



Oregon

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Department of Land Conservation and Development

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AMENDED NOTICE OF ADOPTED AMENDMENT

September 27, 2007



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 005-04

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.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 9, 2007

This amendment was submitted to DLCD for review 45 days 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Robert O. Scott, City of Medford

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FORM 2

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

In person electronic mailed

DATE
STAMP

DEPT OF

SEP 20 2007

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Medford

Local file number: DCA-04-03

Date of Adoption: 06-02-05

Date Mailed: 09/18/07

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date:

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".

Amendment to Sections 10.230, 10.235, 10.240, 10.703 and 10.712 of the Medford Land Development Code in order to revise the requirements for Planned Unit Development and Pad Lot Developments, and the addition of Section 10.229 to develop compatibility standards for new developments.

Does the Adoption differ from proposal? Please select one

Same - minor language changes

Plan Map Changed from: ---

to: ---

Zone Map Changed from: ---

to: ---

Location: ---

Acres Involved: ---

Specify Density: Previous: ---

New: ---

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

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

DLCD file No. 005-04 (13774)

ORDINANCE NO. 2005-97

AN ORDINANCE amending Chapter 10 of the Code of Medford by amending Sections 10.230, 10.235, 10.240, 10.703 and 10.712 to revise the requirements for Planned Unit Developments and Pad Lot Developments.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. Section 10.230 of the Code of Medford is amended to read as follows:

10.230 Planned Unit Development (PUD) - General Provisions.

A. Purpose and Intent: The PUD approach permits flexibility to allow creative and imaginative urban development that would otherwise not be possible under the strict requirements of this Code. The intent is to promote more efficient use of urban land and urban services while protecting natural features, creating common open space, and encouraging a mixture of land uses and housing types that are thoughtfully planned and integrated.

B. Acreage Limitation: PUDs must contain one acre or more at the time of application filing, except in the Southeast Overlay District.

C. * * *

D. **Modified Application of Standards Authorized.** To fulfill the purpose and intents of the standards set forth in Section 10.230(A), authority is herewith granted for the approval of PUDs which vary from the strict standards of this Code. The nature and extent of potential modifications shall be limited to the categories below described, provided that the City, in approving such modifications, shall not violate substantive provisions of the Oregon Transportation Planning Rule:

* * *

6. Private Streets: Private streets may vary from the limitations, restrictions and design standards pertaining to streets with respect to length, width, position, aspect, intersection standards, grades, curve radii, cul-de-sac turnarounds, street lights, easements, sidewalks, curbs and driveway approaches for streets within the PUD, provided:

* * *

7. Allowed Uses; Housing Types: The following uses and housing types shall be permitted as part of a PUD subject to the following:

a. In addition to permitted uses, any portion of a PUD may contain any housing type listed in Subsection 10.314(1-3). In approving housing types, the Planning Commission may waive or reduce

any of the special use regulations or standards contained in Sections 10.811 through 10.838 (“Special Use Regulations”).

b. Any conditional use listed for the underlying zone may be permitted without addressing the Conditional Use Permit criteria except when the conditional use is within 200 feet of the perimeter of the PUD. This exemption does not apply to conditional uses within Riparian Corridors pursuant to 10.925 “Conditional uses within Riparian Corridors”.

c.-b. Use(s) not permitted in the underlying zone may, nevertheless be permitted and approved to occupy up to 20% of the gross area of the PUD provided that no portion of the use(s), including its parking, is located nearer than 200 feet from the exterior boundary of the PUD. If any portion of the use(s) is nearer than 200 feet from the exterior PUD boundary, then said use(s) shall be considered to be a conditional use and may be approved subject to compliance with the conditional use permit criteria in Section 10.248. However, this provision shall not apply where the land outside the PUD which is nearer than 200 feet from proposed use(s) is inside a zone in which the proposed use(s) is permitted.

8. Mixed Land Use Designations. Unless otherwise prohibited, PUDs that have more than one General Land Use Plan designation or Southeast Plan land use category shall have the flexibility to mix or relocate such designations within the boundaries of the PUD in any manner and/or location as may be approved by the Planning Commission.

E. Common Elements: A multi-family residential PUD must include a minimum of 20% of the land area as common area unless otherwise modified by the Planning Commission. This common area shall be for the purpose of providing protection for natural features, common recreational space, landscaped area, or commonly enjoyed amenities other than parking areas or private streets. Where a PUD has open spaces, private streets, parking or other elements to be owned or maintained in common by the owners or future owners of land or improvements within the PUD, the Final PUD Plan shall not be approved and no unit shall be sold or conveyed until the PUD has been found to comply with the following requirements, as applicable:

* * *

I. Residential Density:

(1) * * *

(2) Residential Density Bonus. In PUDs larger than 5 acres, the residential density may be increased by up to 20% more than the maximum density permitted by (1) above.

* * *

Section 2. Section 10.235 of the Code of Medford is amended to read as follows:

10.235 Preliminary PUD Plan - Application Procedures.

A. * * *

3. A narrative description of the PUD which shall cover:

a. The rationale for planning this development as a PUD.

- ab. The nature, planned use, future ownership and method of perpetual maintenance of land to be left in natural or developed open space or which will be held in common ownership.
 - c. A listing of all modified applications of the Code that are proposed, followed by a brief explanation which covers the nature of, ~~and~~ extent of, and reason for each modification.
 - d. If one or more signs are intended to vary from the provisions of this Code, then a detailed plan for all signs which require a sign permit shall be submitted. The sign plan shall specify the size, number, type, height and location of all signs which require a sign permit and shall clearly indicate all proposed modifications.
 - e. A proposed development schedule. If the PUD will be constructed in phases, the development schedule for each phase shall be keyed to a plan that indicates the boundaries of each phase.
 - f. The gross acreage devoted to the various proposed land uses and housing types.
4. Written findings of fact and conclusions of law which address the approval criteria in Subsection 10.235(C). ,
5. * * *

C. Approval Criteria for Preliminary PUD Plan: The Planning Commission shall approve a Preliminary PUD if it concludes that compliance exists with each of the following criteria:

1. **The proposed PUD:**
 - a. **preserves an important natural feature of the land, or**
 - b. **includes a mixture of residential and commercial land uses, or**
 - c. **includes a mixture of housing types in residential areas, or**
 - d. **includes open space, common areas, or other elements intended for common use or ownership, or**
 - e. **is otherwise required by the Medford Land Development Code.**
2. The proposed PUD complies with the applicable requirements of this Code, or
 - a. the proposed modified applications of the Code are **related specifically to the implementation of the rationale for the PUD as described in Section 10.235(A)(3)(a)**, and
 - b. the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and
 - c. the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.
3. The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria thereunder:
 - a. Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.
 - b. Public Facilities Strategy pursuant to ORS 197.768 as amended.
 - c. Limited Service Area adopted as part of the Medford Comprehensive Plan.

~~3. The PUD is consistent with goals and policies of the Comprehensive Plan, if any, which by their language or context were intended to function as approval criteria for planned unit developments.~~

~~4. the limitations, restrictions, and design standards of this Code will not materially impair the function, safety or efficiency of the circulation system or the development as a whole.~~

4. The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.

5. If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D) (8)(c), the applicant shall alternatively demonstrate that either: 1) demands for the Category "A" public facilities listed below are equivalent to or less than for one or more permitted uses listed for the underlying zone, or 2) the property can be supplied by the time of development with the following Category "A" public facilities which can be supplied in sufficient condition and capacity to support development of the proposed use:

* * *

6. If the Preliminary PUD Plan includes uses proposed under Subsection 10.230(D) (8)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.248.

7. If approval of the PUD application includes the division of land or the approval of other concurrent development permits applications as authorized in Subsection 10.230(C), approval of the PUD shall also be subject to compliance with the substantive approval criteria in Article II for each of the additional development applications.

D. Conditions: If the Planning Commission approves a Preliminary PUD Plan, in addition to conditions authorized under Section 10.291, it may attach conditions to the approval which are determined to be reasonably necessary to ensure:

* * *

3. The PUD will comply with the Comprehensive Plan, the Medford Municipal Code and all provisions of this Code except the specific provisions for which there are approved modifications.

* * *

Section 3. Section 10.240 of the Code of Medford is amended to read as follows:

10.240 Final PUD Plan - Application Procedures.

* * *

G. Approval Criteria for Final PUD Plan: A Final PUD Plan shall be approved by the Planning Commission if it concludes that compliance exists with each of the following criteria:

1. Provisions for the establishment and maintenance of elements to be held in common ownership, if any, have or will comply with the standards in Subsection 10.230(E).

2. The Final PUD Plan is substantially consistent with the Preliminary PUD Plan and the conditions, if any, which were attached to the approval of the Preliminary PUD Plan. An applicant may seek written clarification from the Planning Director or Planning Commission regarding whether any anticipated differences between the Preliminary and Final PUD Plans meet the test of being substantially consistent. In no instance shall a Final PUD Plan be approved if any of the below described inconsistencies with the approved Preliminary PUD Plan are found to exist. If such inconsistencies are identified, these shall result in the need to approve a revision to the Preliminary PUD Plan.

a. * * *

b. * * *

c. The number of housing units shall not be decreased by more than 5%,

d.. There shall be no modifications to the provisions of this Code which were not approved as part of the Preliminary PUD Plan under Section 10.230(D).

* * *

Section 4. Section 10.703 of the Code of Medford is amended to read as follows:

10.703 Pad Lot Development. When a land division creates tax lots within a common area, the following standards shall apply:

(1) A residential pad lot development shall be permitted only when the area of the project site is one acre or less; a nonresidential pad lot development is not subject to this restriction.

(2) All lot-lines created within the common area shall be located along a common or exterior building wall, or within four (4) feet of an exterior building wall, unless the approving authority (Planning Commission) allows a greater distance for special purposes, such as incorporating adjacent private outdoor yard space.

(3) The parent parcel shall meet the minimum lot area and dimensions for the zoning district and proposed use.

(4) All pad lot developments, including single-family residential pad lots, shall be approved by the Site Plan and Architectural Commission, prior to the tentative plat being accepted for review by the Planning Commission.

(5) * * *

Section 5. Section 10.712 of the Code of Medford is amended to read as follows:

10.712 Townhouse Dwellings.

* * *

In addition to the site development standards specified herein, townhouse development shall be identified as such on both the tentative and final plats for the project. Except when the tentative plat is in conjunction with a PUD, the tentative plat shall be accepted for review only after the project has received approval from the Site Plan and Architectural Commission. At the time of recording of the final plat, Covenants, Conditions, and Restrictions (CC&R's) shall be approved by the city and recorded.

* * *

PASSED by the Council and signed by me in authentication of its passage this 2 day of June, 2005.

ATTEST: /s/Karen M. Spoons
 Deputy City Recorder

/s/Claudette Moore
Acting Mayor

APPROVED June 2, 2005.

/s/Claudette Moore
Acting Mayor

City of Medford

March 29, 2005

STAFF REPORT (Third Revision)**File No.:** DCA-04-03 *Land Development Code Amendment***Applicant:** City of Medford**Request:** Consideration of amendments to Sections 10.230, 10.235, 10.240, 10.703, and 10.712 of the Medford *Land Development Code* ("MLDC") in order to revise the requirements for Planned Unit Developments and Pad Lot Developments.**BACKGROUND:**

The Planning Commission has been concerned that applicants frequently use the PUD process to propose a development for which there is no real justification other than to allow deviations from the code standards. As a result, this amendment proposes changes to the criteria for allowing a PUD to assure that the community receives some benefits in return for allowing modifications to the code standards. The word "deviation" has been removed from the PUD section and changed to "modified application of the code, modifications, or vary" depending on the context. Requirements have also been added so that the applicant must justify their request for modifications to the code standards.

There are several other significant changes proposed as a result of this amendment. First, the Planning Commission does not feel that PUD's under five acres in size should receive the same density bonus allowed in larger PUD's, and the allowance for residential PUD's to receive a 20 percent density bonus has been eliminated for PUD's under five acres. The Planning Commission is also concerned that there is not enough recreational open space provided, particularly in multi-family residential developments, so a requirement has been proposed that mandates that 20 percent of the land in a multi-family residential PUD be used for common area other than shared parking or private streets.

The other changes proposed as a result of these amendments are minor housekeeping changes required to clarify existing sections, or to make an existing section consistent with the new language. Section 10.712, Townhouse Dwellings, was modified to make it clear that when a tentative plat is proposed in conjunction with a PUD it does not have to go to Site Plan and Architectural Commission first, and Section 10.703, Pad Lot Development, has been modified to assure that the maximum size for a Pad Lot development remains at one acre even if the minimum size for a PUD is changed in the future. The Pad Lot Development is also being changed to make it clear that all pad lots, including those for single-family residential lots, must be considered by the Site Plan and Architectural Commission prior to the tentative plat being accepted for review by the Planning Commission.

Proposed Modifications to the *LAND DEVELOPMENT CODE* LANGUAGE in Sections 10.230, 10.235, 10.240, 10.703, and 10.712

*The proposed changes to the text of the Medford Land Development Code are shown below. Additions are underlined and deletions are struck-out. *** indicate language that has been omitted for brevity.*

DCA-04-03

March 29, 2005

10.230 Planned Unit Development (PUD) - General Provisions.

A. Purpose and Intent: The PUD approach permits ~~greater flexibility in~~ to allow creative and imaginative urban development that would otherwise not be possible under the strict requirements of this Code. The intent is to serve the following purposes: promote more efficient use of urban land and urban services while protecting natural features, creating common open space, and encouraging a mixture of land uses and housing types that are thoughtfully planned and integrated.

- ~~1. To promote more creative and imaginative urban development.~~
- ~~2. To promote urban development that is more compatible with the natural topography.~~
- ~~3. To preserve important natural features and scenic qualities of the land.~~
- ~~4. To promote more economical urban development while not materially compromising the public health, safety or general welfare.~~
- ~~5. To promote a more efficient use of urbanizable land.~~
- ~~6. To promote a mixture of land uses and housing types that are thoughtfully planned and integrated.~~
- ~~7. To permit in-fill development on parcels that are otherwise difficult or impossible to develop.~~
- ~~8. To promote the development, utility and appropriate maintenance of open spaces and other elements intended for common use and ownership.~~

B. Acreage Limitation: PUDs must contain one acre or more at the time of application filing, except in the Southeast Overlay District.

C. Stepped Process; Consolidated Applications Authorized: Approval of a PUD by the Planning Commission shall be a two step process involving approval of a Preliminary PUD Plan as the first step and approval of a Final PUD Plan as the second step. Except applications for annexations and comprehensive plan amendments, applications authorized in Article II may be consolidated with an application for a Preliminary PUD Plan.

D. ~~Deviations from Modified application of Standards Authorized.~~ To fulfill the purpose and intents of the standards set forth in Section 10.230(A), aAuthority is herewith granted for the approval of PUDs which ~~deviate~~ vary from the strict standards of this Code. The nature and extent of potential ~~deviations~~ modifications shall be limited to the categories below described, provided that the City, in approving such ~~deviations~~ modifications, shall not violate substantive provisions of the Oregon Transportation Planning Rule:

1. Lots and Parcels: Limitations, restrictions and design standards pertaining to the size, dimension, location, position and coverage of lots, and restrictions related to through lots.
2. Yards, Setbacks and Building Height: Limitations, restrictions and design standards pertaining to the location, size, height, yards and setbacks for buildings and other structures.
3. Parking, Bicycle and Pedestrian Standards: Limitations, restrictions and design standards pertaining to off-street vehicle and bicycle parking and loading, and standards related to pedestrian access.

DCA-04-03

March 29, 2005

4. Frontage, Access, Landscaping and Signs: Limitations, restrictions and design standards pertaining to lot frontage, access, required landscaping, signs and bufferyards.

5. Streets Generally: Streets within PUDs may be either city streets dedicated for public use or private streets owned and maintained by an association of owners pursuant to Subsection 10.230(E), provided:

a. Whether adjacent to or within a PUD, collector and arterial streets shall be dedicated city streets, the existence and general location of which shall be determined by the comprehensive plan.

b. City streets shall comply fully with the strict requirements of this Code, provided that the City in approving a PUD may permit the width of parking lanes for city streets to be less than the Code otherwise requires.

c. The City may require any proposed PUD street or segment thereof to be constructed and dedicated as a city street.

6. Private Streets: Private streets may ~~deviate~~ vary from the limitations, restrictions and design standards pertaining to streets with respect to length, width, position, aspect, intersection standards, grades, curve radii, cul-de-sac turnarounds, street lights, easements, sidewalks, curbs and driveway approaches for streets within the PUD, provided:

a. With respect to the amount, quality and installation of construction materials, private streets shall be structurally equivalent to or better than city-standard streets.

b. The City Fire Marshall shall approve the design of all private streets for access by emergency vehicles before approval of the Preliminary PUD.

c. Private streets shall be posted as private streets and shall connect to the public street system. The applicant shall convey to the City and all appropriate utility companies a perpetual easement over the private street(s) for use by emergency vehicles and employees of the City and utility company(s) in the maintenance of public facilities and utilities.

~~7. Street Lights: The City may authorize the use of private or non-city standard street lights under the provisions of 10.495(B), "Non Standard and Private Street Lighting and Pedestrian Scale Street Lighting Requirements." The street lighting and pedestrian scale street lighting requirements of the Southeast Overlay District shall be as specified in 10.378, "Street Lighting - Special Design and Development Standards, S-E".~~

78. Allowed Uses; Housing Types: The following uses and housing types shall be permitted as part of a PUD subject to the following:

a. In addition to permitted uses, any portion of a PUD may contain any housing type listed in Subsection 10.314(1-3), ~~or any conditional use listed for the underlying zone, without the requirement to obtain a Conditional Use Permit. In approving housing types and listed conditional uses, the Planning Commission may waive or reduce any of the special use regulations or standards contained in Sections 10.811 through 10.838 ("Special Use Regulations").~~

b. Any conditional use listed for the underlying zone may be permitted without addressing the Conditional Use Permit criteria except when the conditional use is within 200 feet of the perimeter of the PUD. This exemption does not apply to conditional uses within Riparian Corridors pursuant to 10.925 "Conditional uses within Riparian Corridors".

DCA-04-03

March 29, 2005

c. b. Use(s) not permitted in the underlying zone may, nevertheless be as-permitted uses, be and approved to occupy up to 20% of the gross area of the PUD provided that no portion of the use(s), including its parking, is located nearer than 100-200 feet from the exterior boundary of the PUD. If any portion of the use(s) is nearer than 100-200 feet from the exterior PUD boundary, then said use(s) shall be considered to be a conditional use and may be approved subject to compliance with the conditional use permit criteria in Section 10.248. However, this provision shall not apply where the land outside the PUD which is nearer than 100-200 feet from proposed use(s) is inside a zone in which the proposed use(s) is permitted.

89. Mixed Land Uses Designations. Unless otherwise prohibited, PUDs that have more than one General Land Use Plan designation or Southeast Plan land use category shall have the flexibility to mix or relocate such designations within the boundaries of the PUD in any manner and/or location as may be approved by the Planning Commission.

E. Common Elements: A multi-family residential PUD must include a minimum of 20% of the land area as common area unless otherwise modified by the Planning Commission. This common area shall be for the purpose of providing protection for natural features, common recreational space, landscaped area, or commonly enjoyed amenities other than parking areas or private streets.

Where a PUD has open spaces, private streets, parking or other elements to be owned or maintained in common by the owners or future owners of land or improvements within the PUD, the Final PUD Plan shall not be approved and no unit shall be sold or conveyed until the PUD has been found to comply with the following requirements, as applicable:

1. If the PUD is a planned community under ORS Chapter 94, the declaration and tentative plat for the planned community shall be submitted with the Final PUD Plan for approval by the Planning Commission before recording in the official records of Jackson County.

2. If the PUD is a condominium under ORS Chapter 100, a copy of the recorded declaration and plat shall be submitted to the City after it has been approved by the Oregon Real Estate Commissioner and recorded in the official records of Jackson County. A condominium declaration and plat shall not be reviewed and approved by the Planning Commission and the Planning Commission shall have no authority under this Subsection to require changes thereto.

3. If the PUD contains elements intended for common ownership but ORS Chapters 94 and 100 do not apply, there shall be appropriate legal documents which assure that the common elements will be improved and perpetually maintained for their intended purposes. The legal documents in such instance shall be submitted to the Planning Commission for approval as part of the Final PUD Plan before recording in the official records of Jackson County.

4. When a PUD is proposed to be developed in phases, the phased provision of improved common elements shall be roughly proportional with the development of housing and other elements intended for private ownership. Unless approved by the Planning Commission as part of a phasing plan pursuant to Subsection 10.235(A)(3)(d) or which was approved by the Planning Commission prior to the adoption of this ordinance, no significant common element shall be postponed to the final phase of a PUD. Nothing in this Subsection shall prevent the provision of improved common elements at a rate that is proportionally greater than the development of housing and other elements intended for private ownership.

DCA-04-03

March 29, 2005

5. Land shown on the Final Development Plan as a common element or which is intended for public dedication shall be conveyed under one of the following options:

a. To a public entity which shall agree in writing to perpetually maintain the common element(s) being conveyed.

b. To an association of owners created pursuant to ORS Chapters 94 or 100 or as otherwise created under Subsection 10.230(E)(3) in which instance the legal document which establishes the association shall provide that the association cannot be terminated or discontinued without the City's prior consent.

6. If the PUD will have private streets, the legal document which establishes the association of owners shall provide that the City may enforce the maintenance or protection of its easements or public facilities.

I. Residential Density:

(1) Residential Density Calculation. Minimum and maximum permitted residential densities in PUD's shall be calculated pursuant to 10.708, except, in PUD's having residential and non-residential land uses within a residential zoning district, including mixed-use buildings as defined herein, the minimum and maximum number of dwelling units shall be calculated using the gross area of the residentially zoned land including any to be occupied by non-residential uses. "Natural unbuildable areas" may be excluded at the developer's option as provided in 10.708.

(2) Residential Density Bonus. In PUD's larger than 5 acres, the residential density in PUD's may be increased by up to 20% more than the maximum density permitted by (1) above.

10.235 Preliminary PUD Plan - Application Procedures.

A. Application for a Preliminary PUD Plan: An application for Preliminary PUD Plan shall be on forms supplied by the City. A complete application shall include the materials and information listed in this Subsection. However, the Planning Director, in his/her discretion, may waive the submittal of any of the materials or information that are deemed to be excessive, repetitive or unnecessary based upon the size and nature of the PUD. As used in this Section, the Planning Director shall mean the Director of the Medford Planning Department or his/her designee. If an application for a PUD is accepted by the City as complete under ORS 227.178 but the application does not contain all of the items listed below, the missing items shall be deemed to have been waived by the Planning Director. Unless waived by the Planning Director, the following items shall be required to constitute a complete application for a Preliminary PUD Plan:

3. A narrative description of the PUD which shall cover:

a. The rationale for planning this development as a PUD.

DCA-04-03

March 29, 2005

b. The nature, planned use, future ownership and method of perpetual maintenance of land to be left in natural or developed open space or which will be held in common ownership.

bc. A listing of all ~~proposed~~ modified applications of the Code that are proposed, ~~deviations followed by a brief explanation which covers the nature of, and extent of, and reason for each the deviation modification.~~

ed. If one or more signs are intended to ~~deviate~~ vary from the provisions of this Code, then a detailed plan for all signs which require a sign permit shall be submitted. The sign plan shall specify the size, number, type, height and location of all signs which require a sign permit and shall clearly indicate all proposed ~~deviation~~ modifications.

de. A proposed development schedule. If the PUD will be constructed in phases, the development schedule for each phase shall be keyed to a plan that indicates the boundaries of each phase.

ef. The gross acreage devoted to the various proposed land uses and housing types.

4. Written findings of fact and conclusions of law which address the approval criteria in Subsection 10.235(C), ~~and which also may cover the narrative description required in Subsection 10.235(A)(3).~~

5. The names and mailing addresses of the owners of land located within 200 feet of the exterior boundary of the whole PUD. The names and mailing addresses shall be typed on mailing labels and shall include the assessor map and tax lot numbers for each property.

B. Action on an Application for a Preliminary PUD Plan: The Planning Commission may approve, approve with conditions or deny a Preliminary PUD Plan.

C. Approval Criteria for Preliminary PUD Plan: The Planning Commission shall approve a Preliminary PUD if it concludes that compliance exists with each of the following criteria:

~~1. satisfies two or more of the purpose statements in Subsection 10.230(A)(1) through 10.230(A)(8).~~ The proposed PUD:

- a. preserves an important natural feature of the land, or
- b. includes a mixture of residential and commercial land uses, or
- c. includes a mixture of housing types in residential areas, or
- d. includes open space, common areas, or other elements intended for common use and ownership, or
- e. is otherwise required by the Medford Land Development Code.

~~24. The proposed PUD complies with the applicable requirements of this Code, or except those for which a deviation has been approved under Subsection 10.230(D).~~

a. the proposed modified applications of the Code are related specifically to the implementation of the rationale for the PUD as described in Section 10.235(A)(3)(a), and

b. the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and

DCA-04-03

March 29, 2005

~~c. the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.~~

~~32. The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria thereunder:~~

~~a. Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.~~

~~b. Public Facilities Strategy pursuant to ORS 197.768 as amended.~~

~~c. Limited Service Area adopted as part of the Medford Comprehensive Plan.~~

~~3. The PUD is consistent with goals and policies of the Comprehensive Plan, if any, which by their language or context were intended to function as approval criteria for planned unit developments.~~

~~4. Deviations from the limitations, restrictions, and design standards of this Code will not materially impair the function, safety or efficiency of the circulation system or the development as a whole.~~

~~45. The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.~~

~~56. If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D)(9)(b) (8)(c), the applicant shall alternatively demonstrate that either: 1) demands for the Category "A" public facilities listed below are equivalent to or less than for one or more permitted uses listed for the underlying zone, or 2) the property can be supplied by the time of development with the following Category "A" public facilities which can be supplied in sufficient condition and capacity to support development of the proposed use:~~

~~a. Public sanitary sewerage collection and treatment facilities.~~

~~b. Public domestic water distribution and treatment facilities.~~

~~c. Storm drainage facilities.~~

~~d. Public streets.~~

Determinations of compliance with this criterion shall be based upon standards of public facility adequacy as set forth in this Code and in goals and policies of the comprehensive plan which by their language and context function as approval criteria for comprehensive plan amendments, zone changes or new development. In instances where the Planning Commission determines that there is insufficient public facility capacity to support the development of a particular use, nothing in this criterion shall prevent the approval of early phases of a phased PUD which can be supplied with adequate public facilities.

~~67. If the Preliminary PUD Plan includes uses proposed under Subsection 10.230(D)(9)(b) (8)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.248.~~

~~78. If approval of the PUD application includes the division of land or the approval of other concurrent development permits applications as authorized in Subsection 10.230(C), approval of the PUD shall also be subject to compliance with the substantive approval criteria in Article II for each of the additional development applications.~~

DCA-04-03

March 29, 2005

D. Conditions: If the Planning Commission approves a Preliminary PUD Plan, in addition to conditions authorized under Section 10.291, it may attach conditions to the approval which are determined to be reasonably necessary to ensure:

1. The Final PUD Plan will be consistent with the approved Preliminary PUD Plan and specifications related thereto.

2. Development of the PUD will be consistent with the approved Final PUD Plan and specifications related thereto. To ensure satisfactory completion of a PUD in compliance with the approved plans, the Planning Commission may require the developer to enter into an agreement with the City as specified under Section 10.296.

3. The PUD will comply with the Comprehensive Plan, the Medford Municipal Code and all provisions of this Code except the specific provisions for which there are approved deviation modifications.

4. There are appropriate safeguards to protect the public health, safety and general welfare.

5. There will be ongoing compliance with the standards and criteria in this Section.

6. To guarantee that streets, public facilities and utilities can be appropriately extended from one PUD phase to each successive future phase in accordance with the approved Preliminary PUD Plan, the City may require the conveyance of easements or other assurances.

10.240 Final PUD Plan - Application Procedures.

G. Approval Criteria for Final PUD Plan: A Final PUD Plan shall be approved by the Planning Commission if it concludes that compliance exists with each of the following criteria:

1. Provisions for the establishment and maintenance of elements to be held in common ownership, if any, have or will comply with the standards in Subsection 10.230(E).

2. The Final PUD Plan is substantially consistent with the Preliminary PUD Plan and the conditions, if any, which were attached to the approval of the Preliminary PUD Plan. An applicant may seek written clarification from the Planning Director or Planning Commission regarding whether any anticipated differences between the Preliminary and Final PUD Plans meet the test of being substantially consistent. In no instance shall a Final PUD Plan be approved if any of the below described inconsistencies with the approved Preliminary PUD Plan are found to exist, ~~and~~ and If such inconsistencies are ~~found to occur~~ identified, these shall result in the need to approve a revision to the Preliminary PUD Plan.

a. The exterior boundaries of the PUD shall not change except for slight deviations which result from the resolution of boundary errors or inconsistencies discovered when the PUD property was surveyed.

b. The number of housing units shall not be increased,

~~c. and in no instance shall~~ the number of housing units shall not be decreased by more than 5%.

DCA-04-03

March 29, 2005

d.e. There shall be no ~~new deviation~~ modifications to the provisions of this Code which were not approved as part of the Preliminary PUD Plan under Section 10.230(D).

10.703 Pad Lot Development. When a land division creates tax lots within a common area, the following standards shall apply:

(1) A residential pad lot development shall be permitted only when the area of the project site is one acre or less ~~less than the minimum area required for a planned unit development~~; a nonresidential pad lot development is not subject to this restriction.

(2) All lot-lines created within the common area shall be located along a common or exterior building wall, or within four (4) feet of an exterior building wall, unless the approving authority (Planning Commission) allows a greater distance for special purposes, such as incorporating adjacent private outdoor yard space.

(3) The parent parcel shall meet the minimum lot area and dimensions for the zoning district and proposed use.

(4) ~~For All pad lot developments, including single-family residential pad lots, shall be approved by the subject to Site Plan and Architectural Commission review, prior to the tentative plat shall be being accepted for review by the Planning Commission. only after the project has received approval from the Site Plan and Architectural Commission.~~

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

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

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

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

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

10.712 Townhouse Dwellings.

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

DCA-04-03

March 29, 2005

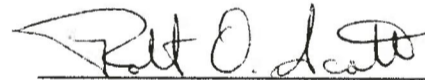
In addition to the site development standards specified herein, townhouse development shall be identified as such on both the tentative and final plats for the project. Except when the tentative plat is in conjunction with a PUD, the tentative plat shall be accepted for review only after the project has received approval from the Site Plan and Architectural Commission. At the time of recording of the final plat, Covenants, Conditions, and Restrictions (CC&R's) shall be approved by the city and recorded.

RECOMMENDED ACTION:

Approval of DCA-04-03 per staff report dated March 29, 2005, including Exhibit "A" Revised Findings of Fact dated October 15, 2004.



Bianca Petrou, Associate Planner, AICP



Rob Scott, Planning Director, AICP

PLANNING COMMISSION AGENDA: April 14, 2005

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

IN THE MATTER OF AMENDMENTS TO
The Following Medford *Land Development*)
Code Sections To Modify The Requirements For)
Planned Unit Developments, Pad Lots, and)
Townhouses:)
Section 10.230 – 10.240 Planned Unit)
Development procedures)
Section 10.703 Pad Lot Development)
Section 10.712 Townhouse Dwellings)
)
)
)
)

**REVISED FINDINGS OF
FACT AND
CONCLUSIONS OF LAW**
File No. DCA-04-03
Exhibit "A"
October 15, 2004

PROCEDURAL BACKGROUND

This action includes amendments to Sections 10.230, 10.235, 10.240, 10.703, and 10.712 of the City of Medford *Land Development Code*. Section 10.102 of the Medford *Land Development Code* categorizes code amendments as Procedural Class "A" actions. Sections 10.145 through 10.184 provide the process and standards for such code amendment.

RELEVANT SUBSTANTIVE CRITERIA

As stated in Section 10.182, Application Form, an application containing the following information shall be prepared by the City:

- "(1) Identification of all applicable Statewide 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."*

Relevant Comprehensive Plan Goals and Policies:

Upon investigation, it has been determined that the following goals and policies from the Environmental Element, Economic Element, Housing Element, and Public Facilities Element of the Medford *Comprehensive Plan* are applicable to this amendment. No other *Comprehensive Plan* Goals and Policies are applicable.

Applicable ENVIRONMENTAL ELEMENT goals and 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.*

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 7: *To preserve and protect plants and wildlife habitat in Medford.*

Policy 7-A: The City of Medford shall encourage the conservation of plants and wildlife habitat, especially those that are sensitive, rare, declining, unique, or that represent valuable biological resources, through the appropriate management of parks and public and private open space.

Policy 7-B: The City of Medford shall strive to maintain, rehabilitate, and enhance Medford's waterways, using features such as gently sloped banks, natural riparian vegetation, and meandering alignment.

Applicable HOUSING ELEMENT goals and policies

Goal 1: *To enhance the quality of life of all residents of the City of Medford by promoting a distinctive community character and superior residential environment, emphasizing the unique natural setting of the community.*

Policy 1-A: The City of Medford shall promote a community design that emphasizes aesthetics, alternative transportation modes, and pedestrian-scale development.

Implementation 1-A (2): Require planned developments in undeveloped areas with unique physical settings to achieve development that is flexible and responsive to the site and surroundings.

Policy 1-C: The City of Medford shall encourage the provision and conservation of open space throughout the community.

Implementation 1-C (1): Prepare amendments to the *Comprehensive Plan* and *Land Development Code* for consideration by the City Council that provide requirements for inclusion of open space in residential development plans, ranging from providing usable outdoor open space in all multiple-family projects, to buffering agricultural uses, to preserving open space in environmentally sensitive areas such as hilltops or ridgelines, wetlands, creeksides, wildlife habitats, etc.

Implementation 1-C (2): Prepare an inventory of areas within designated residential areas suitable for preservation as open space, such as, but not limited to hilltops or ridgelines, wetlands, creeksides, wildlife habitats, etc., and potential sites for future city parks.

Policy 1-D: The City of Medford shall encourage innovative design in multiple-family development so that projects are aesthetically appealing to both the tenants and the community.

Implementation 1-D (1): Review the *Land Development Code* to assure that the standards and requirements relating to multiple-family development do not inhibit innovative design, but, at the same time, require an adequate level of aesthetics and amenities, particularly neighborhood compatibility and functional open space, including useful private outdoor living areas.

Goal 5: *To ensure opportunity for the provision of adequate housing units in a quality living environment, at types and densities that are commensurate with the financial capabilities of all present and future residents of the City of Medford.*

Policy 5-C: To provide greater flexibility and economy of land use, the *City of Medford Land Development Code* shall provide opportunities for alternative housing types and patterns, planned developments, mixed uses, and other innovations that reduce development costs and increase density.

Implementation 5-C (3): Investigate methods for promoting a mix of dwelling types in new residential areas, and compatible higher density infill and redevelopment in existing residential areas.

Goal 6: To ensure opportunity for the provision of Medford's fair share of the region's needed housing types, densities, and prices, with sufficient buildable land in the city to accommodate the need.

Policy 6-A: The City of Medford shall assure that adequate buildable land for all housing types and price ranges is available in the city in the amount and timing necessary to meet the identified need for the planning period. Multiple-family, affordable, or assisted housing shall not be concentrated in any particular areas, but dispersed throughout the city.

Applicable PUBLIC FACILITIES ELEMENT goals and policies

Parks, Recreation, and Leisure Services

Goal 1: To provide for a full range of recreational activities and opportunities to meet the needs of all residents of Medford.

Goal 2: To preserve natural resources in the Medford Urban Growth Boundary that provide open space or have unique recreational potential, and to encourage appropriate development if such areas meet locational requirements for parks and recreation facilities.

Policy 2-A: The City of Medford shall emphasize acquiring park land having trees, natural features, or other values that are inadequately protected and of significant interest to the public.

Implementation 2-A (1): Develop a long-range public open space plan that provides for an interconnected system of creek corridors, greenways, wetlands, and other significant natural areas.

Goal 3: To coordinate park and recreation planning, acquisition, and development processes in the City of Medford that involves a broad spectrum of citizen and institutional interests.

Policy 3-A: The City of Medford shall adequately serve each geographic area within the City of Medford with a variety of park and recreation facilities, balanced on a per capita basis.

Policy 3-B: The City of Medford shall design and maintain parks and recreation facilities in a safe, attractive manner, so as to be positive amenities for the community and the neighborhoods in which they are located.

Transportation

Goal 2: *To facilitate the safe movement of inter-neighborhood vehicular traffic within and through the community, consistent with adjacent land use requirements, through the continuing development and implementation of an arterial streets system.*

Policy 4: Except where exceptional circumstances exist, new residential development should not have direct access to an Arterial street, but shall be adequately set back and buffered as necessary to mitigate adverse impacts, including noise, resulting from proximity to an Arterial street.

Relevant Statewide Planning Goals:

“GOAL NO. 1: CITIZEN INVOLVEMENT”

Upon investigation, it has been determined that Statewide Planning Goals 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 are not applicable to this action or are applicable only insofar as the Comprehensive Plan Goals and Policies address them. Therefore, by addressing the applicable Comprehensive Plan Goals and Policies, any applicable Statewide Planning Goals have also been addressed.

Goals 15, 16, 17, 18, and 19 are not applicable since the City of Medford is not located within the Willamette River Greenway, nor is there any coastline with estuarine resources, coastal shorelands, beaches and dunes, or ocean resources within the City.

COMPLIANCE WITH STATEWIDE PLANNING GOALS**GOAL 1: CITIZEN INVOLVEMENT**

TO DEVELOP A CITIZEN INVOLVEMENT PROGRAM THAT INSURES THE OPPORTUNITY FOR CITIZENS TO BE INVOLVED IN ALL PHASES OF THE PLANNING PROCESS.

FINDINGS OF FACT

The City of Medford has followed the established citizens' involvement program consistent with Goal 1 that includes review of such amendments as this by the Citizens' Planning Advisory Committee, the Planning Commission, and the City Council. These citizen representative groups have participated in the review along with any individuals responding to public hearing notices in the newspaper for such legislative actions.

CONCLUSIONS OF LAW

The process used by the City of Medford to facilitate and integrate citizens' involvement is consistent with the City's acknowledged *Comprehensive Plan* and the cited statewide planning goal.

COMPLIANCE WITH THE CITY OF MEDFORD *COMPREHENSIVE PLAN*

HOUSING ELEMENT

Goal 1: *To enhance the quality of life of all residents of the City of Medford by promoting a distinctive community character and superior residential environment, emphasizing the unique natural setting of the community.*

Policy 1-A: The City of Medford shall promote a community design that emphasizes aesthetics, alternative transportation modes, and pedestrian-scale development.

Policy 1-D: The City of Medford shall encourage innovative design in multiple-family development so that projects are aesthetically appealing to both the tenants and the community.

Implementation 1-D (1): Review the *Land Development Code* to assure that the standards and requirements relating to multiple-family development do not inhibit innovative design, but, at the same time, require an adequate level of aesthetics and amenities, particularly neighborhood compatibility and functional open space, including useful private outdoor living areas.

Goal 5: *To ensure opportunity for the provision of adequate housing units in a quality living environment, at types and densities that are commensurate with the financial capabilities of all present and future residents of the City of Medford.*

Policy 5-C: To provide greater flexibility and economy of land use, the *City of Medford Land Development Code* shall provide opportunities for alternative housing types and patterns, planned developments, mixed uses, and other innovations that reduce development costs and increase density.

Implementation 5-C (3): Investigate methods for promoting a mix of dwelling types in new residential areas, and compatible higher density infill and redevelopment in existing residential areas.

FINDING OF FACT

The above goals, policies, and implementation measures from the Housing Element of the *Medford Comprehensive Plan* encourage the City to develop planning strategies and standards that will provide for aesthetically pleasing development which is compatible with surrounding development.

The proposed amendment includes a requirement that increases the distance from the perimeter of a PUD for which the conditional use permit criteria must be addressed from

100 to 200 feet. This standard is intended to increase the new development's compatibility with the adjacent residential development.

CONCLUSION OF LAW

The proposed amendment is consistent with the above listed goals, policies, and implementation measures.

ENVIRONMENTAL ELEMENT

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.

HOUSING ELEMENT

Goal 1: To enhance the quality of life of all residents of the City of Medford by promoting a distinctive community character and superior residential environment, emphasizing the unique natural setting of the community.

Policy 1-C: The City of Medford shall encourage the provision and conservation of open space throughout the community.

Implementation 1-C (1): Prepare amendments to the *Comprehensive Plan* and *Land Development Code* for consideration by the City Council that provide requirements for inclusion of open space in residential development plans, ranging from providing usable outdoor open space in all multiple-family projects, to buffering agricultural uses, to preserving open space in environmentally sensitive areas such as hilltops or ridgelines, wetlands, creeksides, wildlife habitats, etc.

Implementation 1-C (2): Prepare an inventory of areas within designated residential areas suitable for preservation as open space, such as, but not limited to hilltops or ridgelines, wetlands, creeksides, wildlife habitats, etc., and potential sites for future city parks.

Policy 1-D: The City of Medford shall encourage innovative design in multiple-family development so that projects are aesthetically appealing to both the tenants and the community.

Implementation 1-D (1): Review the *Land Development Code* to assure that the standards and requirements relating to multiple-family development do not inhibit innovative design, but, at the same time, require an adequate level of aesthetics and amenities, particularly neighborhood compatibility and functional open space, including useful private outdoor living areas.

PUBLIC FACILITIES ELEMENT

Parks, Recreation, and Leisure Services

Goal 1: *To provide for a full range of recreational activities and opportunities to meet the needs of all residents of Medford.*

Goal 2: *To preserve natural resources in the Medford Urban Growth Boundary that provide open space or have unique recreational potential, and to encourage appropriate development if such areas meet locational requirements for parks and recreation facilities.*

Policy 2-A: The City of Medford shall emphasize acquiring park land having trees, natural features, or other values that are inadequately protected and of significant interest to the public.

Implementation 2-A (1): *Develop a long-range public open space plan that provides for an interconnected system of creek corridors, greenways, wetlands, and other significant natural areas.*

Goal 3: *To coordinate park and recreation planning, acquisition, and development processes in the City of Medford that involves a broad spectrum of citizen and institutional interests.*

Policy 3-A: The City of Medford shall adequately serve each geographic area within the City of Medford with a variety of park and recreation facilities, balanced on a per capita basis.

Policy 3-B: The City of Medford shall design and maintain parks and recreation facilities in a safe, attractive manner, so as to be positive amenities for the community and the neighborhoods in which they are located.

FINDING OF FACT

The above goals, policies, and implementation measures from the Environmental, Housing, and Public Facilities Elements of the Medford *Comprehensive Plan* encourage the City to require open space for the purpose of providing recreational areas in residential zones and for reducing the negative affects of solar radiation caused by an excess of paved surfaces.

Section 10.230 (E) of the proposed amendment includes a requirement for 20% of a multi-family residential PUD to be dedicated to open space for the purpose of providing recreation and reducing the amount of paved surfaces.

CONCLUSION OF LAW

The proposed amendment is consistent with the above listed goals, policies, and implementation measures from the Medford *Comprehensive Plan*.

ENVIRONMENTAL ELEMENT

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.

HOUSING ELEMENT

Goal 5: *To ensure opportunity for the provision of adequate housing units in a quality living environment, at types and densities that are commensurate with the financial capabilities of all present and future residents of the City of Medford.*

Policy 5-C: To provide greater flexibility and economy of land use, the *City of Medford Land Development Code* shall provide opportunities for alternative housing types and patterns, planned developments, mixed uses, and other innovations that reduce development costs and increase density.

Implementation 5-C (3): Investigate methods for promoting a mix of dwelling types in new residential areas, and compatible higher density infill and redevelopment in existing residential areas.

FINDING OF FACT

The above goals, policies, and implementation measures from the Environmental and Housing Elements of the Medford *Comprehensive Plan* encourage the City to allow mixed-uses and housing types to reduce sprawl and vehicle miles traveled.

The proposed amendment encourages mixed residential and commercial development and/or mixed housing type developments by including them as criteria for allowing a PUD in MLDC Section 10.235 (C).

CONCLUSION OF LAW

The proposed amendment is consistent with the above listed goals, policies and implementation measures of the Medford *Comprehensive Plan*.

ENVIRONMENTAL ELEMENT

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.*

Goal 7: *To preserve and protect plants and wildlife habitat in Medford.*

Policy 7-A: The City of Medford shall encourage the conservation of plants and wildlife habitat, especially those that are sensitive, rare, declining, unique, or that represent valuable biological resources, through the appropriate management of parks and public and private open space.

Policy 7-B: The City of Medford shall strive to maintain, rehabilitate, and enhance Medford's waterways, using features such as gently sloped banks, natural riparian vegetation, and meandering alignment.

HOUSING ELEMENT

Goal 1: *To enhance the quality of life of all residents of the City of Medford by promoting a distinctive community character and superior residential environment, emphasizing the unique natural setting of the community.*

Policy 1-A: The City of Medford shall promote a community design that emphasizes aesthetics, alternative transportation modes, and pedestrian-scale development.

Implementation 1-A (2): Require planned developments in undeveloped areas with unique physical settings to achieve development that is flexible and responsive to the site and surroundings.

Policy 1-C: The City of Medford shall encourage the provision and conservation of open space throughout the community.

Implementation 1-C (1): Prepare amendments to the *Comprehensive Plan* and *Land Development Code* for consideration by the City Council that provide requirements for inclusion of open space in residential development plans, ranging from providing usable outdoor open space in all multiple-family projects, to buffering agricultural uses, to preserving open space in environmentally sensitive areas such as hilltops or ridgelines, wetlands, creeksides, wildlife habitats, etc.

Implementation 1-C (2): Prepare an inventory of areas within designated residential areas suitable for preservation as open space, such as, but not limited to hilltops or ridgelines, wetlands, creeksides, wildlife habitats, etc., and potential sites for future city parks.

PUBLIC FACILITIES ELEMENT

Goal 2: *To preserve natural resources in the Medford Urban Growth Boundary that provide open space or have unique recreational potential, and to encourage appropriate development if such areas meet locational requirements for parks and recreation facilities.*

Policy 2-A: The City of Medford shall emphasize acquiring park land having trees, natural features, or other values that are inadequately protected and of significant interest to the public.

Implementation 2-A (1): *Develop a long-range public open space plan that provides for an interconnected system of creek corridors, greenways, wetlands, and other significant natural areas.*

FINDING OF FACT

The above goals, policies, and implementation measures from the Environmental, Public Facilities, and Housing Elements of the Medford *Comprehensive Plan* encourage the City to preserve and protect valuable natural features of the land.

The proposed amendment encourages the preservation of valuable natural features of the land by including the preservation of an important natural feature as a criterion for allowing a PUD in MLDC Section 10.235(C).

CONCLUSION OF LAW

The proposed amendment is consistent with the above listed goals, policies, and implementation measures of the Medford *Comprehensive Plan*.

SUMMARY

The proposed amendment is consistent with the applicable Statewide Planning Goal 1, Citizen Involvement. The proposed amendment is also consistent with the applicable goals and policies of the Environmental, Housing, and Public Facilities Elements of the *Comprehensive Plan*. Providing the above information fulfills the requirements of Section 10.182 of the Medford *Land Development Code* by identifying all applicable Statewide goals and policies of the *Comprehensive Plan* considered relevant to the decision.