

PLANNING COMMISSION STUDY SESSION AGENDA JULY 13, 2020



MEDFORD
OREGON

Commission Members

David Culbertson

Joe Foley

David Jordan

Bill Mansfield

David McFadden

Mark McKechnie

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Jared Pulver

Jeff Thomas

Planning Commission study sessions are held on the second and fourth Mondays of every month

Study Sessions begin at noon

City of Medford

To comply with Governor Brown's stay at home order, study sessions will be conducted via the internet. To join Webinar: , <https://us02web.zoom.us/j/88369028750> Meeting ID: 883 6902 8750. For telephone: US: +1 669 900 6833 or +1 346 248 7799 or +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782.

PLANNING COMMISSION STUDY SESSION AGENDA



MEDFORD
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July 13, 2020

Noon

Zoom Virtual Meeting

Virtual Meeting information

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10. Introductions

20. Discussion Item

20.1 DCA-20-127 Pad Lot and Multi-Family Development Standards

30. Adjournment



MEMORANDUM

To: Planning Commission
From: Kyle Kearns, AICP, Planner II | Long Range Planning
Date: July 09, 2020 *for 07/13/2020 study session*
Subject: DCA-20-127 – Pad Lot and Multi-Family Development Standards

BACKGROUND

Planning staff has continued drafting development code amendments to implement regulatory changes proposed by the 2017 Housing Advisory Committee, adopted by Council in 2018. Exhibit A proposes implementing the following recommendations:

- #24 Review lot sizes for multi-family residential
- #27 Increase building height in multi-family zone
- #32 Allow pad lot development for multi-family residential

In reviewing how to achieve the above regulatory reforms, staff first reviewed materials provided by Opticos and EcoNorthwest; these items were used to address HAC recommendations #24 & #27. Both Eco and Opticos – planning and architecture firms, respectively – provided specific guidance on how development standards could be altered to achieve a greater diversity of housing types in Medford. The HAC has reviewed items provided by the aforementioned firms at previous meetings. HAC item #32 was prepared by researching past ordinances in the City of Medford and other municipalities. The proposed amendment (Exhibit A) is intended to create additional housing types in the residential zoning districts that allow attached housing of 3 or more units.

Direction Sought Today

Prior to establishing a public hearing schedule and reaching out to the local development community, staff is seeking direction from the Planning Commission. Does the Commission support the proposal? Does the Commission want to see any changes made? Lastly, does the Commission want to schedule an additional study session before the public hearings are scheduled and outreach begins?

PROPOSAL SUMMARIZED

Below is a brief summary of the proposed Medford Land Development Code (MLDC) amendments, Exhibit A:

10.012 Definitions, Specific

Amending condominium reference and defining what a pad and parent parcel are. Parent parcel is currently referenced within the MLDC, without a definition in 10.012. Parent parcels contain pads (pad lots), making up a pad lot development (already defined).

Article II Changes (10.108, 10.110, 10.142, 10.162, 10.168, 10.171, 10.202,

To clarify the process for which a pad lot development is reviewed (i.e. the creation of pad lots), staff is proposing a Pad Lot Development Tentative and Final Plat process. The land use review process for a land division associated with a pad lot development is set as a Type II administrative review, with the Planning Director as the approving authority. The justification for a Type II review as opposed to a Type III is that a Site Plan and Architectural Review, Cottage Cluster review or other land use review is required prior to applying for a pad lot development.

A pad lot development is intended to divide up ownership of individual pads associated with other land use actions. The criteria for a land division associated with a pad lot development has no discretion and is proposed as a prescriptive process within MLDC.

10.702 Lot Area and Dimensions

Housekeeping, no substantive change.

10.703 Pad Lot Development

Amended the pad lot standards (MLDC § 10.703) to include the duplex and multi-family dwelling housing types. As proposed, pads are to be within 10 feet of the building wall and to include eaves, patios, porches, private open space. For commercial uses, the approving authority may allow a pad greater than 10 feet from the exterior wall as needed.

10.714 Multi-Family Dwellings

Items proposed within this section are aimed at enabling smaller lot sizes, with taller and larger building sizes to enable existing densities to be maximized. Proposed changes are only for the zones that allow attached housing types of three or more units, these zones include the SFR-10, MFR-15, MFR-20 and MFR-30 zones. Standards proposed to change are as follows:

Lot Area (square feet): SFR-10 (15,000>5,400) | MFR-15 (9,000>4,000) | MFR-20 & 30 (8,000>5,000).

Maximum coverage: Increase MFR-15, MFR-20, MFR-30 from 50% to 60%, 65% and 70%, respectively. SFR-10 to remain 50%.

Interior Lot Width: Decrease from 80 feet for all zones to 36, 55 and 60 for the SFR-10, MFR-15, and MFR-20 & 30 zones, respectively.

Minimum Corner Lot Width: Removing, allowing lot depth to manage this dimension.

Minimum Lot Depth: SFR-10 Lot depth from 120 feet to 100; MFR zones from 100 to 85 feet.

Front Yard Setback: Reduced from 20 feet to 10.

Street Side Yard Setback: Made consistent for all ,10 feet, (kept at 20 ft. for vehicular entrance)

Side Yard Setback: Reduced from 10 to 8 in the SFR-10 zone, made 5 feet across all MFR zones (regardless of building height).

Rear Yard Setback: Reduced from 20 to 5 in SFR-10 zone; made 5 feet in all MFR zones, 10 feet if abutting a collector or arterial road.

Maximum Building Height: Increased from 35 feet in all zones to 45, 55, and 65 in the SFR-10 & MFR-15, MFR-20 and MFR-30 zones, respectively.

CONCLUSION

Allowing for smaller, residential lots has been a tool implemented by cities in regards to addressing housing availability and affordability. The underlying principle in allowing for smaller residential parcels, per the suggested regulatory strategies from EcoNorthwest, is that it allows for increased density and lower housing cost through increased supply potential. Eco goes on to state in a technical memorandum provided to the City that, “Small lots also provide expanded housing ownership opportunities to broader income ranges and provide additional variety to available housing types.”

Below (on the next page) is a table of comparable municipalities and their minimum lot area required by municipal code for attached (3 or more units) residential dwellings. If you compare the researched average to Medford’s existing multi-family zones (i.e. blue columns), it is clear that Medford’s site development standards for multi-family residential housing are large, thus restricting lot potential for additional unit types.

Minimum lot area, in square feet (sq. ft.) for Comparable Zones in Applicable Cities								
Medford Zone	Medford (Existing)	Bend	Grants Pass	Central Point	Hillsboro	Ashland	Eugene	Average w/o Medford
SFR10	15,000	4,000	5,000-5,500	6,000	4,500	5,000	4,500	4,833
MFR-15	9,000	4,000	5,000	6,000	9,000	9,000	4,500	6,250
MFR-20	8,000	4,000	5,000	6,000	6,000	9,000	4,500	5,750
MFR-30	8,000	None	5,000	6,000	6,000	8,000	4,500	4,917

With large lot area minimums, among other dimensions, Medford’s development standards inadvertently set the development standards higher than what the local housing market could otherwise produce. This starkness would be most evident in the SFR-10 and MFR-15 zones, often closer to detached residential neighborhoods, where the average lot size for detached housing may be closer to 4,000-6,000 square feet. Therefore, by requiring larger lots for multi-family development, the scale to which a multi-family development needs to occur in Medford is larger than what would be required for smaller, “house-scale” development. Opticos defined in a report provided to the City that “house-scale” development are “...buildings [that] can be easily fit into a single-family neighborhood and typically have a building length or width of around 40 to 60 feet.” Reducing the lot minimums in the SFR-10 and MFR-15 zone should be prioritized over the MFR-20 and MFR-30 zone.

In reducing the minimum development standards for multi-family residential development, future development will be able to better utilize smaller lots throughout the City of Medford while being better able to design within the existing character of established, single-family neighborhoods. Additionally, creating a process to create small, individual pad lots for each unit to reside on is an additional tool to reducing the area needed for dwelling units. The pad lots would then create broader financing opportunities by enabling multiple financiers in an attached housing development and expand homeownership opportunities for attached housing types.

For additional information on increasing development potential for residential dwelling units, the non-profit “Strong Towns” has produced materials on the specific topic. Strong Towns is an advocacy organization aimed at educating on the “Strong Town approach” and how to build resultant communities. Housing is a frequent subject reviewed by the organization and below are articles that relate to DCA-20-217. As reviewed in the article titled *The 5 Immutable Laws of Affordable Housing*, Strong Towns member Spence Gardnet listed several strategies for achieving housing affordability, including reducing minimum lot sizes. For additional content see the below articles (see next page).

The 5 Immutable Laws of Affordable Housing

<https://www.strongtowns.org/journal/2017/12/11/immutable-laws-of-affordable-housing>

Legalizing More Homes: It Matters How You Do It

<https://www.strongtowns.org/journal/2019/1/23/legalizing-more-homes-it-matters-how-you-do-it>

DIRECTION SOUGHT

Prior to establishing a public hearing schedule and reaching out to the local development community, staff is seeking direction from the Planning Commission. Does the Commission support the proposal? Does the Commission want to see any changes made? Lastly, does the Commission want to schedule an additional study session before the public hearings are scheduled and outreach begins?

NEXT STEPS

- Gather feedback on the proposal from the Housing Advisory Commission in August
- Schedule hearings before the Planning Commission and City Council for Fall 2020 (unless otherwise directed)

EXHIBITS

A Proposed Text DCA-20-127

ARTICLE I - GENERAL PROVISIONS

* * *

10.012 Definitions, Specific.

When used in this chapter, the following terms shall have the meanings as herein ascribed:

* * *

Condominium. A type of ownership of units, and common ownership of open space and other facilities, and which is regulated by ORS 100.

Condominium unit. A part of the ~~property~~ condominium consisting of a building or one or more rooms occupying one or more floors of a building or a part or parts thereof, intended for any type of independent ownership, the boundaries of which are described pursuant to ORS ~~94.029(1,e)~~ 100 and with direct exit to a public street or to a common area or areas leading to a public street.

* * *

Pad Lot Development. A type of land division that ~~provides~~ creates ~~tax~~ lots within and/or adjacent to a common area where the lot-lines of ~~such tax~~ pad-lots are located near and/or adjacent to common or exterior building walls, shared or private open spaces, patios, porches yards, eaves and other building projections.

Pad/pad lot. An individual parcel (i.e. lot) created from a pad lot development, not the parent parcel. Pad lots are not considered condominium’s per ORS Chapter 100.

:

Parent Parcel. The lot or parcel from which individual condominiums, cottages or pad lots share common space or ownership with.

* * *

ARTICLE II - PROCEDURAL REQUIREMENTS

* * *

Table 10.108-1. Land Use Review Procedures				
Land Use Review Type	Procedural Type	Applicable Standards	Approving Authority	Subject to 120 Day Rule (ORS 227.178)?
*	*	*	*	*
<u>Tentative Plat, Pad Lot Development</u>	<u>II</u>	<u>10.XXX</u>	<u>Planning Director</u>	<u>Yes</u>
Tentative Plat, Partition	II	10.170	Planning Director	Yes
Tentative Plat, Subdivision	III	10.202	Planning Commission	Yes

* * *

10.110 Designation and Duties of Approving Authorities.

* * *

(Q) Planning Director Authority. The Planning Director is hereby designated as the approving authority for Type I and II land use reviews as well as issuance of the Development Permit. This

includes the following land use reviews:

Land Use Review

De Minimis Revision(s) to Approved PUD Plan

Final PUD Plan

Final Plat, Pad Lot Development, Partition, ~~&~~ Subdivision

Major Modifications to Site Plan and Architectural Review

Minor Historic Review

Minor Modification to Conditional Use Permit

Minor Modification to a Park Development Review

Minor Modification to Site Plan and Architectural Review

Nonconformities

Pre-Application

Property Line Adjustment

Riparian Corridor Reduction or Deviation

Site Plan and Architectural Review (SPAR) – Type II

Sign Permit

Tentative Plat, Pad Lot Development

Tentative Plat, Partition

Wireless Communication Facilities in Public Right-of-Way

* * *

10.142 Type I Land Use Actions.

Type I land use actions comprise the following land use reviews:

Type I Land Use Actions

De Minimis Revision(s) to an Approved PUD Plan

Final PUD Plan

Final Plat, Pad Lot Development, Partition, ~~&~~ Subdivision

Minor Historic Review

Minor Modification to Conditional Use Permit

Minor Modification to a Park Development Review

Minor Modification to a Site Plan and Architectural Review

Nonconformities

Pre-Application

Property Line Adjustment

Riparian Corridor Reduction or Deviation

Sign Permit

Wireless Communication Facilities in Public Right-of-Way

* * *

10.162 Pad Lot Development, Subdivision and Partition Final Plats.

(A) Final Plat Approval Required.

No person shall cause or permit the sale or development of any real property under their ownership or control, nor shall any development permit be issued for such development, until final approval therefor has been granted by the Planning Director in accordance with this chapter, and an approved final plat has been recorded with the Jackson County Recorder. The requirements of this section shall not be applicable to any of the following which are exempt from such provisions:

- (1) Where final plat approval for the identical lot or site has been previously obtained from the City within 10 years prior to the date of application for a building permit, in accord with such ordinance requiring plat approval which was in effect at that time, and such final plat is of record evidencing such plat approval;
- (2) Developments made solely for the purpose of opening or widening a public street or alley, or those involving conveyance, transfer, access, sewer, water, or public utility, provided that no partitions or parcels of land are created other than those directly caused by such action.
- (3) Developments made solely because of the acquisition of lands by government agencies for freeways, parks, public buildings, flood control channels, or other public purposes, or for the sale of minor remnant parcels by such agencies to adjacent property owners where such land involved in the sale is not designated in the City's Comprehensive Plan as a recreational facility. In connection with the sale of any such minor remnant parcel, the person acquiring the property shall consolidate the acquired remnant parcel with his existing contiguous ownership;
- (4) Developments involving land dedicated for cemetery purposes; or
- (5) Developments caused by a conveyance for the purpose of adding land to one parcel by deducting it from another contiguous parcel, where such does not reduce the area of the parcel from which such portion is taken below the minimum area, frontage, width or depth prescribed for the zoning district in which said parcel is located, nor reduce any of the required yard spaces surrounding any structure or use on such parcel below the minimum prescribed for such zoning district.

(B) Final Plats, General.

The form and content of a final plat shall be in accord with the provisions of ORS 92.050 through 92.080, and this code. Final plats not submitted in accord with this code shall not be considered for approval.

(C) Form of Final Plat and Data to Appear Thereon.

Where identified by an "X" in table 10.162-1, the final plat of subdivisions, pad lot developments and partitions shall conform to the following provisions:

Final Plat Form and Data – Table 10.162-1		
Final Plat Provisions	Include on <u>Pad Lot Development & Subdivision Final Plat</u>	Include on Partition Final Plat
* * *		

10.168 Type II Land Use Actions.

(A) Type II actions comprise the following land use reviews:

Land Use Actions

Partition, Tentative Plat

Pad Lot Development, Tentative Plat

Portable Storage Containers

Major Modifications to a Site Plan and Architectural Review

Site Plan and Architectural Review (SPAR)

* * *

10.171 Pad Lot Development, Tentative Plat

(A) Application

The land division associate with a pad lot development is a Type II administrative decision with notice and the Planning Director is the approving authority; cottage cluster developments shall be reviewed as a Type III quasi-judicial decision as identified in Section 10.818A. Final plat for pad lot development is a Type I ministerial action which relies on compliance with the requirements established at the time of tentative plat approval, and on the requirements set forth in Section 10.162.

(B) Application for Pad Lot Development Tentative Plat. See Section 10.202(B).

(C) Form of Tentative Plat and Accompanying Data. See Section 10.202(C).

(D) Pad Lot Development Tentative Plat Approval Criteria.

The Planning Director shall not approve any tentative plat for a pad lot development unless they can determine that the proposed land division, together with the provisions for its design and improvement meet the following:

(1) Is consistent with the standards as outlined in Section 10.703 and as required in the underlying zoning district.

(2) 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;

(3) 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;

(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 partition and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

(E) Expiration of Pad Lot Development Tentative Plat Approval.

Approval of a tentative pad lot development plat application shall take effect on the date the Planning Director's decision is signed, unless appealed, and shall expire two years from the effective date unless the final plat has been approved by the Planning Director pursuant to Sections 10.162. If a request for an extension of a tentative pad lot development plat application approval is filed with the Planning Department within two years from the date of the Planning Director's decision, an extension not to exceed one additional year shall be granted. Extensions shall be based on findings that the facts upon which the tentative pad lot development plat application was first approved have not changed to an extent sufficient to warrant refiling of the application.

* * *

10.202 Subdivision Tentative Plat.

(A) Application.

The subdividing of land shall be subject to the application requirements as herein set forth and shall include both the tentative and final platting requirements. The approval of a tentative plat is a Type II or Type III procedure, with the Planning Director or Planning Commission, respectively, being the approving authority; Type II tentative plats shall include Partitions and Pad Lot Developments and Type III tentative plats shall include Subdivisions. Final plat approval is a Type I ministerial procedure which relies on compliance with the requirements established at the time of tentative plat approval, and on the requirements set forth in Section

* * *

ARTICLE V – SITE DEVELOPMENT STANDARDS

10.702 Lot Area and Dimensions.

Each lot shall have an area, width, frontage, and depth consistent with that prescribed in this Article for the housing type, or commercial or industrial district in which the development, or the portion thereof, is situated, except in the following situations:

(1) Within a planned unit development, a condominium project, as defined by ORS 100.005, or a pad lot development, as defined herein, the approving authority (~~Planning Commission~~) may permit ~~tax~~ lots and common areas to be of an area, width, frontage, or depth different from such prescribed minimum or maximum lot area or dimensions of the underlying zone.

(2) For a condominium project, as defined by ORS 100.005, the minimum lot area and dimensions shall apply to the parent parcel only.

(3) A new residential lot may exceed the maximum lot area only under the following circumstances:

(a) When an existing residence and associated yard area, containing improvements and established landscaping, occupy a larger area; or,

(b) When a portion of the lot is unbuildable for a reason beyond the control of the developer (i.e., due to creeks, oversized easements, etc.), the additional acreage, or fraction thereof, may not exceed the amount of unbuildable area.

* * *

10.703 Pad Lot Development.

~~(A)~~ Purpose. It is the purpose of this Section to provide a process for the creation of lots within a common area ~~for non-residential uses and for certain residential uses~~ as specified below. This Section is not intended to provide relief from the strict standards elsewhere established in this Code.

~~(B)~~ Development Standards.

Pad lot developments shall contain a parent parcel from which pad lots and common area are platted.

~~(1)~~ A residential pad lot development shall ~~only~~ be permitted for the following development types:

(a) Duplex Dwellings pursuant to Section 10.713

(b) Multi-family Dwellings pursuant to Section 10.714.

(c) Cottage Cluster Development pursuant to Section 10.818A.

~~(2)~~ **For non-residential uses**

(a) all lot-lines created within the ~~common areaparent parcel~~ shall be located along a common or exterior building wall, or within ~~four (4)~~ ten (10) feet of an exterior building wall, unless the approving authority (Planning Commission) allows a greater distance for

special purposes.

(b) Pads, at a minimum, shall include building walls and as applicable eaves, patios, porches, and any private open space associated with the commercial unit.

(3) For multi-family and duplex dwellings

(a) All lot lines created within the parent parcel shall be located along a common or exterior building wall, or within ten (10) feet of an exterior building wall.

(b) Pads, at a minimum, shall include building walls and as applicable eaves, patios, porches, and any private open space associated with the dwelling unit.

(4) For Cottage Cluster Developments where the cottage units will be owned in fee simple, all pad lots created within the ~~common areaparent parcel~~ shall include the building footprint, roof eaves, and any required private open space area.

(C) Common Ownership Required

~~(4) All pad lot developments shall obtain Site Plan and Architectural Review approval prior to the tentative plat application being accepted for review by the Planning Commission.~~

~~(5)~~ A pad lot development shall be identified as such on both the tentative and final plats, and on the site plan submitted for the project. At the time of recording of the final plat, Covenants, Conditions, and Restrictions (CC&Rs) shall be approved by the City and recorded. The recorded CC&Rs shall provide:

(a) That the owners are jointly and severally responsible for the continued maintenance and repair of the common elements of the development, such as common portions of buildings, parking areas, access, landscaping, etc., and share ~~equitable~~equitably in the cost of such upkeep.

(b) An association for the purpose of governing the operation of the common interests.

(c) Maintenance access easements on individual lots where necessary for the purpose of property maintenance and repair.

(d) The specific rights of, or limitations on, individual lot owners to modify any portion of a building or lot, including the provision that no common elements be modified without the consent of the association.

(2) Ownership shall include fee simple lots (i.e. pad lot) with an association holding common areas.

(D) Land Use Review

(1) All pad lot developments shall obtain Site Plan and Architectural Approval prior to applying for the tentative plat.

(2) Tentative plat application shall be in accordance with Section 10.171

(E) Planned Unit Developments (PUD). Pad lot developments considered as a part of a PUD (see sections 10.190-10.198) shall not be subject to the standards of 10.703(D).

* * *

10.714 Multiple-Family Dwellings.

The following standards apply to the development of multiple-family dwellings within the various residential districts. See Article III, Sections 10.308 through 10.312 for detailed descriptions of each residential zoning district and density factors, and Section 10.314 for conditional, special, and permitted uses.

MULTIPLE-FAMILY DWELLINGS Three or more attached dwelling units.				
Development Standards	SFR-10	MFR-15	MFR-20	MFR-30
Special Standards	See sections 10.715A – 10.719 for Multiple-Family Dwelling Special Development Standards			
Minimum and Maximum Density Factor Range (See 10.708)	6.0 to 10.0 dwelling units per gross acre	10.0 to 15.0 dwelling units per gross acre	15.0 to 20.0 dwelling units per gross acre	20.0 to 30.0 dwelling units per gross acre
Minimum Lot Area [KWK1](Square Feet)	5,400 <u>15,000</u> [KWK2]	94,000	8,000 <u>5,000</u>	
Maximum Coverage Factor (See 10.707)	50%	60%	65%	50 <u>70</u> %
Minimum Interior Lot Width [KWK3]	80-36 Feet	55 feet	60 feet	
Minimum Corner Lot Width	90 feet			
Minimum Lot Depth	120-90 feet	100 <u>85</u> feet		
Minimum Lot Frontage	30 feet			
Minimum Front Yard Setback	20-10 feet EXCEPT 15 feet IF vehicular access to the garage is parallel to the street [KWK4]			
Minimum Street Side Yard Setback	10 <u>5</u> feet EXCEPT 20 feet for vehicular entrances to garages or carports	10 feet EXCEPT 20 feet for vehicular entrances to garages or carports		
Minimum Side Yard Setback	10-8 feet	4-5 feet PLUS 1/2 foot for each foot in building height over 15 feet		
Minimum Rear Yard Setback	20-5 feet	4-5 feet PLUS 1/2 foot for each foot in building height over 15 feet ; EXCEPT 10 feet IF the rear property line abuts a collector or arterial street		
Maximum Height (See 10.705)	35-feet 45 feet	55 feet		65 feet

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