless otherwise approved with the requested exception.
   - Dedicate Minimum Access Easement.
   - Dedicate 10-foot public utility easements (PUE) unless otherwise approved with the requested exception.

2. **Improvements:**
   a. Public Improvements
      - Construct ½ plus 12' or greater of the east side of South Columbus Avenue.
      - Construct the private Minimum Access Easement.

   b. Provide soil testing.
   c. No direct access to South Columbus Avenue.
   d. Provide pavement moratorium letters.

B. Sanitary Sewer

- Contact RVSS. Provide a private lateral to each lot.

C. Storm Drainage

- Provide an investigative drainage report.
- Provide water quality and detention facilities.
- Provide a comprehensive grading plan.
- Provide storm drain laterals to each tax lot.
- Provide Erosion Control Permit from DEQ.

D. Survey Monumentation

- Provide all survey monumentation.

E. General Conditions

- Provide public improvement plans and drafts of the final plat.

The above summary is for convenience only and does not supersede or negate the full report in any way. If there is any discrepancy between the above list and the full report, the full report shall govern. Refer to the full report for details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection.

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FAX (541) 774-2552

Medfc d Fire Departmen(

200 S. Ivy Street, Room #180
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
www.medfordfirerescue.org

RECEIVED
JAN 06 2016
PLANNING DEPT.

LAND DEVELOPMENT REPORT - APPLICANT

To: Sarah Sousa

LD Meeting Date: 01/06/2016

From: Greg Kleinberg

Report Prepared: 12/24/2015

Applicant:

File #: LDS - 15 - 141

Site Name/Description: Panther Landing Subdivision

Proposed tentative plat for Panther Landing Subdivision, a seven lot residential subdivision, with an exception to reduce the street dedication requirement for South Columbus Avenue and an exception to the cul-de-sac requirement for Panther Lane, for an 0.86 acre parcel located on the east side of South Columbus Avenue approximately 120 feet north of Garfield Street, within a SFR-10 (Single Family Residential - 10 dwelling units per gross acre) zoning district (1579 S. Columbus Avenue - 372W36CATL2200); Tom Malot Construction Co. Inc., Applicant (Tommy Malot, Agent). Sarah Sousa, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE	
Requirement FIRE HYDRANTS	**OFC**	**508.5**

Fire hydrants with reflectors will be required for this project.

Hydrant locations shall be as follows: One fire hydrant is required near the corner of the intersection.

The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.

Plans and specifications for fire hydrant system shall be submitted to Medford Fire Department for review and approval prior to construction. Submittal shall include a copy of this review (OFC 501.3).

Requirement "NO PARKING-FIRE LANE" SIGNS REQUIRED **OFC** **503.3**

Parking shall be posted as prohibited on one side of Panther Lane.

Fire apparatus access roads 20-26' wide shall be posted on both sides as a fire lane. Fire apparatus access roads more than 26' to 32' wide shall be posted on one side as a fire lane (OFC D103.6.1).

Where parking is prohibited for fire department vehicle access purposes, NO PARKING-FIRE LANE signs shall be spaced at 50' intervals along the fire lane and at fire department designated turn-around's. The signs shall have red letters on a white background stating "NO PARKING FIRE LANE TOW AWAY ZONE ORS 98.810 to 98.812" (See handout).

Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths (20' wide) and clearances (13' 6" vertical) shall be maintained at all times (OFC 503.4; ORS 98.810-12).

This restriction shall be recorded on the property deed as a requirement for future construction.

CITY OF MEDFORD
EXHIBIT # H
File #LDS-15-141/E-15-142

Development shall comply with acc and water supply requirements in ac dance with the Fire Code in affect at the time of development submittal.
Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.
Specific fire protection systems may be required in accordance with the Oregon Fire Code.

This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on the information provided only.

Design and installation shall meet the Oregon requirements of the IBC, IFC, IMC and NFPA standards.

Memo

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JAN 06 2016
PLANNING DEPT

To: Sarah Sousa, Planning Department

From: Mary Montague, Building Department

CC: Tom Malot Construction Co., Inc.

Date: 01/05/2016

Re: File No. LDS-15-141/E-15-142

Building Department:

Please Note: This is not a plan review. These are general notes based on general information provided. Plans need to be submitted and will be reviewed by a residential plans examiner to determine if there are any other requirements for this occupancy type. Please contact the front counter for fees.

1. Applicable Building Codes are 2014 ORSC with additional Oregon amendments to the 2011 ORSC; 2014 OPSC; and 2014 OMSC. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.

2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.

3. Site Excavation permit required to develop, install utilities.

4. Demo Permit is required for any buildings being demolished.

CITY OF MEDFORD
EXHIBIT # I
File #LDS-15-141/E-15-142

RECEIVED
JAN 19 2016
PLANNING DEPT

STAFF MEMO

To: Sarah Sousa

From: Jennifer Ingram, Address Technician

Date: 1/19/2016

Subject: Comments for revision of LDS-15-141

1. A minimum access drive address sign, displaying the addresses for lots 2, 3 & 4-6, will be required.
2. The address numbers for lots 1 & 7 either need to be visible from S Columbus Ave or will need to be added to the minimum access drive address sign.

CITY OF MEDFORD
EXHIBIT # J
File #LDS-15-141/E-15-142

Minimum Access Address Signs

min. 7' 0"

SIGN:

Two sign faces (each minimum 0.080" thick aluminum) of engineering grade reflectivity, sandwiching the post facing perpendicular to the direction of traffic. The sign face shall have a white rounded border ½" wide centered ¾" from the sign edge.

NUMBERS:

Numbers shall be white on green; numbers shall be four inches (4") as specified by the Federal Highway Administration (HTO-20). The message shall be centered on a 12" x 24" sign blank and shall be oriented with the long axis vertical. There shall be a maximum of four (4) digits horizontally. Multiple addresses shall be placed vertically on the sign.

BOLTS:

Mounting holes shall be 3/8" diameter located along the vertical axis, and centered 1 ½" from the top and bottom edge. Bolts shall be 3/8" diameter with sufficient length to properly secure signs to the posts. Properly sized steel rivets may be substituted for bolts.

LOCATION of SIGN:

- Install sign at the junction of the provider street and the minimum access street/driveway.
- Locate sign at the back of sidewalk (as much as is practical) and outside the right of way if sidewalk does not exist.
- Sign shall be installed to the City of Medford Operations Division standards, and utility companies shall be notified 48 hours before digging by calling Rogue Basin Utilities at: 1-800-332-2344.

POST:

Galvanized steel square post, pre-punched, 2" square by 10'0" long.

SLEEVE:

Square 2 1/8" by 30" long galvanized steel square, pre-punched with 3/8" holes on 1" centers, anchor inserted into a 2 ¼" by 18" long square, pre-punched, galvanized steel sleeve forming a two piece anchor. The sleeve and the breakaway anchor are driven into the ground so that only 1- 2" of the top is sticking out of the ground. The sleeve and breakaway anchor are then driven into the ground with a sledgehammer. A 3/8" bolt is used to secure post to sleeve.

Medford Fire-Rescue, 200 S. Ivy Street Room #257, Medford, OR Phone: (541) 774-2300; Fax (541) 774-2514

RECEIVED
JAN 28 2016
PLANNING DEPT.

MEDFORD WATER COMMISSION

BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

FROM: Rodney Grehn P.E., Water Commission Staff Engineer

SUBJECT: LDS-15-141 & E-15-142

PARCEL ID: 372W36CA TL 2200

PROJECT: Proposed tentative plat for Panther Landing Subdivision, a seven lot residential subdivision, with an exception to reduce the street dedication requirement for South Columbus Avenue and an exception to the cul-de-sac requirement for Panther Lane, for an 0.86 acre parcel located on the east side of South Columbus Avenue approximately 120 feet north of Garfield Street, within a SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zoning district (1579 S. Columbus Avenue – 372W36CATL2200); Tom Malot Construction Co. Inc., Applicant (Tommy Malot, Agent). Sarah Sousa, Planner.

DATE: January 28, 2016

I have reviewed the above plan authorization application as requested. Conditions for approval and comments are as follows:

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."

2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.

3. The water services for Lots 1 thru 3 shall be located immediately north of the proposed handicap ramp on the north side of "Private Street", and meter boxes shall be located in the back of proposed sidewalk.

4. The water services for Lots 4 thru 7 shall be located immediately south of the proposed handicap ramp on the south side of "Private Street", and meter boxes shall be located in the back of proposed sidewalk.

5. The "proposed" fire hydrant shall be located 5-feet south of the water meters that serve Lots 4 thru 7.

6. The existing "Well" located on Lot 2 serving the existing home on Lot 1 is required to be abandoned per State of Oregon Regulations.

Continued to next page

CITY OF MEDFORD
EXHIBIT # K
File #LDS-15-141/E-15-142

Continue from previous page

COMMENTS

1. Off-site water line installation is not required.
2. On-site water facility construction is not required.
3. MWC-metered water service does not exist to this property.
4. The "private" water service line to each house shall be installed in a common trench that extends across the frontage of each lot and branches north to each home. It is recommended that "tracer wire" be installed along each service line to each home.
5. The "private" water service line to each house shall be installed in a common trench that extends across the frontage of each lot and branches north to each home. It is recommended that "tracer wire" be installed along each service line to each home.
6. "Private" easements shall be recorded at the County along the route of the water service lines to each home.
7. Access to MWC water lines is available. There is a 20-inch water transmission main in South Columbus Avenue.

Scale: 1"=100'

Water Facility Map
for
LDS-15-141 & E-15-142

Legend

- Air Valve
- Sample Station
- Fire Service
- Hydrant
- Reducer
- Blow Off
- Plugs-Caps

Water Meters:

- Active Meter
- On Well
- Unknown
- Vacant

Water Valves:

- Butterfly Valve
- Gate Valve
- Tapping Valve

Water Mains:

- Active Main
- Abandoned Main
- Reservoir Drain Pipe
- Pressure Zone Line

Boundaries:

- Urban Growth Boundary
- City Limits
- Tax Lots

MWC Facilities:

- Control Station
- Pump Station
- Reservoir

MEDFORD WATER COMMISSION

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DEC 23 2015
PLANNING DEPT

ROGUE VALLEY SEWER SERVICES
Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 97502-0005
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

December 23, 2015

Medford Planning Department
411 West 8th Street
Medford, Oregon 97501

Re: Panther Landing Subdivision, LDS-15-141, E15-142, Tax Lot 2200, Map 37 2W 36CA

ATTN: Sarah,

There is an 8 inch sewer main on South Columbus Avenue generally as shown on the tentative plat. The existing house is served by a connection to this main line. The proposed development will not affect this service.

There is also a service lateral near the center of the proposed Panther Lane that served a prior building at 1599 South Columbus. We do not have any record indicating that this service was properly abandoned when the house was removed.

Sewer service to Lots 2 through 6 will require a main line extension from the existing sewer main on South Columbus Avenue. Service to Lot 7 can be had either by connecting to the new sewer main or making a tap to the existing main.

Rogue Valley Sewer Services requests that approval of this project be subject to the following conditions:

1. Applicant must verify that the existing service lateral to 1599 South Columbus has been properly terminated.
2. Applicant must construct a sewer main extension on Panther Lane to serve lots 2-6. This sewer must be designed and constructed in accordance with RVSS standards.
3. The sanitary sewer system must be accepted as a public system by RVSS prior to the issuance of any building permits.
4. Applicant must obtain permits from RVSS for any new service connection to the existing sewer main.

Feel free to call me if you have any questions regarding this project.

Sincerely,

Carl Tappert

Carl Tappert, PE
Manager

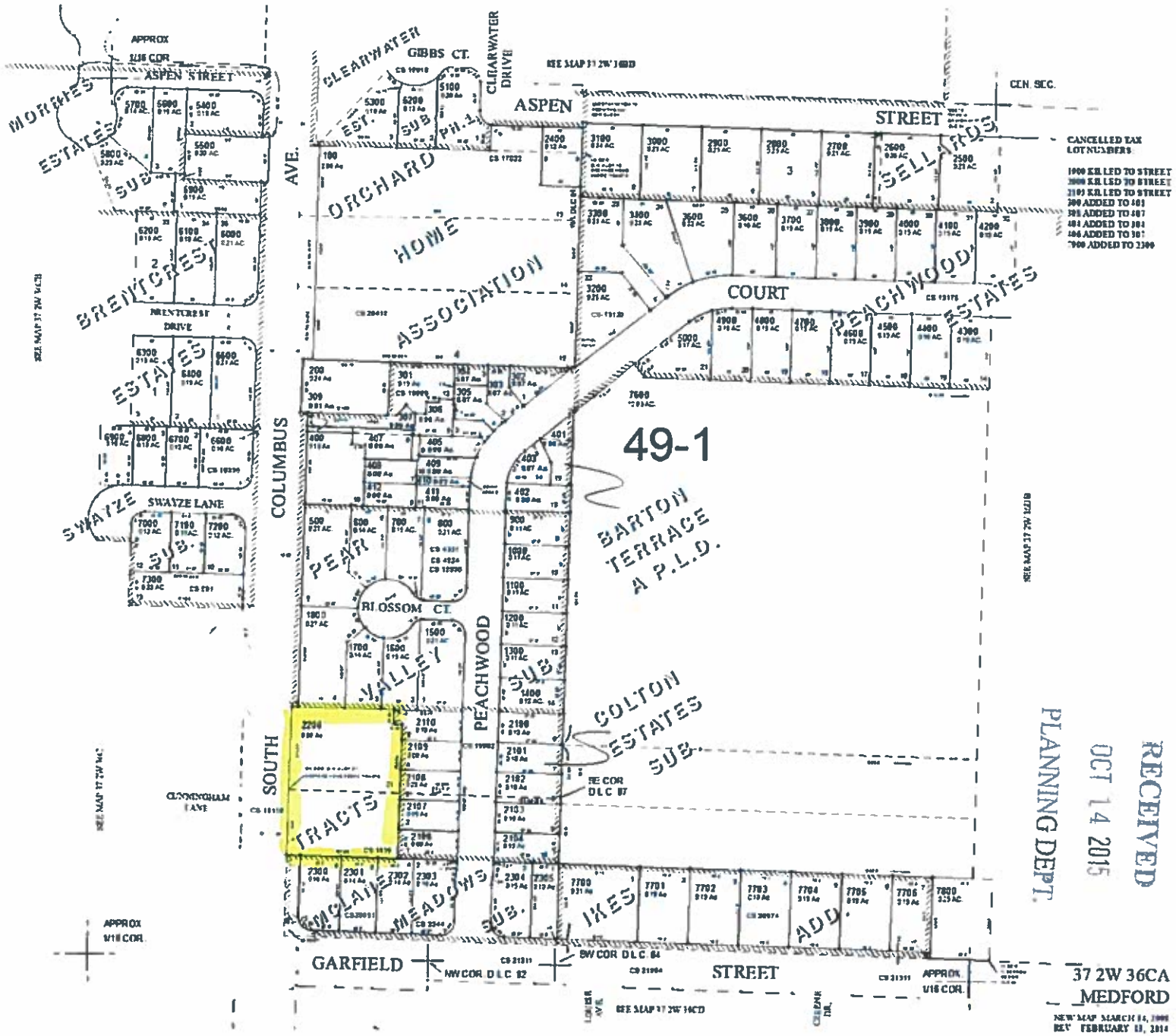
K:\DATA\AGENCIES\MEDFORD\PLANNG\LAND SUB\2015\LDS-15-141_PANTHER LANDING.DOC

CITY OF MEDFORD
EXHIBIT # L
File #LDS-15-141/E-15-142

FOR ASSESSMENT AND TAXATION ONLY

N.E.1/4, S.W.1/4, SEC.36, T.37S., R.2W., W.M.
JACKSON COUNTY
1" = 100'

37 2W 36CA
MEDFORD



RECEIVED
OCT 14 2015
PLANNING DEPT.

37 2W 36CA
MEDFORD

NEW MAP MARCH 14, 1990
REV FEBRUARY 13, 2014

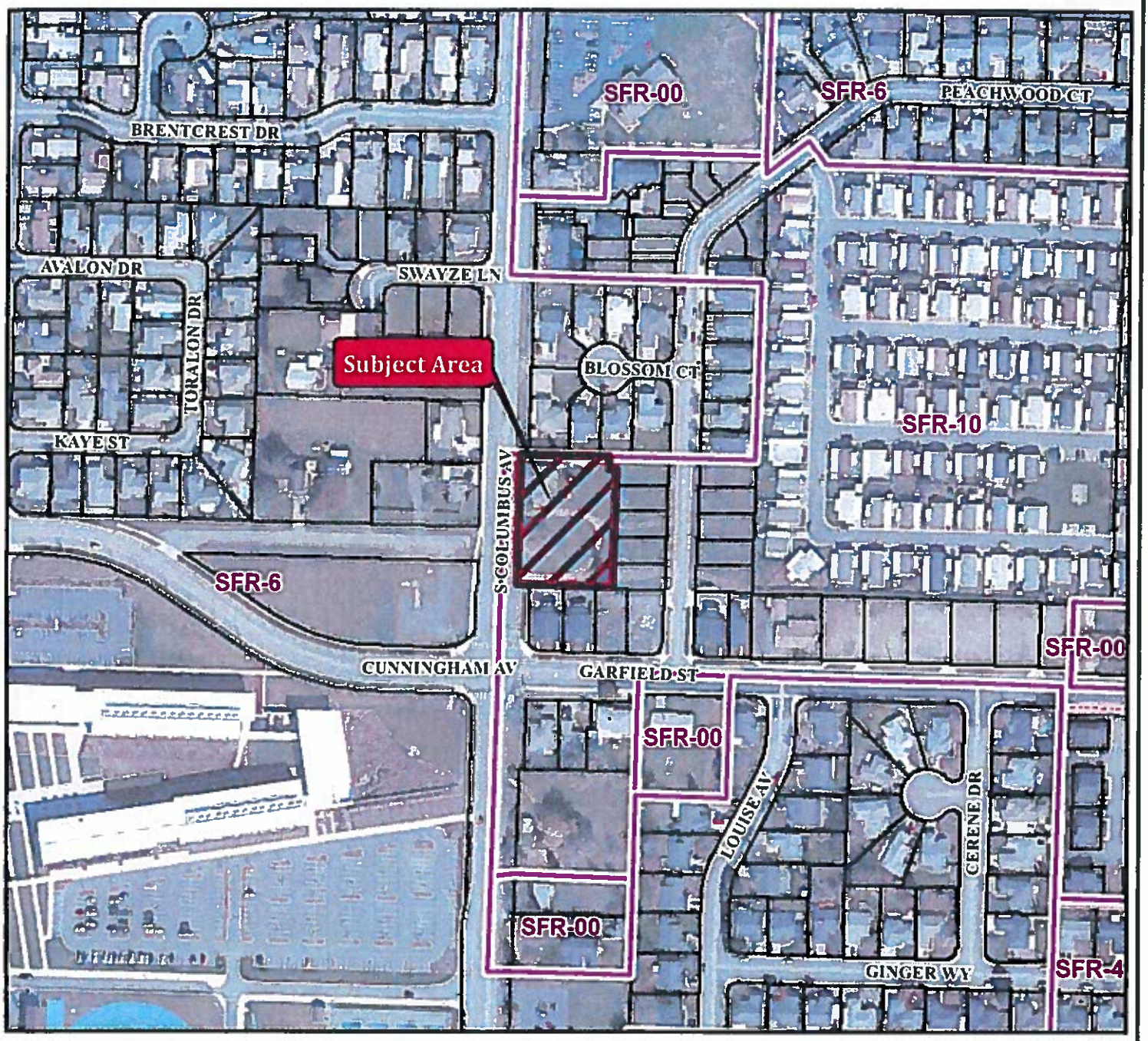
CITY OF MEDFORD
EXHIBIT # M
File #LDS-15-141/E-15-142

City of Medford

Planning Department

Vicinity Map

File Number:
LDS-15-141
E-15-142



Project Name:
Panther Landing Subdivision & Exception

Map/Taxlot:
372W36CA TL 2200

0 250 500 Feet

10/15/2015

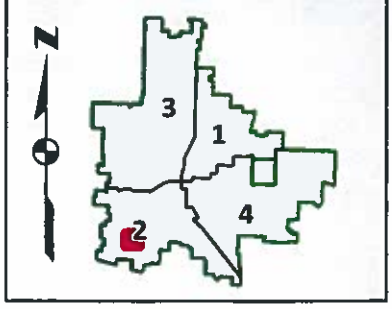
Subject Area

Medford Zoning

Tax Lots

PUD

Medford UGB with Wards



STAFF REPORT

for Class-B and Class-C quasi-judicial decisions: **Minor Comprehensive Plan (General Land Use Plan Map) Amendment and Zone Change**

Project	HATH, LLC, GLUP Map Amendment and Zone Change	
File no.	CP-15-163/ZC-15-164	
To	Planning Commission	*for 02/25/2016 hearing*
From	Jennifer Jones, AICP, Planner III	
Reviewer	John Adam, AICP, Principal Planner	
Date	February 18, 2016	

BACKGROUND

Proposal

A minor General Land Use Plan amendment from Urban Residential (UR) to Service Commercial (SC) and a subsequent zone change from Single-Family Residential, four dwelling units per gross acre (SFR-4) to Service Commercial and Professional Office (C-S/P) for 5.72 acres located between Corona Avenue and Covina Avenue and between East McAndrews Road and Grand Avenue.

Overview

The subject property consists of five parcels which total approximately 5.72 acres, all owned by the applicant, HATH, LLC. Currently, the parcels are used for a plumbing contractor headquarters, single family residences, vacant lots, and an underground irrigation canal (with a 30-foot access and maintenance easement).

Due to the proximity to Providence Hospital across East McAndrews Road to the south, the applicant is requesting to change the GLUP designation as well as the zoning on the subject property in order to accommodate medical offices and a retirement community. Both medical offices and residential uses at the MFR-30 standards are allowed in the C-S/P zoning district.

Authority

This proposal includes a Class-B and Class-C quasi-judicial Comprehensive Plan Amendment and Zone Change. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to the Comprehensive Plan under

Medford Municipal Code §§10.102–122, 10.165, and 10.185. The Planning Commission is authorized as the approving authority for Zone Changes under MMC §§10.102–122, 10.166, and 10.220.

ANALYSIS

Subject site characteristics

Zoning	SFR-4	Single-Family Residential – 4 dwelling units per gross acre
GLUP	UR	Urban Residential
Uses	Single-family homes, vacant lots, plumbing contractor shop	

Surrounding site characteristics

North	SFR-4	Single-family homes
South	C-S/P	Offices
East	SFR-4	Single-family homes
West	SFR-4/SFR-10	Single-family homes

Review of the proposed GLUP map designation change and subsequent zone change of the subject property reveals underutilized land, in close proximity to Providence Hospital, medical and professional offices, and single-family homes, which is well suited for redevelopment. Much of the vacant land is interior to the site and not easily accessible from Corona or Covina Avenues. Redevelopment as only low density single-family homes would require the creation of many flag lots, multiple minimum access drives, or the creation of new through street.

The area currently includes single-family residences adjacent to medical and professional office; the proposed changes would only continue this mix of land uses and would not introduce any new, incompatible land uses. At the time of development, notice, posting, and a public hearing would be required for the approval of all plans. In addition, the Land Development Code includes bufferyard requirements which would further ensure compatibility between the zoning districts.

FINDINGS AND CONCLUSIONS

Applicable Criteria – Minor Comprehensive Plan Amendment

For the applicable criteria the Medford Municipal Code §10.184(1) redirects to the criteria in the "Review and Amendments" chapter of the Comprehensive Plan. The applicable criteria in this action are those for map amendments. The criteria are set in *italics* below; findings and conclusions are in roman type.

Comprehensive Plan, Review and Amendments chapter: Amendments [to Map Designations] shall be based on the following [criteria 1–7]:

1. *A significant change in one or more Goal, Policy, or Implementation Strategy.*

   Findings

   The City is currently undergoing an Urban Growth Boundary amendment to address future land needs of all types. The subject proposal includes less than six total acres and would create only minimal changes resulting in an insignificant difference of residential and commercial inventories.

   Conclusions

   The proposed change is consistent with pertinent Comprehensive Plan policies and implementation strategies that seek to provide an adequate supply of commercial land.

2. *Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.*

   Findings

   The Economic Element of the Comprehensive Plan identifies a projected need for Service Commercial land to provide employment opportunities. While the proposal is quite small in size and the changes would be minimal, it does provide an opportunity to provide a greater mix of uses to an area mostly composed of low-density residential development.

   Conclusions

   The proposal responds to a demonstrated need for adequate employment opportunities. The subject property's location near a major arterial, in close proximity to a major hospital and existing medical and professional office highlights the appropriateness of the SC designation.

3. *The orderly and economic provision of key public facilities.*

   Findings

   Transportation, water, and sewer utilities are available to the site and are adequate to serve the changes without upgrading the facilities.

   Conclusions

   Sufficient facilities exist to accommodate the proposed classification change.

4. *Maximum efficiency of land uses within the current urbanizable area.*

Findings

The Service Commercial GLUP designation allows for high-density residential in addition to permitted commercial uses. A designation change would not eliminate possible residential use of the site.

Conclusions

A designation change would mean the land could be used for both service commercial and residential uses; it is a more efficient use of a buildable site within the current City limits.

5. *Environmental, energy, economic, and social consequences.*

Findings

Environmental: The subject area is already within the UGB, thus has already met the test concerning environmental impacts, change of designation does not affect suitability for urbanization.

Energy: No energy consequences are discernable.

Economic: The designation change would help address a deficit in employment land.

Social: The General Land Use Plan Element of the Comprehensive Plan states that the Service Commercial designation may be located adjacent to residential designations. Additional provisions for compatibility are made through the use of buffering standards at time of development. For example, building height is limited to 35 feet within 150 feet of residential GLUP designations, coverage by structures is limited to 40 percent of the lot, and retail uses are very limited.

Conclusions

Environmental: Since the subject property is not in a natural state and has long been identified for urban development, there will be no adverse environmental impacts.

Energy: There are no energy consequences.

Economic: By addressing an employment land deficit, there is an economic benefit.

Social: The Service Commercial designation is appropriately located adjacent to the Urban Residential designation.

6. *Compatibility of the proposed change with other elements of the City Comprehensive Plan.*

Findings

Economic Element

Policy 1-5: The City of Medford shall assure that adequate commercial and industrial lands are available to accommodate the types and amount of economic development needed to support the anticipated growth in employment in the City of Medford and the region.

Implementation 1-5-b: Reduce projected deficits in employment lands by changing GLUP Map designations within the existing Urban Growth Boundary.

Conclusions

This proposed change does supply a small amount of the projected need for Service Commercial land.

7. *All applicable Statewide Planning Goals.*

Goal 1—Citizen Involvement

Findings

Goal 1 requires the City to have a citizen involvement program that sets the procedures by which affected citizens will be involved in the land use decision process, including participation in the quasi-judicial revision of the Comprehensive Plan. The City of Medford has an established citizen-involvement program consistent with Goal 1 that includes public review of proposed Comprehensive Plan amendments by the Planning Commission and City Council.

Conclusions

By following the standard notification and comment procedure, the City provided adequate opportunities for citizen input.

Goal 2— Land-use Planning

Findings

The City has a land use planning process and policy framework in the form of a Comprehensive Plan and development regulations in Chapter 10 of the Municipal Code that comply with Goal 2. These are the bases for decisions and actions.

Conclusions

There is an adequate factual basis for the proposed designation change.

Goal 3—Agricultural Lands does not apply in this case.
Goal 4—Forest Lands does not apply in this case.
Goal 5—Natural Resources, Scenic & Historic Areas, and Open Spaces does not apply in this case.

Goal 6—Air, Water, and Land Resources Quality

Findings

The allowable uses in the Service Commercial designation do not generally produce discharges that are notably different from allowed uses in the Urban Residential designation. There are no streams on the property that would be impacted. The land in question is not classified as a resource in terms of agriculture because it is classified as urbanizable.

Conclusions

The proposed change will have no discernable effect on the production of pollutants. There are no water or land resource quality impacts.

Goal 7—Areas Subject to Natural Hazards does not apply in this case.
Goal 8—Recreation Needs does not apply in this case.

Goal 9—Economic Development

Findings

Goal 9 outlines that Comprehensive Plans shall "provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies."

Conclusions

The proposed change will provide additional commercial land in the existing urban area.

Goal 10—Housing

Findings

The goal requires that "plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density." The proposed change would remove the potential for a definite number of low-density housing units and replace it with a potential for a greater number of high-density housing units.

Conclusions

Despite the loss of low-density potential, there is a benefit in retaining a housing potential on the subject property.

Goal 11—Public Facilities and Services

Findings

Refer to findings under Criterion 3, above.

Conclusions

Refer to conclusions under Criterion 3, above.

Goal 12—Transportation

Findings

The "Transportation Planning Rule" (OAR 660-012) requires cities to have plans to accommodate anticipated transportation system needs. A traffic impact analysis was provided with this proposal and the corresponding zone change.

Conclusions

The submitted traffic impact analysis states that the potential development associated with the proposed GLUP designation change and subsequent zone change would generate approximately 2,915 trips, with 292 trips in the PM peak hour. The traffic engineering division of the Public Works Department has reviewed the analysis and concluded that the proposed changes and corresponding trip generation would not significantly impact the surrounding system facilities.

Goal 13—Energy Conservation does not apply in this case.
Goal 14—Urbanization does not apply in this case.
Goals 15–19 do not apply to this part of the State.

Applicable Criteria – Zone Change

Zone Change Approval Criteria are provided in MMC §10.227. The applicable criteria are set in *italics* below; findings and conclusions are in roman type. The zone change criteria that are not relevant to this particular application are hereby omitted from the following citation and noted by ***.

The approving authority (Planning Commission) shall approve a quasi-judicial zone change if it finds that the zone change complies with subsections (1) and (2) below:

(1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule. Where applicable, the proposed zone shall also be

consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.

Findings

The proposed minor Comprehensive Plan amendment, changing the GLUP map designation from UR to SC, would allow the proposed zone change to be consistent with the General Land Use Plan map. A traffic impact analysis has been provided, reviewed, and approved by the Public Works Department to be consistent with the TSP and requiring no conditions of approval.

Conclusions

The approval of the GLUP map designation for the subject property from UR to SC results in the proposed zone change being consistent with the GLUP map. It has been adequately demonstrated that the proposed zone change is consistent with the TSP.

***

(2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the Comprehensive Plan "Public Facilities Element."

(a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.

(b) Adequate streets and street capacity must be provided in one of the following ways:

(i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or

(ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or

(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated development, the Planning Commission may find the

street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:

(a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or

(b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

(iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.

(c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction of covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:

(i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,

(ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,

(iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

Findings

The proposed zone changed has been reviewed for facility adequacy by the appropriate City departments and outside agencies. Reports from the Public Works Department and Medford Water Commission indicate adequate capacity in all Category A services and facilities.

Conclusions

All Category A services and facilities, including storm drain, sewer, water, and streets have adequate capacity to support the proposed zone change.

RECOMMENDED ACTIONS

Minor Comprehensive Plan (GLUP Map) Amendment

Forward a favorable recommendation for approval of CP-15-163 to the City Council per the staff report dated February 18, 2016, including Exhibits A through C.

Zone Change

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval per the staff report dated February 18, 2016, including Exhibits C through F, provided the City Council approves the GLUP amendment.

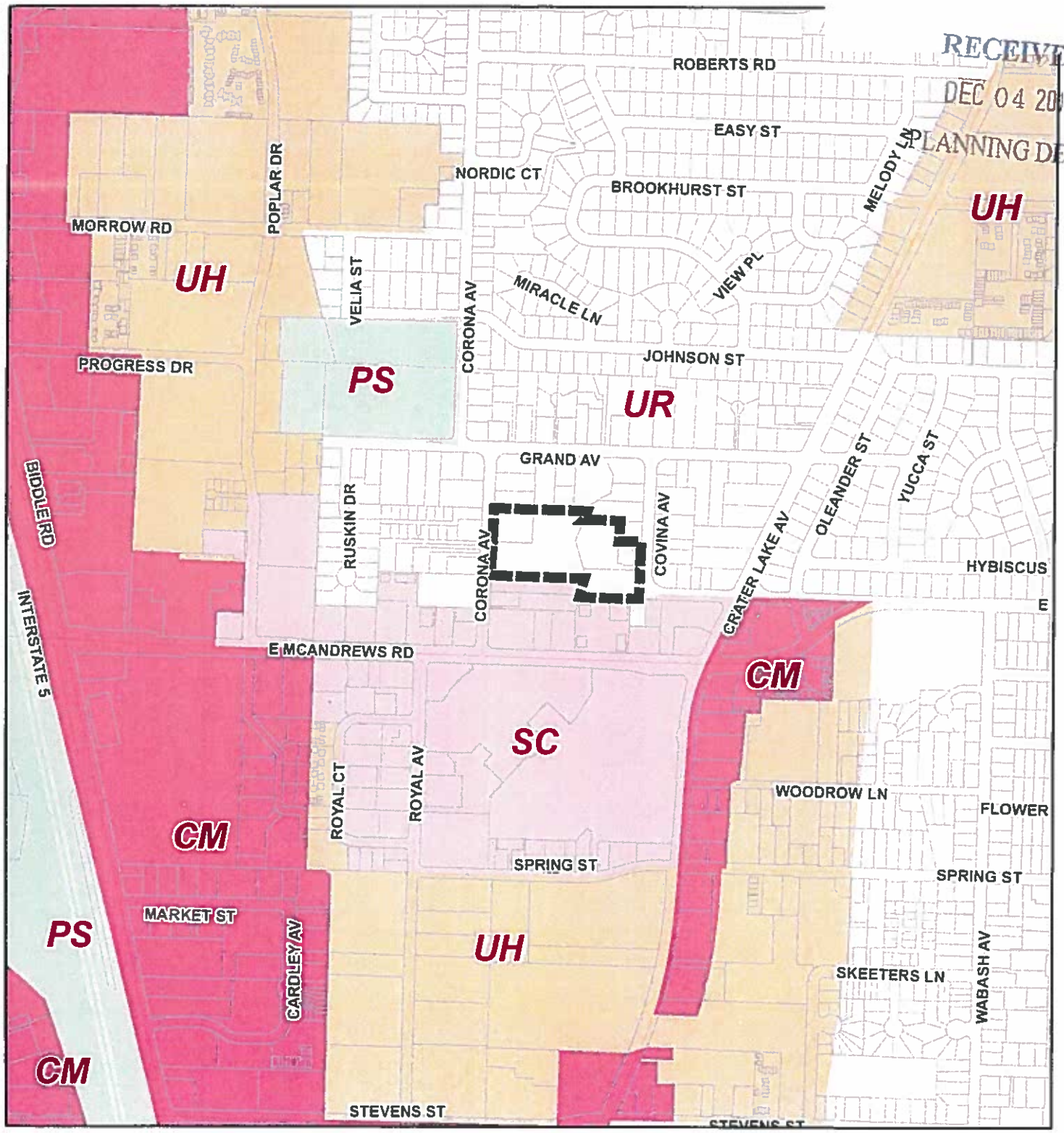
City Council hearing scheduled for March 17, 2016.

EXHIBITS

A General Land Use Plan (GLUP) Map, received December 04, 2015
B Proposed General Land Use Plan (GLUP) Map, received December 04, 2015
C Applicant's Findings of Fact, received December 04, 2015
D Proposed Zoning Map, received December 04, 2015
E Public Works Report, received February 02, 2016
F Medford Water Commission Memo, received January 27, 2016
Vicinity map

PLANNING COMMISSION AGENDA: FEBRUARY 25, 2016

Exhibit A
General Land Use Plan Map



RECEIVED
DEC 04 2015
PLANNING DEPT.

Subject Property
Tax Lots

Medford GLUP

CM	UH
SC	UM
PS	UR

700 350 0 700 Feet

General Land Use Plan (GLUP)

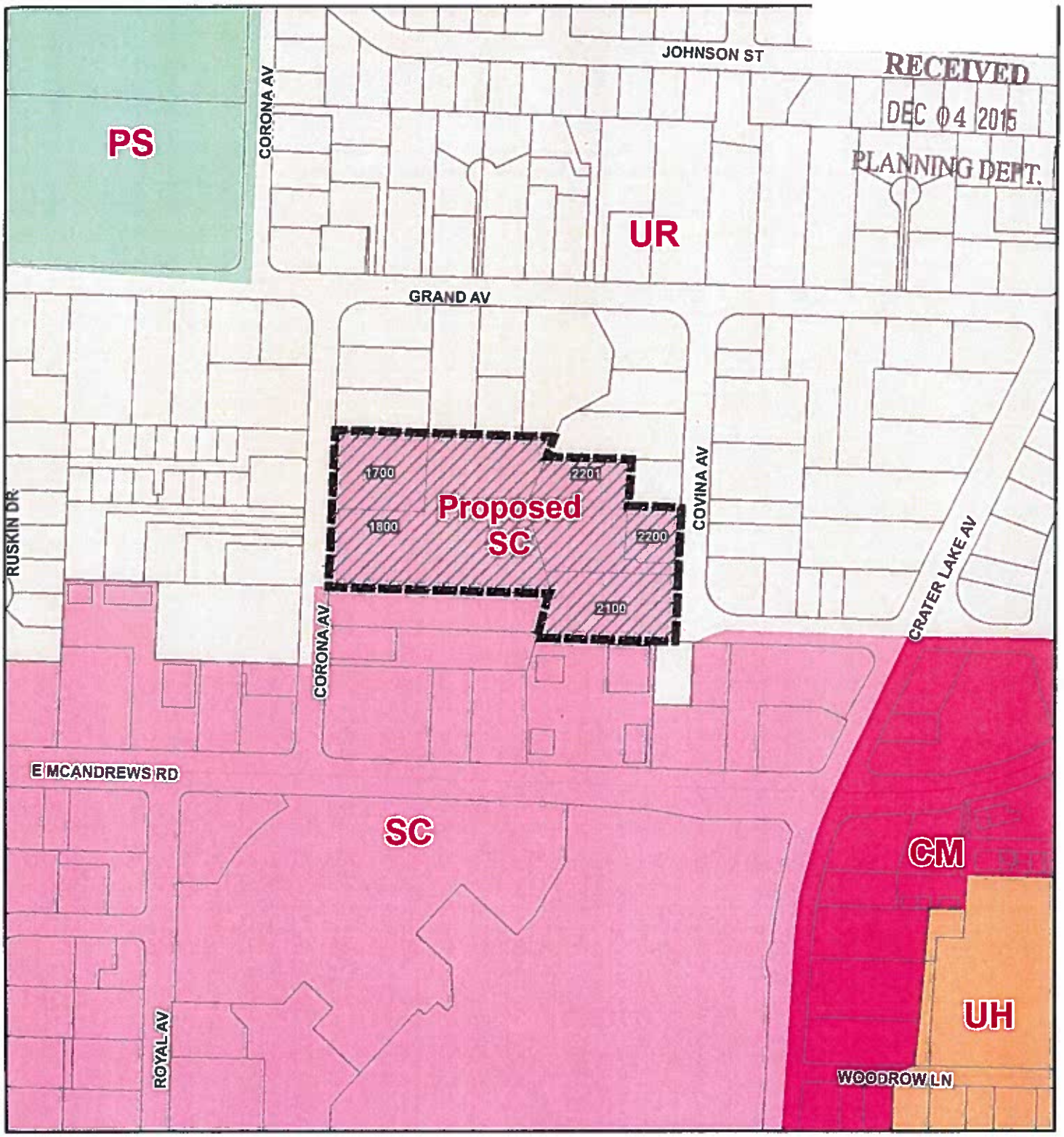
Plan Amendment & Zone Change
Hath, LLC

CITY OF MEDFORD
EXHIBIT # A
File # CP-15-163/ZC-15-164
8-31-2015

N W E S

Exhibit B

Proposed General Land Use Plan Map



RECEIVED
DEC 04 2015
PLANNING DEPT.

Subject Property
Tax Lots

Proposed GLUP

- CM
- SC
- PS
- UH
- UM
- UR

Proposed GLUP

Plan Amendment & Zone Change
Hath, LLC

N
W E
S

CITY OF MEDFORD
EXHIBIT # B
File # CP-15-163/ZC-15-164

300 150 0 300 Feet

8-31-2015

Exhibit C
Applicant's Findings of Fact

BEFORE THE CITY COUNCIL

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

RECEIVED
DEC 04 2015
PLANNING DEPT.

THE MATTER OF A MINOR GENERAL LAND USE PLAN MAP AMENDMENT, CHANGING THE COMPREHENSIVE PLAN MAP DESIGNATION FROM URBAN RESIDENTIAL (UR) TO SERVICE COMMERCIAL (SC) AND A ZONE CHANGE FROM SFR-4 TO C-S/P FOR FIVE PARCELS TOTALLING 5.72 ACRES, LOCATED ON CORONA AVENUE NORTH OF EAST MCANDREWS ROAD WITHIN THE CORPORATE LIMITS OF THE CITY OF MEDFORD, OREGON.	)	**FINDINGS OF FACT AND CONCLUSIONS OF LAW** **Applicant's Exhibit 2**
Applicant: HATH, LLC **Agent of Record: CSA Planning, Ltd.**	)	

I

SCOPE AND NATURE OF THE APPLICATION

This action concerns two contemporaneously filed land use applications. The first is a minor comprehensive plan map amendment to change the map designation[1] on the subject property from *Urban Residential* to *Service Commercial.* The second is a zone change application that involves changing the zone from SFR-4 to C-S/P. The scope and nature of the applications are such that they are both required to be treated as quasi-judicial land use matters.

The subject property is owned in fee simple by HATH, LLC and consists of five parcels that have an aggregate 5.72 acres. The property is situated between Corona Avenue and Covina Avenue, fronting upon the west side of Covina Avenue and the east side of Corona Avenue. The property is approximately 365 feet north of the intersection of Corona Avenue and East McAndrews Road and is located less than a block from Providence Hospital. Applicant's projected future use of the subject property is for medical office buildings along Corona Avenue and a retirement community along Covina and the northern border of the property, a design hoped to achieve a compatible transition between the planned medical offices (and other offices along McAndrews Road) and the single family dwellings which adjoins the property.

[1] Medford sometimes refers to its comprehensive plan map by the acronym GLUP which stands for General Land Use Plan.

CITY OF MEDFORD
EXIBIT # C
File # CP-15-163/ZC-15-164

There is presently a very limited amount of property available near Providence Hospital that can support future use as medical offices notwithstanding that medical services is recognized in the Medford Comprehensive Plan Economic Element as a key source of jobs and economic vitality. Applicant believes that the proposed *Service Commercial* designation and C-S/P zone supports the City's broader goals to intensify urban land uses within the existing UGB in a manner that is compatible with the existing land use pattern in the area. Both anticipated future uses are permitted in the C-S/P zone which allows both medical offices and residential uses at the MFR-30 density (which is appropriate for a retirement community). It is of common understanding that retirement housing seeks locations as near as possible to hospitals and other medical facilities.

Precise plans for development of the property must and would be submitted for approval to the City of Medford following approval of these applications and before any development would occur.

II

EVIDENCE SUBMITTED WITH APPLICATION

The following evidence was submitted with this application to amend the Comprehensive Plan Map:

Exhibit 1. Signed and Completed Application Forms and Authorization from the current property owners, HATH, LLC

Exhibit 2. The proposed findings of fact and conclusions of law (this document) which demonstrates how this proposed GLUP Map amendment and zone change comply with the relevant substantive criteria of the City of Medford and State of Oregon

Exhibit 3. Vicinity Map to a Scale of 1" = 1,000'

Exhibit 4. Jackson County Assessor plat map 37-1W-19AB which contains and depicts the subject property

Exhibit 5. Current City of Medford General Land Use Plan (GLUP) depicting the subject property

Exhibit 6. Proposed General Land Use Plan (GLUP) depicting the subject property

Exhibit 7. Current City of Medford Zoning Map on Aerial depicting the subject property

Exhibit 8. Proposed City of Medford Zoning Map

Exhibit 9. Key Map and Photos of site and surrounding properties

Exhibit 10. Traffic Impact Analysis dated June 10, 2015 prepared by Southern Oregon Transportation Engineering, LLC

Exhibit 11. Medford Water Commission Water Facilities Map – Subject Property

Exhibit 12. Letter from engineers CEC Engineering, Inc. dated October 9, 2015 which goes to the adequacy of public sanitary sewer facilities

Exhibit 13. Letter from engineers CEC Engineering, Inc. dated November 6, 2015 which goes to the adequacy of public storm drainage facilities

Exhibit 14. Surrounding Vacant Lands Map

III

APPLICABLE SUBSTANTIVE CRITERIA

COMPREHENSIVE PLAN MAP (GLUP) AMENDMENT

Article II of the City of Medford Land Development Code (MLDC) establishes the local requirements for planning and development applications. Minor Comprehensive Plan Amendments are categorized as Procedural Class "B" Plan Authorizations pursuant to MLDC 10.102 and the Medford City Council ("Council") is designated as the approving authority pursuant to MLDC 10.111 while the Planning Commission's designated role is to act in an advisory capacity pursuant to MLDC 10.122.

CITY OF MEDFORD LAND DEVELOPMENT CODE

MLDC 10.191, Application Form, identifies the informational requirements for a Minor Comprehensive Plan amendment.

10.190 Application, Minor Comprehensive Plan Amendment.

A minor revision to the Comprehensive Plan is one typically focused on specific individual properties and therefore considered quasi-judicial. Applications for minor Comprehensive Plan amendments shall contain the information as herein required.

10.191 Application Form.

An application for a minor Comprehensive Plan amendment shall contain the following items:

(1) Vicinity map drawn at a scale of 1" = 1,000' identifying the proposed area to be changed on the General Land Use Map.

(2) Written findings which address the following:

(a) Consistency with applicable Statewide Planning Goals.

(b) Consistency with the goals and policies of the Comprehensive Plan.

(c) Consistency with the applicable provisions of the Land Development Code.

Facts that go to consistency with applicable Statewide Planning Goals, the goals and policies of the Comprehensive Plan, and the applicable provisions of the Land Development Code are set forth in Section IV herein. In Section V, the facts are applied to the approval standards and explained in the form of conclusions of law. The required vicinity map, drawn at a scale of 1" = 1,000' is attached as Applicant's Exhibit 3.

In addition to the procedural requirements outlined in MLDC Article II, local governments are required to forward proposed amendments to an acknowledged comprehensive plan to the Director of the Department of Land Conservation and Development at least 35 days before the first evidentiary hearing on adoption pursuant to the post-acknowledgment procedures set forth in ORS 197.610 and OAR 660-018-0020. Proper notice has been given.

10.192 Minor Comprehensive Plan Amendment Criteria

Refer to the Review and Amendment section of the Comprehensive Plan.

Medford's adopted approval criteria that governs minor comprehensive plan amendments are contained in the Review and Amendments section of the Medford Comprehensive Plan.[2] The approval criteria are set forth as follows and again in Section V where each is followed by the conclusions of law and ultimate conclusions of the City Council. Applicable state law is cited and addressed in context.

CITY OF MEDFORD COMPREHENSIVE PLAN

Review and Amendment Procedures

The distinction between major and minor plan amendments is based on the following definitions which were derived from the Guidelines associated with Statewide Goal 2:

> Major Amendments are those land use changes that have widespread and significant impact beyond the immediate area, such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or many different ownerships.
>
> Minor Amendments are those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established.

CRITERIA FOR PLAN AMENDMENTS

Because of the important functional differences among the various Plan components, no common set of criteria can be used to assess all proposed Plan amendments. Below are listed the criteria which must be considered when evaluating proposed amendments to each of the specified Plan components. While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings supporting final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not.

Map Designations – Amendments shall be based on the following:

(1) A significant change in one or more Goal, Policy, or Implementation Strategy.

(2) Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.

(3) The orderly and economic provision of key public facilities

(4) Maximum efficiency of land uses within the current urbanizable area.

(5) Environmental, energy, economic and social consequences.

(6) Compatibility of the proposed change with other elements of the City Comprehensive Plan.

(7) All applicable Statewide Planning Goals.

CITY OF MEDFORD COMPREHENSIVE PLAN

[2] MLDC, Section 10.192 (Minor Comprehensive Plan Amendment Criteria), states only: "See the Review and Amendment section of the Comprehensive Plan Text." It does not contain the actual approval criteria, but instead directs the review authority to the specific criteria adopted as part of the Comprehensive Plan.

Goals and Policies

Goals and policies relevant to this application are cited and properly addressed in Section V (Conclusions of Law). As therein explained, not all plan goals and policies constitute approval criteria. Pursuant to *Bennett v. City of Dallas*, 17 Or. LUBA 450, 456, aff'd 96 Or. App. 645 (1989) and other cases, to be considered an approval standard, a goal or policy must by nature and context have been intended to operate as such. Moreover, goals and policies that are aspirational in nature are also not approval standards. Most plan goals and policies are not, in these contexts, approval criteria.

STATEWIDE PLANNING GOALS

GOAL 1: CITIZEN INVOLVEMENT
To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process...

GOAL 2: LAND USE PLANNING
To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions...

GOAL 3: AGRICULTURAL LANDS
To preserve and maintain agricultural lands...

GOAL 4: FOREST LANDS
To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture...

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES
To protect natural resources and conserve scenic and historic areas and open spaces...

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY
To maintain and improve the quality of the air, water and land resources of the state...

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS
To protect people and property from natural hazards...

GOAL 8: RECREATIONAL NEEDS
To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts...

GOAL 9: ECONOMIC DEVELOPMENT
To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens...

GOAL 10: HOUSING
To provide for the housing needs of citizens of the state...

GOAL 11: PUBLIC FACILITIES AND SERVICES
To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development...

GOAL 12: TRANSPORTATION
To provide and encourage a safe, convenient and economic transportation system...

GOAL 13: ENERGY CONSERVATION

To conserve energy. Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles...

GOAL 14: URBANIZATION
To provide for an orderly and efficient transition from rural to urban land use...

ZONE CHANGE

The City of Medford criteria under which a zone change application must be considered are in MLDC 10.227 and the relevant approval criteria are recited verbatim below:

MLDC 10.227 ZONE CHANGE CRITERIA (Inapplicable provisions omitted)[3]

The approving authority (Planning Commission) shall approve a quasi-judicial zone change if it finds that the zone change complies with subsections (1) and (2) below:

(1) The proposed zone is consistent with the Oregon Transportation Planning Rule (OAR 660) and the General Land Use Plan Map designation. (When the City of Medford's Transportation System Plan (TSP) is adopted, a demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.

(2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.

(a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.

(b) Adequate streets and street capacity must be provided in one of the following ways:

(i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or

(ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or

(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:

(a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or

(b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be

[3] Inapplicable provisions involve the "locational criteria." These are specific as to zoning district and none apply where the zoning sought is to C-S/P.

used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

(iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.

(c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction or covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:

(i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,

(ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,

(iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

The proposed amendment and zone change are also subject to the Oregon Transportation Planning Rule at Oregon Administrative Rules (OAR) Chapter 660, Division 012. Provisions relevant to this application are:

OREGON TRANSPORTATION PLANNING RULE
Oregon Administrative Rules Chapter 660, Division 12

SECTION 660-012-0060
Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance

standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.

(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if the provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards.

IV

FINDINGS OF FACT

The Council reaches the following facts and finds them to be true with respect to this matter:

1. **Property Location**: The subject property is situated between Corona Avenue and Covina Avenue, with 277.6 feet of frontage on the west side of Covina Avenue and 332.7 feet of frontage on the east side of Corona Avenue. The property is located approximately 365 feet north of the intersection of Corona Avenue and East McAndrews Road. The property is within the corporate limits of the City of Medford and its urban growth boundary.

2. **Ownership and Property Description**: The property consists of five parcels that have an aggregate 5.72 acres. The property is identified on the Jackson County Assessor's map 37-1W-19AB as Tax Lots 1700 and 1800 that have frontage on Corona Avenue and Tax Lots 2100, 2200 and 2201 that have frontage on Covina Avenue. See, Exhibit 4 Jackson County Assessors Map.

3. **Existing Land Use:** Subject Tax lot 1700 has a small garage/shop building that has been used for a plumbing contractor headquarters. A portion of Tax Lot 1800 is occupied by a single family residence and related yard spaces and the remainder is vacant, with the area around the adjacent plumbing shop being used for temporary storage of construction materials and vehicles for the plumbing business. Tax Lot 2201 is presently vacant. The piped/underground Hopkins Irrigation Canal runs beneath the boundary between Tax Lots 1800 and 2100. A 30 foot easement centered on the boundary line provides for

access to and maintenance of the canal. Tax Lots 2100 and 2200 contain single family residences that are currently occupied.

4. **Existing and Proposed Comprehensive Plan (GLUP)**: The subject property's GLUP map designation is presently *Urban Residential*. This application seeks to change the GLUP designation to *Service Commercial*.

5. **Existing Zoning:** The subject property is presently zoned *Single Family Residential – 4 Units per Acre* (SFR-4). This application seeks to rezone the property to C-S/P, consistent with the contemporaneously proposed *Service Commercial* GLUP map designation.

6. **Surrounding Land Uses**: The Exhibit 7 aerial/zoning map accurately depicts the pattern of land partitioning and development in the surrounding area. Also see Exhibits 3 through 6. The land uses which presently surround the property are:

   South: Immediately south of the subject property are a set of professional and medical office buildings that front upon East McAndrews Road and Corona Avenue. One single family residence is present on Corona abutting the subject property, however that parcel has been rezoned C-S/P and there are plans to eventually remove the dwelling and replace it with a commercial office building. Across East McAndrews Road to the south lies Providence Hospital.

   East: Properties immediately to the east are designated as an Urban Residential Area, zoned SFR-4 and contain predominantly single family dwellings. Beyond the one block of residential properties however, is Crater Lake Avenue which has a mixture of commercial and residential uses lining the street.

   North: On the north side of the property are predominately large lot, single family residential properties that front upon Corona, Grand and Covina Avenues. These properties are designated Urban Residential and zoned SFR-4.

   West: The area to the west of Corona Avenue is designated Urban Residential and includes a mix of housing densities. Uses and housing densities include large lot single family residential properties and an area that is zoned SFR-10 and occupied by higher density housing.

7. **Commercial GLUP and Zone Proximity:** As evidenced by Exhibits 5 and 7 (current plan and zoning maps) the entire subject property's southern boundary abuts properties that are designated Service Commercial and zoned C-S/P.

8. **Need for the Change (to accommodate adequate employment opportunities)**: In 2007 the City of Medford updated its comprehensive plan Economic Element which has been adopted by the City of Medford and acknowledged by the State of Oregon. The Economic Element contains expert analysis and conclusions that are cited herein below and used here to describe the land supply versus demand for employment land uses. The Economic Element projects land needs for major employment development pattern types that include office, industrial and retail development patterns. The Economic Element also recognizes that employment land services as supply for other types of special uses and for overnight lodging. The Service Commercial GLUP map designation serves as a

designated supply source for office development patterns, some special use development pattern types and some retail commercial uses.

- ***Quantitative Acreage Supply:*** The Economic Element provides 20-year projections for needed land in various employment (commercial and industrial) categories. Among these is a category called "Office Commercial." The Economic Element further provides land need projections based upon low, medium and high growth scenarios. The Medford City Council adopted as a policy matter the high growth scenario as part of its adoption of the Economic Element. Over the Economic Element's 20-year planning horizon (and under the adopted high growth scenario) the City of Medford is expected to require approximately 403 (gross) acres of Office Commercial,[4] a development pattern type that can be located within the Service Commercial designation. As to net buildable acreage, Medford (under the high growth scenario) and in consideration of the existing office commercial land supply, has deficits over the planning period of 25 acres for large office sites, 29 acres for medium office sites and 178 acres for small office sites producing a 232-acre net buildable acre deficit in total or approximately 290 *gross* buildable acres. Other than a handful of small quasi-judicial amendments, the only significant amendments that have been approved by the City that address the acreage supply deficits identified in the 2007 Economic Element were the approval of the Selected Amendment Locations (SALs) and approval of Service Commercial at the southeast intersection corner of McAndrews and Springbrook Roads. That site has been approved for a congregate care facility which has a building permit pending with the City and is considered "in-process" under the Economic Element methodology and is not, therefore, expected to function as additional employment land supply. Thus, the remaining significant changes since the 2007 Economic Element, occurred as part of the Internal Study Area (ISA) project. The same resulted in numerous GLUP designation changes within the City's UGB that were identified as Selected Amendment Locations (SALs). The ISA project redesignated only 2.3 acres of land to Service Commercial and did not remove any land from the Service Commercial designation. The findings supporting the ISA project did, however, make certain assumptions about how the development pattern types would be satisfied by GLUP Map designations in the future. These assumptions are detailed on page 30 and 31 of the City's findings adopting the ISA map amendments and Table 2.1 projects a shortfall of 225 acres of service commercial land over the 20-year planning period. The proposed amendment would supply 5.72 acres that would go toward rectifying the identified deficits.

  Concurrent with the proposed quasi-judicial GLUP Map Amendment, the City is processing a legislative UGB amendment that is intended to address land supply shortages in several categories. The legislative UGB process has been somewhat challenged to find appropriate locations for commercial and service commercial lands on the periphery of the City. This proposed amendment to Service Commercial may allow some of the land being considered for UGB inclusion to be designated residential be adding the subject property to the supply for Service Commercial and removing it from the residential lands supply.

[4] See, Economic Element Figure 28.

- ***Quantitative Site Supply:*** In addition to estimating acreages, OAR 660-009 requires cities to compare the supply and demand for sites by type. Economic Element Figure 27 reports that over the 20-year planning period, Medford (under the high growth scenario) will require 11 large office sites (sites having approximately 5.00 acres), 65 medium sites (sites having approximately 1.50 acre), and 554 small sites (sites having approximately 0.45 acre). Based upon the existing supply of office commercial sites, Medford has *existing **deficits*** of 4 large sites, 10 medium sites, and 445 small sites. At just over 5 acres, the subject property would be considered as supply for a large size office site under the Economic Element or as supply for two medium office sites.

  Other than a handful of relatively small amendments, no significant amendments have been processed by the City of Medford that address the site supply deficits identified in the 2007 Economic Element and no additional large office sites have been supplied. The assumption in the ISA project is that medium and large office sites will continue to be supplied in the Service Commercial designation. As such, the proposed amendment would serve as potential supply to meet the need for one large office site or two medium office sites both of which will still have site type deficits even after the proposed amendment is approved.

- ***Qualitative Site Characteristics:*** Service Commercial is a plan designation that supplies office sites and can be permissibly located adjacent to residential uses. In this instance, the adjacent residential uses are typically wells screened with existing fencing and vegetation and the dwellings (many of which are on large urban lots) are most often located an appreciable distance from the subject property. See, Exhibit 7. Office sites require some degree of visibility but less when compared to retail commercial. Access to labor is essential via proximity to higher order arterial streets and proximity to major labor sources; the proposed location is within 800 feet of two arterials — McAndrews Road and Crater Lake Avenue. The location is in a central urban setting near existing labor markets at Providence Hospital and is over two miles from the UGB in all directions. The Economic Element (and its associated Economic Opportunities Analysis) provides a generalized identification and evaluation of site types and characteristics to meet typical user needs requirements. Ultimately, employment land use needs are quite specific to the actual user. In this instance, Applicant has evaluated sites throughout the Medford market area for a suitable site to provide medical offices in conjunction with new retirement living facilities. Applicant and its principals are well experienced in the delivery of facilities of the type envisioned. As mentioned the proposed C-S/P zone permits medical offices and retirement/assisted care housing and the same is envisioned by Applicant to occur over a period of many years. The uses ultimately sought are ones that provide both employment and housing opportunities. After much research, Applicant believes this is the ideal site for the proposed employment and residential uses.

9. **Urban Housing Need**: The subject property is presently under-developed and largely vacant. Oregon law requires cities to provide adequate buildable residential lands and needed housing types. The property is presently designated Urban Residential (UR) — the GLUP designation implemented by the City's single family zones. According to the adopted and acknowledged comprehensive plan Housing Element (adopted December 2,

2010) there were about 2,122 vacant and partially vacant acres of UR land in the city and UGB in 2009. Based on the Housing Element, there is a need for an additional 465 acres of UR designated land over the 20-year planning period — 2009 through 2029. While larger in total aggregate acres of deficit (when compared to commercial land for office uses) the percentage deficit is much smaller (465 deficit of acres versus a demand of 2,587 or 18 percent) when compared to the percentage amount of available land for office development (232 acre deficit versus a demand of 403 acres or 57 percent). Thus, the deficit of land for office development is significantly more acute than the deficit for Urban Residential land.

In this instance, Applicant's ultimate objective is to construct medical offices and a senior living project that will provide both employment and housing opportunities. This development pattern will support ultimate housing and employment needs within the City. The City's Housing Element contemplates that approximately 692 dwelling units will be constructed in areas designated commercial during the planning period from 2009 through 2029. The proposed amendments would support these projections to some degree.

10. **Vacant/Developable Service Commercial Lands**. Vacant and partially vacant lands in the vicinity of the Providence Hospital medical campus were inventoried as part of this project by Applicant's representatives, CSA Planning, Ltd. The inventory is distilled into a map (Exhibit 14) which shows the vacant and partially vacant lands that exist within certain distances from the hospital campus. The inventory shows that there is very little developable land within one-half mile of the hospital campus. Of the five vacant (or partially vacant) parcels, one is on the opposite (west) side of Interstate 5, two are quite small including the sites on Bennett Avenue and the small single parcel on the north side of McAndrews Road which lies between parcels occupied by Premier West Bank and the Jensen Cosmetic Surgery Office. This parcel might support a single small medical office and has reasonable access to accommodate the same. The only other parcel is one on Poplar Drive north of the McAndrews intersection and lying north and adjacent to and owned by Rogue Credit Union (RCU). The site might also accommodate medical offices but has access problems owing to long peak hour queues that make entering and exiting the site difficult. In the longer range, the RCU property might supply some additional land for medical offices, however it will not accommodate the long term medical office needs and land is similarly (but less) constrained around the Asante Campus.

11. **Essential (Category 'A') Public Facilities:** The comprehensive plan defines Category 'A' public facilities to include the below components. Relevant facts pertaining to these follow:

    A. **Sanitary Sewage Collection and Treatment:**

    - **Sanitary Sewer Collection Lines**: There are existing 8-inch sanitary sewer lines within the rights-of-way of Corona Avenue and Covina Avenue upon which the subject property fronts and these flow into a 10-inch line located in Grand Avenue. The lines are located in Sanitary Sewer Drainage Basin D as depicted in Figure 2-1 of the City of Medford Sanitary Sewer Master Plan. Representatives of the Public Works Department indicated to Applicant's representatives that there may be downgrade sections of existing concrete sanitary sewer pipe that

may require upgrading in accordance with the Sanitary Sewer Master Plan prior to project development. In response, Applicant engaged Construction Engineering Consultants (CEC) Inc.[5] to evaluate the downgrade sanitary sewer system and its findings are set forth in Exhibit 12 and are summarized verbatim as follows:

> "The sewer analysis was performed using the current City of Medford Sanitary Sewer Master Plan (2005) and City supplied data. The study was conducted on the existing sanitary sewer system downstream of the HATH property. All flows generated are based on full build-out of the flow basin. As specified in the City's Sanitary Sewer Master Plan, commercial properties are to use a flow factor of 1700gal/acre/day to determine the anticipated sewer flows.
>
> "Sewer model analysis was run with the 'Pre-Zone Change' flows and the 'Post-Zone Change' flows. The analysis shows that the proposed zone change will generate additional flow from this property. The additional flow will add 10.77 gallons per minute and 0.09' to the hydraulic grade line (HGL) during the prescribed peak (5-year) event. This additional flow is insignificant within the flow basin with a flow increase of 0.6%. The "Pre-Zone Change" basin flow is anticipated to be 1661.50 gallons per minute and the "Post-Zone Change" basin flow is anticipated to be 1672.27 gallons per minute. Both pre and post analysis show that the same two pipe segments will surcharge during the 5-year event. Although the sewer pipes will surcharge, the master plan allows for surcharging during the 5-year event as long as the HGL is 3 feet below the ground surface (See attached Appendix A). The "Pre-Zone Change" HGL is 8.06' below the surface and the "Post-Zone Change" HGL is 7.97' below the surface.
>
> "Medford has adopted standards designed to ensure that key public facilities (including sanitary sewer) are available and adequate as a prerequisite to plan or zone changes. The sanitary sewer standard is expressed in Goal 2, Policy 2(A) which states that sanitary sewers are considered adequate if they are consistent with the applicable sewer plan document. Under the terms of the Medford Sanitary Sewer Master Plan (2005), the sanitary sewers that serve this property are adequate, and pipe replacement is not required."

B. **Sanitary Sewer Service (Treatment)**: According to representatives of the Medford Engineering Department, sewage wastewater collected and transported by the Bear Creek Interceptor is treated at the Medford Regional Water Reclamation Plant. The principal staff person in charge of operations at the regional plant, which is located near Bybee Bridge where Table Rock Road crosses the Rogue River. The plant serves the Rogue Valley Sewer Services (RVSS)[6] and the cities of Central Point, Jacksonville, Medford, Phoenix and Eagle Point. A portion of the service charges levied on customers is allocated to treatment costs. The Regional Rate Committee as

[5] Construction Engineering Consultants (CEC) Inc. are civil engineers licensed in Oregon who are qualified to express an expert opinion on matters related to the capacity of Medford's public sanitary sewer and storm drainage lines.

[6] Formerly Bear Creek Valley Sanitary Authority (BCVSA)

established in the September 23, 1985 Regional Sewer Agreement is authorized to set treatment charges and rates for the regional system. The Regional Rate Committee reviews the charges and rate structures annually, and rate adjustments are made as necessary. Systems development charges are allocated to plant expansion. Monthly service charges levied on customers are allocated to treatment costs, equipment repair and replacement, and plant upgrades to meet changing regulations.

- The Vern Thorpe Regional Water Reclamation Facility, more commonly known as the Medford Regional Water Reclamation Facility (RWRF), was built in 1970 by the City of Medford as a regional facility to treat sewage from the cities of Central Point, Jacksonville, Medford, Phoenix, Talent and certain rural areas within unincorporated Jackson County which are served by Rogue Valley Sewer Service (RVSS). The original RWRF capacity was 10 million gallons per day (MGD) average dry weather flow
- RWRF capacity was doubled between 1980 and 1990 through several incremental expansions. In 1992 the RWRF was permitted for a 20 MGD average dry weather flow, and 60 MGD wet weather flow. Subsequent to 1992 several more projects have been constructed to improve plant operating reliability, energy efficiency, and bio-solids handling capabilities, as well as increase the reliable wet weather flow handling capacity to 80 MGD.
- The average daily influent flow for 2004 was 15.7 mgd, an increase from 13.2 mgd in 1988 and 14.1 mgd in 1994.
- In 2012, West Yost Associates updated the Medford Regional Water Reclamation Facility Master Plan. Table 4-8 states that the Peak Wet Weather Flow (PWWF) at the plant is currently 91 MGD. The plan lays forth the capital improvements to the plant that are planned over the next ten years specifically and the subsequent 10 years more generally. The planned improvements are funded by rate payers and systems development charges and will increase the capacity of the plant to handle a PWWF of 118 MGD by 2030 to serve a future 2030 City of Medford population of 115,286.

C. **Storm Drainage**: Applicant also engaged Construction Engineering Consultants Inc. (CEC) to evaluate the downgrade storm drainage system and its findings are set forth in Exhibit 13. CEC evaluated the storm drainage system that serves the subject property and coordinated its findings with representatives at the Medford Public Works Department who are reported in Exhibit 13 to concur with CEC's findings which conclude that the existing storm drainage system is adequate to serve the subject property under the plan/zoning designations sought under this application. See, Exhibit 13.

D. **Water Service:**

- **Water Distribution Lines**: According to the records of the Medford Water Commission, there is an existing 8-inch cast iron water main within the Corona Avenue right-of-way and a 4-inch main in Covina. The lines were first installed in the 1950's. According to Medford Water Commission engineers the property lies within two pressure zones. Lands east of the irrigation canal (which traverses

the property) is in a "gravity pressure zone" (which produces 105 psi) while land to the west is in a "reduced pressure zone" (which produces 75 psi). Commission engineers indicated that water can likely be provided from either zone but as a worst case, water service for fire flows might require crossing the irrigation canal which Medford engineers expressed their belief can be accomplished but at added cost.

- **Water Supply**: According to Medford Water Commission representatives, the Medford water utility presently serves a population of approximately 80,000. The present maximum daily use is 45 million gallons per day, (MGD). The present source and distribution system has an existing capacity of 56.5 MGD. There is an additional water source capability of 35 MGD available. Water Commission engineers have stated their belief that present water supply facilities will be adequate until Year 2050.

E. **Transportation Facilities:** Applicant engaged Southern Oregon Transportation Engineering to assess the traffic impacts expected to result from the proposed GLUP map amendment and zone change. A copy of the Traffic Impact Analysis (TIA) is attached as Exhibit 10. The City Council reaches the following findings of fact with respect to streets and traffic based upon the evidence in Exhibit 10:

- **Access**: The primary property access is from Corona Avenue between East McAndrews Road and Grand Avenue. The property also has frontage for access along Covina Avenue. In addition, there is a potential for cross access easement connections to some of the commercial properties to the south which front upon East McAndrews Road (which would provide this property with additional access to McAndrews Road).

- **Street Functional Classification**: According to Figure 2.1 of the City of Medford Transportation System Plan, Corona and Covina Avenues are classified as Standard Residential Streets. Nearby East McAndrews Road and Crater Lake Avenue (to which Corona and Covina directly connect) are both classified as major arterials in the City of Medford Transportation System Plan (a part of the City's comprehensive plan).

- **Summary Traffic Impacts**: See, Exhibit 10, the Traffic Impact Analysis prepared by Southern Oregon Transportation Engineering, LLC. The findings of the traffic impact analysis conclude that the proposed comprehensive plan map amendment and zone change can be accommodated on the existing transportation system (pursuant to City of Medford standards) without exceeding the City's "Level of Service 'D' standard. Intersection operations and traffic safety were also evaluated to address the potential development impacts to the surrounding area. The overall results and conclusions of the traffic impact analysis state as follows:

> The findings of the traffic impact analysis conclude that the proposed zone change from SFR-4 to C-S/P can be approved without causing any adverse impacts to the transportation system. Intersection operations and safety was evaluated to address development impacts to the surrounding area. Results of the analysis show the following:

1. All study area intersections operate acceptably under existing year 2015, design year 2017, and future year 2023 no-build and build conditions during the p.m. peak hour.

2. There were no safety concerns as a result of 95th percentile queue lengths or crash histories.

This analysis was undertaken to address issues of compliance with the City of Medford Comprehensive Plan, Land Development Code, and Oregon Transportation Planning Rule (TPR) in Oregon Administrative Rules (OAR) Chapter 660, Division 012. Based upon our analysis of streets and intersection capacities, it is concluded under TPR that the proposed plan and zoning amendment will not significantly affect any existing or planned transportation facility nor would it result in types or levels of travel or access that are inconsistent with the functional classification of any existing or planned transportation facility such that it would not meet the performance standard identified in the TSP or comprehensive plan which, for the City of Medford, is a level of service "D". Additionally, the plan/zoning amendment would not degrade the performance of any existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan. Finally, we conclude that streets and street capacity (for streets that service the property) are available to adequately serve the property with the various permitted uses that are allowed under the proposed C-S/P zoning based upon the City's level of service "D" standard. Therefore, the applications for plan and zoning amendment are found to be in compliance with the Medford Comprehensive Plan pursuant to the Medford Land Development Code, and are consistent with the TPR.

12. **Police and Fire Protection:** The property is served by the Medford Fire-Rescue Department from its Fire Station 5 located near North Medford High School on Roberts Road, approximately two miles from the subject property. Police protection is provided by the Medford Police Department, which is headquartered at Medford City Hall on 8th Street. The City's police and fire departments maintain mutual aid agreements with other local, state and federal fire and law enforcement agencies.

V

CONCLUSIONS OF LAW

The City Council reaches the following conclusions of law and ultimate conclusions with respect to this proposed GLUP Map amendment and zone change. The following discussion and conclusions of law are preceded by the criteria to which they relate:

City of Medford Comprehensive Plan Amendment Approval Criteria
Medford Land Development Code (MLDC) 10.190

(Inapplicable provisions omitted)

MLDC 10.190 Application, Minor Comprehensive Plan Amendment.

A minor revision to the Comprehensive Plan is one typically focused on specific individual properties and therefore considered quasi-judicial.

MLDC 10.192 Minor Comprehensive Plan Amendment Criteria

Refer to the Review and Amendment section of the Comprehensive Plan.

Discussion: The adopted substantive approval criteria which govern minor comprehensive plan amendments are contained in the Review and Amendments section of the Medford

Comprehensive Plan.[7] The approval criteria in the plan's Review and Amendment Procedures section are preceded by the following language which gives context to how the criteria are to be considered:

CITY OF MEDFORD COMPREHENSIVE PLAN

Review and Amendment Procedures

The distinction between major and minor plan amendments is based on the following definitions which were derived from the Guidelines associated with Statewide Goal 2:

> Major Amendments are those land use changes that have widespread and significant impact beyond the immediate area, such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or many different ownerships.
>
> Minor Amendments are those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established.

Discussion; Conclusions of Law: Pursuant to the foregoing language from the Review and Amendment Procedures and MLDC 10.190, the City Council concludes that this application involves a *minor* amendment to the GLUP map because, involving only a 5.72 acre tract containing five parcels under single ownership, any impacts are unlikely to be widespread and are more likely to be confined to only the immediate area of the proposed change. The reasons supporting this conclusion, based upon the evidence, include the following. The adjoining properties (which would remain in residential use and zoning following approval of the instant applications) are typically fenced along their rear and side boundaries in common with the subject property. The location of abutting and nearby dwellings are either located an appreciable distance from the subject property (100 feet or more) and are reasonably well buffered by existing mature vegetation which screen the homes from the subject property. In most but not all instances, dwellings in this area (bounded by Corona, Covina and Grand) typically located on larger urban lots. Provisions of the comprehensive plan and MLDC underscore that the C-S/P zone and uses are compatible with urban residential uses. While in most urban settings traffic impacts are often argued, in this instance, the evidence shows that streets serving the subject property can be accommodated *without* violating the traffic standards of the City of Medford or State of Oregon. In context, the City of Medford also does not view the traffic volumes shown in the Exhibit 10 Traffic Impact Analysis to be especially large and because the added volumes are accommodated within the existing street system, the impacts are not concluded to be significant.

The Council also concludes that the special studies mentioned under "minor amendments" are the studies contained in Medford's most recent Economic and Housing plan elements which form the most important foundations for the proposed amendment. The special studies also include the provided Traffic Impact Analysis (Exhibit 10) and special studies of sanitary sewer and storm drainage adequacy (Exhibits 12 and 13). The Council also concludes that the public need is served by Medford supplying land in sufficient amounts and types to accommodate its forecast and acknowledged Goal 9 employment needs as expressed

[7] MLDC, Section 10.192 (Minor Comprehensive Plan Amendment Criteria), states only: "See the Review and Amendment section of the Comprehensive Plan Text." It does not contain the actual approval criteria, but instead directs the review authority to the specific criteria adopted as part of the Comprehensive Plan.

in the City's plan Economic Element. The following findings of fact and conclusions of law establish that this change will supply land for which the plan Economic Element shows there to be a relative shortage and in a location well situated for office and limited retail uses generally and specifically well located for the senior housing project that is one of Applicant's ultimate objectives. Its other objective includes building medical offices in near proximity to Providence Hospital; the hospital is located across McAndrews Road (one tier of parcels removed) from the subject property.

Based upon the foregoing, the Council herewith concludes that this comprehensive plan map amendment application is consistent with the requirements of the above cited comprehensive plan *Review and Amendment Procedures* and the application is deemed to constitute a *minor* amendment. The Council further incorporates and adopts the following findings of fact and conclusions of law, in total, and concludes based thereupon, that there is established a public need and proper justification has been shown for this particular change.

The approval criteria (Comprehensive Plan Amendment Criterion 1 through 8, below) prerequisite to changing comprehensive plan (GLUP) map designations, is preceded by the following:

CITY OF MEDFORD COMPREHENSIVE PLAN
Review and Amendment Procedures

CRITERIA FOR PLAN AMENDMENTS

Because of the important functional differences among the various Plan components, no common set of criteria can be used to assess all proposed Plan amendments. Below are listed the criteria which must be considered when evaluating proposed amendments to each of the specified Plan components. While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings supporting final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not.

Map Designations – Amendments shall be based on the following:

***Comprehensive Plan Amendment* - Criterion 1**

(1) A significant change in one or more Goal, Policy, or Implementation Strategy.

Conclusions of Law: Since the existing Urban Residential (UR) GLUP map designation was applied to the subject property, the City of Medford has adopted new plan Housing and Economic Elements and the same have been acknowledged by the State of Oregon and now exist as components of the City of Medford Comprehensive Plan.[8] The two new plan elements contain updated land analysis which goes to the amounts of land needed for future housing and employment. The new plan elements also included new goals and policies and the City Council concludes that the changes to Medford's plan Housing and Economic Elements are significant pursuant to Criterion 1 and form a general basis for this GLUP map amendment. More specifically, the Council concludes that Economic Element Policy 1-5 and its associated Implementation 1-5(b) sets forth adopted policy direction to address employment land deficits. The Council concludes that the observed deficits of office lands in the Service Commercial designation are some of the most acute in the entire City. The

[8] There is no evidence and none exists that this property was ever designated other than Urban Residential since after the plan Economic Element and Housing elements were updated in 2007 and 2010 respectively.

proposed amendment will serve to help alleviate that deficit and do so in an area where land for new medical offices is in short supply (and where retirement housing typically and for commonly understood reasons desires locations near hospitals). Based upon the foregoing, the Council concludes that this application is consistent with Comprehensive Plan Amendment Criterion 1.

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***Comprehensive Plan Amendment* - Criterion 2**

(2) Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.

Discussion; Conclusions of Law: Based upon the findings of fact set forth in Section IV, the Council concludes that changing the designation of the subject property from *Urban Residential* to *Service Commercial* supports development of needed medical office buildings near Providence Hospital. The *Service Commercial* GLUP designation (and its associated C-S/P zoning) also permits retirement housing at a density equivalent to that permitted in the MFR-30 zone. Changing the designation to *Service Commercial* increases the flexibility such that the subject property can be developed for employment uses to help reduce a significant shortfall in Medford's vacant *Service Commercial* lands inventory as above described in the conclusions of law for Comprehensive Plan Amendment Criterion 1 (which are herewith incorporated and adopted). Additionally and more specifically, there is a demonstrated need for this proposed change to assure adequate employment opportunities while at the same time satisfying urban housing needs, both needs that are underpinned in the City's Housing and Economic plan elements. Therefore, the City Council concludes that this application is consistent with Comprehensive Plan Amendment Criterion 2.

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***Comprehensive Plan Amendment* - Criterion 3**

(3) The orderly and economic provision of key public facilities

Conclusions of Law: Criterion 3 requires a consideration of proposed changes (to Service Commercial) in context of the orderly and economic provision of key public facilities. Criterion 3 is general and contains no specific ways to measure what is meant by orderly and economic in the provision of key public facilities. However, plan Public Facilities and Services Element, Goal 2 and its companion Policy 2-A (below) establish the more precise ways to measure the adequacy of public facilities and the same are addressed hereinbelow.

Public Facilities Element

General Section

Goal 2: To assure that land use plan designations and the development approval process remain consistent with the ability to provide adequate levels of essential public facilities and services.

Policy 2-A: [Limited Service Area Language Omitted] "Timely provision of essential urban facilities and services" shall mean that such services can be provided in adequate condition and capacity prior to or concurrent with development of the subject area. "Essential urban facilities and services" shall mean sanitary sewers, water systems, stormwater management facilities, and transportation facilities. A determination of minimum adequate service levels for essential urban facilities and services shall be based on the following:

> **Sanitary Sewers:** Sufficient to serve any proposed development consistent with the General Land Use Plan (GLUP) map designation. Sanitary sewer facilities shall be considered adequate if they are consistent with the applicable sewer plan document as interpreted by the City Engineer.
>
> **Domestic water:** Sufficient to serve any proposed development with a permanent urban domestic water system capable of supplying minimum pressure and volume for projected domestic and fire control needs consistent with the General Land Use Plan (GLUP) designation. Water facilities shall be considered adequate if they are consistent with the applicable water system plan document as interpreted by the Water Commission Manager.
>
> **Storm drainage facilities:** Sufficient to serve any proposed development consistent with the General Land Use Plan GLUP map designation. Stormwater management facilities shall be considered adequate if they are consistent with the adopted drainage plan document, as interpreted by the City Engineer.[9]

Conclusions of Law (continued): The City Council herewith incorporates and adopts the Findings of Fact in Section IV and concludes as follows:

- **Sanitary Sewers**: Based upon the Exhibit 12 analysis of sanitary sewer facilities conducted by CEC Engineering for sanitary sewers that serve the subject property, there are existing 8-inch sanitary sewer lines within the rights-of-way of Corona Avenue and Covina Avenue upon which the subject property fronts and these flow into a 10-inch line located in Grand Avenue. The standard in above cited Policy 2-A states that sanitary sewer facilities are considered adequate if found consistent with the "applicable sewer plan document" (as interpreted by the City Engineer). Exhibit 12 analyzes sanitary sewer adequacy based upon that standard (and using Medford's adopted and acknowledged Sanitary Sewer Master Plan as the "applicable sewer plan document"). Based upon CEC's analysis in Exhibit 12, the Council concludes that the sanitary sewer facilities which serve the subject property are adequate in ways required by Medford adopted Sanitary Sewer Master Plan and requires no interpretation. As such, sanitary sewers are deemed to be adequate pursuant to above cited Policy 2-A and pursuant to the evidence in Exhibit 12.
- **Public Water**. Based upon the Findings of Fact in Section IV, Applicant's agent contacted engineers at the Medford Water Commission to ascertain whether public water can be made available to serve the subject property. The Section IV Findings of Fact report that inquiry and show that there are existing water mains that can provide service to the property, even though service in the area is within two water pressure zones. As explained in the Findings of Fact, while the extension of service to all portions of the subject property may require crossing the existing irrigation canal which traverses the property, the same can be accomplished and MWC engineers have agreed albeit at additional cost if crossing the canal becomes desirable. As such, the Council concludes that domestic water can be supplied to the property in amounts sufficient to accommodate development under both the existing or proposed GLUP map designations and zoning districts.
- **Storm Drainage**. Based upon an analysis conducted by CEC Engineering for storm drainage facilities that serve the subject property (Exhibit 13) the property is served by an existing 4 by 8 feet concrete storm drain box culvert and 30-inch storm drain. There is a roadside ditch system along Corona Avenue. Exhibit 13 reports that representatives of CEC Engineering met with representatives of the Medford Public Works Department to discuss the existing storm drainage system in relation to the subject property and the

[9] The comprehensive plan Public Facilities Element notes at Section I: "Transportation will be temporarily covered in this element until adoption of the new Transportation Element when Medford's Transportation System Plan (TSP) is completed."

proposed land use actions. According to Exhibit 13, no concerns were expressed by city officials regarding the capacity in the existing storm drainage system and CEC concludes that the existing storm drainage system is adequate to serve the subject property with the proposed zoning (and proposed comprehensive plan map designation). As such, the Council concludes that storm drainage can be supplied to the property in amounts sufficient to accommodate development under both the existing or proposed GLUP map designations and zoning districts.

The Council further observes that upon future development, the MLDC at minimum requires the frontage of the subject property, at owners expense, to be improved with public sanitary sewer, domestic water, storm drainage, streets and utilities.

Therefore, the Council concludes that this application is consistent with Comprehensive Plan Amendment Criterion 3.

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***Comprehensive Plan Amendment* - Criterion 4**

(4) Maximum efficiency of land uses within the current urbanizable area.

Conclusions of Law: The term maximum efficiency goes to a utilization of the available land base within incorporated Medford in ways that forestall the need to expand the size of its UGB (notwithstanding that Medford is now doing just that). The evidence set forth in the Section IV Findings of Fact shows that Medford's plan Economic Element reports shortages of land in both its *Service Commercial* and *Urban Residential* land categories, with the most acute shortages occurring in *Service Commercial*. The Council concludes that placing the subject property in a *Service Commercial* designation helps to satisfy an acute categorical land shortfall while still maintaining the possibility of residential development.[10] The Council concludes that addressing a serious *Service Commercial* land shortfall in a strategic location while maintaining an option of also accommodating needed high density residential (also in a strategic location for retirement housing) allows the market to use the property to service two types of identified land demands and, therefore, satisfies the need to maximize the efficiency of land uses currently within incorporated Medford. As such, the Council concludes that the proposed change is consistent with the requirements of Comprehensive Plan Amendment Criterion 4.

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***Comprehensive Plan Amendment* - Criterion 5**

(5) Environmental, energy, economic and social consequences.

Conclusions of Law: The City Council considers the environmental, energy, economic and social consequences of the proposed change as follows and reaches the following conclusions of law:

- **Environmental Consequences**: Applicant is unaware (and no party has alleged) any environmental contamination on the property, and any significant environmental impacts on this site (in relation to its once natural state) has long since occurred given that this

[10] As earlier noted, the corresponding zoning district — C-S/P — also permit high density residential housing commensurate with the City's MFR-30 zone.

land is located centrally in Medford and is surrounded by urban development. Even if environmental contamination were present, the same would have to be mitigated pursuant to the requirements of the Department of Environmental Quality (DEQ). The property now exists as a cleared and largely vacant parcel. Future development will proceed under the rules of the City of Medford and State of Oregon on matters of environmental import, the same rules applicable under either existing or proposed GLUP map designations. For these reasons, the City Council concludes that it has properly considered the environmental consequences in connection with this matter and the same are deemed to be neither unusual nor significant.

- **Energy Consequences**: The Council can find no important energy consequences, positive or negative, in connection with this application. However, the Council also observes that the subject property is located in an area that contains intense land uses including large commercial office buildings along McAndrews Road near and adjacent to the subject property (to its south) and urban residential housing to the north, east and west. An intensification of land use in this area has the potential to place additional development and uses in an appropriate location that is easily accessed by the surrounding population (and nearby Providence Hospital) and thereby reduce energy consumption for transportation to access similar facilities that must otherwise locate further from the surrounding population or regional hospital.

- **Economic Consequences**: The Council concludes there to be positive economic consequences owing to this change in that it helps reduce an existing shortfall of *Service Commercial* land in the community, while leaving open the potential for also needed multiple-family housing and does so in a strategic location near Providence Hospital. See, the findings of fact in Section IV and conclusions of law for Comprehensive Plan Amendment Criterion 2 and 4 both of which the Council herewith incorporates and adopts. The qualitative characteristics necessary for a site to support development that can be expected to yield positive economic consequences are more limited than the site characteristics suitable for standard single family residential development. In other words, Service Commercial land uses are much more discriminating as to location than is land for single family housing. In this instance, the site is located in close proximity to a large market area and regional hospital and is well located to fill the land use needs expressed in the plan Economic Element and the same is concluded, in the future, to yield positive economic consequences.

- **Social Consequences**: The GLUP Map Element of the Comprehensive Plan recognizes that *Service Commercial* is a designation that is compatible when adjacent to residential development. For this reason, the GLUP Map amendment is well positioned to capture beneficial economic consequences that will result from the intensification of land use on this well located site through a designation that is generally compatible with and expected to benefit the surrounding community. Moreover, Applicant has expressed its intention to separate existing nearby housing from medical offices with low-impact retirement housing. While some may argue that office uses of any kind (or higher density senior housing) is incompatible with nearby single family dwellings, the Council concludes that the mere existence of land uses different from single family dwellings does not in itself produce an incompatibility. Provisions of the comprehensive plan and MLDC as mentioned above treat service commercial and residential land uses, when

adjacent to one another, as compatible uses. Moreover, the Council observes that offices are typically only occupied during Monday through Friday during business hours and are vacant or otherwise mostly quiet the remainder of the time. It might also be argued that construction of offices would block views. To that, the Council concludes there is nothing in the comprehensive plan, MLDC or Oregon law that prohibits new development from blocking the views of existing residents. The Council also concludes that the subject property and surrounding area is generally level and does not have views that would not be blocked by any form of urbanization that might occur on the property.

Therefore, based upon the foregoing, the City Council concludes that it has given proper consideration to potential environmental, energy, and social consequences that may result from the proposed change, and further concludes that the anticipated consequences in all respects will be positive or less than significant in scope and magnitude. For these reasons, the Council concludes that this application is consistent with Comprehensive Plan Amendment Criterion 5.

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Comprehensive Plan Amendment - Criterion 6

(6) Compatibility of the proposed change with other elements of the City Comprehensive Plan.

Discussion; Conclusions of Law: The Council concludes that Criterion 6 requires a showing that the proposed amendment is compatible with other elements of the comprehensive plan which are not intended to be amended. Moreover, the Council further holds that no responsive findings are required when local government policies are expressed not as regulatory requirements, but as aspirational objectives. *See, Ellison v. Clackamas County*, 28 Or LUBA 521, 525 (1995); *Wissusik v. Yamhill County*, 20 Or LUBA 246, 254-55 (1990); *McCoy v. Tillamook County*, 14 Or LUBA 108, 118 (1985). That a decision does not adequately address aspirational policies or that the record does not contain evidentiary support for findings of compliance with these goals or policies provides no basis for reversal or remand of the challenged decision. Also see, *Bennett v. City of Dallas*, 17 Or LUBA 450, aff'd > 96 Or App 645 (1989). In that case it was held that for plan goals and policies to be applicable, their language or context must indicate that they were intended to operate as approval standards. The City Council concludes that only the following goals and policies (addressed below) were intended to function as approval criteria for comprehensive plan map (GLUP) amendments and all others are held to be inapplicable and do not constitute a burden for an applicant. The below cited goals and policies are followed by the conclusions of law of the Council.

ECONOMIC ELEMENT

Goal 2: Assure an adequate commercial and industrial land base to accommodate the types and amount of economic development and growth anticipated in the future, while encouraging efficient use of land and public facilities within the city.

Policy 1-5: The City of Medford shall assure that adequate commercial and industrial lands are available to accommodate the types and amount of economic development needed to support the anticipated growth in employment in the City of Medford and the region.

Implementation 1-5(b): Reduce projected deficits in employment lands by changing GLUP Map designations within the existing Urban Growth Boundary.

Policy 1-6: The City of Medford shall maintain a competitive Short-Term (five-year) supply of employment land equal to at least one-quarter (25%) of the amount of land projected to be demanded over the twenty-year planning horizon.

Discussion; Conclusions of Law (continued): As noted in the Findings of Fact in Section IV, the plan Economic Element observes there to be a substantial *deficiency* in vacant land for commercial/employment enterprises amounting to over 250 acres. Amending the designation of this property to *Service Commercial* will help reduce the deficiency by adding property suitable for office and service commercial uses and/or for a senior retirement housing (all of which are permissible in Medford's C-S/P zone). As noted above, the proposed GLUP amendment will increase the efficient use of land within the City by converting land in another category to supply needed *Service Commercial* employment land. The Council observes that although there is also an existing shortfall of Urban Residential land, based upon the comprehensive plan, the shortages of Commercial land are more acute. Based upon the foregoing findings of fact and conclusions of law, the City Council concludes that this application is consistent with the requirements of Economic Element Goal 2, Policy 1-5 and Policy 1-6.

PUBLIC FACILITIES ELEMENT

General Section

Goal 2: To assure that land use plan designations and the development approval process remain consistent with the ability to provide adequate levels of essential public facilities and services.

Policy 2-A: [Limited Service Area Language Omitted] "Timely provision of essential urban facilities and services" shall mean that such services can be provided in adequate condition and capacity prior to or concurrent with development of the subject area. "Essential urban facilities and services" shall mean sanitary sewers, water systems, stormwater management facilities, and transportation facilities. A determination of minimum adequate service levels for essential urban facilities and services shall be based on the following:

Sanitary Sewers: Sufficient to serve any proposed development consistent with the General Land Use Plan (GLUP) map designation. Sanitary sewer facilities shall be considered adequate if they are consistent with the applicable sewer plan document as interpreted by the City Engineer.

Domestic water: Sufficient to serve any proposed development with a permanent urban domestic water system capable of supplying minimum pressure and volume for projected domestic and fire control needs consistent with the General Land Use Plan (GLUP) designation. Water facilities shall be considered adequate if they are consistent with the applicable water system plan document as interpreted by the Water Commission Manager.

Storm drainage facilities: Sufficient to serve any proposed development consistent with the General Land Use Plan GLUP map designation. Stormwater management facilities shall be considered adequate if they are consistent with the adopted drainage plan document, as interpreted by the City Engineer.

Discussion; Conclusions of Law (continued): The City Council herewith incorporates and adopts its findings of fact and conclusions of law for Comprehensive Plan Amendment Criterion 3 and concludes that there has been demonstrated compliance with Comprehensive Plan Public Facilities Element, Goal 2, Policy 2-A.

For the reasons noted, the Council also concludes that this application is consistent with Comprehensive Plan Amendment Criterion 6.

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***Comprehensive Plan Amendment* - Criterion 7**

(7) All applicable Statewide Planning Goals.

Discussion; Conclusions of Law: The proposed comprehensive plan map amendment is required to comply with the applicable goals and policies of the comprehensive plan. Medford's LCDC-acknowledged comprehensive plan addresses the state goals. That is, the State of Oregon has found the city's comprehensive plan to be consistent with the Statewide Planning Goals (and the relevant administrative rules in OAR Chapter 660 that implement the Goals). To the extent that any Statewide Planning Goals or implementing administrative rules operate as approval standards in the context of this post-acknowledgement plan amendment, it is in required compliance with applicable provisions of OAR 660-0012 (the "Oregon Transportation Planning Rule"). The standards in OAR 660-0012 are addressed separately below under Criterion 8, the findings of fact and conclusions of law for which are herewith incorporated and adopted.

Based upon the foregoing, the Council concludes that the scope and nature of the proposed change is minor, such that it will not violate any of the applicable Statewide Planning Goals nor it's implementing administrative rules and no party has contended otherwise. Therefore the Council concludes that the application is consistent with Comprehensive Plan Amendment Criterion 7.

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***Comprehensive Plan Amendment* - Criterion 8**

OREGON TRANSPORTATION PLANNING RULE

Oregon Administrative Rules Chapter 660, Division 12
Section 660-012-0060
Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.

(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if the provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards.

Discussion; Conclusions of Law: The City Council takes note of the Exhibit 10 Traffic Impact Analysis prepared by Southern Oregon Transportation Engineering, LLC and its summary conclusions which are reported in the Findings of Fact in Section IV. The Traffic Impact Analysis (TIA) was "scoped" by the City in accordance with the MLDC and traffic impacts scenarios examined. The first examination dealt with traffic impacts if the applications are not approved (the "no-build" scenario) and a scenario that includes traffic if the applications are approved. Both scenarios were examined in the prescribed present term and the prescribed future year. The TIA examined the impacts upon the operations of nine surrounding intersections, tracking traffic until fewer than 25 p.m. peak hour vehicle trips occur (in accordance with the comprehensive plan and MLDC). The TIA demonstrates that all affected streets and their intersections operate within the City's acknowledged standard — Level of Service (LOS) 'D,' including the Future Year 2023 under the "build" scenario. *See*, Exhibit 10, Table 13. The Exhibit 10 TIA also examined traffic safety and traffic queuing to address the potential development impacts to the surrounding area and finds no unusual or unacceptable impacts to traffic queuing or safety and the Council concludes that none exist.

As explained in Exhibit 10, the Traffic Impact Analysis was undertaken to address issues of compliance with the Oregon Transportation Planning Rule (TPR) in Oregon Administrative Rules (OAR) Chapter 660, Division 012 and requirements of the City of Medford. With respect to the Oregon Transportation Planning Rule (addressed here as Comprehensive Plan

Amendment Criterion 8, and based upon the Exhibit 10 Traffic Impact Analysis and the findings of fact in Section IV the Council concludes that the comprehensive plan map amendment will not significantly affect any existing or planned transportation facility when measured in the ways required by Medford's acknowledged comprehensive plan and MLDC. Therefore, the Council concludes that the instant land use applications are consistent with relevant provisions of the Oregon Transportation Planning Rule at OAR 660-012-0060 addressed hereinabove as Comprehensive Plan Amendment Criterion 8.

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City of Medford Zone Change Approval Criteria
Medford Land Development Code (MLDC) 10.227

MLDC 10.227 ZONE CHANGE CRITERIA

The approving authority (Planning Commission) shall approve a quasi-judicial zone change if it finds that the zone change complies with subsections (1) and (2) below:

Zone Change Criterion 1

(1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.

Conclusions of Law: Before proceeding with the substance of this criterion, the City Council notes that in Section III, the clearly inapplicable standards contained in MLDC 10.227 are omitted in reciting Zone Change Criterion 1. The provisions thus omitted involve the "locational criteria." These are specific as to zoning district and the City Council concludes that there are no locational criteria which apply for zone changes to C-S/P.

The substantive provisions Criterion 1 as relate to this zone change is twofold: consistency with Medford's Transportation System Plan (TSP) and with consistency with the General Land Use Plan Map.

Regarding Medford's Transportation System Plan, the Council concludes that the Exhibit 10 Traffic Impact Analysis was properly undertaken pursuant to provisions in the comprehensive plan and MLDC which govern the conduct of traffic impact analysis. The Council further concludes that it has evaluated the proposed zone change (and plan map amendment) against the relevant requirements of the Oregon Transportation Planning Rule in OAR 660-012-0060 (addressed hereinabove as Comprehensive Plan Amendment Criterion 8) the findings of fact and conclusions of law for which are herewith incorporated and adopted. These show that this zone change (and its related comprehensive plan map amendment) is consistent with both the City of Medford Transportation System Plan (TSP) and Oregon Transportation Planning Rule. Moreover, the MLDC serves to implement the TSP and additional linkages to transportation reside in MLDC 10.227(2) addressed hereinbelow as Zone Change Criterion 2, the findings of fact and conclusions of law for which are also herewith incorporated and adopted.

Regarding consistency with the General Land Use Plan (GLUP) Map, the Council concludes that the application is a contemporaneously proposed comprehensive plan map amendment and zone change. If the subject property's GLUP map designation is changed to *Service Commercial* on the GLUP Map, the sought C-S/P zoning is then, in all respects, consistent with the subject property's proposed *Service Commercial* GLUP Map.

Therefore and based upon the foregoing findings of fact and conclusions of law, the City Council concludes that this application is consistent with the requirements of Zone Change Criterion 1.

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Zone Change Criterion 2

(2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.

(a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.

(b) Adequate streets and street capacity must be provided in one (1) of the following ways:

(i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or

(ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or

(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one (1) proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs:

(a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two (2) years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or

(b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

(iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.

(c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction or covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:

(i) Restriction of uses by type or intensity, however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future

development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,

(ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,

(iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

Discussion; Conclusions of Law: The City Council concludes that the requirements of Zone Change Criterion 2 consist of several facets and subparts. These deal with public sanitary sewer, water, storm drainage and streets/transportation and their respective ability to accommodate the zone change in ways further set out in the criterion. As such, the Council tackles the four Category 'A' public facilities as follows:

Storm Drainage. Storm drainage has been examined by qualified civil engineers Construction Engineering Consultants (CEC) Inc.[11] licensed in Oregon. The CEC Engineering analysis of storm drainage is in Exhibit 13 (and summarized in the findings of fact in Section IV). This evidence shows that storm drainage facilities are already adequate in condition, capacity and location to serve the property with the permitted uses allowed under the proposed C-S/P zoning.

Sanitary Sewer. On recommendation of representatives of the Public Works Department, sanitary sewer service was similarly studied by civil engineers, CEC Engineering and its analysis is in Exhibit 12. The evidence shows there to be existing 8-inch sanitary sewer lines within the rights-of-way of Corona Avenue and Covina Avenue upon which the subject property fronts; these flow into a 10-inch line located in Grand Avenue. The lines are located in Sanitary Sewer Drainage Basin D (as shown in the City of Medford Sanitary Sewer Master Plan). Exhibit 12 (as summarized in the findings of fact in Section IV) shows that while some sanitary sewers serving the property are near capacity, none have reached capacity in the way capacity is required to be measured in the adopted Sanitary Sewer Master Plan. Exhibit 12 further concludes that with the additional sanitary flow (that would be produced by this zone change). Also worth noting and the Council concludes that both sanitary sewer and storm drainage were evaluated based upon Applicant's intended use of the property for medical offices and retirement housing, both of which are uses that commonly locate within the City's C-S/P zone and which are representative of the various uses permitted in that zone. Based upon the foregoing, the Council agrees with CEC Engineering and concludes that under the terms of the Medford Sanitary Sewer Master Plan (2005), the sanitary sewers that serve this property are adequate, and pipe replacement is not required. As such, the Council concludes that the property can be served by existing sanitary sewers sufficient to accommodate the uses which are permitted under the proposed C-S/P zone. If, by the time building permits are sought, the sanitary sewer system serving the property reaches capacity, no building permits can or would be approved until steps are taken to add additional capacity to the system. In such event,

[11] Construction Engineering Consultants (CEC) Inc. are civil engineers licensed in Oregon, who routinely practice in Medford and who are qualified to express an expert opinion on matters related to the capacity of Medford's public sanitary sewer and storm drainage lines.

Applicant might be required to participate financially in system upgrades, although and again the same is not required at this time.

Water Facilities. From the evidence it is clear and the City Council concludes that public water facilities supplied by the Medford Water Commission are presently available to the property and adequate to serve it for the uses permitted in the C-S/P zone. The property is concluded to lie within two pressure zones, as explained in the findings of fact in Section IV. While water service is believed to be feasibly be taken from either or both Corona and Covina Avenues, if the canal must be crossed, the same can be undertaken at reasonable cost. As such, the Council concludes that public water facilities are available (or can and will be provided/improved) to serve the potential uses permitted by C-S/P zoning.

Streets and Street Capacity; Transportation Safety. The findings of the traffic impact analysis in Exhibit 10 conclude that the proposed zone change and comprehensive plan map amendment for the subject property can be accommodated on the existing transportation system without impacts that cause any streets or intersections (which serve the property) to operate outside of the standards established in the comprehensive plan.

Discussion and Conclusions of Law Continued: Based upon the foregoing findings of fact and conclusions of law, the Council concludes that the application is consistent with the requirements of Zone Change Criterion 2 and it is unnecessary in this instance to impose any special development conditions as the same are not needed because the named public facilities that serve the subject property have been found to be adequate to support the potential uses allowed in the City's C-S/P zone.

VI

ULTIMATE CONCLUSIONS

Based upon the foregoing findings of fact and conclusions of law, the City Council ultimately concludes that the criteria prerequisite to changing the designation of the subject property from *Urban Residential* (UR) to *Service Commercial* (CM) have been substantiated for each of the relevant criteria enumerated herein above as Comprehensive Plan Amendment Criterion 1 through 8. Additionally the City Council ultimately concludes that the criteria prerequisite to changing the zone of the subject property from *SFR-4* to *C-S/P* have been substantiated for each of the relevant criteria enumerated herein above as Zone Change Criterion 1 and 2. As such, the application has been determined to conform to all of the relevant substantive approval criteria of the City of Medford and the State of Oregon. Therefore, the Council orders that the application be and the same hereby is approved, and that the official City of Medford General Land Use Map shall be amended for the subject property identified as Map 37-1W-19AB, tax lots 1700 and 1800, 2100, 2200 and 2201 and surrounding right-of-way to the *Service Commercial (CM)* GLUP map designation, and, that the official City of Medford Zoning Map shall be changed for the above identified parcels and (adjacent right-of-way) to *C-S/P*.

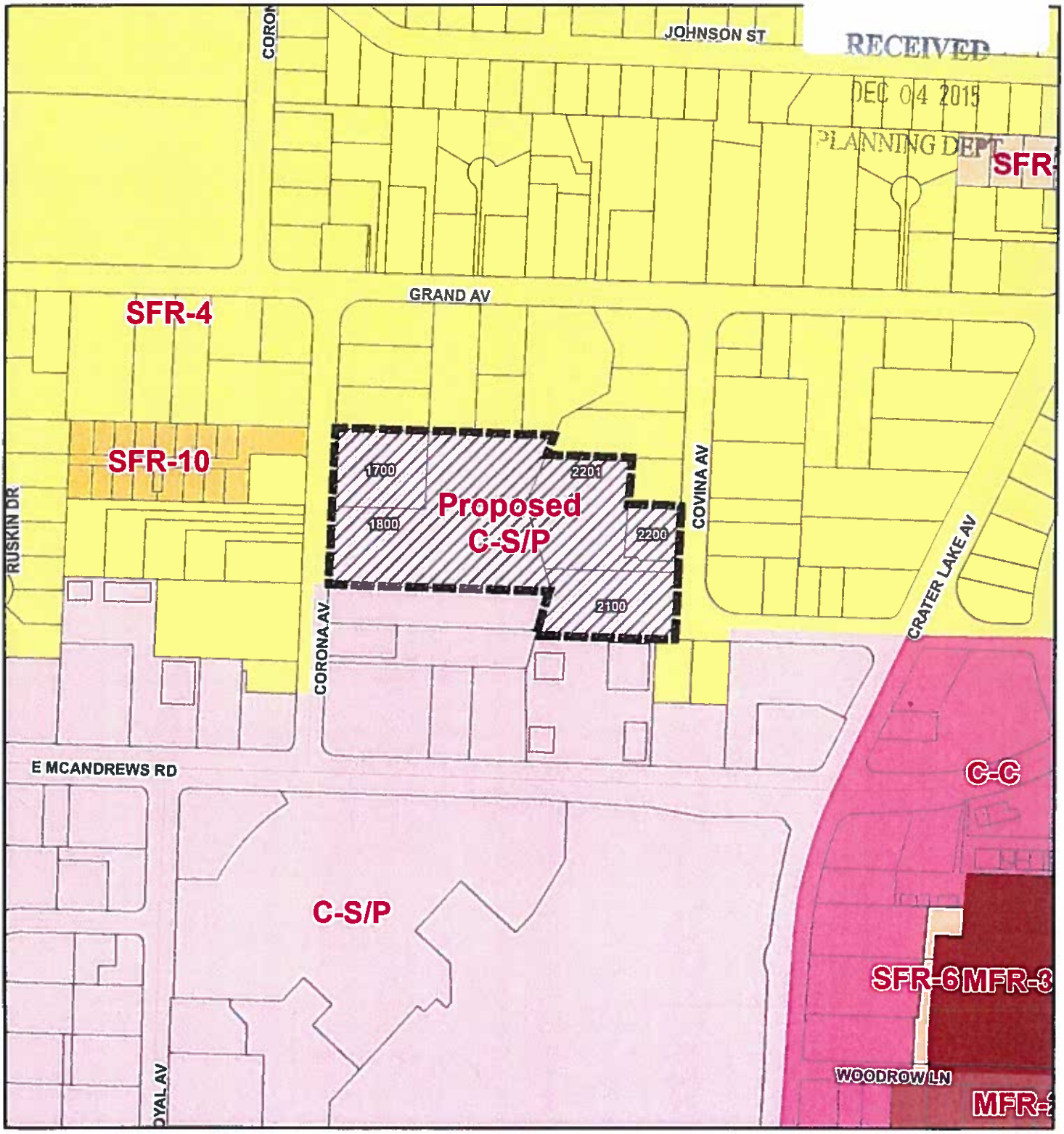
Respectfully submitted on behalf of Applicant HATH, LLC:

CSA PLANNING, LTD.

Craig A. Stone
President

Dated: December 3, 2015

Exhibit D
Proposed Zoning Map



Proposed Zoning

- C-C
- C-S/P
- MFR-20
- MFR-30
- SFR-10
- SFR-4
- SFR-6
- Subject Property
- Tax Lots

Proposed Zoning Map

Plan Amendment & Zone Change
Hath, LLC

N W E S

CITY OF MEDFORD
EXHIBIT # D
File # CP-15-163/ZC-15-164

300 150 0 300 Feet

8-31-2015

Exhibit E
Public Works Report

RECEIVED
FEB 02 2016
PLANNING DEPT.

Continuous Improvement Customer Service

CITY OF MEDFORD

LD Date: 1/27/2016
File Number: CP-15-163/ZC-15-164

PUBLIC WORKS DEPARTMENT STAFF REPORT
HATH GLUP Map & Zone Change

Project: **Request for a minor general land use plan map amendment from Urban Residential (UR) to Service Commercial (SC) and a zone change from SFR-4 (Single Family Residential, four dwelling units per gross acre) to C-S/P (Service Commercial and Professional Office) for 5.72 acres.**

Location: **Located between Corona Avenue and Covina Avenue; and between East McAndrews Road and Grand Avenue.**

Applicant: **HATH LLC., Applicant (CSA Planning Ltd, Agent). Jennifer Jones, Planner.**

The Medford Land Development Code (MLDC), Section 10.227 (2) requires a zone change application demonstrate Category 'A' urban services and facilities are available or can and will be provided to adequately serve the subject property. The Public Works Department reviews zone change applications to assure the Category 'A' urban services and facilities under its jurisdiction meet those requirements. The Category urban services and facilities the Public Works Department manages are sanitary sewers within the City's sewer service boundaries, storm drains, and the transportation system.

I. Sanitary Sewer Facilities

The subject area lies within the City of Medford Sewer Service area. There are existing 8 inch sanitary sewer mains in Corona Avenue and Covina Avenue. It is not clear where the existing buildings on the subject area are connected. There is capacity in the existing sanitary sewer system to allow this zone change.

II. Storm Drainage Facilities

The subject area lies within the Bear Creek East Drainage Basin. These properties drain generally east to west, with the lowest area of the subject area at the westerly edge of the subject frontage. The City of Medford has existing storm drain facilities in the area. The subject area

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION
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MEDFORD, OREGON 97501
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CITY OF MEDFORD
EXHIBIT # E
File # CP-15-163/ZC-15-164

would be able to connect to these facilities at the time of development. Development of the subject area will require storm drainage detention and water quality improvements in accordance with Sections 10.486 and 10.729 of the Municipal Code.

III. Transportation System

On December 4th, 2015, Public Works received a Traffic Impact Analysis (TIA) dated June 10, 2015. The subject of the TIA is a zone change application from SFR-4 to C-S/P on five lots (371W19AB lots 1700, 1800, 2100, 2200, and 2201; totaling 5.83 acres) between Corona Ave and Covina Ave, generally north of McAndrews Road. The TIA reports that the development is expected to generate 2,915 trips, with 292 trips in the P.M. peak hour. According to our review of their analysis, the proposed development will not significantly impact the surrounding street system facilities. There are therefore no conditions of approval imposed by the Traffic Engineering section.

At the time of future land division or development permit, Public Works may require additional right-of-way and public utility easement (PUE) dedications and will condition the developer to improve their street frontage to the City's current standards. Improvements shall include paving, drainage, and curb, gutter, street lighting, sidewalk, and planter strips.

Prepared by: Jodi Cope/Doug Burroughs

The above report is based on the information provided with the Zone Change Application submittal and is subject to change based on actual conditions, revised plans and documents or other conditions. A full report with additional details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection shall be provided with a Development Permit Application.

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Exhibit F

Medford Water Commission Memo

RECEIVED
JAN 27 2016
PLANNING DEPT.

MEDFORD WATER COMMISSION

BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

FROM: Rodney Grehn P.E., Water Commission Staff Engineer

SUBJECT: CP-15-163 & ZC-15-164

PARCEL ID: 371W19AB TL's 1700, 1800, 2100, 2200, and 2201

PROJECT: Request for a minor general land use plan map amendment from Urban Residential (UR) to Service Commercial (SC) and a zone change from SFR-4 (Single Family Residential, four dwelling units per gross acre) to C-S/P (Service Commercial and Professional Office) for 5.72 acres located between Corona Avenue and Covina Avenue; and between East McAndrews Road and Grand Avenue; HATH LLC., Applicant (CSA Planning Ltd, Agent). Jennifer Jones, Planner.

DATE: January 26, 2016

I have reviewed the above plan authorization application as requested. Conditions for approval and comments are as follows:

COMMENTS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."

2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.

3. The MWC system does have adequate capacity to serve this property.

4. The parcels involved in this "Change of Zone" are located with two (2) of MWC Pressure Zone. Coordination with MWC Engineering staff is required for proposed onsite water lines within the two Pressure Zones.

5. Off-site water facility construction may be required depending on future land development review, and Fire Department requirements.

6. On-site water facility construction may be required depending on future land development review, and Fire Department requirements.

7. MWC-metered water service does exist to this property. There are a total of two (2) ¾-inch water meters that serve existing homes located at 1215 and 1235 Covina Avenue. There is one (1) ¾-inch water meter that serves water to the existing home located at 1234 Covina Avenue.

8. Access to MWC water lines for connection is available. There is a 4-inch water line in Covina Avenue within MWC's "Gravity Pressure Zone", and a 8-inch water line in Corona Avenue within MWC's "Reduced Pressure Zone:".

CITY OF MEDFORD
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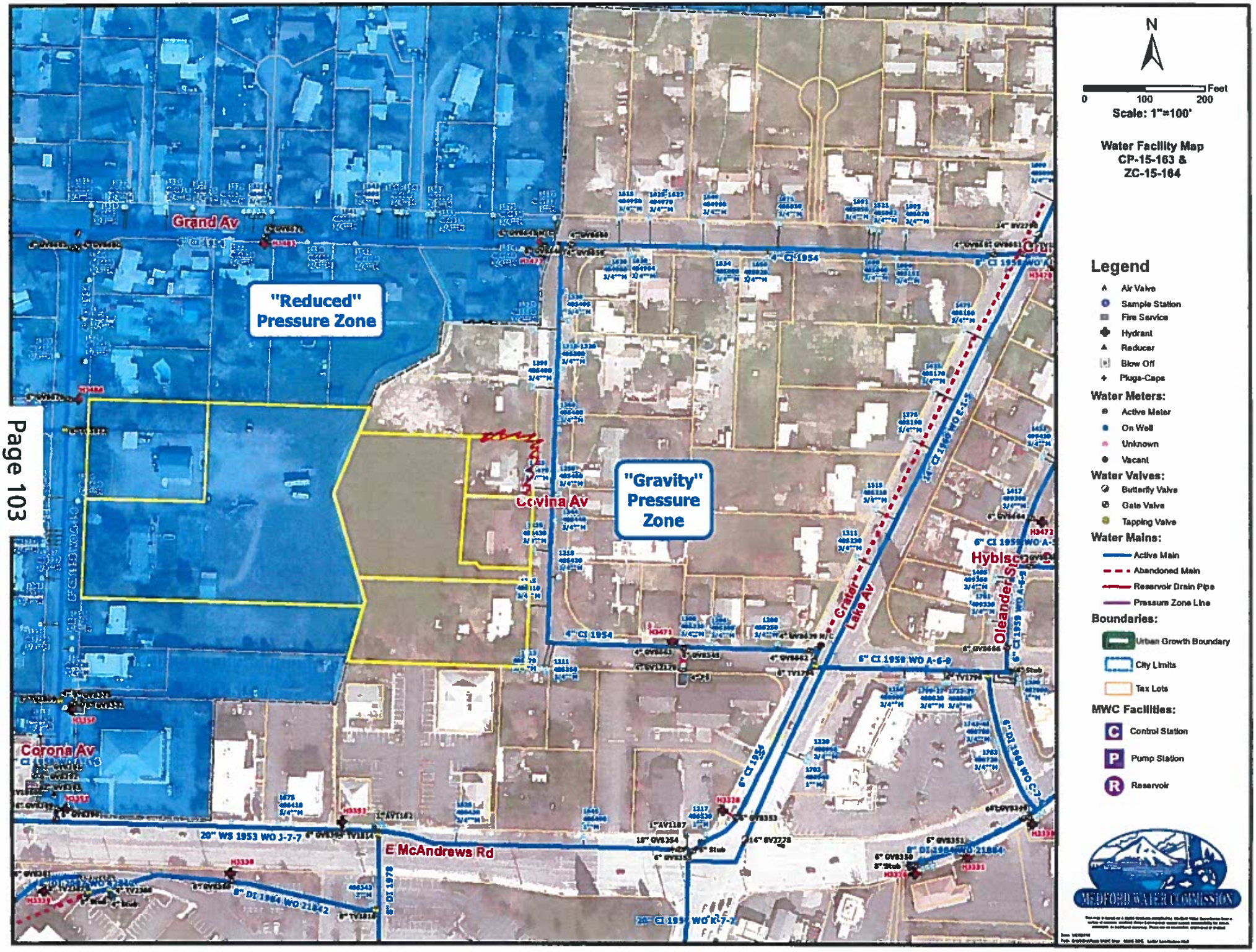


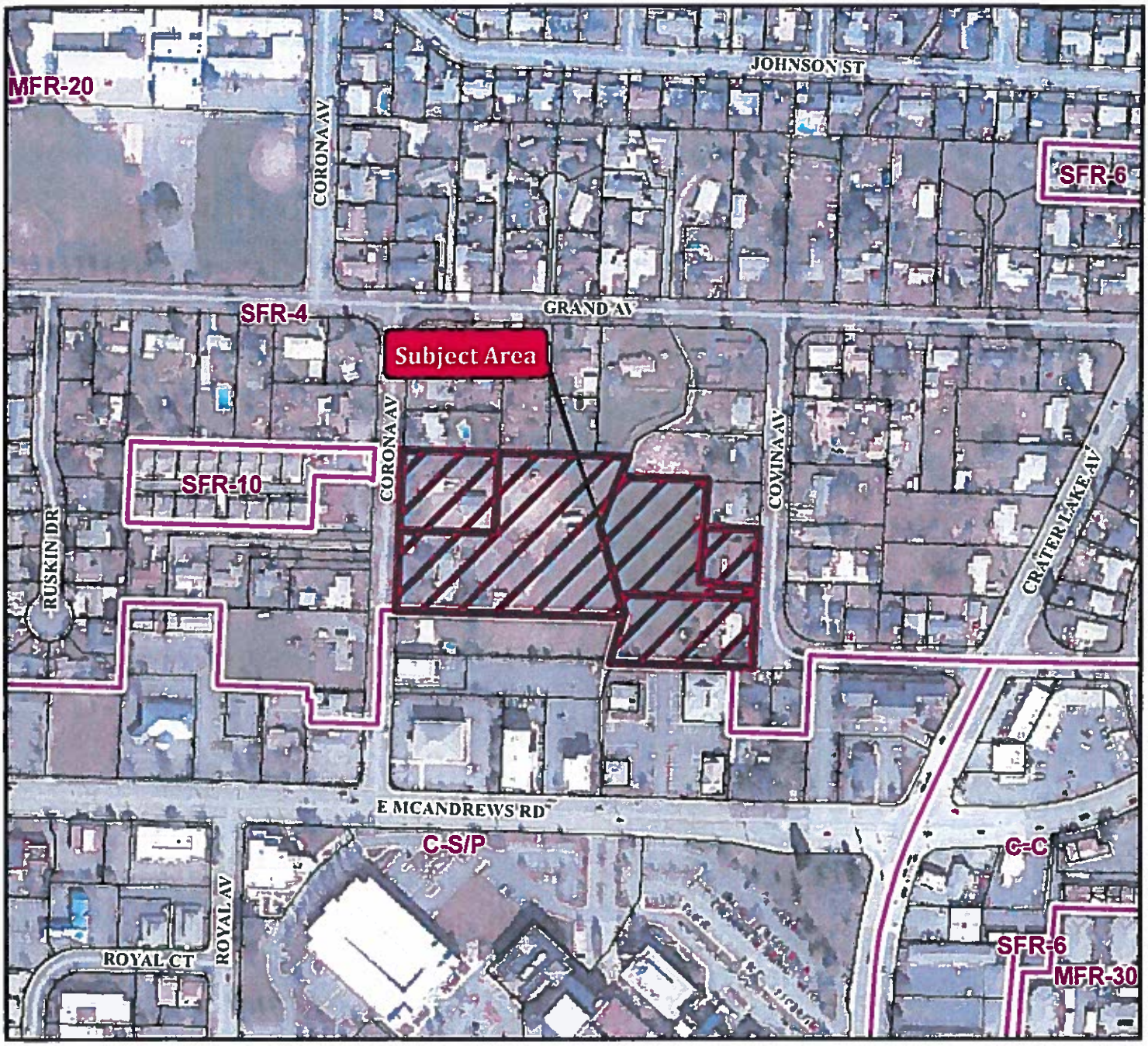
N
Feet
0
100
200
Scale: 1"=100'
Water Facility Map
CP-15-163 &
ZC-15-164
Legend
Air Valve
Sample Station
Fire Service
Hydrant
Reducer
Blow Off
Plugs-Caps
Water Meters:
Active Meter
On Well
Unknown
Vacant
Water Valves:
Butterfly Valve
Gate Valve
Tapping Valve
Water Mains:
Active Main
Abandoned Main
Reservoir Drain Pipe
Pressure Zone Line
Boundaries:
Urban Growth Boundary
City Limits
Tax Lots
MWC Facilities:
Control Station
Pump Station
Reservoir
MEDFORD WATER COMMISSION
"Reduced" Pressure Zone
"Gravity" Pressure Zone
Grand Av
Covina Av
Corona Av
Crater Lake Av
Oleander St
E McAndrews Rd
4" CI 1954
6" CI 1959 WO A-6-9
20" WS 1953 WO J-7-7
8" DI 1984 WO 21842
8" DI 1978

City of Medford

Planning Department

Vicinity Map

File Number:
CP-15-163 & ZC-15-164



Project Name:
Hath, LLC - GLUP Map Amendment & Zone Change

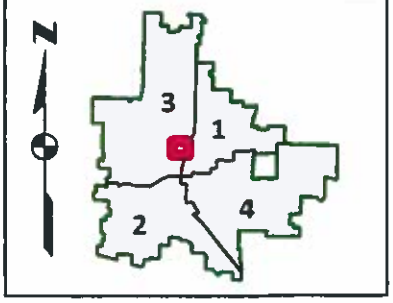
Map/Taxlot:
371W19AB TL's 1700, 1800, 2100, 2200 & 2201

0 250 500 Feet

12/11/2015

Subject Area

Medford Zoning

Tax Lots

Medford UGB with Wards