



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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## NOTICE OF ADOPTED AMENDMENT

12/15/2008

**TO:** Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

**FROM:** Mara Ulloa, Plan Amendment Program Specialist

**SUBJECT:** City of Medford Plan Amendment  
DLCD File Number 025-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Appeal Procedures\*

**DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL:** Tuesday, December 30, 2008

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

**Cc:** Praline McCormack, City of Medford  
Gloria Gardiner, DLCD Urban Planning Specialist  
John Renz, DLCD Regional Representative

<paa> YA

# DLCD

## Notice of Adoption

**THIS FORM MUST BE MAILED TO DLCD  
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**



Jurisdiction: **City of Medford**

Local file number: **DCA-08-102**

Date of Adoption: **12/4/2008**

Date Mailed:

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 10/13/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Consideration of a proposed Class 'A' (major) legislative amendment of the Medford Land Development Code to revise the Southeast Overlay District (Sections 10.370 through 10.385) relating to building height and garage requirements, and to revise Commercial and Industrial Site Development Standards (Section 10.721) relating to the building height, as well as minor housekeeping revisions to Sections 10.372 through 10.385.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **Southeast Plan Area**

Acres Involved: **1000**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

- |                                     |                                     |                          |                          |                                     |                                     |                          |                          |                                     |                                     |                                     |                                     |                                     |                                     |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                            | <b>2</b>                            | <b>3</b>                 | <b>4</b>                 | <b>5</b>                            | <b>6</b>                            | <b>7</b>                 | <b>8</b>                 | <b>9</b>                            | <b>10</b>                           | <b>11</b>                           | <b>12</b>                           | <b>13</b>                           | <b>14</b>                           | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

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**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

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Local Contact: **Praline McCormack, Planner II**

Phone: **(541) 774-2380** Extension:

Address: **200 S. Ivy**

Fax Number: **541-774-2564**

City: **Medford**

Zip: **97501-**

E-mail Address:

**praline.mccormack@cityofmedford.org**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:  

**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 2008-247

AN ORDINANCE amending Chapter 10 of the Medford Code by amending Sections 10.372, 10.373, 10.374, 10.375, 10.376, 10.377, 10.378, 10.379, 10.384, and 10.721 pertaining to the Southeast Overlay District, corrections to a mapping error, changes to building height and garage requirements and Commercial and Industrial Site Development Standards.

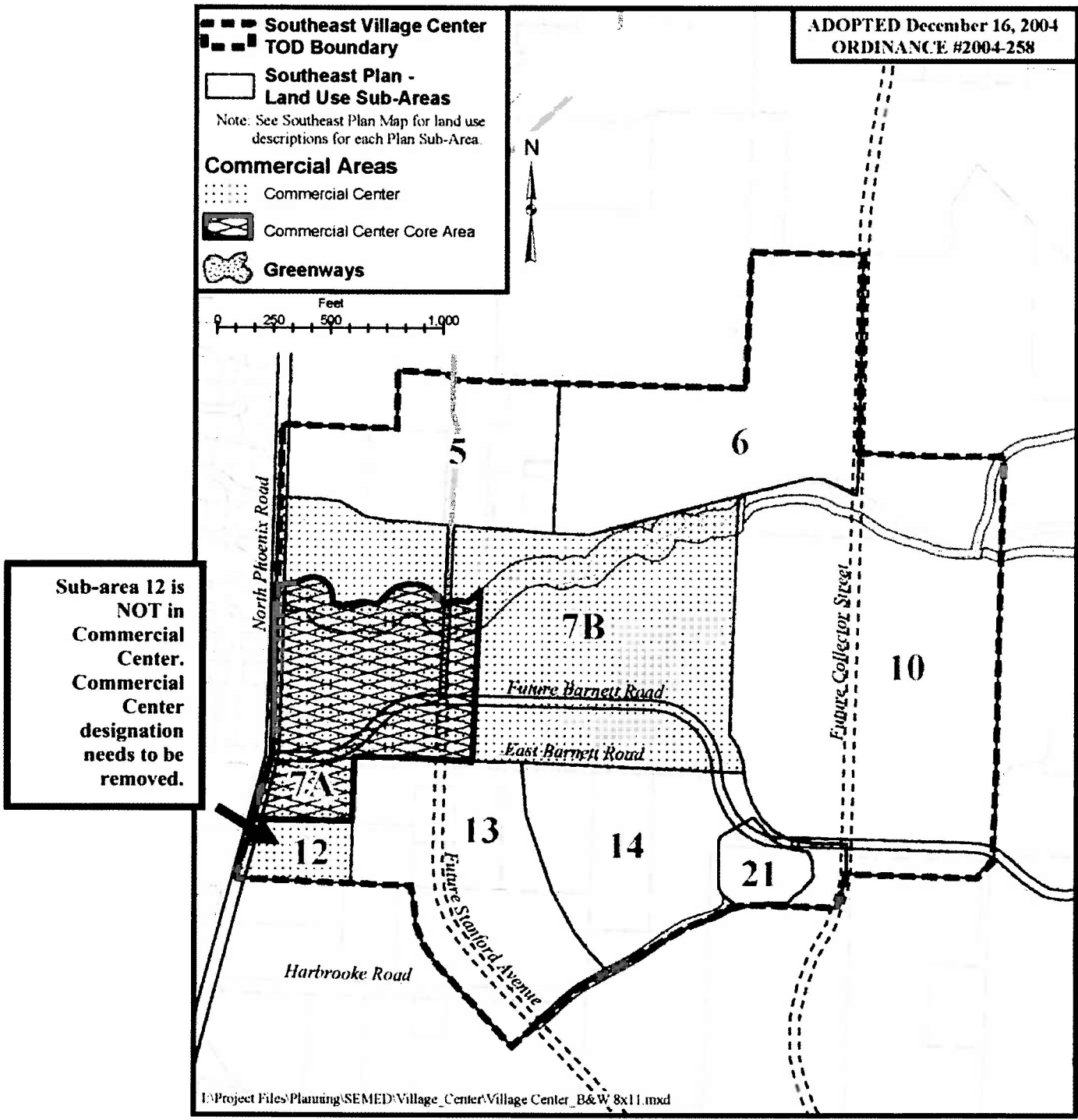
Section 1. Section 10.372 of the Medford Code is amended to read as follows:

10.372 General Land Use Plan Map and Southeast Plan Map Consistency, S-E.  
Within the S-E Overlay District, the Medford General Land Use Plan (GLUP) Map is further refined by the Southeast Plan Map adopted as part of the *Medford Comprehensive Plan*. Within the S-E Overlay District, the Southeast Plan Map shall determine GLUP Map consistency for purposes of zoning and zone changes. See Figure 10.372 for the location of the Southeast Village Center, the Commercial Center (**7A and 7B**), and the Commercial Center Core Area (**7A**). The zoning district(s) with which each Southeast Plan land use category is consistent and their permitted residential density ranges are set forth in ~~MLDC~~ **Section 10.373**.

SEE MAP ON NEXT PAGE

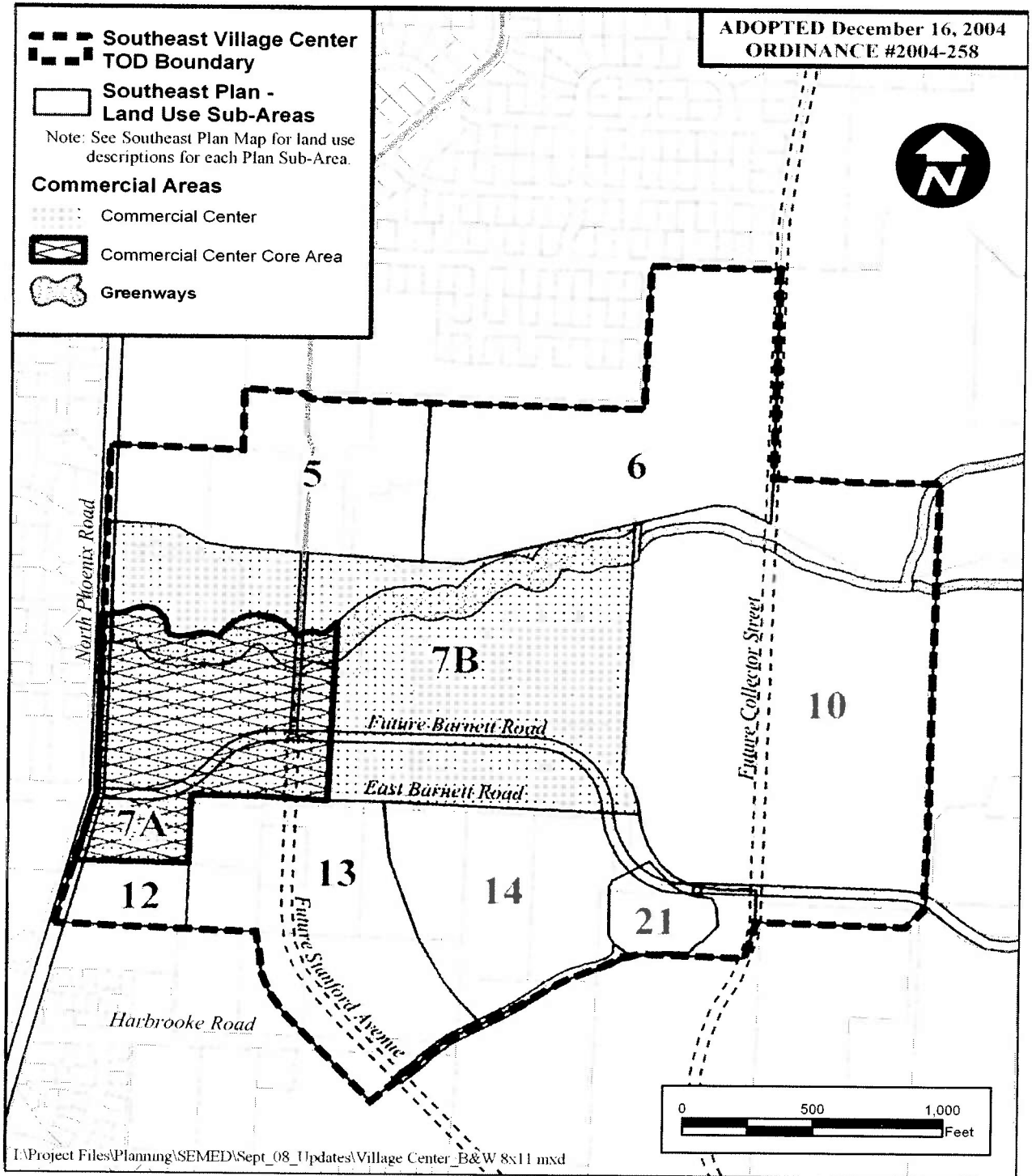
(NOTE: THIS FIGURE SHOWS THE CURRENT MAP)

**FIG. 10.372 - SOUTHEAST VILLAGE CENTER**



(NOTE: THIS FIGURE SHOWS THE PROPOSED MAP)  
**REVISED FIG. 10.372 – SOUTHEAST VILLAGE CENTER**

**FIG. 10.372 - SOUTHEAST VILLAGE CENTER**



Section 2. Section 10.373 of the Medford Code is amended to read as follows:

10.373 General Land Use Plan Map, Southeast Plan Map, Zoning, And Residential Density, S-E.

1. General Land Use Plan Map Designations, Southeast Plan Map Land Use Categories, Zoning, and Residential Density.

The **Sub-Areas**, General Land Use Plan Map designations, Southeast Plan Map land use categories, zoning, and residential densities permitted in the S-E Overlay District are provided in **Figure Table 10.373**. **See Figure 10.373 for the location of Southeast Plan Map Sub-Areas.**

2. Special Residential Density Provisions for the S-E Overlay District.

A. Minimum permitted residential density is **five (5.0)** units per acre in SFR-10 for the portion(s) of a development where dwellings receive sole vehicular access from an alley.

B. Maximum permitted residential density is **thirty-six (36.0)** units per acre in MFR-30, C-S/P (**7B**), and C-C (**7A**), plus the **twenty percent (20%)** density bonus permitted in a PUD, and mixed-use buildings as defined herein shall have a maximum density requirement of **sixty (60)** units per acre within the Commercial Center (**7A and 7B**). Within the Commercial Center Core Area (**7A**), residential development shall conform to ~~MEDC~~ **Section 10.378(3)**.

**FIGURE TABLE 10.373: Southeast Sub-Area, General Land Use Plan Map, Southeast Plan Map, Zoning, and Residential Density**

Sub-Area	General Land Use Plan Map Designation	Southeast Plan Map Land Use Category <sup>1</sup>	Permitted Zoning	Permitted Residential Density Range Du/Ac <sup>3</sup> (PUD Du/Ac) <sup>4</sup>
<b>1</b>	UR	Estate Lot	SFR-2	0.8 to 2.0 (2.4) <sup>4</sup>
<b>2, 16, 17, and 20</b>	UR	Standard Lot	SFR-4 or SFR-6	2.5 to 6.0 (7.2) <sup>4</sup>
<b>6, 11, and 15</b>	UR	Small Lot	SFR-10 with alleys <sup>2</sup>	5.0 to 10.0 <sup>2</sup> <b>(12.0)<sup>4</sup></b>
			SFR-10 without alleys	6.0 to 10.0 (12.0) <sup>4</sup>
<b>4 and 13</b>	UMDR	Rowhouse	MFR-15	10.0 to 15.0 (18.0) <sup>4</sup>
<b>3, 5, 10, 12, and 14</b>	UHDR	High Density	MFR-20	15.0 to 20.0 (24.0) <sup>4</sup>
			MFR-30	20.0 to 36.0 (43.2) <sup>4</sup>
<b>7A</b>	Commercial and Service Commercial	Service Commercial, Commercial, Commercial Center Core	C-C and C-S/P Mixed-Use Buildings	<b>Mixed Use Buildings only<sup>5</sup></b>
<b>7B</b>	Service Commercial	Commercial Center – Service/Office	C-S/P	20.0 to 36.0 (43.2) <sup>4</sup> 60.0 <sup>5</sup>
<b>8 and 18</b>	Parks and Schools (UR Underlying)	School	SFR-4 or SFR-6	Not Applicable

Sub-Area	General Land Use Plan Map Designation	Southeast Plan Map Land Use Category <sup>1</sup>	Permitted Zoning	Permitted Residential Density Range Du/Ac <sup>3</sup> (PUD Du/Ac) <sup>4</sup>
9, 19, and 21	Parks and Schools (UR Underlying)	Park	SFR-4 or SFR-6	Not Applicable
See SE Plan Map	Greenway	Greenway	Any	Not Applicable

Table Footnotes:

<sup>1</sup> Southeast Plan Map land use categories are derived from the study entitled *Southeast Medford Circulation & Development Plan*, August 1995, as amended.

<sup>2</sup> Special density provisions for SFR- 10.

<sup>3</sup> Du/Ac = Dwelling units per acre.

<sup>4</sup> The maximum residential densities with the **twenty percent (20%)** increase permitted by **MLDC Section 10.230(I)(2) D. (8.)** for PUDs are shown in parentheses.

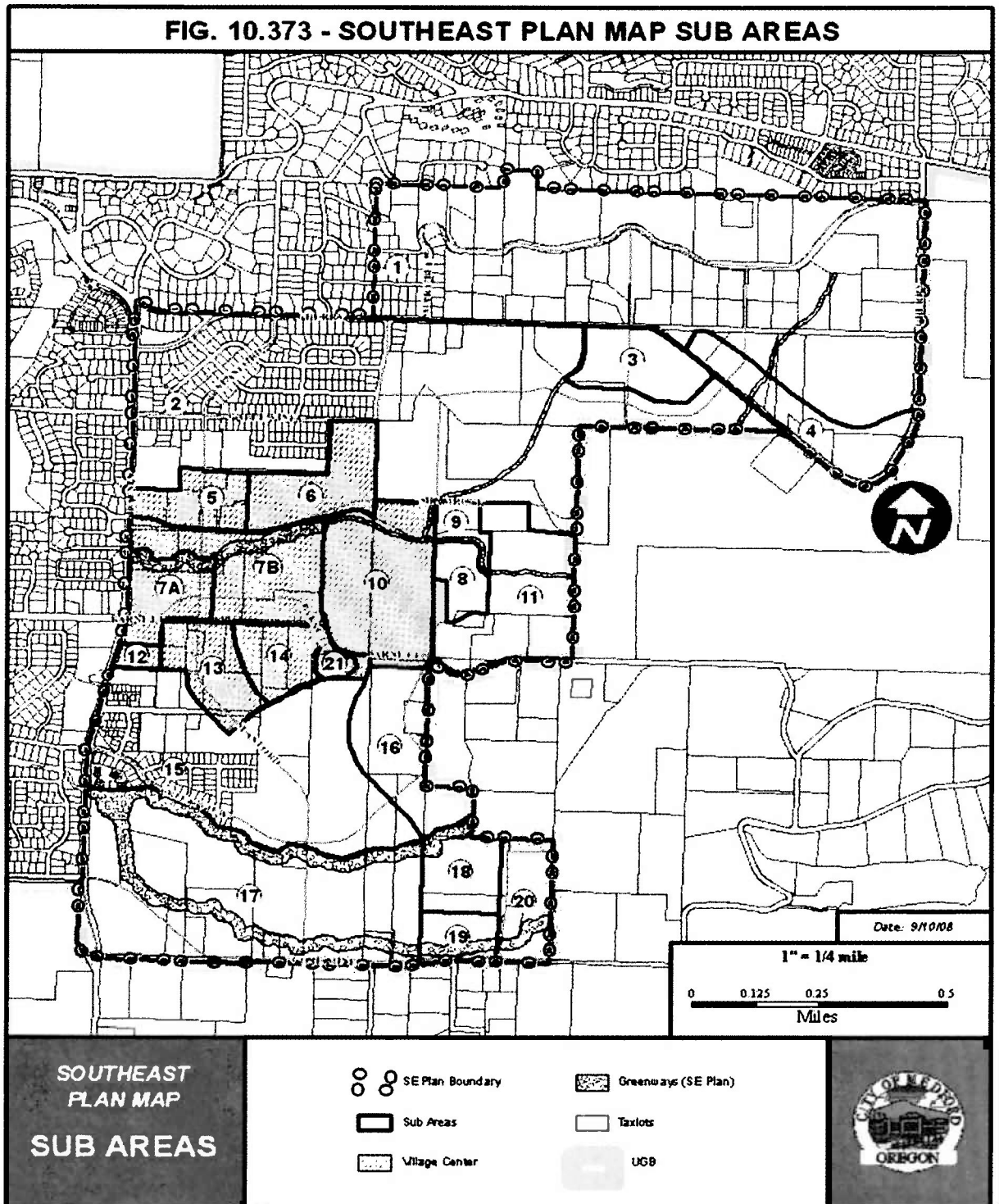
<sup>5</sup> Mixed-use buildings in the Commercial Center shall not exceed a maximum of **sixty (60) du/ac. [10.373(2)]**

**3. Zone Changes in Commercial Center Core Area (7A).**

The City shall not accept an application for a zone change within the Commercial Center Core Area (7A) until the City has adopted a Commercial Center Core Area Master Plan, in conformance with **MLDC Section 10.374(4)**. Such zone change applications shall be accompanied by a Preliminary PUD Plan application that conforms to the adopted Master Plan and other applicable S-E Overlay District standards.

SEE NEW FIGURE ON NEXT PAGE

**NEW FIG. 10.373 – SOUTHEAST PLAN MAP SUB AREAS**



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Section 3. Section 10.374 of the Medford Code is amended to read as follows:

10.374 Planned Unit Development and Master Plan Requirements, S-E.

1. Planned Unit Development Requirements.

Except for properties within Southeast Plan land use areas 1, 2, 16, 17, 18, 19, and 20; for proposed institutional uses that require a Conditional Use Permit; or as otherwise exempted by the S-E Overlay District, all new developments consisting of one **(1)** or more acres shall require approval of a Planned Unit Development pursuant to ~~MLDC~~ **Sections** 10.230 through 10.245 and all applicable provisions of the S-E Overlay District. Proposed PUDs that are not required by this section must be at least one **(1)** acre in size. Regardless of the size of the property or number of dwellings, all zone change applications for projects in the Commercial Center **(7A and 7B)** shall be accompanied by a Preliminary PUD Plan application.

2. Planned Unit Development Exemptions.

Projects consisting of less than one **(1)** acre and/or non-mixed use residential projects of fewer than four **(4)** dwellings (e.g., lot line adjustment, partition, single dwelling, duplex, triplex, or two **[2]** or three **[3]** unit townhouse) shall not require a PUD.

3. Planned Unit Development Approvals.

In approving PUD applications for projects within the S-E Overlay District, the Planning Commission shall find that the application conforms to the S-E Overlay District standards. The Planning Commission may grant modifications of City standards, including provisions of the S-E Overlay District, under ~~MLDC~~ **Section** 10.230(D), except for **height standards in Section 10.375(3) and the prohibited uses in Section 10.378(4-)**.

4. Commercial Center Core Area **(7A)** Master Plan.

A Master Plan, adopted by the City Council, shall govern design and development within the area designated **(7A)** "Commercial Center Core Area" on the Southeast Plan Map. (See Figure 10.372.) All zone changes, PUDs, other land use actions, and permits within the Commercial Center Core Area shall conform to the Master Plan. The Master Plan, at a minimum, shall contain the following elements:

\* \* \*

e. Special street design standards for the main street(s) that include on-street parking and a three-lane configuration for Barnett Road, sidewalks of at least **twelve (12)** feet in width, and maximum block lengths.

\* \* \*

g. Required "pedestrian friendly" design through the use of:

\* \* \*

(8) At least three **(3)** operating building entrances per block and at least one **(1)** per building on streets where on-street parking is permitted.

\* \* \*

Section 4. Section 10.375 of the Medford Code is amended to read as follows:

10.375 Special Lot Coverage, Building Setbacks, Building Height Standards, S-E.  
Maximum Lot Coverage.

\* \* \*

3. Maximum Building Height —~~Commercial Center Core Area.~~

**Building height shall be measured pursuant to Section 10.705 and standards established in Article V shall apply except as follows:**

a. Within the Commercial Center Core Area (7A), the maximum allowable building height is **forty-five (45)** feet, except that the maximum building height may be increased to **sixty (60)** feet for residential development in **mixed-use buildings** as described in ~~MLDC~~Section 10.378(3-).

b. In Area 7B, the maximum allowable building height is **forty-five (45)** feet, except **thirty-five (35)** feet if within one hundred fifty (150) feet of a residential GLUP or Special Area Plan designation.

c. The maximum allowable height for the remainder of the Southeast Overlay District is **thirty-five (35)** feet.

Section 5. Section 10.376 of the Medford Code is amended to read as follows:

10.376 Special Design Standards For Attached Housing, S-E.

\* \* \*

2. Garages.

~~Every When provided for attached housing~~ dwelling unit shall be provided with at least one (1) parking space in an enclosed garage. For group quarters (per Section 10.314(5)) or residential facility, such as a congregate or retirement facility, at least half of the parking required pursuant to Section 10.743 for the residents shall be served by enclosed, garages. There shall be recorded a restrictive covenant that runs with the land to assure that garages shall be maintained in such a way that they can and will be used for vehicular parking in numbers they were designed to serve. Garages shall meet one of the standards in (a-) through (c-) below, and shall additionally meet both (d-) and (e-) below:

a. The garage is accessed via an alley or internal drive (required for groups of two [2] or more free-standing garages); or

b. ~~The g~~Garage door(s) will be provided and will be is flush with the front or street side building elevation, ~~will does not exceed~~ **fifty percent (50%)** of the entire front or street side building elevation, and ~~will be the garage door(s) is~~ constructed of material(s) that ~~are is~~ compatible with the appearance of the ~~primary rest of the building that the parking is intended to serve;~~ or

c. ~~The g~~Garage door(s) will be is set back from the front or street side building elevation or from a covered porch by at least six (6) feet. To meet this standard, the front or street side building elevation and/or porch must account for at least **thirty percent (30%)** of the length of the building facing the street.

d. Carports **and other surface parking covers** are not permitted.

e. Groups of two (2) or more freestanding garages shall be set back from adjacent streets by at least **twenty (20)** feet. Frontage landscaping shall be provided to create a visual buffer between group(s) of freestanding garages and adjacent streets.

Section 6. Section 10.377 of the Medford Code is amended to read as follows:

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10.377 Special Design Standards For Southeast Village Center.

The following design standards apply to the Southeast Village Center, except that design standards for the Commercial Center Core Area (7A) shall be established through the adopted Master Plan, as provided by ~~MLDC~~ **Section 10.374(4-)**.

1. Building Orientation (Build-to Lines).

At least **fifty percent (50%)** of the length of the ground level street-facing façade of a building must be located at the minimum street setback line or abut a public plaza, as defined herein, that adjoins a street. No structure, driveway, or motor vehicle parking area may be closer than the minimum street setback line, except where provided for direct vehicle access to the street, and except for fences and patio walls under ~~MLDC~~ **Section 10.375(2-)(a-)** and **Section 10.382**.

2. Building Setbacks.

The S-E Overlay District modifies the building setback standards of the underlying zones in the Southeast Village Center as follows:

a. SFR-10 Zone – The minimum front yard setback is **fifteen (15)** feet; the minimum street side yard setback is ten **(10)** feet, and the maximum street or public plaza setback is **twenty (20)** feet;

b. MFR and C-S/P Zones – There is no minimum front or street side yard setback, and the maximum street or public plaza setback is **fifteen (15)** feet;

c. Commercial Center Core Area (7A) – Special setback standards, if any, will be provided by the Commercial Center Core Area Master Plan.

3. Primary Building Entrances.

Buildings in the Southeast Village Center shall provide entrances that conform to the following standards:

a. Commercial, institutional, and the non-residential portion of mixed-use buildings shall have a primary building entrance that either faces an adjacent street or is placed at an angle of up to **forty-five 45 degrees (45°)** from an adjacent street, measured from the property line abutting the right-of-way. Buildings adjacent to, or within **two hundred (200)** feet of a transit stop or station shall orient a primary building entrance to face the stop or station.

b. When located at the intersection of two **(2)** streets, a commercial, institutional, and the non-residential portion of a mixed-use building shall do one **(1)** of the following:

(1) Provide two **(2)** primary building entrances, one **(1)** facing each street; or

(2) Orient one **(1)** primary building entrance to both streets by placing the entrance at the street corner; or

(3) Place one **(1)** primary building entrance facing one **(1)** street that it is not more than **twenty (20)** feet from either street measured from the property line abutting the right-of-way.

c. Residential buildings, except for detached single-family residences shall conform to the standards in (a-) and (b-), or provide a pedestrian walkway for access to transit stops or stations meeting the provisions of ~~MLDC~~ **Sections 10.775 and 10.776**. Detached single-family residences shall provide a primary entrance facing one **(1)** adjacent street. A primary building entrance for a residential building may face a porch or patio that is located between the building and street.

4. Ground Floor Windows.

Commercial, institutional, and the non-residential portion of mixed-use buildings shall provide ground floor windows that conform to the following standards:

a. Ground floor windows shall cover at least **fifty percent (50%)** of the horizontal length and at least **twenty-five percent (25%)** of the ground floor wall area of all building facades that

face a street or public plaza. This requirement does not apply to the walls of residential units, nor to the walls of parking structures when set back at least ten (10) feet and screened with landscape materials in conformance with ~~MLDC~~ **Section 10.797**.

b. Required window areas must be either transparent windows that allow views into working areas or lobbies; pedestrian entrances; or transparent display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than four (4) feet above the adjacent exterior grade. Only clear or lightly tinted glass in windows, doors, and display windows shall be considered transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

#### 5. Windows on Street-Facing Facades on Residential Buildings.

At least **fifteen percent (15%)** of the area of each façade on all floors or stories that face a street on all residential buildings or residential portion of a mixed use building must be windows, primary building entrance doors, porches, balconies, and/or a similar visual or physical access way for natural surveillance of the street. Windows used to meet this standard must allow views from the building to the street. Glass block and similar sight-obscuring surfaces do not meet this standard. Windows in garage doors and garage walls count toward meeting this standard.

#### 6. Landscaping and Pedestrian Amenities.

a. The following is the minimum amount of landscaped open space required within the Southeast Village Center:

(1) SFR-10 zone: **twenty percent (20%)** of the project site area, except does not apply to detached single-family residential uses.

(2) MFR zones: **fifteen percent (15%)** of the project site area;

(3) C-C zone (7A): **ten percent (10%)** of the project site area.

(4) C-S/P (7B) and other zones not listed in (1) through (3): **twenty percent (20%)** of the project site area.

b. Notwithstanding ~~MLDC~~ **Section 10.797**, all land between buildings and/or other structures and the right-of-way shall be treated with a combination of landscaping and hard surfacing for use by pedestrians. Subject to City review and approval, extra-wide public sidewalks may provide for pedestrian amenities such as benches, drinking fountains, and/or other design elements (e.g., public art, planters, and kiosks). Weather protection elements such as awnings, canopies, porticos, covered entrances, porches, covered seating (e.g., bus waiting areas), and/or similar elements may encroach into a required setback or the public right-of-way when approved through Site Plan and Architectural Review or as part of a PUD.

Section 7. Section 10.378 of the Medford Code is amended to read as follows:

#### 10.378 Special Standards For Commercial Center (7A and 7B), S-E.

The S-E Overlay District modifies the provisions of the underlying zones in the Commercial Center (7A and 7B) as follows:

##### 1. Outdoor Uses.

Except as provided in (a-) through (c-), all uses, activities, sales, merchandise, and the stockpiling and storage of equipment and materials shall be entirely within an enclosed building. The following uses may be outside an enclosed building:

a. Outdoor eating areas pursuant to **Section 10.833**.

b. Temporary outdoor sales of merchandise pursuant to ~~MLDC~~ **Section 10.831**;

c. Temporary uses pursuant to ~~MLDC~~ **Sections 10.841 through 10.858**;

d. Parks, playgrounds, greenways, outdoor performing arts facilities, outdoor sports facilities, plazas, pedestrian malls, and news racks in conformance with Chapter 6 of the ~~Medford Municipal~~ Code.

2. Fueling Stations.

Fueling stations, including attached convenience stores, fuel pumps, motor vehicle services, and accessory uses, are limited to the Commercial Center Core Area (7A) and require Conditional Use Permit (CUP) approval. These uses shall conform to the CUP criteria, the following standards, and other appropriate conditions imposed by the approving authority:

a. Fueling stations shall not contain more than four (4) fueling pumps on two (2) islands, serving up to eight (8) motor vehicles at a time; and

b. Fueling pumps shall provide and utilize at least Stage II Vapor Recovery for air quality.

3. Residential Uses in Commercial Center Core Area (7A).

Residential uses and group quarters are subject to the provisions of the Commercial Center Core Area Master Plan, and not more than **twenty percent (20%)** of the gross floor area on a project site may consist of ground floor residential or group quarters uses. Residential and group quarter uses may be located above a ground-floor commercial or institutional use, subject to the building height standards provided in ~~MLDC Section 10.373 and 10.375(3-)~~.

4. Prohibited Uses. Notwithstanding ~~MLDC Section 10.337~~, the following uses are not permitted in the Commercial Center (7A and 7B) and cannot be permitted through a PUD approval:

SIC No. *	Commercial Center Prohibited Uses
NA	Drive-through retail and service windows (including, but not limited to, restaurants, banks, and pharmacies)
SIC 551, 552, 555, 556, 557, 559, 751, 753, 754	Motor vehicle sales and repair (including, but not limited to, autos, trucks, boats, RVs, and airplanes)
SIC 271	Newspaper Printing Facilities
SIC 6553	Cemeteries and Mausoleums
SIC 7218	Industrial Laundries
SIC 7692	Welding Shops
SIC 7699	Agricultural Equipment Repair, Engine Repair, Industrial Truck Repair, and Septic Tank Services
SIC 7948	Outdoor Race Tracks
SIC 9223	Correctional Institutions

\* The SIC numbers correspond to the Standard Industrial Classification (SIC) Code numbers found in ~~MLDC Section 10.337~~.

5. Business Size Limitations in Commercial Center Core Area (7A).

a. The maximum gross floor area of any one (1) business use shall be 50,000 square feet in accordance with ~~MLDC Section 10.238~~.

b. The total gross floor area of all commercial businesses is limited to 100,000 square

feet plus 50,000 square feet for a grocery store.

6. Off-Street Motor Vehicle Parking.

\* \* \*

7. Pedestrian Amenities.

For every ten (10) square feet of site area developed with commercial, institutional, residential, and/or mixed-use development, at least one (1) square foot of area shall be devoted to pedestrian amenities. These may include amenities provided by the developer on public property or right-of-way with City authorization. Pedestrian amenities may include, but are not limited to, public and/or private plazas, outdoor seating, pocket parks, transit waiting areas and facilities, extra-wide sidewalks (wider than minimum City standard) with street furnishings (e.g., seating, fountain, public art, information kiosk, sidewalk vending where permitted, and similar furnishings). This ratio may be reduced or waived for projects that provide parking structures for multiple users, subject to City approval of a PUD and recorded shared parking agreement.

Section 8. Section 10.379 of the Medford Code is amended to read as follows:

10.379 Streetscape, Planter Strip, And Street Tree Standards, S-E.

Within the S-E Overlay District, streetscape features, planter strips, and street trees shall be improved and/or installed as provided below.

1. Streetscape and Planter Strip Plan Required.

\* \* \*

a. Plan Content. The form and number of copies of the Streetscape and Planter Strip Plan shall be as set forth in the application materials on file in the Medford Planning Department. The Plan shall include details regarding the proposed design of the entire area between the curb and the property line, including sidewalks, landscaping, street trees, street lights, utility poles, traffic signals, and transit stops. It shall acknowledge that an appropriately designed automatic underground irrigation system will be provided. The street trees indicated in the Plan shall meet the requirements in (2-) through (6-). Street lighting indicated in the Plan shall meet the requirements of ~~MLDC~~ **Section** 10.380. The Plan shall also include streetscape features, such as traffic calming measures, required by any adopted Neighborhood Circulation Plan, Commercial

Center Core Area Master Plan, special area plan, or other adopted plans.

\* \* \*

2. Street Trees and Right-of-Way Landscaping Required.

Street trees and right-of-way landscaping shall be planted and maintained along all public or private streets as a condition of the following actions. Trees on private and public property are also regulated elsewhere in this ~~Municipal~~ Code, including in Sections 6.700 through 6.750.

\* \* \*

3. Street Tree Spacing Standards.

Where within or abutting residential zones on the same side of the street, street trees shall be installed to provide not less than a ~~100~~ **one-hundred percent (100%)** canopy cover over the sidewalk at the time of tree maturity. Within or abutting commercial zones on the same side of

the street, street trees shall be installed to provide not less than a ~~70~~ **seventy percent (70%)** canopy cover over the sidewalk at tree maturity. Canopy cover shall be based on tree maturity and growth habit data provided in the *Official List of City of Medford Approved Street Trees*, a copy of which is on file in the City of Medford Parks Department. Street trees shall not be located within **twenty (20)** feet of the corner of an intersection of two **(2)** streets measured at the curb line. Where trees are required in on-site street frontage landscaping pursuant to ~~MLDC~~ **Section 10.797**, street trees located in the right-of-way may be counted towards this requirement on a one-to-one **(1:1)** basis at the discretion of the approving authority.

#### 4. Street Tree Types; Minimum Tree Size.

\* \* \*

b. New street trees shall have a minimum trunk diameter of two **(2)** inches measured **twelve (12)** inches from the ground.

#### 5. Location of Street Trees.

a. Street trees shall be planted within the planter strips located between the curb and the sidewalk, no closer than three **(3)** feet from the curb line. For those commercial areas where no planter strips are planned, tree wells with grates shall be used, the design of which shall be as approved in the Streetscape and Planter Strip Plan.

\* \* \*

(1) The street trees may be planted between the edge of the street improvements and street right-of way line provided that the tree is no closer than three **(3)** feet from the planned curb line and not within a planned sidewalk.

(2) For any street tree planted within a public utility easement, a deed restriction shall note that tree replacement due to utility work is the responsibility of the property owner.

(3) Any street tree planted within six **(6)** feet of or inside a public street right-of-way, or in a public utility easement, shall be planted with a City-approved root controlling design.

(4) When necessary, the street trees may be planted on private property not more than ten **(10)** feet back from the street right-of-way line. When required street trees are planted on private property, deed restrictions shall be recorded indicating that such trees are subject to the same City of Medford regulations as street trees within a public right-of-way.

#### 6. Timing for Installing Street Trees and Right-of-Way Landscaping; Security to Guarantee Installation.

a. Single-Family Residential Land Divisions. The planting of street trees and right-of-way landscaping may be deferred for new single-family lots until dwellings are constructed, at which time street trees and landscaping conforming with the approved Streetscape and Planter Strip Plan and this Section shall be planted within **thirty (30)** days after occupancy of the dwelling. When the planting of street trees and landscaping is deferred, the developer shall enter into an agreement with the City and post security to ensure compliance.

b. Multiple-Family Residential, Commercial, and Institutional Development. Street trees and planter strip landscaping conforming with the approved Streetscape **and Planter Strip Plan**, ~~and~~ Landscape Plan and this Section shall be planted in conjunction with new multiple-family residential, commercial, and institutional development. As a condition of the PUD, Site Plan and Architectural Review, or Conditional Use Permit approval, the developer shall enter into a recorded Building Site Improvement Agreement that ensures compliance with this Section.

(c) New Dwellings; Relocated Dwellings. For new or relocated dwellings on existing lots not subject to (a-) or (b-), street trees and landscaping conforming with the approved Streetscape **and Planter Strip Plan**, ~~and~~ Landscape Plan and this Section shall be planted within **thirty (30)** days after occupancy. As a condition of the issuance of the building permit, the developer shall enter into a recorded Building Site Improvement Agreement that ensures compliance with this Section.

(d) Security to Guarantee Street Tree Installation. If an agreement required to defer street tree and landscape planting under this Section stipulates the posting of security, the applicant and all owners of the subject parcel, prior to issuance of the building permit or final approval of an application, shall be required to sign an agreement with the City that assures planting of the trees and landscaping required by the approved Streetscape **and Planter Strip Plan** and Landscape Plan within **thirty (30)** days after occupancy of the building. Such agreement shall expressly assume financial responsibility for the planting. The City shall approve the agreement prior to execution, and it shall be accompanied by a certified check, surety bond, or other security acceptable to the City to cover 125% of the estimated cost of planting the deferred street trees and landscaping.

Section 9. Section 10.384 of the Medford Code is amended to read as follows:

10.384 Greenways - Special Design and Development Standards, S-E.

Within the S-E Overlay District, development within or adjacent to the areas designated as Greenways shall be consistent with the following regulations, and such regulations shall be required through the PUD and/or Site Plan and Architectural Review processes:

\* \* \*

1. The Greenway designation shall extend not less than **fifty (50)** feet from the top of the bank on each side of the channel along the North, Middle, and South Forks of Larson Creek. The top of the bank shall be as defined in ~~MLDC~~ **Section 10.012**.

2. For Greenways that are not located along the North, Middle, or South Forks of Larson Creek, the Greenway designation shall extend not less than **twenty (20)** feet from the centerline of the drainageways.

3. The size and location of Greenways may be altered by the City when needed to comply with state and federal regulations.

B. Permitted Uses.

Notwithstanding the provisions of ~~MLDC~~ **Sections 10.306 through 10.337**, and subject to any other provisions of this ~~Municipal~~ Code and law, the only uses permitted within areas designated as Greenways shall be:

\* \* \*

1. Improvement Standards.

\* \* \*

b. Improved access for the equipment needed for maintenance of storm drainage facilities and for bicycle and pedestrian circulation shall be provided on at least one **(1)** side of each drainageway within a Greenway in a location determined by the City to have the least impact on the vegetation in the riparian area. Said access shall be constructed to the standards of the City.

Where acceptable access for the maintenance of storm drainage facilities and bicycle and pedestrian circulation is provided along a planned or existing street adjacent to a Greenway, the access requirement within the Greenway may be waived.

- c. Greenways shall be improved at the time adjacent land is developed.
- d. Where feasible, streets shall be collinear and adjacent to Greenways.

## 2. Responsibility for Greenway Improvements.

Required improvements in Greenways shall serve two **(2)** principal purposes as explained in the *Medford Comprehensive Plan*: 1) for storm drainage based on the *Comprehensive Medford Area Drainage Master Plan (1996)*; or, 2) for pedestrian and bicycle circulation. The Southeast Plan Map denotes the principal purpose for the required improvements in each Greenway. The responsibility for installing Greenway improvements to the standards in this Section shall be based on the following:

\* \* \*

c. **Extent of Greenway Improvements.** Pursuant to this Section, the portion of each Greenway required to be improved by a property owner at the time of development shall be that portion of his/her property contiguous to the property to be developed. Where a Greenway passes through a parcel, the owner, pursuant to ~~MLDC~~ **Section 10.384(C)(2)(a)**, shall be required to improve the entire Greenway segment passing through his/her parcel.

## 3. Maintenance of Greenway Improvements.

Greenway improvements dedicated to the City for any purpose, whether in fee-simple or as easements, shall be maintained by the City. However, the City may relinquish the maintenance of any Greenway improvements to an association of owners established pursuant to ~~MLDC~~ **Section 10.230(E)**.

## D. Commercial Center **(7A and 7B)**.

1. **Greenway Improvements.** Unless prohibited by state or federal regulations, in the Village Center Greenway encompassed by the Commercial designation, undesirable shrubs, trees, and noxious vegetation may be removed, and ornamental vegetation installed to supplement the remaining native vegetation. Proposed Greenway improvements shall be incorporated into the Master Plan for the Village Center Commercial designation. Such improvements shall be made at the time of development, unless phased with the phased construction of buildings. When buildings representing greater than **fifty percent (50%) percent** of the approved square footage on either side of the North Fork of Larson Creek within the Commercial designation have been developed, then all required Greenway improvements on that side of the creek shall be installed at the sole expense of the property owner(s). If needed, the City shall facilitate a reimbursement agreement providing for future reimbursement to an owner required to install Greenway improvements greater than his/her proportional share.

\* \* \*

2. **Creekside Development.** The development of land adjoining the Greenway within the Village Center Commercial designation shall conform with the following requirements, unless waived or modified as part of the PUD process:

\* \* \*

c. **Landscaping Between Creekside Development and Greenway.** Undeveloped land between each creekside building, use, or activity and the Greenway shall be landscaped in a

manner compatible with the native vegetation, and irrigated with an automatic underground system. Such landscaping shall be designed to produce areas of high surveillance to reduce the potential for vandalism and criminal mischief. Landscaping to achieve high surveillance includes grass and ground cover, shrubs less than two and one-half (2 ½) feet in height, and deciduous trees that produce canopies having the lowest branches more than six (6) feet from the ground. Such landscaping shall not conflict with or violate state and federal regulations related to the preservation of wetlands or riparian areas.

Section 10. Section 10.721 of the Medford Code is amended to read as follows:

**10.721 Commercial and Industrial Site Development Standards**

The following standards apply to commercial and industrial development. See Article III, Sections 10.326 through 10.332 for detailed descriptions of each zoning district, and Section 10.337 for conditional, special, and permitted uses.

COMMERCIAL AND INDUSTRIAL DEVELOPMENT								
DEVELOPMENT STANDARDS	C-N	C-S/P	C-C	C-R	C-H	I-L	I-G	I-H
MINIMUM & MAXIMUM AREA FOR ZONING DISTRICT (ACRES)	0.5 - 3.0	None						
MINIMUM LOT AREA (SQUARE FEET)	7,000		15,000		7,000	20,000	10,000	
MAXIMUM COVERAGE FACTOR (See 10.706)	30%	40%			60%	50%	90%	
MINIMUM LOT WIDTH	70 feet							
MINIMUM LOT DEPTH	100 feet							
MINIMUM LOT FRONTAGE	70 feet	30 feet	70 feet		30 feet	70 feet		
MINIMUM FRONT & STREET SIDE YARD BUILDING SETBACK	10 feet EXCEPT 20 feet for vehicular entrances to garages or carports							
MINIMUM SIDE AND REAR YARD	None							

COMMERCIAL AND INDUSTRIAL DEVELOPMENT								
DEVELOPMENT STANDARDS	C-N	C-S/P	C-C	C-R	C-H	I-L	I-G	I-H
BUILDING SETBACK	EXCEPT 1/2 foot for each foot in building height over 20 feet							
MAXIMUM BUILDING HEIGHT (See 10.705)	35 feet	85 feet EXCEPT 35 feet if within 150 feet of a residential zoning district <b>GLUP or Special Area Plan designation.</b>			35 feet	85 feet EXCEPT 35 feet if within 150 feet of a residential zoning district <b>GLUP or Special Area Plan designation.</b>		
MAXIMUM GROSS FLOOR AREA PER BUSINESS (SQUARE FEET) EXCEPT as noted in 10.337	2,500	None	50,000	None				
PERMITTED OUTDOOR USES	See Note 1	See Note 2				See Note 3		
Note 1: All uses must be located completely within an enclosed building or behind a sight-obscuring fence.								
Note 2: All uses, EXCEPT those customarily conducted outdoors, must be located completely within an enclosed building.								
Note 3: All uses, EXCEPT those customarily conducted outdoors, must be located behind a sight-obscuring fence.								
<i>The terms used herein, such as lot width, lot depth, front yard, etc., are defined in Article I, Section 10.012.</i>								

PASSED by the Council and signed by me in authentication of its passage this 4 day of December, 2008.

ATTEST: /s/Glenda Owens  
City Recorder

/s/Gary H. Wheeler  
Mayor

APPROVED: December 4, 2008.

/s/Gary H. Wheeler  
Mayor

NOTE: Matter in **bold** in an amended section is new. Matter ~~struck-out~~ is existing law to be omitted. Three asterisks (\* \* \*) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.



City of Medford  
Agenda Item Commentary

Item No.:  
Meeting Date: December 4, 2008  
Page: 1 of 1

**SUBJECT:**

An ordinance amending the *Medford Land Development Code*, to revise the Southeast Overlay District in Article III, Figure 10.372, Section 10.373, Figure 10.373, Sections 10.374(3), 10.375(3), and 10.376(2) relating to the correction of a mapping error, and changes to building height and garage requirements, and to revise the Commercial and Industrial Site Development Standards in Article V, Section 10.721 relating to building height.

**INITIATOR:**

City of Medford

**STAFF INFO. SOURCE:**

John W. Hoke, Interim Planning Director  
Praline McCormack, Planner II  
File No. DCA-08-102

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Adopt the ordinance.

**BACKGROUND & KEY ISSUES:**

When the Southeast Overlay District was adopted into the *Medford Land Development Code* in December 2004, there was public testimony concerning limiting building height in the Commercial Center so as to preserve residential views. At that time, City Council referred the issue back to the Southeast Implementation Advisory Committee ("Committee") for review. In December 2007 the Committee reported to the Medford City Council who directed the Committee to present recommendations for legislative amendments to the City Council in a study session. On July 10, 2008 at a City Council Study Session, the recommendations were presented and the City Council directed staff to bring the recommendations for revision forward as a code amendment. The recommendations center around two main issues: height limitations and garage requirements. The main revisions regarding height would limit height in the Commercial Center (Sub-Area 7B) to 45 feet, and in areas other than the Commercial Center or Core Area (Sub-Area 7A) to 35 feet. The main revisions regarding garages would require every attached dwelling unit to provide at least one enclosed garage, and at least half of required parking for group quarters or residential facilities to be in enclosed garages. Staff has also included a correction to fix a mapping error. The proposal meets the approval criteria for *Land Development Code* amendments. The Planning Commission at their meeting of October 9, 2008, voted to recommend City Council approval.

**EXHIBITS:**

Staff Report to City Council dated October 10, 2008, including Exhibits A – F  
Excerpt from Minutes of the December 16, 2004, meeting of the City Council  
Excerpt from Minutes of the December 20, 2007, meeting of the City Council  
Excerpt from Minutes of the October 9, 2008, meeting of the Planning Commission



# *CITY OF MEDFORD*

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## PLANNING DEPARTMENT

### STAFF REPORT

Date: October 10, 2008

To: City Council

Reviewed By: Suzanne Myers, AICP, Principal Planner *SM*

By: Praline McCormack, Planner II *PM*

Subject: Southeast Overlay District Code Amendment (DCA-08-102)  
City of Medford, Applicant

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### BACKGROUND

#### Proposal

Consideration of a proposed Class 'A' (major) legislative amendment of the *Medford Land Development Code* to revise the Southeast Overlay District in Article III relating to: a mapping error, building height and garage requirements, and to revise Commercial and Industrial Site Development Standards in Article V relating to building height.

#### Background

When the Southeast Overlay District was adopted into the Medford Land Development Code in December 2004, there was public testimony concerning limiting building height in the Commercial Center so as to preserve residential views. At that time, City Council referred the issue back to the Southeast Implementation Advisory Committee ("Committee") for review. In December 2007 the Committee reported to the Medford City Council who directed the Committee to present recommendations for legislative amendments to the City Council in a study session. On July 10, 2008 at a City Council Study Session, the recommendations were presented and the City Council directed staff to bring the recommendations for revision forward as a code amendment.

#### Format of Legislative Amendment

The attached Exhibit "A" provides the proposed code revision language. Words to be deleted are ~~struck through~~ and words to be added are **bold**.

#### Applicable Criteria

Medford *Land Development Code*, Major Legislative Amendments, Section 10.182  
(Exhibit B)

## Findings

Staff prepared *Findings of Fact and Conclusions of Law* (Exhibit C) to support the proposed legislative amendment. The findings include a discussion of the proposal relative to the approval criteria for legislative amendments. Staff believes that the proposal meets the approval criteria.

## Issues/Analysis

### Building Height

As previously mentioned, concerns about the maximum permitted building height in the Southeast Commercial Center were brought up when changes to the Southeast Overlay District were adopted in 2004. The proposed revisions attempt to address those concerns.

The revision to Section 10.374(3) prohibits Planned Unit Developments (PUD) from receiving modification to height standards in Section 10.375(3).

The revision to Section 10.375(3)(a) attempts to clarify that in the Commercial Center Core Area (Sub-Area 7A) the maximum height (which is forty-five [45] feet) may be increased to sixty (60) feet for residential development in mixed use buildings. The current language only refers to another code section regarding mixed use buildings instead of explicitly stating it.

The revision to Section 10.375(3)(b) limits the maximum building height in the rest of the Commercial Center (Sub-Area 7B) to forty-five (45) feet. Currently, height is limited to a maximum of eighty-five (85) feet. The language limiting height to thirty-five (35) feet if within 150 feet of a residential zone is retained.

The revision to Section 10.375(3)(c) attempts to clarify that in the Southeast, in areas other than the Commercial Center, maximum building height is limited to thirty-five (35) feet. Currently, while not expressly stated, height in these areas is already limited to thirty-five (35) feet per the Site Development Standards in Article V.

The purpose of these revisions is to promote the unique and important physical characteristics in the Southeast, including the vistas and the near-perfect orientation for solar energy utilization, as well as to provide for the tallest structures at the lowest elevations, thereby allowing a graduated increase of maximum building height from residential to commercial areas.

### Garages

The revisions to Section 10.376(2) require:

- Every attached dwelling unit to have at least one(1) enclosed garage;
- At least half of required parking for group quarters or residential facilities to be in enclosed garages;

- Requires a Restrictive Covenant to be recorded to assure that garages will be maintained and used for vehicular parking only;
- Prohibits other surface parking covers. Currently only carports are prohibited.

The purpose of these revisions is to provide for an appealing neo-traditional development pattern, and to promote neighborhood aesthetics and compatibility in the Southeast by reducing large parking areas.

#### Mapping Error

When the Southeast Plan was adopted in December 2004, Sub-Area 12 was designated as Urban High Density Residential, and just outside of the Commercial Center (see Southeast Plan Map, Exhibit D). Yet, Figure 10.372 depicts Sub-Area 12 as being in the Commercial Center. This was an error, and revised Figure 10.372 has been corrected to remove the Commercial Center designation.

#### Sub-Areas

Figure 10.373 (now called Table 10.373) has been revised to include a column identifying Sub-Areas in the Southeast. To make it easier to locate these Sub-Areas, Staff has added a new map in the *Land Development Code*, Southeast Plan Map Sub-Areas, that is included as new Figure 10.373.

#### SFR-00 Zoning Affecting Abutting Parcels

Currently, in the Commercial Center of the Southeast, there are parcels that are zoned SFR-00 (Single-Family Residential – 1 dwelling unit per lot) (Exhibit E). Per Section 10.307 the primary purpose of this zoning district “is to provide a holding zone for properties that are changing from County to City zoning and have not yet been tested for facility adequacy to allow development to urban level densities and intensities.” While these parcels have been given a residential zoning designation in the Southeast Plan, they have not yet applied for a zone change. In addition, there are parcels in the Southeast that have retained County zoning (RR-5 and EFU). Staff is in the process of doing a zone change to change existing County zoning within the City limits to City zoning (ZC-08-089), and this zone change will come before the City Council on January 15, 2009. In the Southeast, the County zones will change to SFR-00.

In the Commercial Center (Sub-Area 7B) of the Southeast height is limited to thirty-five (35) feet if within 150 feet of a residential zone. Therefore, any parcels in the Commercial Center within 150 feet of an SFR-00 parcel (or a parcel with County residential zoning) would have to limit height to thirty-five (35) feet. This adversely affects development in the Commercial Center. Staff has added language to Section 10.375(3) that directs staff to refer to the Southeast Plan to determine the future residential zoning designation, and to base height on abutting property in the Commercial Center on the future zoning designation.

This is a problem throughout the City of Medford, not just within the Southeast Overlay. Therefore, Staff has included in this Code Amendment proposed new language in Section 10.721-Commercial and Industrial Site Development Standards, where height is limited to thirty-five (35) feet if within 150 feet of a residential zoning district. The new language directs Staff to refer to the GLUP map designation, or applicable Special Area Plan in order to determine the future zoning designation.

#### Comments

Two comments were received during the open comment period. The first is a letter from the Site Plan and Architectural Commission (see Exhibit F) outlining their concerns regarding the height restrictions and garage requirements. The second is a letter from the Medford Masonic Lodge. Staff responded to the Masonic Lodge and answered their questions and concerns to their satisfaction.

#### **RECOMMENDED ACTION**

The Medford Planning Commission, at their meeting of October 9, 2008, voted to forward a favorable recommendation for DCA-08-102 as per the Staff Report dated September 30, 2008, including:

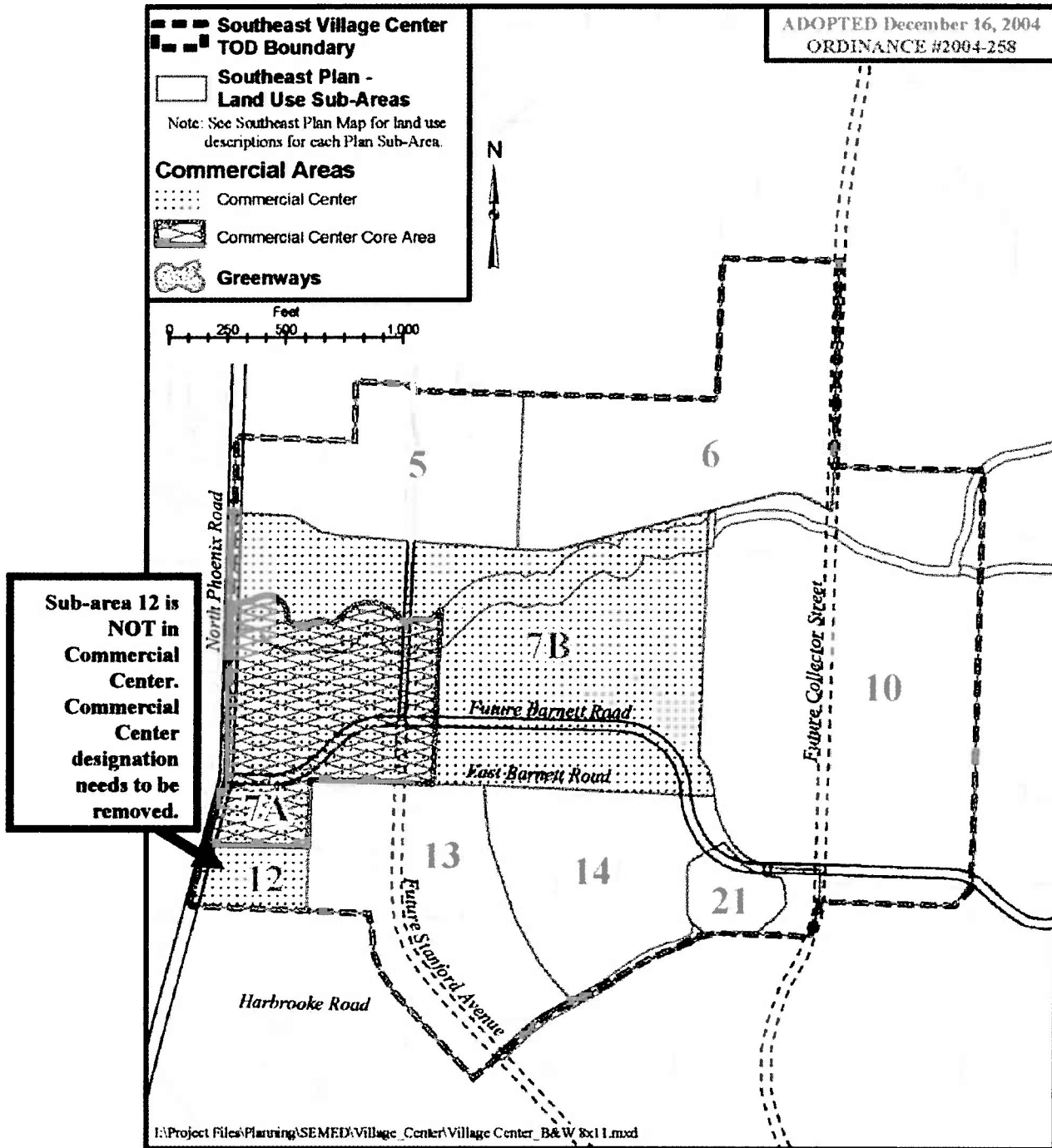
#### **EXHIBITS**

- A Proposed Legislative Amendment dated November 13, 2008
- B Medford *Land Development Code*, Major Legislative Amendments, Section 10.182
- C *Findings of Fact and Conclusions of Law* dated October 2, 2008
- D Southeast Plan Map
- E Current Zoning in the Southeast, excerpted from current City of Medford Zoning Map
- F Letter from Site Plan and Architectural Commission dated October 3, 2008

**PLANNING COMMISSION AGENDA:            OCTOBER 9, 2008**

**CITY COUNCIL AGENDA:                    DECEMBER 4, 2008**

FIG. 10.372 - SOUTHEAST VILLAGE CENTER

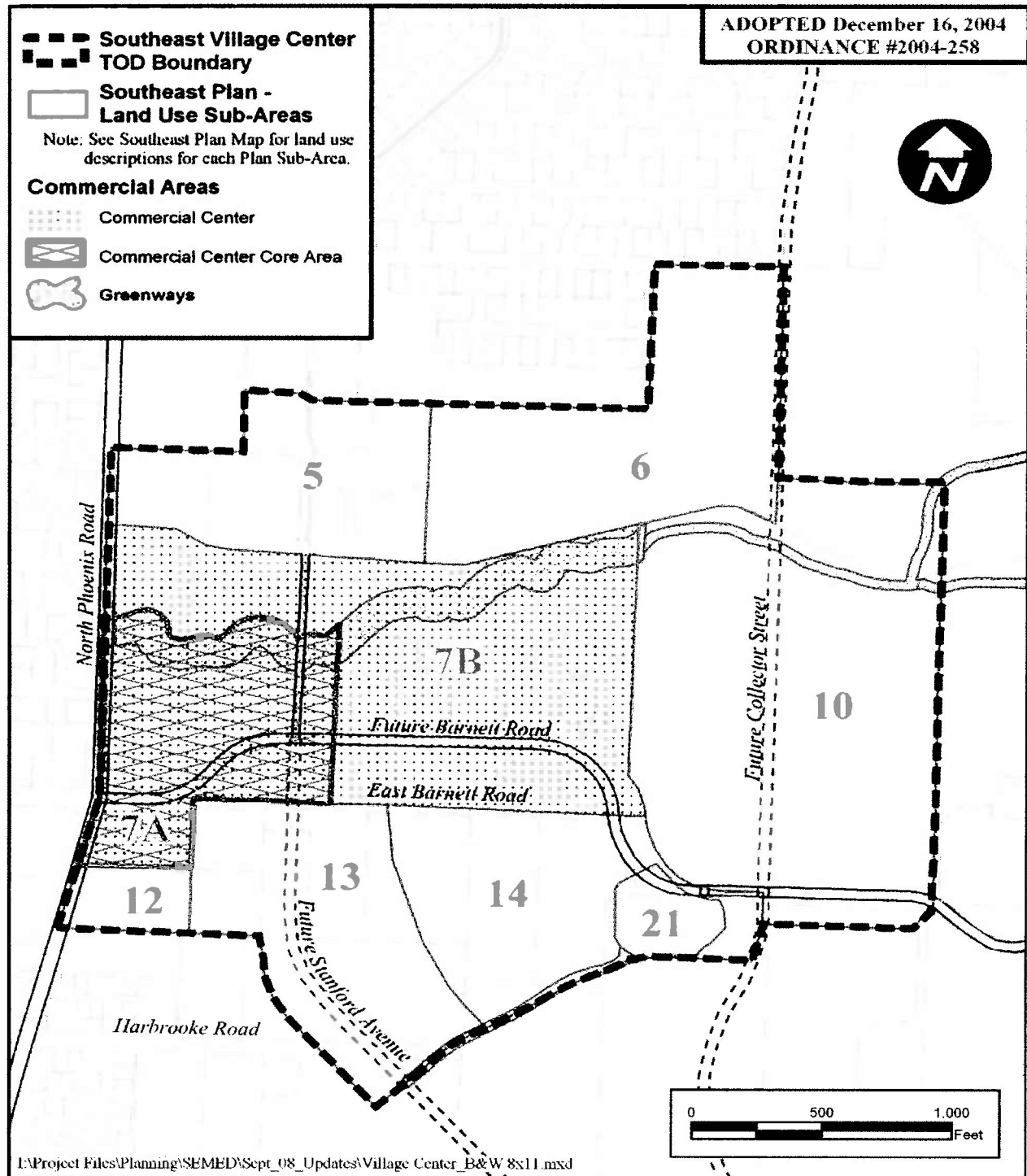


[Amd, Sec. 2, Ord. No. 2004-258, Dec. 16, 2004.]

CITY OF MEDFORD  
 EXHIBIT # A  
 File # DCA-08-102

**REVISED FIG. 10.372 – SOUTHEAST VILLAGE CENTER**

**FIG. 10.372 - SOUTHEAST VILLAGE CENTER**



**10.373 General Land Use Plan Map, Southeast Plan Map, Zoning, And Residential Density, S-E.**

**1. General Land Use Plan Map Designations, Southeast Plan Map Land Use Categories, Zoning, and Residential Density.**

The **Sub-Areas**, General Land Use Plan Map designations, Southeast Plan Map land use categories, zoning, and residential densities permitted in the S-E Overlay District are provided in **Figure Table 10.373**. See **Figure 10.373** for the location of the Southeast Plan Map Sub-Areas.

\*\*\*

**FIGURE TABLE 10.373: Southeast Sub-Area, General Land Use Plan Map, Southeast Plan Map, Zoning, and Residential Density**

Sub-Area	General Land Use Plan Map Designation	Southeast Plan Map Land Use Category <sup>1</sup>	Permitted Zoning	Permitted Residential Density Range Du/Ac <sup>3</sup> (PUD Du/Ac) <sup>4</sup>
1	UR	Estate Lot	SFR-2	0.8 to 2.0 (2.4) <sup>4</sup>
2, 16, 17, and 20	UR	Standard Lot	SFR-4 or SFR-6	2.5 to 6.0 (7.2) <sup>4</sup>
6, 11, and 15	UR	Small Lot	SFR-10 with alleys <sup>2</sup>	5.0 to 10.0 <sup>2</sup> <b>(12.0)<sup>4</sup></b>
			SFR-10 without alleys	6.0 to 10.0 (12.0) <sup>4</sup>
4 and 13	UMDR	Rowhouse	MFR-15	10.0 to 15.0 (18.0) <sup>4</sup>
3, 5, 10, 12, and 14	UHDR	High Density	MFR-20	15.0 to 20.0 (24.0) <sup>4</sup>
			MFR-30	20.0 to 36.0 (43.2) <sup>4</sup>
7A	Commercial and Service Commercial	<del>Service Commercial, Commercial,</del> Commercial Center Core	C-C and C-S/P <del>Mixed-Use Buildings</del>	<b>Mixed Use Buildings only<sup>5</sup></b>
7B	Service Commercial	Commercial Center – Service/Office	C-S/P	20.0 to 36.0 (43.2) <sup>4</sup> 60.0 <sup>5</sup>
8 and 18	Parks and Schools (UR Underlying)	School	SFR-4 or SFR-6	Not Applicable
Sub-Area	General Land Use Plan Map Designation	Southeast Plan Map Land Use Category <sup>1</sup>	Permitted Zoning	Permitted Residential Density Range Du/Ac <sup>3</sup> (PUD Du/Ac) <sup>4</sup>
9, 19, and 21	Parks and Schools (UR Underlying)	Park	SFR-4 or SFR-6	Not Applicable
See SE Plan Map	Greenway	Greenway	Any	Not Applicable

**Table Footnotes:**

<sup>1</sup> Southeast Plan Map land use categories are derived from the study entitled *Southeast Medford Circulation & Development Plan*, August 1995, as amended.

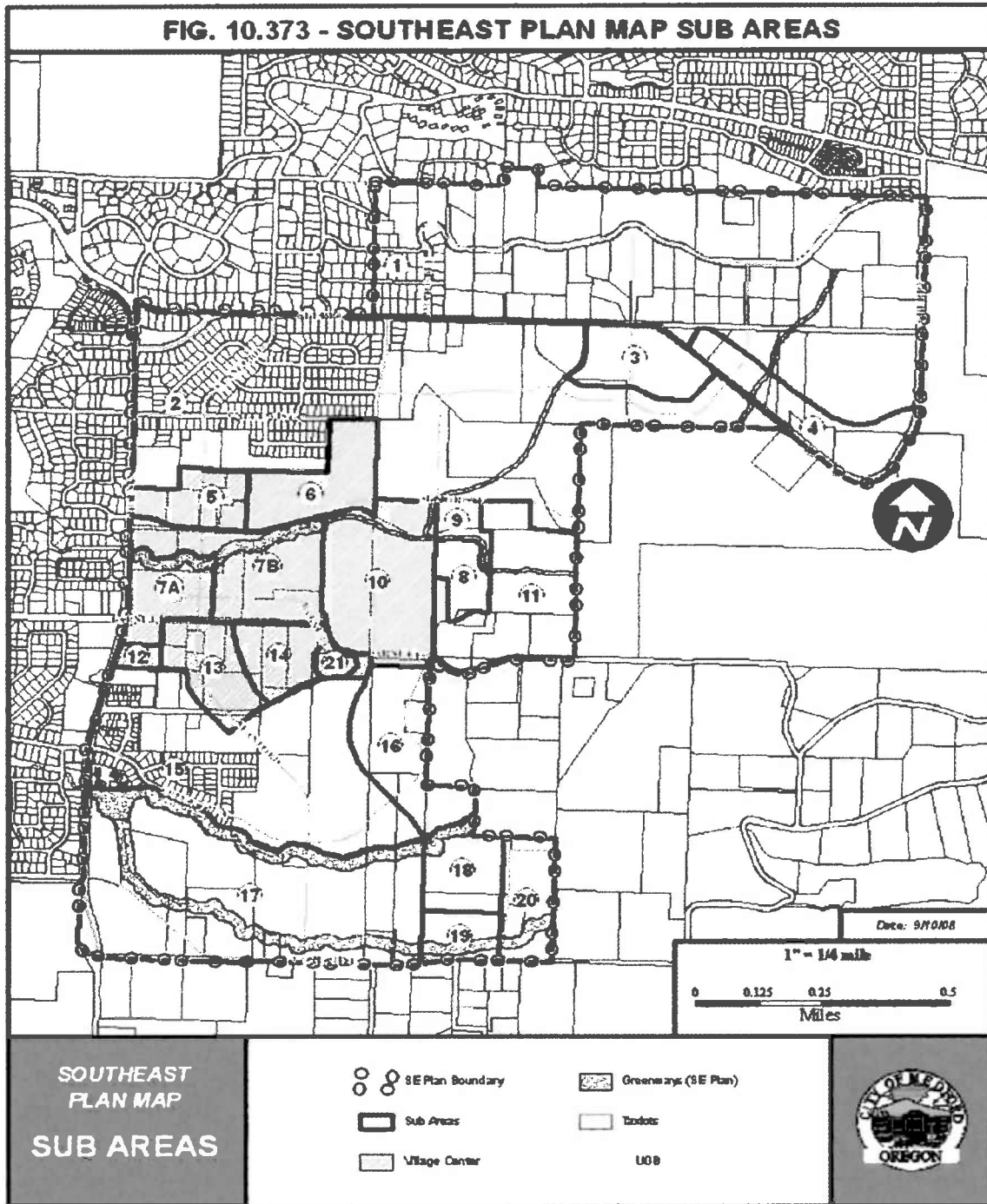
<sup>2</sup> Special density provisions for SFR- 10.

<sup>3</sup> Du/Ac = Dwelling units per acre.

<sup>4</sup> The maximum residential densities with the **twenty percent (20%)** increase permitted by ~~MLDC Section 10.230(I)(2) D.~~ **(8-)** for PUDs are shown in parentheses.

<sup>5</sup> Mixed-use buildings in the Commercial Center shall not exceed a maximum of **sixty (60) du/ac. [10.373(2)]**

**NEW FIG. 10.373 – SOUTHEAST PLAN MAP SUB AREAS**



I:\Project Files\Planning\SEMED\Sept\_08\_Updates\Adopted Landuse 8x11\_B.08\mxd

**10.374 Planned Unit Development And Master Plan Requirements, S-E.****3. Planned Unit Development Approvals.**

In approving PUD applications for projects within the S-E Overlay District, the Planning Commission shall find that the application conforms to the S-E Overlay District standards. The Planning Commission may grant modifications of City standards, including provisions of the S-E Overlay District, under ~~MLDC~~ **Section 10.230(D)**, except for **height standards in Section 10.375(3) and the prohibited uses in Section 10.378(4-)**.

**10.375 Special Lot Coverage, Building Setbacks, Building Height Standards, S-E.  
Maximum Lot Coverage.**

\*\*\*

**3. Maximum Building Height —~~Commercial Center Core Area.~~**

**Building height shall be measured pursuant to Section 10.705 and standards established in Article V shall apply except as follows:**

a. Within the Commercial Center Core Area (7A), the maximum allowable building height is **forty-five (45) feet**, except that the maximum building height may be increased to **sixty (60) feet** for residential development in **mixed-use buildings** as described in ~~MLDC~~ **Section 10.378(3-)**.

b. In Area 7B, the maximum allowable building height is **forty-five (45) feet**, except **thirty-five (35) feet** if within one hundred fifty (150) feet of a residential GLUP or Special Area Plan designation.

c. The maximum allowable height for the remainder of the Southeast Overlay District is **thirty-five (35) feet**.

[Amd, Sec. 2, Ord. No. 2004-258, Dec. 16, 2004.]

**10.376 Special Design Standards For Attached Housing, S-E.**

\*\*\*

**2. Garages.**

**Every ~~When provided for attached housing~~ dwelling unit shall be provided with at least one (1) parking space in an enclosed garage. For group quarters (per Section 10.314[5]) or residential facility, such as a congregate or retirement facility, at least half of the parking required pursuant to Section 10.743 for the residents shall be served by enclosed, garages. There shall be recorded a restrictive covenant that runs with the land to assure that garages shall be maintained in such a way that they can and will be used for vehicular parking in numbers they were designed to serve. Garages shall meet one of the standards in (a-) through (c-) below, and shall additionally meet both (d-) and (e-) below:**

a. The garage is accessed via an alley or internal drive (required for groups of two [2] or more free-standing garages); or

b. **Garage doors will be provided and will be** ~~The garage door(s) is~~ flush with the front or street side building elevation, ~~will does not exceed fifty percent (50%) of the entire front or street side building elevation, and will be the garage door(s) is~~ constructed of material(s) that ~~are~~ is compatible with the appearance of the ~~primary rest of the building that the parking is intended to~~

serve; or

c. **Garage** ~~The garage~~ door(s) will be is set back from the front or street side building elevation or from a covered porch by at least six (6) feet. To meet this standard, the front or street side building elevation and/or porch must account for at least **thirty percent (30%)** of the length of the building facing the street.

d. Carports **and other surface parking covers** are not permitted.

e. Groups of two (**2**) or more freestanding garages shall be set back from adjacent streets by at least **twenty (20)** feet. Frontage landscaping shall be provided to create a visual buffer between group(s) of freestanding garages and adjacent streets.

[Amd, Sec. 2, Ord. No. 2004-258, Dec. 16, 2004.]

**10.721 Commercial and Industrial Site Development Standards**

The following standards apply to commercial and industrial development. See Article III, Sections 10.326 through 10.332 for detailed descriptions of each zoning district, and Section 10.337 for conditional, special, and permitted uses.

<b>COMMERCIAL AND INDUSTRIAL DEVELOPMENT</b>								
<b>DEVELOPMENT STANDARDS</b>	<b>C-N</b>	<b>C-S/P</b>	<b>C-C</b>	<b>C-R</b>	<b>C-H</b>	<b>I-L</b>	<b>I-G</b>	<b>I-H</b>
<b>MINIMUM &amp; MAXIMUM AREA FOR ZONING DISTRICT (ACRES)</b>	0.5 -3.0	None						
<b>MINIMUM LOT AREA (SQUARE FEET)</b>	7,000		15,000		7,000	20,000	10,000	
<b>MAXIMUM COVERAGE FACTOR (See 10.706)</b>	30%	40%			60%	50%	90%	
<b>MINIMUM LOT WIDTH</b>	70 feet							
<b>MINIMUM LOT DEPTH</b>	100 feet							
<b>MINIMUM LOT FRONTAGE</b>	70 feet	30 feet	70 feet		30 feet	70 feet		
<b>MINIMUM FRONT &amp; STREET SIDE YARD BUILDING SETBACK</b>	10 feet EXCEPT 20 feet for vehicular entrances to garages or carports							
<b>MINIMUM SIDE AND REAR YARD BUILDING SETBACK</b>	None EXCEPT 1/2 foot for each foot in building height over 20 feet							

COMMERCIAL AND INDUSTRIAL DEVELOPMENT								
DEVELOPMENT STANDARDS	C-N	C-S/P	C-C	C-R	C-H	I-L	I-G	I-H
<b>MAXIMUM BUILDING HEIGHT (See 10.705)</b>	35 feet	85 feet EXCEPT 35 feet if within 150 feet of a residential zoning district <b>GLUP</b> or <b>Special Area Plan</b> designation.			35 feet	85 feet EXCEPT 35 feet if within 150 feet of a residential zoning district <b>GLUP</b> or <b>Special Area Plan</b> designation.		
<b>MAXIMUM GROSS FLOOR AREA PER BUSINESS (SQUARE FEET) EXCEPT as noted in 10.337</b>	2,500	None	50,000	None				
<b>PERMITTED OUTDOOR USES</b>	See Note 1	See Note 2				See Note 3		
<b>Note 1:</b> All uses must be located completely within an enclosed building or behind a sight-obscuring fence.								
<b>Note 2:</b> All uses, EXCEPT those customarily conducted outdoors, must be located completely within an enclosed building.								
<b>Note 3:</b> All uses, EXCEPT those customarily conducted outdoors, must be located behind a sight-obscuring fence.								
<i>The terms used herein, such as lot width, lot depth, front yard, etc., are defined in Article I, Section 10.012.</i>								



# *City of Medford*

DCA-08-102

## **Exhibit B**

For Class 'A' Major Legislative Amendments, Medford *Land Development Code* Section 10.182, Application Form, requires findings that address the following:

- (1) Identification of all applicable Statewide Planning Goals.
- (2) Identification and explanation of the goals and policies of the Comprehensive Plan considered relevant to the decision.
- (3) Statement of the facts relied upon in rendering the decision, if any.
- (4) Explanation of the justification of the decision based on the criteria, standards, and facts.

CITY OF MEDFORD  
EXHIBIT B  
FILE # DCA-08-102

BEFORE THE PLANNING COMMISSION  
AND CITY COUNCIL  
FOR THE CITY OF MEDFORD  
JACKSON COUNTY, OREGON

IN THE MATTER OF AMENDING )  
THE SOUTHEAST PLAN IN THE )  
NEIGHBORHOOD ELEMENT OF THE )  
MEDFORD COMPREHENSIVE PLAN AND )  
THE SE OVERLAY DISTRICT (SECTIONS )  
10.372 THROUGH 10.385) OF THE )  
MEDFORD LAND DEVELOPMENT CODE )

FINDINGS OF FACT  
CONCLUSIONS OF LAW  
File Nos. CP-08-119  
& DCA-08-102  
Exhibit 'C'  
October 2, 2008

City of Medford, Applicant

**PROCEDURAL BACKGROUND AND NATURE OF APPLICATION**

In 1993, following the inclusion of the Southeast Area within the Medford urban growth boundary, the City undertook the first special planning study (*Southeast Medford Land Use and Transportation Study*, 1993) to compare the future traffic impacts that would result from development of the area in a manner based on neo-traditional rather than contemporary development schemes. Based on the study, the City chose to pursue a neo-traditional development pattern facilitated by mixed-use zoning and an interconnected street system to distribute peak period traffic to all streets – not just collectors and arterials.

A subsequent study (*Southeast Medford Circulation & Development Plan Project Report*, August 1995) guided the preparation of amendments to the Medford *Comprehensive Plan* and *Land Development Code* for the Southeast Area. The Southeast Plan was originally incorporated into the *Comprehensive Plan* as part of the General Land Use Plan Element in 1998. The plan was implemented by adoption of the SE Overlay District regulations within the *Land Development Code*. The plan was further implemented by adoption of the Urban Medium Density Residential (UMDR) and corresponding zoning district of MFR-15 (Multiple Family Residential – 15 units per acre) to allow the specific placement of a “rowhouse” land use type in the SE Area, and by revising the Community Commercial (C-C) zoning district standards to limit the size of businesses to 50,000 square feet as more appropriate to the pedestrian-oriented Southeast Village concept. A new Regional Commercial (C-R) zoning district was also created at the time to be available in areas outside the Southeast Plan where large regional retail use is appropriate.

The Southeast Plan was further refined by Ordinance No. 2004-258 on December 16, 2004, following the adoption of the *Medford Transportation System Plan (TSP)* in November

CITY OF MEDFORD  
EXHIBIT # C  
File # DCA-08-102

2003. The TSP designated the Southeast Village Center as a Transportation Oriented District (TOD) and directed the City to complete and adopt plans and standards for the designated TOD areas. The 2004 revisions to the Southeast Plan incorporated additional TOD design guidelines and standards, refined the sub-area boundaries and designations, and incorporated the Southeast Plan within the Neighborhood Element of the *Comprehensive Plan* rather than the General Land Use Plan Element. The refinements also established a Commercial Center and a Commercial Center Core Area within the Village Center to establish a concentric town center with a “main street” along Barnett Road that would not be subject to the City’s LOS mobility standard for automobile traffic. This was enabled by incorporation of the *Southeast Medford Plan Area Neighborhood Circulation Plan and Transportation Policies and Guidelines* into the Southeast Plan.

On December 20, 2007, the Southeast Plan Implementation Advisory Committee (SPIAC) reported to the Medford City Council on the subject of discrepancies and incompatible interpretations between the Comprehensive Plan and the Development Code in the implementation of the Southeast Plan. The Medford City Council, by motion and vote, directed the SPIAC to bring recommendations for legislative amendments to the City Council in a study session. Amendment of the *Medford Comprehensive Plan* or the *Medford Land Development Code* is categorized as a procedural Class ‘A’ legislative action by the *Medford Land Development Code*. Sections 10.180 through 10.184 provide the process and standards for such amendments.

On June 24, 2008, the SPIAC, by motion and vote, forwarded a recommendation to the City Council to adopt text amendments to the Southeast Plan within the Neighborhood Element of the *Comprehensive Plan* and to adopt text amendments to the SE Overlay District of the *Land Development Code*. The SPIAC has recommended amendments as follow:

Map Corrections (Sub-area 12): The Southeast Plan, as originally adopted in 1998, designated an eight (8) acre area on the southeast corner of the Barnett/N. Phoenix Road intersection as Subarea 12 for Urban High Density Residential uses. In 2004, the plan was revised to re-designate the parcels in the subarea that abut Barnett Road as part of the new Commercial Center Core area (Subarea 7A) to promote a “main street” pattern of development. The affected land area of approximately five acres includes an existing fraternal lodge and fire station. The remaining three acres of Subarea 12 to the south was to retain the UHDR designation and was not included in the commercial core overlay. However, the adopted maps, figures, and tables within the *Comprehensive Plan* and the *Land Development Code* contain inconsistencies in that Subarea 12 is identified alternatively as UHDR and Commercial Center Core Area. The SPIAC has identified and reconciled the data and maps to accurately identify Subarea 12 as the residual southerly three acres of the original UHDR land.

Height Regulation: The Southeast Village Center TOD, as described on Page 9 in the Neighborhoods Element of the *Comprehensive Plan*, “...consists of three concentric areas nestled within one another. The Village Center of approximately 178 acres contains sub-areas 5, 6, 7A, 7B, 10, 12, 13, and 14. Sub-areas 7A and 7B make up the 53-acre Commercial Center. The Commercial Center Core Area (sub-area 7A) of approximately 18 acres is the primary retail

center located on both sides of Barnett Road extending from North Phoenix Road to a point east of Stanford Avenue.” A special building height standard was established at Section 10.375 of the *Land Development Code* for the Commercial Center Core Area limiting the maximum allowable height to 45 feet, except that the height may be increased to 60 feet for residential development within a mixed use building. However, the implementing regulations of the Southeast Overlay District do not include any similar limitation outside the Commercial Core Area. The base zoning district standards thereby remain in effect. For development within residential zones, the standard limitation is 35 feet. However, the C-S/P zoning prescribed for sub-area 7B has a maximum height limit of 85 feet, except for structures within 150 feet of a residential zone which are limited to 35 feet. Dwelling units are also permitted in the C-C zone pursuant to Section 10.837 of the *Land Development Code*, subject to the dwelling type standards established for housing within the MFR-30 district. The maximum height standard for the MFR-30 district is 35 feet.

The SPIAC recommended code amendment would establish special building height standards for the entire SE Overlay District to implement the concentric area scheme for the Southeast Plan Village Center TOD described in the *Comprehensive Plan*. The proposed standards would retain the existing maximum height of 45 feet in the Commercial Center Core Area and would continue to allow an increase to 60 feet for mixed use buildings as described at Section 10.378(3). A maximum building height standard of 45 feet would be established for sub-area 7B for all buildings. This would increase the existing height limitation for housing now subject to the MFR-30 district standard of 35 feet as may be permitted within a commercial zone. All structures within sub-area 7B would be subject to a 45 foot standard instead. The maximum height standard would then step down to 35-foot outside the commercial area, consistent with the standard now in place. The graduated increase in height from the outlying residential sub-areas to the Commercial Center Core Area, in corresponding to the TOD scheme established in the *Comprehensive Plan*, also respects the terrain of the planning area by providing for the tallest structures at the lowest elevations. This will promote the unique and important physical characteristics of the area described in the Southeast Plan, including vistas and the near-perfect orientation for solar energy utilization.

Garages for Attached Housing Types: The Southeast Plan encourages a land use pattern that will provide a tight residential street grid linking the neighborhoods to a village center and core commercial area. The neighborhoods are to be developed with a cohesive design character which will provide a mix of compatible housing types at planned densities. To accomplish this, the plan provided for the establishment of special design and development standards for streetscapes, building orientation, setbacks, building height, access, lot coverage and density, and the use of pedestrian street lighting, greenways, alleys, and street trees.

The SE Overlay District at Section 10.376 establishes special design standards for attached housing types such as townhomes, multiple-family, duplexes, and other attached dwellings. The first of the standards requires that all primary dwelling entrances face a street, courtyard, breezeway, or lobby that is visible from and connected to the street sidewalk. The second section provides standards for garages that promote neighborhood compatibility and pedestrian friendly streetscapes. The SPIAC recommends that an enclosed garage space be provided for

each attached dwelling unit, and that one enclosed garage space be provided at a ratio of one to four dwelling units for group quarters. The SPIAC recommendation does not alter existing standards regarding the amount of overall parking. The intent is to minimize the need for large off-street surface parking lots. Since a densely-gridded street system with front facing development is the neo-traditional pattern desired in the Southeast Area, the avoidance of expansive parking areas will favor building presence or open space instead. Enclosed parking areas reduce the amount of surface pollutant run-off that results from parking in open lots. Garages may also provide additional practical space for storage, recreation, and hobbies at a lesser cost of construction per square foot relative to living space within a dwelling unit. Consequently, an equivalent level of utility can be provided at lower cost.

For higher density projects, surface parking would tend to dominate a site. The garaged space requirement would also be met through the use of structural parking integrated into or located near the housing structures. Such facilities may be shared with commercial and other uses to offset costs and conserve land in a manner compatible with the goals of the Southeast Plan.

SPIAC has also recommended that a covenant be required to assure that parking garages are maintained and available to actually park cars. Standard conditions of approval for development, building site improvement agreements, CC&Rs with enforcement by property owner or neighborhood associations, or formation of a parking district are other available methods that may be considered.

Housekeeping Amendments: The nomenclature Southeast Village Center's Commercial Center is comprised of the Commercial Center Core Area (sub-area 7A) as the primary retail center and a larger Service Commercial Area (subarea 7B) outlying the core. The nomenclature with its various "commercial" terms has led to confusion as to applicability of standards. To remedy this, the sub-areas have been specifically identified within the text of the code. Also, Table 10.373 will include a column that specifies the sub-area references. Other minor housekeeping revisions are proposed as noted in the review.

On July 10, 2008, the Medford City Council reviewed the SPIAC recommendation and, by motion and vote, initiated the legislative amendment process.

On August 12, 2008, the proposed amendments were reviewed by the Citizens' Planning Advisory Committee. No comments were received.

On September 8, 2008, the proposed amendments were reviewed with staff by the Medford Planning Commission in a work session.

On September 19, 2008, the proposed amendments were reviewed by the Site Plan and Architectural Commission.

On October 9, 2008, the Medford Planning Commission will review the proposed amendments for recommendations to the Medford City Council.

The Medford City Council will hold a public hearing on December 4, 2008.

## **RELEVANT SUBSTANTIVE CRITERIA**

For Class 'A' Major Amendments, *Medford Land Development Code* Section 10.182, "Application Form", requires the following information to be prepared by the City:

- (1) Identification of all applicable Statewide Planning Goals.
- (2) Identification and explanation of the goals and policies of the *Comprehensive Plan* considered relevant to the decision.
- (3) Statement of the facts relied upon in rendering the decision, if any.
- (4) Explanation of the justification of the decision based on the criteria, standards, and facts.

## **FINDINGS AND CONCLUSIONS RELATING TO COMPLIANCE WITH STATEWIDE PLANNING GOALS AND RELATED RELEVANT POLICIES OF THE COMPREHENSIVE PLAN**

### **Applicable Statewide Planning Goals:**

<b>GOAL NO. 1:</b>	<b>Citizen Involvement</b>
<b>GOAL NO. 2:</b>	<b>Land Use Planning</b>
<b>GOAL NO. 5:</b>	<b>Natural Resources, Scenic and Historic Areas, and Open Spaces</b>
<b>GOAL NO. 6:</b>	<b>Air, Water, and Land Resources Quality</b>
<b>GOAL NO. 9:</b>	<b>Economic Development</b>
<b>GOAL NO. 10:</b>	<b>Housing</b>
<b>GOAL NO. 11:</b>	<b>Public Facilities and Services</b>
<b>GOAL NO. 12:</b>	<b>Transportation</b>
<b>GOAL NO. 13:</b>	<b>Energy Conservation</b>
<b>GOAL NO. 14:</b>	<b>Urbanization</b>

Upon investigation, it has been determined that Statewide Planning Goals 3 and 4 are not applicable to this action as these pertain to Agricultural and Forest Lands. The proposed amendments do not implicate Goal 7 (Natural Hazards) or Goal 8 (Recreation). Goals 15, 16, 17, 18, and 19 are not applicable in Medford as these pertain to the Willamette River Greenway and ocean-related resources.

***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.***

### **FINDINGS OF FACT**

Goal 1 requires the City to have a citizen involvement program that sets the procedures by which a cross-section of citizens will be involved in the land use planning process, including participation in identifying public goals, developing policy guidelines, and evaluating alternatives in the revision of the *Comprehensive Plan*, and in the inventorying, mapping, and analysis necessary to develop the plan content and implementation strategies. They must also be

given the opportunity to participate in the development, adoption, and application of legislation to carry out a comprehensive plan. Goal 1 requires providing an opportunity to review proposed amendments prior to the public hearing, and any recommendations must be retained and receive a response from policy-makers. The rationale used to reach land use policy decisions must be available in the written record.

The City of Medford has an established citizen involvement program consistent with Goal 1 that includes review of proposed legislative *Land Development Code* amendments by the Citizens Planning Advisory Committee, the Planning Commission, and the City Council in study sessions, regular meetings, and public hearings. Affected agencies and interested persons are also invited to review and comment on such proposals, and meeting and hearing notices are published in the local newspaper. This process has been adhered to in the development of the proposed amendments.

The draft document was prepared by the Southeast Plan Implementation Advisory Committee (SIAC) and made available for review by the public (via the internet), affected agencies, departments, and interested persons. The Citizen's Planning Advisory Committee (CPAC) reviewed the amendment at a regular meeting on August 12, 2008. The Planning Commission reviewed the amendment in work session on September 8, 2008 and at a regular meeting on October 9, 2008, making a recommendation to the City Council, and the City Council conducted an appropriately noticed legislative public hearing on the proposal on December 4, 2008.

#### CONCLUSIONS OF LAW

The process used by the City of Medford to facilitate and integrate citizen involvement in this proposal is consistent with the City's acknowledged *Comprehensive Plan* and Statewide Planning Goal 1.

***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.***

#### FINDINGS OF FACT

Goal 2 and its implementing *Oregon Administrative Rules (OAR)* and *Oregon Revised Statutes (ORS)* require City land use actions to be consistent with the adopted *Comprehensive Plan*, which must include identification of issues and problems, inventories, and other factual information for each applicable Statewide Planning Goal, and evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. Comprehensive Plans must state how the Statewide Planning Goals are to be achieved. The plan must contain specific implementation strategies that are consistent with and adequate to carry out the plan, and which are coordinated with the plans of other affected governmental units. Implementation strategies can be management strategies such as ordinances, regulations and project plans, and/or site or area-specific strategies such as development permits, construction permits, public facility construction, or provision of services. Comprehensive plans and implementation ordinances must be reviewed and revised on a periodic cycle to take into account changing public policies and circumstances. "Major"

(legislative) revisions occur when changes are proposed that affect a large area or many different property ownerships or the entire City.

The proposal affects the Southeast Plan, a special area plan designated within the Neighborhood Element of the *Comprehensive Plan*, and the implementing regulations of the SE Overlay District included in the *Land Development Code*. The proposed changes correct inventory and graphic data errors in the *Comprehensive Plan* and the *Land Development Ordinance* pertaining to the location and designation of sub-areas within the Southeast Plan. The proposed amendments will also establish clear and unambiguous height standards to achieve the TOD based concentric density plan, and to provide for reasonable transition between planning areas while preserving important vistas and access to solar energy. Lastly, the proposed amendment includes minor housekeeping revisions intended to correct errors and omissions.

### CONCLUSIONS OF LAW

The City's efforts in this proposal are to assure that *Land Development Code* provisions remain to properly implement the adopted policies of the acknowledged Medford *Comprehensive Plan* and the Statewide Planning Goals, and to correct known errors in the Medford *Comprehensive Plan* pertaining to the Southeast Plan. The changes proposed by the City of Medford are consistent with Statewide Planning Goal 2.

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

### FINDINGS OF FACT

Goal 5 requires an inventory of significant natural, scenic, and historic resources and the development of protection programs to conserve the resources through an evaluation of conflicting use impacts. The Southeast Plan Area as described in the Neighborhoods Element of the *Comprehensive Plan* is characterized by south and west facing slopes which produce magnificent vistas and a near-perfect orientation for solar energy utilization. The SE Areas also contains Medford's primary undisturbed natural areas, including stream corridors, wetland, hilltops, and oak woodlands. Medford's *Comprehensive Plan* includes an Environmental Element that identifies the Goal 5 resources and establishes appropriate policies and protection measures.

Pertinent to the current consideration are the following policies:

***Goal 1: To improve and maintain the quality of life in Medford by using land use planning strategies that have positive effects on the natural environment.***

**Policy 1-A:** The City of Medford shall strive to minimize the negative effects of solar radiation, such as the affect concrete and asphalt surfaces have on summer air temperature.

***Goal 2: To provide and maintain open space within the Medford planning area for recreation and visual relief, and to protect natural and scenic resources.***

**Policy 2-B:** The City of Medford shall strive to preserve and protect the visual amenities offered by the foothills.

**Goal 3:** *To enhance the livability of Medford by achieving and maintaining compliance with National Ambient Air Quality Standards (NAAQS).*

**Policy 3-B:** The City of Medford shall continue to require a well-connected circulation system and promote other techniques that foster alternative modes of transportation, such as pedestrian-oriented mixed-use development and a linked bicycle transportation system.

**Goal 4:** *To preserve and protect Medford's ground water resources and recharge zones.*

**Policy 4-B:** The City of Medford shall protect ground water recharge areas in the planning area by striving to restore and maintain the natural condition of watersheds, waterways, and flood plains. **Implementation 4-B (1):** Review the *Medford Land Development Code*, and propose amendments where necessary to assure that the amount of impervious surface in development projects is minimized and opportunities for permeation are maximized.

**Goal 10:** *To assure that urban land use activities are planned, located, and constructed in a manner that maximizes energy efficiency.*

**Policy 10-A:** The City of Medford shall plan and approve growth and development with consideration to energy efficient patterns of development, utilizing existing capital infrastructure whenever possible, and incorporating compact and urban centered growth concepts.

**Policy 10-D:** The City of Medford shall encourage the use of solar energy, recognizing it as a viable alternative to traditional energy sources. **Implementation 10-D (1):** Develop for consideration by the City Council, amendments to the *Land Development Code* that require consideration of passive solar energy techniques in subdivision design, including house orientation, street and lot layout, vegetation and protection of solar access.

The *Comprehensive Plan* further implements Goal 5 within the Southeast Plan of the Neighborhoods Element with the following:

**Goal 2:** *To assure that development in the abundant natural features and resource*

**Policy 2-A:** The City of Medford shall strive to provide a system of interconnected open spaces in the SE Area utilizing drainageways and stream corridors open to public view and access.

**Implementation 2-A (1):** Accentuate drainageways and stream corridors by locating street rights-of-way collinear and adjacent to them in order to open them for public view and access. Such placement should be outside the Greenway, should not disturb the riparian area, and should be in conjunction with enhancement and/or restoration. Creekview Drive in particular should be so located in relation to the Middle Fork of Larson Creek.

**Policy 2-B:** The City of Medford shall strive to protect natural features and resources in the SE Area, including restoration when necessary.

**Implementation 2-B (1):** Encourage clustered development to avoid alteration of important natural features.

**Implementation 2-B (2):** Apply best management practices for private and public development activities that affect streams, drainageways, and wetlands, including reducing impervious surfaces so that runoff is slowed and filtered.

**Implementation 2-B (3):** Require hillside development to meet stringent standards limiting grading and vegetation disturbance, and minimizing visual intrusion.

**Implementation 2-B (4):** Require tree preservation plans indicating existing trees of more than six inches in diameter, in conjunction with development applications.

**Policy 2-C:** The City of Medford shall pursue the continuing evaluation of the SE Area's natural resources to determine which should be protected by permanent use restrictions or public ownership, and which can be included in environmentally sensitive development.

#### **FINDINGS OF FACT**

The City's efforts in this proposal will result a transitional height standard that promotes the concentric density Village Center plan with the highest densities (and tallest buildings) in the lower elevations of the planning area. The proposed height standards would thereby preserve the important scenic vistas and access to solar utilization for the outlying residential areas that are situated on predominantly south-aspect slopes of the rolling terrain. The City's efforts also promote enclosed garages and use of parking structures to reduce land consumption and asphaltic surface area. The proposal discourages expansive surface parking in favor of clustering structures and parking, thereby conserving natural areas and open space.

#### **CONCLUSIONS OF LAW**

The proposed amendments carry out the adopted policies of the acknowledged *Comprehensive Plan* related to and in compliance with Statewide Planning Goal 5.

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

#### **FINDINGS OF FACT**

Goal 6 is implicated in that the Southeast Plan is intended to establish a development pattern that promotes a central core design that encourages residents to walk or cycle between neighborhoods and to the commercial core, and thereby reduce automobile emissions. The land use plan also seeks to maximize access to and encourage the use of solar energy, which also is beneficial to air and water resources. Providing garages for residents and encouraging the use of parking

structures to minimize the need for surface parking area will similarly assist the City to achieve Goal 6.

#### **CONCLUSIONS OF LAW**

The proposed amendments are consistent with the objectives of Statewide Planning Goal 6.

***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.***

#### **FINDINGS OF FACT**

The proposed amendments do not affect the amount of designated employment land. The proposed height standard will reduce the permissible height for commercial structures in sub-area 7B, when it is zoned in the future as planned for C-S/P, to 45 feet from 85 feet. Sub-area 7B currently retains the pre-existing county zoning of EFU and Rural Residential. It will also increase the allowable height of multi-family development allowed in commercial zones from 35 feet to 45 feet. The height standard for other sub-areas will remain the same.

The Southeast Plan included a market study for the commercial center area. The amount and type of commercial businesses that would serve the area and which would be economically feasible was assessed. The preferred alternative recommended approximately 100,000 square feet of retail commercial uses and up to 50,000 square feet for a grocery store, with the remainder of commercial area utilized for civic, office, service, and high-density residential uses and mixed uses. The Southeast Plan is based on neo-traditional development patterns with detail design standards to be established. The proposed amendments will provide more flexibility in the development of multi-family residential dwellings in sub-area 7B by increasing the allowable height to 45 feet, in the area closest to the Commercial Center Core. The 45-foot standard equals that for commercial use structures within the Commercial Center Core Area (7A). The SPIAC recommends that the 45-foot standard be adopted as consistent with the original intent of the neo-traditional TOD plan. This should occur prior to re-zoning sub-area 7B to C-S/P, the intended future zoning under the Southeast Plan, and consistent with the market study and economic planning for the Southeast Plan and under Statewide Planning Goal 9.

#### **CONCLUSIONS OF LAW**

The proposed amendments are consistent with the economic strategies of the Southeast Plan and Statewide Planning Goal 9.

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

#### **FINDINGS OF FACT**

Goal 10 specifies that each city must plan for and accommodate needed housing types. Needed housing types include attached and detached single-family, multi-family, and manufactured homes. Plan provisions to meet housing needs must not exceed the carrying capacity of the air, land, and water resources of the planning area. Goal 10 requires an increase in population

densities in urban areas while taking into consideration the ESEE (environmental, social, economic, and energy) consequences of the proposed densities.

Surface parking can occupy large amounts of land that might otherwise serve housing needs. Facilities must be planned and designed carefully to use the land efficiently while maintaining the visual character of the community. The proposed amendment assists in increasing residential density in the City by promoting the use of garages, including parking structures, for attached housing in the Southeast Plan. At lower densities, enclosed garages either attached or free-standing also will provide lower cost per square-foot space for ancillary space for the residents of the SE Plan Area. For the higher density ranges, the requirement will ensure that surface parking does not dominate the landscape in conflict with the purposes of the Southeast Plan.

The change in the height standard affects only sub-area 7B, part of the Commercial Center. The Southeast Plan does not establish target residential densities for any of the planned commercial areas, although the plan does provide for multi-family residential and mixed-use development within the commercial zones. The proposed amendment to the height standard will allow for multi-family development within sub-area 7B with a 45 foot height standard instead of the 35-foot standard now in effect. The standard is more appropriate to the permitted densities of the MFR-30 district as permitted in commercial zones. The provision of structural parking will serve to complement such densities without excessive land consumption. Accordingly meets a need for affordable housing options.

#### **CONCLUSIONS OF LAW**

The City's efforts in this proposal to develop strategies that carry out the adopted policies of the acknowledged *Comprehensive Plan* related to increasing residential density in compliance with and needed to comply with Statewide Planning Goal 10.

***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.***

#### **FINDINGS OF FACT**

The Southeast Plan promotes TOD design standards providing for higher density around a core area, and preserving natural areas and open space through planned development. No changes to the adopted public facility plans are proposed. However, the proposed amendments requiring the provision of enclosed parking are intended to minimize the need for surface off-street parking lots, and to encourage structural parking for the more intense land uses.

#### **CONCLUSIONS OF LAW**

The proposed amendments are consistent with the Southeast Plan and Goal 11 objective of efficient arrangement of public facilities and services for urban development.

***GOAL 13: ENERGY CONSERVATION – To conserve energy.***

### FINDINGS OF FACT

The Southeast Plan is intended to promote a walkable pedestrian friendly community through a neo-traditional development pattern. The proposed height standards provide a reasonable transition from a commercial core area to outlying residential neighborhoods and better preserves solar access to the community. The garage standards are intended to promote an attractive and lively streetscape oriented to pedestrians and cyclists rather than cars.

### CONCLUSIONS OF LAW

The proposed amendments are consistent with Statewide Planning Goal 13 for energy conservation.

***GOAL 14: URBANIZATION – To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide livable communities.***

### FINDINGS OF FACT

The Southeast Plan is intended to promote a walkable pedestrian friendly community through a neo-traditional development pattern, with a mix of urban employment and residential area inside and adjacent to the City's urban growth boundary. The proposed amendments provide a reasonable transition from a commercial core area to outlying residential neighborhoods and the rural areas beyond. The garage standards discourage the use of large surface parking areas that, at the growth boundary, would encroach upon rural land uses where dust and spray drift may not be compatible with open air parking.

### CONCLUSIONS OF LAW

The proposed amendments are consistent with Statewide Planning Goal 14 for urbanization.

Applicable Oregon Administrative Rules (OARs):

#### **660-008-0015 - Clear and Objective Approval Standards Required**

Local approval standards, special conditions and procedures regulating the development of needed housing must be clear and objective, and must not have the effect, either of themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

### FINDINGS OF FACT

CP-08-119: The proposed *Comprehensive Plan Amendment* will correct two errors within the Neighborhood Element's Southeast Plan, as last revised by Ordinance No. 2004-258. Table 1

(Southeast Plan Map Sub-areas) incorrectly depicts Sub-area 12 as being within the Commercial Center with a C/SP zoning designation. Figure 2 (Southeast Village Center) also incorrectly depicts Sub-area 12 as being within the Commercial Center. Figure 1 (Southeast Plan Map) correctly depicts Sub-area 12 with as Urban High Density Residential (UHDR) land with corresponding zoning of MFR-20 or MFR-30. The text description of the Southeast Village Center at Page 9 of the Southeast Plan clearly describes the Commercial Center as Sub-areas 7A and 7B. The proposed amendments will reconcile Table 1 and Figure 2 with Figure 1 and the text of the plan. The corrections do not affect plan conclusions, goals, policies, implementation strategies, the intended GLUP map designations, the urban growth boundary, the Citizen Involvement Program, or the Review and Amendment Procedures. The Review and Amendment Procedures of the *Comprehensive Plan* provide that such revisions of data, inventories, and graphics may be made by order of the Planning Director.

DC-08-102: The proposed *Land Development Code* amendments implement policies and strategies adopted in the *Comprehensive Plan* in the Southeast Plan Area to assure neighborhood compatibility through development in a neo-traditional pattern of tightly gridded streets with a Village Center and Commercial Center Core Area. The proposed height standards will promote the highest density with the tallest buildings (up to 60 feet) at the Commercial Center Core Area, a height of 45-feet for all buildings in the remainder of the Commercial Center, and the standard 35-feet for outlying residential zones. The strategy will preserve the vistas and near-perfect solar orientation identified as important and unique physical characteristics of the area in the Southeast Plan.

The amendment requiring garaged parking to be provided for attached dwellings and group housing will promote neighborhood compatibility, will reduce the amount of open parking area and associated surface pollutant run-off, provides useable but lower cost enclosed area for residential storage and ancillary use, and promotes the use of parking structures and shared parking arrangements for the higher density land use areas. Garage enclosures need not be heated, insulated, nor plumbed and will provide a more attractive alternative to carports and car covers, which are already precluded as incompatible in the SE Overlay District (Section 10.376(2)(d)). Surface lots will still be needed to accommodate visitors and provide flexibility for shared and other uses. However, the surface lots may be smaller and thoughtfully planned to maintain the visual character of the Southeast Plan Area where the residents are provided at least one garaged space per home. This will also serve to assuage concerns and objections typically raised in opposition to multi-family projects by neighboring property owners, which frequently leads to burdensome procedures and costs for project approval. The proposal with thereby produce an outcome that reflects the needs of the community, and also meets the goals, policies and implementation strategies of the *Medford Comprehensive Plan*.

The housekeeping standards serve to clarify which sub-areas are implicated by a development standard, and to provide a consistent format throughout the code.

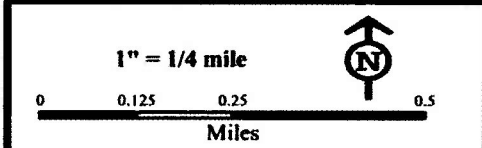
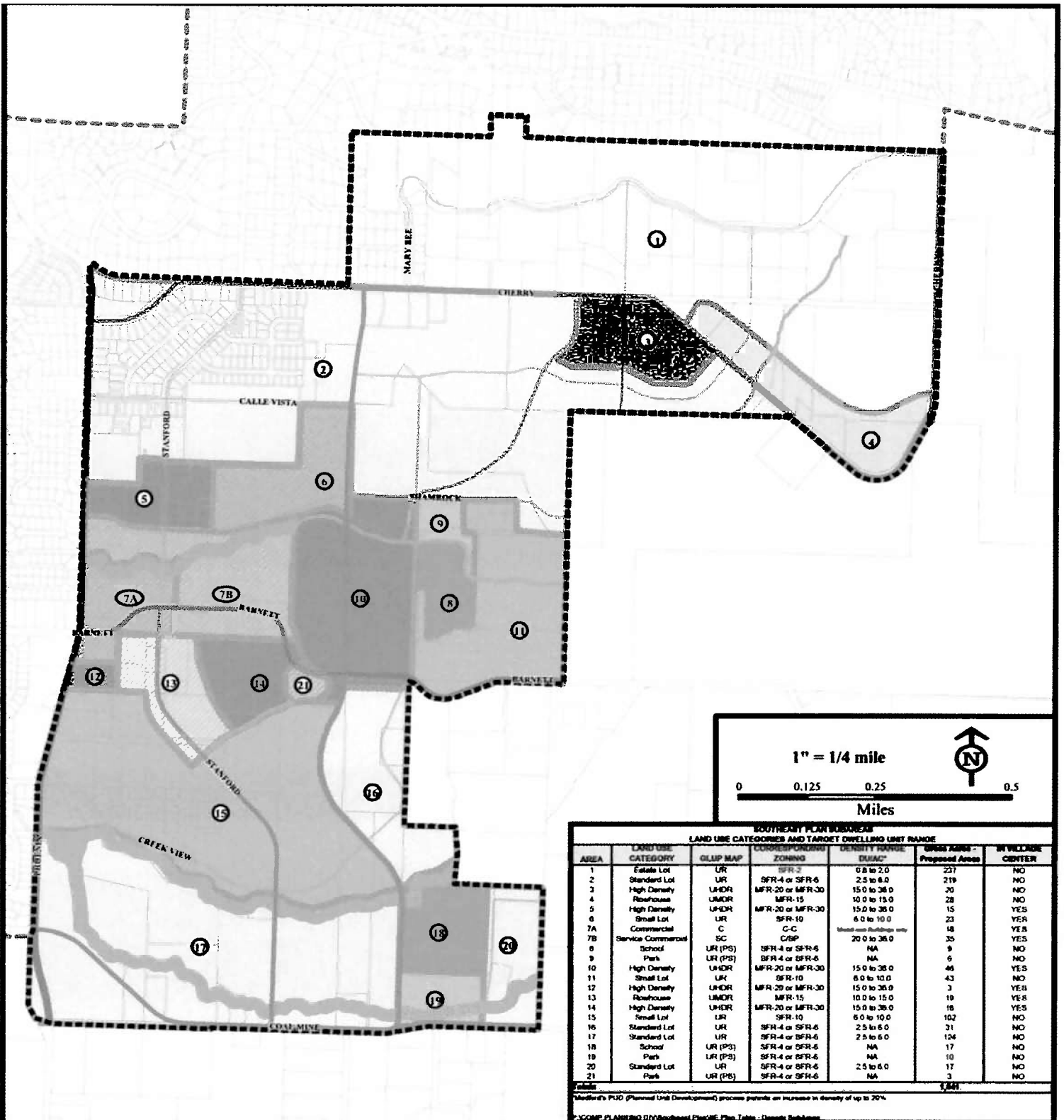
## CONCLUSIONS OF LAW

The proposed amendments to the *Comprehensive Plan* are corrections of error to data, inventory, and graphic information. These may be corrected by order of the Planning Director in accordance with the Review and Amendment Procedures of the *Comprehensive Plan*. It is also appropriate to enroll the corrections with the *Land Development Code* amendments proposed to further implement the Southeast Plan.

The City's efforts in this proposal to carry out the adopted policies and strategies of the acknowledged *Comprehensive Plan* related to the development with the Southeast Plan Area are consistent with and necessary to comply with the above-noted *Comprehensive Plan* Goals, Policies, and Implementation Strategies.

#### **SUMMARY**

The proposed *Comprehensive Plan* and *Land Development Code* amendments can be found to be consistent with the overall Goals and Policies of the *Comprehensive Plan* by continuing the City's efforts to promote neo-traditional neighborhood design and TOD principles while protecting the physical features and qualities that are unique to the Southeast Plan in an effective and efficient manner. The amendment also can be found to be consistent with the requirements of the Statewide Planning Goals, including that of adequate public input opportunities, by properly implementing the *Comprehensive Plan* to more effectively achieve these goals.



**ADOPTED December 16, 2004  
ORDINANCE #2004-258**

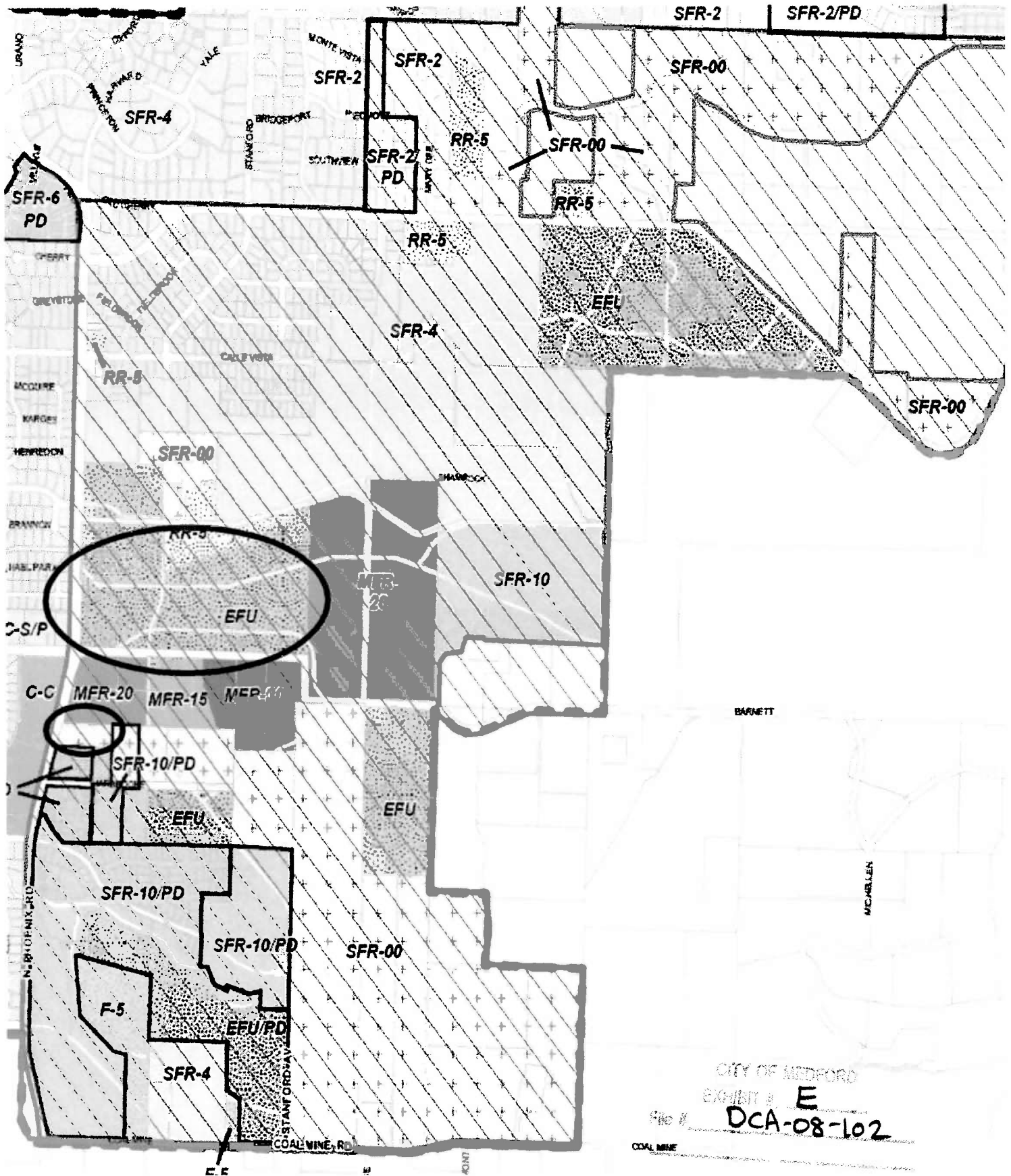
No guarantee or warranty is expressed or implied in terms of data accuracy or legitimacy. This product is intended for use as public information and precise interpretations of the official record should be solicited from the Medford Planning Department.

## SOUTHEAST PLAN MAP

--- UGB	Major Arterial	■ Estate Lot
..... SE Plan Boundary	Minor Arterial	■ Standard Lot
/// Village Center TOD	Major Collector	■ Small Lot
□ Existing Taxlots	Minor Collector	■ Row House
⊕ Greenway	Commercial Street	■ High Density
	Standard Residential	■ Commercial
		■ Service Commercial
		■ Schools
		■ Parks

DCA-08-102

# CURRENT ZONING - SOUTHEAST



CITY OF MEDFORD  
EXHIBIT **E**  
File # **DCA-08-102**  
COAL MINE



# Planning Department

*Continuous Improvement – Customer Service*

City Hall – Lausmann Annex • Room 240 • 200 South Ivy Street • Medford, Oregon 97501

October 3, 2008

City of Medford Planning Commission, Honorable Mayor and City Council  
City of Medford  
411 West Eighth Street  
Medford, Oregon 97501

Dear Planning Commissioners, Mayor Wheeler and City Council:

The Planning Department staff has been working on an amendment to the Southeast Overlay District standards regarding building height and garages in the Southeast (DCA-08-102/CP-08-119). These revisions were presented to the Site Plan and Architectural Commission (SPAC) on September 19, 2008. The purpose of this letter is to outline SPAC's comments regarding these revisions.

The height restrictions seem to change the original concept of the Southeast. How do the height restrictions affect density?

The amendment to require garages seems to be an attempt by the Southeast Plan Committee to design development in the Southeast Plan. In addition, it increases the space required, and increases costs. This should not be a mandatory measure. It also does not make sense to require garages for group quarters such as assisted living facilities or convalescent facilities, where there are people that can't drive.

Thank you for your consideration.

Sincerely,

Jon C. Elliott, Chair  
Site Plan and Architectural Commission

CITY OF MEDFORD  
EXHIBIT # **F**  
File # **DCA-08-102**

### Vicinity Map



#### RESIDENTIAL

- Urban High Density (UH)
- Urban Medium Density (UM)
- Urban (UR)

#### COMMERCIAL

- Commercial (CM)
- Service (SC)

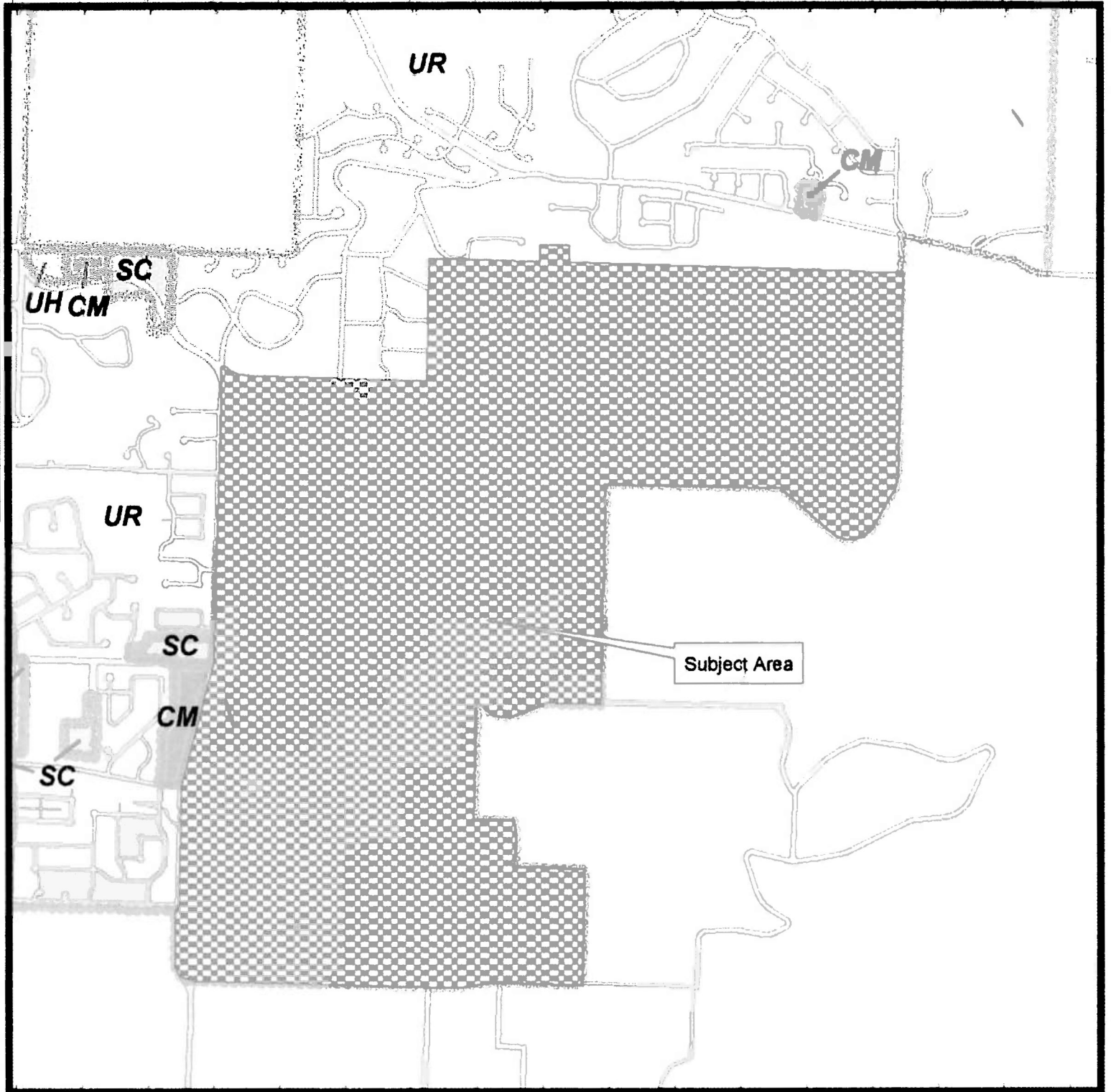
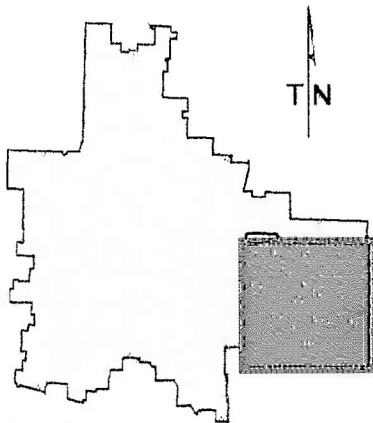
#### INDUSTRIAL

- Heavy (HI)
- General (GI)

- Airport (A)
- City Center (CC)
- Greenway
- Limited Service Area (LS)
- Parks & Schools (PS)

**FILE NUMBER:**  
**DCA-08-102**

**APPLICANT:**  
**City of Medford**



# MINUTES OF THE REGULAR MEETING OF THE MEDFORD CITY COUNCIL

December 16, 2004

## EVENING SESSION

### EXCERPT

120.2 **Council Bill 2004-257** Ordinance approving a major amendment to the *Medford Comprehensive Plan*, including revising the Southeast Plan and Southeast Plan Map, adopting a new Southeast Area Neighborhood Circulation Plan and map, placing these in a new Neighborhood Plans Element, and making minor revisions to the General Land Use Plan Element, the General Land Use Plan Map, the Transportation System Plan Element, and the Street Functional Classification Map, for approximately 1,000 acres generally located east of North Phoenix Road and north of Coal Mine Road extending to the easterly Urban Growth Boundary. (CP-04-165) (Major Comp Plan Amendment, Legislative Action)

Planning Director Rob Scott presented staff report and noted that this was not just a plan for one neighborhood but that many of the criteria would be used throughout the city. This project has been underway since 1990 and tonight's public hearings will mark a major accomplishment of years of work by staff and members of the community.

Suzanne Myers, Associate Planner, was the lead staff person on this project and addressed the three parts of the process before the council. She gave the background on how the amendments were developed and brought forward and that adoption of these items will create a new "Neighborhood Element" within the comprehensive plan. Ms. Myers addressed correspondence received from property owners and minor changes that were considered. Staff, Planning Commission, South East Planning Committee, Citizen's Planning Advisory Commission and Oregon Department of Transportation all recommend approval.

Public Hearing Opened.

1. Hank Snow, 333 River Club Drive, Roseburg, addressed council regarding the modifications to Stanford Street and that this street now dissects his property in such a way to diminish his ability to develop the property. The change in location of Stanford St. is attributed by him to the reduction of the Village Center area.

2. **Stuart Foster, representing Mr. And Mrs. Hutchings, proposed that area 7B be modified to reduce the height requirement to preserve residential views.**

3. Gary Del Rosso, 200 ½ Mariposa St., Medford, addressed council regarding access to his property and Monte Vista St. development proposals.

4. Eric Stark, 201 W. Main St. Medford, addressed council in support of this item.

5. Gordon Dickerson, 4495 Cherry Lane, Medford, addressed council regarding the Cherry Street and his concerns regarding the circulation plan addition of a east/west road which bisects his property. His property is zoned for a minimum 2 acre parcel and

the new road proposed would reduce his lot to 1 acre parcels which could not be developed under current zone. Ms. Myers noted that the location of local streets within the plan is conceptual only and at the time of property development, street location would be developed.

Public Hearing Closed.

Motion: Adopt Ordinance #2004-257

Moved by: James Kuntz Seconded by: Jim Key

Roll call: Councilmembers Jones, Key, Knight, Kuntz, Michaels, Moore, and Strosser voting yes. Councilmember Anderson abstained.

Ordinance #2004-257 was duly passed.

Meeting adjourned for a 10 minute break.

.....

Meeting reconvened with all members present.

120.3 **Council Bill 2004-258** Ordinance amending Chapter 10 of the Code of Medford by repealing existing Sections 10.370-10.378 and replacing with new Sections 10.370-10.385 to revise the Southeast (S-E) Overlay Zoning District which applies to approximately 1,000 acres generally located east of North Phoenix Road and north of Coal Mine Road extending to the easterly Urban Growth Boundary. (DCA-04-166) (Land Use, Legislative Action)

Suzanne Myers, Associate Planner, presented the staff report and noted that most of the changes address design standards. The Citizen's Planning Advisory Committee had concerns regarding the increase in percentage of permitted lot coverage for single family zones as it affects stormwater runoff. Planning Commission, South East Planning Committee and staff recommend adoption. City Attorney Ron Doyle noted that the building height issue should be addressed by council within **this agenda item**.

Public Hearing Opened.

1. Stuart Foster, representing Mr. & Mrs. Hutchings, requested letters from them and Dr. Linda Harris be placed in the record. He also would request that city council send this back to the committee to review in regards to the building height allowed in conjunction with existing topography.

2. Carol Berg, representing Citizens Advisory Planning Committee, address council regarding the concern of stormwater runoff with impervious surfaces. She requested approval of 10.765 be delayed until research is completed to substantiate adequate coverage.

3. Craig Stone, South East Planning Committee, addressed council regarding the concern about stormwater runoff.

Councilmembers requested public works staff address stormwater concerns. Cory Crebbin, Public Works Director, addressed

issue and noted that the current stormwater systems is adequate for a 25 yr. storm and that the pending stormwater code amendments will be brought forward for council consideration within a few months.

4. Randy Jones, South East Planning Committee, address council regarding the stormwater issue and noted that the city widened the street parking strips to assist with stormwater runoff. He also noted that the driving reason for the increase of lot coverage is to be able to keep design features while providing for the square footage that the market demands.

Public Hearing Closed.

**Motion #1: Adopt Ordinance #2004-258 and refer section 10.375(3) back to the committee for review and adoption of section at a later date.**

**Moved by: Jim Key Seconded by: Claudette Moore**

Councilmembers **discussed** concern regarding building height **and if this needed to be included in the motion.** City Attorney Ron Doyle **clarified process for council to address building height.**

**Motion #1 was withdrawn.**

**Motion #2: Adopt Ordinance #2004-257.**

**Moved by: James Kuntz Seconded by: Jim Key**

**Roll call:** Councilmembers Jones, Key, Knight, Kuntz, Michaels, Moore, and Strosser voting yes. Councilmember Anderson abstained.

Ordinance #2004-257 was duly passed.



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When available, the full agenda packet may be viewed as a pdf file by scrolling to the bottom of the page and clicking on the icon.

### Thursday, December 20, 2007

#### MINUTES OF THE REGULAR MEETING OF THE MEDFORD CITY COUNCIL

December 20, 2007

#### NOON SESSION

The meeting was called to order at 12:00 p.m. in Council Chambers at City Hall with the following members and staff present.

Mayor Gary Wheeler; Councilmembers Jason Anderson, Jim Kuntz, Greg Jones, Al Densmore, Ben Truwe, Bob Strosser, Jill Stout (\*left and returned to the meeting as noted) and John Statler.

Councilmember Strosser presented Sgt. Boone with an appreciation gift from his rotary club.

#### Employee Recognition

Employees from the City Attorney's Office, City Manager's Office, Fire Department and Police Department were recognized for their years of service.

#### Introduction of New Employees

Jeffery McGrath, Police Officer was introduced.

#### Employee Retirement

Retirement plaques were presented to Bob Janssen, Administrative Engineer in the Public Works Department and Freddie Sutton, Plumbing Inspector in the Building Department for their years of service.

#### Employee of the Quarter for the 4th Quarter of 2007

Sarah Sousa, Planner, Planning Department was recognized as the Employee of the Quarter,

20. Approval or correction of the minutes of the December 6, 2007, regular meeting Councilmember Strosser expressed concern regarding the minutes of meeting and that they should be consistent and clearly reflect the discussions held. He is uncomfortable with the change of minutes for Agenda Item 70.5.

Motion: Accept the minutes of the December 6, 2007 meeting as originally submitted in draft form for council review.

Moved by: Bob Strosser Seconded by: Greg Jones

Roll Call: Councilmembers Jason Anderson, Greg Jones, Al Densmore, Jill Stout, John Statler, James Kuntz, Ben Truwe and Bob Strosser voting yes.

Motion carried and so ordered.

#### 30. Oral requests and communications from the audience

##### 30.1 Presentation of the City Financial Statements by Paul Nielson of Isler & Co.:

Alison Chan, Finance Director, addressed the council and introduced Mr. Nielson. Mr. Nielson reviewed the financial report and highlighted results of the audit. He commended the finance staff for their work and noted there were no recommendations to the City.

30.2 Update from Skip Knight on RVACT and MPO: Mr. Knight addressed the council and provided an update on the MPO meeting and discussion regarding the 2009-2034 Regional Transportation Plan. He reported on the RVACT meeting and noted that by 2009 the monies in the Federal Highway Trust Fund will be at a zero balance which means there will be no further funding from the Federal Government for modernization or maintenance projects. Mr. Knight noted a letter from the Oregon Transmission Commission which provided an update on Coos Bay channel deepening. He expressed concern regarding the unforeseen effect of Senate Bill 994 which reallocates funds from the Highway Fund to give to Counties. Mr. Knight requested council direction regarding the January 2008 RVACT meeting where they will be voting on which projects should be funded.

Mr. Knight also spoke regarding the Rogue Valley Transit District cancellation of Route 4 and the impact of the closure for veteran's trying to obtain services. He and other volunteers have been working to transport vets from the downtown RVTB bus transfer station to the facility to get services.

## 30.3 Fire Department Presentations:

a. Chief Bierwiler addressed the council and presented a Public Service Award to Dr. Brian Gross on behalf of the Fire Chiefs Association. This award was given for Dr. Gross's commitment to develop the Acute ST Segment Evaluation Taskforce. Dr. Gross is known nationwide for the development and local collaboration success of this early detection cardiac program. Using the program and a 12 lead heart monitor, Paramedics can diagnosis cardiac patients in the field for direct admittance to the Heart Cath Lab, instead of taking them to the Emergency Room. This reduces the time and effect of the heart attack on the patient.

b. Dan Marcisz, Jackson County Sheriff's Office, addressed the council regarding the Jackson County Safety Seat Coalition and presented an award of recognition to Firefighter Kevin Watt for his work with this program. Mr. Watt addressed the council and provided some statistics on the number of citizen's who have taken advantage of this service.

b. Sandy Nelson, Jackson County Sheriff's Office, addressed the council and presented a Founder's Award to Chief Bierwiler for his contribution and participation in this program.



30.4 Carl Bartlett and Bob Tull, representing the SE Implementation Advisory Committee, addressed the council requesting that the council provide direction for this committee to prepare two code amendments for presentation to the Council in a study session. Mr. Bartlett noted that the committee is not requested staff time to assist in this process.

**Motion:** Direct the SE Implementation Advisory Committee to start code amendment process and bring recommendations for amendments to the City Council in a study session.

Moved by: Bob Strosser Seconded by: James Kuntz

Roll Call: Councilmembers Jason Anderson, Greg Jones, Al Densmore, Jill Stout, John Statler, James Kuntz, Ben Truwe and Bob Strosser voting yes.

Motion carried and so ordered.

## 40. Consent calendar

40.1 REMOVED BY Councilmember Anderson.

40.2 COUNCIL BILL 2007-260 A resolution initiating annexation to the City of Medford of eight (8) parcels totaling approximately 129 acres located approximately 300 feet east of the eastern terminus of Annapolis and Cadet Drives and concurrent zone change from County RR-5 (Rural Residential - 5 acre minimum lot size) and County EFU (Exclusive Farm Use) to City SFR-00 (Single Family Residential - 1 dwelling unit per existing lot), and withdrawal of said properties from the Medford Rural Fire Protection District #2, and setting a hearing date; effective when notice is received from the Secretary of State. (A-07-015)

40.3 COUNCIL BILL 2007-261 A resolution initiating annexation to the City of Medford of one parcel totaling 1.42 acres plus any associated rights-of-way, located on the northeast corner of Lozier Lane and Stewart Avenue, and concurrent zone change from County SR-2.5 (Suburban Residential - 2.5 acre minimum lot size) to City SFR-00 (Single Family Residential - one dwelling unit per existing lot) and withdrawal of said property from Medford Rural Fire Protection District #2 and Jacksonville Highway Water District, and setting a hearing date; effective when notice is received from the Secretary of State. (A-07-059)

40.4 COUNCIL BILL 2007-262 A resolution initiating annexation to the City of Medford of one parcel totaling 10.80 acres, located on the north side of Aerial Heights Drive approximately 2,400 feet west of Cherry Lane, and concurrent zone change from County RR-5 (Rural Residential - 5 acre minimum lot size) to City SFR-00 (Single Family Residential - one dwelling unit per existing lot) and withdrawal of said property from Jackson County Fire District #2, and setting a hearing date; effective when notice is received from the Secretary of State. (A-07-197)

40.5 COUNCIL BILL 2007-263 An ordinance awarding a Consulting Services Contract in the amount of \$167,881.00 to West Yost Associates to provide multiple project pre-design services for the Regional Water Reclamation Facility.

40.6 COUNCIL BILL 2007-264 An ordinance authorizing the acceptance and expenditure of grant funds in the amount of \$750.00 from the Arts Council of Southern Oregon to be used towards the completion of a therapeutic recreation arts program.

40.7 COUNCIL BILL 2007-265 An ordinance authorizing the acceptance and expenditure of grant funds in the amount of \$9,700.00 from the Medford Parks & Recreation Foundation to be used towards an inclusion recreational opportunities program.

40.8 COUNCIL BILL 2007-266 An ordinance authorizing the acceptance of a Warranty Deed from the Medford Parks and Recreation Foundation for .24 acres of land to be included as part of the Larson Creek Greenway.

40.9 COUNCIL BILL 2007-267 An ordinance authorizing the acceptance and expenditure of grant funds in the amount of \$10,000.00 from Fireman's Fund Insurance Company for the purchase of a computer-based fire ground and fire officer training package.

40.10 REMOVED BY Councilmember Jones.



## MINUTES Planning Commission Meeting October 9, 2008

The regular meeting of the Medford Planning Commission was called to order at 5:30 p.m. in the Jackson County Auditorium on the above date with the following members and staff in attendance:

### Commissioners

David McFadden, Chair  
Allen Potter, Excused Absence  
Jared Hokanson  
Jerry Shean  
Brita Entenmann  
Robert Tull

Norm Nelson  
Tony Cabler  
Tim Jackle

### Staff

Bianca Petrou, Assistant Planning Director  
Kelly Akin, Senior Planner  
Lori Cooper, Sr. Assistant City Attorney  
Greg Kleinberg, Fire Marshal  
Larry Beskow, City Engineer  
Kristy Grieve, Recording Secretary

### 10. Roll Call

### 20. Consent Calendar/Written Communications:

#### **New Consideration Items**

- 20.3 LDS-06-204 Consideration of a request for a second extension of time of tentative plat approval for a 6-lot residential subdivision of a 1.32 acre parcel located on the east side of Kings Highway, approximately 450 feet north of the easterly terminus of Halvorsen Street, within an SFR-6 (Single-Family Residential – 6 units per acre) zoning district. Wisnovsky Homes, LLC, Applicant

Motion: Approve Consent Calendar Item 20.3

Moved by: Commissioner Nelson Seconded by: Commissioner Tull

Voice Vote: Motion passed, 8 - 0

### The following items were pulled off the consent calendar for discussion:

- 20.1 **DCA-08-102** Consideration of amendment to the Medford Land Development Code to revise the Southeast Overlay District (Sections 10.370 through 10.385) relating to building height and garage requirements, as well as minor housekeeping revisions. City of Medford, Applicant
- 20.2 CP-08-119 Consideration of a request for an amendment to the Southeast Plan in the Neighborhood Element of the Medford Comprehensive Plan to correct Table 1 (Southeast Plan Map Sub-Areas), and Figure 2 (Southeast Village Center) as they relate to Sub-Area 12 of the Southeast Plan, which is incorrectly shown as being in the Commercial Center. City of Medford, Applicant

Commissioner Tull noted a letter was received from Jon Elliot, Chairman of the Site Plan and Architectural Commission (SPAC) outlining their concerns. He asked that Carl Bartlett of the Southeast Plan Committee, speak to the importance of the concerns raised.

Praline McCormack, Planner II, spoke about the Site Plan and Architectural Committee's letter.

Mr. Bartlett noted that SPAC had previously written a letter with guidelines for the Commercial Center. He indicated that no matter what is approved, a Master Plan must be approved before development is allowed. Mr. Bartlett also spoke about the height restrictions.

Randy Jones of the Southeast Plan Committee indicated that the committee was trying to follow the Comprehensive Plan and work on design elements for neighborhood compatibility. He indicated that the Committee felt that garages versus carports needed to be part of the plan. He noted that on garages for assisted living, instead of one for every two units, they required one for every four units. Regarding the S-P height requirement, he noted that the committee felt the building height allowed was too tall.

## MINUTES - Planning Commission Meeting

October 9, 2008

Commissioner Tull expressed appreciation of the Southeast Plan Committee.

Motion: Approve Consent Calendar Items 20.1 and 20.2

Moved by: Commissioner Tull Seconded by: Commissioner Nelson

Roll Call Vote: Motion passed, 7 – 0 – 1, with Commissioner Jackle abstaining.

- 20.4 CP-06-065/ ZC-06-066 Consideration of a draft Disposition and Development Agreement (DDA) for Northgate Centre, a master plan to construct approximately 816,800 square feet of commercial, office, and industrial/business space on 84 acres bounded by West McAndrews Road, the Central Oregon & Pacific Railroad, North Riverside Avenue and State Highway 99 zoned I-G (General Industrial), I-L (Light Industrial), CR (Regional Commercial), and C-S/P (Service Commercial and Professional Office). Northgate Village LLC and Alba Village LLC, Applicants

Ms. Akin spoke about SPAC's concerns outlined in a letter from Jon Elliott, SPAC Chair. There was concern that the amount of discretion outlined would be of burden to staff, when it should be at the discretion of SPAC. They were also concerned with the 20% percentage reduction for parking and landscaping allowed without the Commission's approval and recommended that it be reduced to 10%.

Ms. Cooper indicated that Mr. Hathaway, attorney for the applicant, agreed that the applicant would comply fully with section 10.287. There were two items that were inadvertently left out of the DDA, but it had been resolved.

Motion: Approve Consent Calendar item 20.4, and include the modification to section 4.4 to change the percentage to 10% for parking and landscape restrictions.

Friendly Amendment: Commissioner Tull moved that the words "... at its next public meeting." be added to section 4.3, so the sentence reads: Notice of this determination shall be provided to the applicant and the Site Plan Architectural Commission at its next public meeting.

Moved by: Commissioner Nelson Seconded by: Commissioner Shean

Voice Vote: Motion passed, 8 – 0

30. **Minutes.** The minutes for the September 25, 2008, meeting were approved as submitted.
40. **Oral and Written Requests and Communications.** None
50. **Public Hearings.**

Lori Cooper, Senior Assistant City Attorney, read the Quasi Judicial Statement.

### Continuance Request

- 50.1 LDP-08-094/ E-08-095 Consideration of a request for tentative plat approval for a 2-lot partition, with an exception request for a reduction in lot depth and lot area, to legally divide 2 parcels totaling 0.95 acres, located at the intersection of Whittle Avenue and Skypark Drive, within an I-L/AA (Light Industrial/Airport Approach Overlay) zoning district. Robert Privitera, Applicant (Neathamers Surveying, Inc., Agent)

A continuance request was received from the applicant requesting that the hearing be continued to the October 23, 2008, meeting.

The public hearing was opened.