



Oregon

Theodore R. Kulbowski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/10/2008

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 026-08

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: Monday, December 29, 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

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: **CP-08-119**

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".

Comprehensive Plan Amendment (Major, Class "A" Legislative) to amend 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.

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:

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

DLCD file No. _____

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

December 8, 2008

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

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.

DEC 15 2008

ORDINANCE NO 2008-246

AN ORDINANCE approving a major amendment to the Southeast Plan, Neighborhood Element of the *Medford Comprehensive Plan* by amending the Southeast Plan Map SubAreas Table (Table 1) and the Southeast Village Center Figure (Figure 2)

THE CITY OF MEDFORD ORDAINS AS FOLLOWS

Section 1 A major amendment to the Southeast Plan, Neighborhood Element of the *Medford Comprehensive Plan*, amending the Southeast Plan Map SubAreas Table (Table 1) and the Southeast Village Center Figure (Figure 2), which are attached hereto, is hereby approved and adopted

Section 2 This major amendment to the *Medford Comprehensive Plan* is supported by the Findings of Fact and Conclusions of Law dated October 2, 2008, attached as Exhibit A and incorporated herein

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

ATTEST Glenda Owens
City Recorder

[Signature]
Mayor
[Signature]
Mayor

APPROVED December 4, 2008

ORDINANCE NO. 2008-246

December 8, 2008

AN ORDINANCE approving a major amendment to the Southeast Plan, Neighborhood Element of the *Medford Comprehensive Plan* by amending the Southeast Plan Map SubAreas Table (Table 1) and the Southeast Village Center Figure (Figure 2).

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. A major amendment to the Southeast Plan, Neighborhood Element of the *Medford Comprehensive Plan*, amending the Southeast Plan Map SubAreas Table (Table 1) and the Southeast Village Center Figure (Figure 2), which are attached hereto, is hereby approved and adopted.

Section 2. This major amendment to the *Medford Comprehensive Plan* is supported by the Findings of Fact and Conclusions of Law dated October 2, 2008, attached as Exhibit A and incorporated herein.

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



City of Medford
Agenda Item Commentary

Item No.:
Meeting Date: December 4, 2008
Page: December 8, 2008 of 1

SUBJECT:

Consideration of an ordinance amending the Southeast Plan Map SubAreas Table (Table 1) and the Southeast Village Center Figure (Figure 2) contained in the Southeast Plan, Neighborhood Element of the *Medford Comprehensive Plan*. (Major Comprehensive Plan Amendment, Type 'A,' Legislative)

INITIATOR:

City of Medford

STAFF INFO. SOURCE:

John W. Hoke, Interim Planning Director
Praline McCormack, Planner II
File No. CP-08-119

FISCAL IMPACT:

N/A

RECOMMENDATION:

Adopt the ordinance.

BACKGROUND & KEY ISSUES:

This request is to correct errors in Table 1 and Figure 2 in the Southeast Plan section of the *Comprehensive Plan*. When the Southeast Plan and Southeast Plan Map were adopted in December 2004, Sub-Area 12 was designated as Urban High Density Residential, and just outside of the Commercial Center. A mapping error was made, and this error affected Table 1 and Figure 2 such that Sub-Area 12 is incorrectly shown as being designated Service Commercial, and inside of the Commercial Center. This amendment will correct these errors.

EXHIBITS:

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



CITY OF MEDFORD

PLANNING DEPARTMENT

December 8, 2008

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 Plan *Comprehensive Plan* Amendment (CP-08-119)
City of Medford, Applicant

BACKGROUND

Proposal

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 to correct 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.

Background

During the comment period for the Southeast Overlay District Revisions in the *Land Development Code* it was brought to Staff's attention that Sub-Area 12 in the Southeast Village Center is not in the Commercial Center, and is designated as Urban High Density Residential (see Southeast Plan Map, Exhibit F), and yet in the *Comprehensive Plan* it was shown as being in the Commercial Center, with C-S/P zoning. The purpose of this amendment is to correct these errors.

Format of Legislative Amendment

The attached Exhibit "A" provides the proposed *Comprehensive Plan* amendment. 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)

Medford *Comprehensive Plan* – Plan Review and Amendment Procedure (Exhibit C)

Oregon Transportation Planning Rule - Oregon Administrative Rules OAR 660-12-060(1)
– Plan and Land Use Regulation Amendments (Exhibit D)

Findings

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

ISSUES/ANALYSIS

Table 1, Southeast Plan Map Subareas, has errors regarding Subarea 12. Per the Southeast Plan Map Subarea 12 is designated as Urban High Density Residential, and is not within the Commercial Center. The proposed changes will correct Table 1 relating to Subarea 12.

Figure 2, Southeast Village Center, also has errors regarding Subarea 12. It currently shows the area as being within the Commercial Center. The proposed change will correct Figure 2 relating to Subarea 12. Changes were made in 2004 to some abutting parcels but Subarea 12 was not amended at that time. However, a mapping error was made and this error also affected Table 1.

RECOMMENDED ACTION

The Medford Planning Commission, at their meeting of October 9, 2008, voted to forward a favorable recommendation for CP-08-119 as per the Staff Report dated September 30, 2008, including:

EXHIBITS

- A Proposed Legislative Amendment to the Southeast Plan in the Neighborhood Element of the *Medford Comprehensive Plan* dated September 24, 2008
- B *Medford Land Development Code*, Major Legislative Amendments, Section 10.182
- C *Medford Comprehensive Plan – Plan Review and Amendment Procedure*
- D Oregon Transportation Planning Rule - Oregon Administrative Rules OAR 660-12-060(1) – Plan and Land Use Regulation Amendments
- E *Findings of Fact and Conclusions of Law* dated October 2, 2008
- F Southeast Plan Map

PLANNING COMMISSION AGENDA: OCTOBER 9, 2008

CITY COUNCIL AGENDA: DECEMBER 4, 2008

TABLE 1

SOUTHEAST PLAN MAP SUBAREAS

December 8, 2008

TARGETED LAND USE, ZONING, AND DENSITY AND ESTIMATED DWELLING UNIT RANGE

Sub Area	Land Use Category	GLUP Map	Corresponding Zoning	Density Range Du/Ac (PUD)**	Gross Acres	Dwelling Unit Range (PUD)**
1	Estate Lot	UR	SFR-2	0.8 to 2.0 (2.4)	237	190-474 (569)
2	Standard Lot	UR	SFR-4 or SFR-6	2.5 to 6.0 (7.2)	219	548-1,314 (1,577)
3	High Density	UHDR	MFR-20 or MFR-30	15.0 to 36.0 (43.2)	20	300-720 (864)
4	Rowhouse	UMDR	MFR-15	10.0 to 15.0 (18.0)	28	280-420 (504)
5	High Density	UHDR	MFR-20 or MFR-30	15.0 to 36.0 (43.2)	15 ^A	225-540 (648)
6	Small Lot	UR	SFR-10	6.0 to 10.0 (12.0)	23 ^A	138-230 (276)
7A	Commercial Center - Core	C	C-C	Mixed-use buildings only	18 ^A	NA
7B	Commercial Center - Service/Office	SC	C-S/P	20.0 to 36.0 (43.2)	35 ^A	NA
8	School	PS (UR)	SFR-4 to SFR-6	NA	9	NA
9	Park	PS (UR)	SFR-4 to SFR-6	NA	6	NA
10	High Density	UHDR	MFR-20 or MFR-30	15.0 to 36.0 (43.2)	46 ^A	690-1,656 (1,987)
11	Small Lot	UR	SFR-10	6.0 to 10.0 (12.0)	43	258-430 (516)
12	Commercial Center - Service/Office High Density	SC UHDR	C-S/P MFR-20 or MFR-30	20.0 to 36.0 (43.2) 15.0 to 36.0 (43.2)	3 ^A	NA 45-108 (130)
13	Rowhouse	UMDR	MFR-15	10.0 to 15.0 (18.0)	19 ^A	190-285 (342)
14	High Density	UHDR	MFR-20 or MFR-30	15.0 to 36.0 (43.2)	16 ^A	240-576 (691)
15	Small Lot	UR	SFR-10	6.0 to 10.0 (12.0)	102	612-1,020 (1,224)
16	Standard Lot	UR	SFR-4 or SFR-6	2.5 to 6.0 (7.2)	31	78-186 (223)
17	Standard Lot	UR	SFR-4 or SFR-6	2.5 to 6.0 (7.2)	124	310-744 (893)
18	School	PS (UR)	SFR-4 or SFR-6	NA	17	NA
19	Park	PS (UR)	SFR-4 or SFR-6	NA	10	NA
20	Standard Lot	UR	SFR-4 or SFR-6	2.5 to 6.0 (7.2)	17	43-102 (122)
21	Park	PS (UHDR)	MFR-20 or MFR-30	NA	3 ^A	NA
TOTALS				4.0 to 8.5 (10.2)	1041	4,102-8697

^A Within the Village Center TOD (Transit Oriented District) (approx. 178 acres)

** Medford's Planned Unit Development process permits an increase in density of up to 20%.

CP-08-119

December 8, 2008

**Figure 2:
Southeast Village Center**

**■ ■ ■ Southeast Village Center
TOD Boundary**

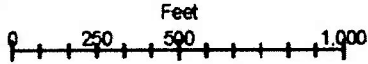
**□ Southeast Plan -
Land Use Sub-Areas**

Note: See Southeast Plan Map for land use descriptions for each Plan Sub-Area.

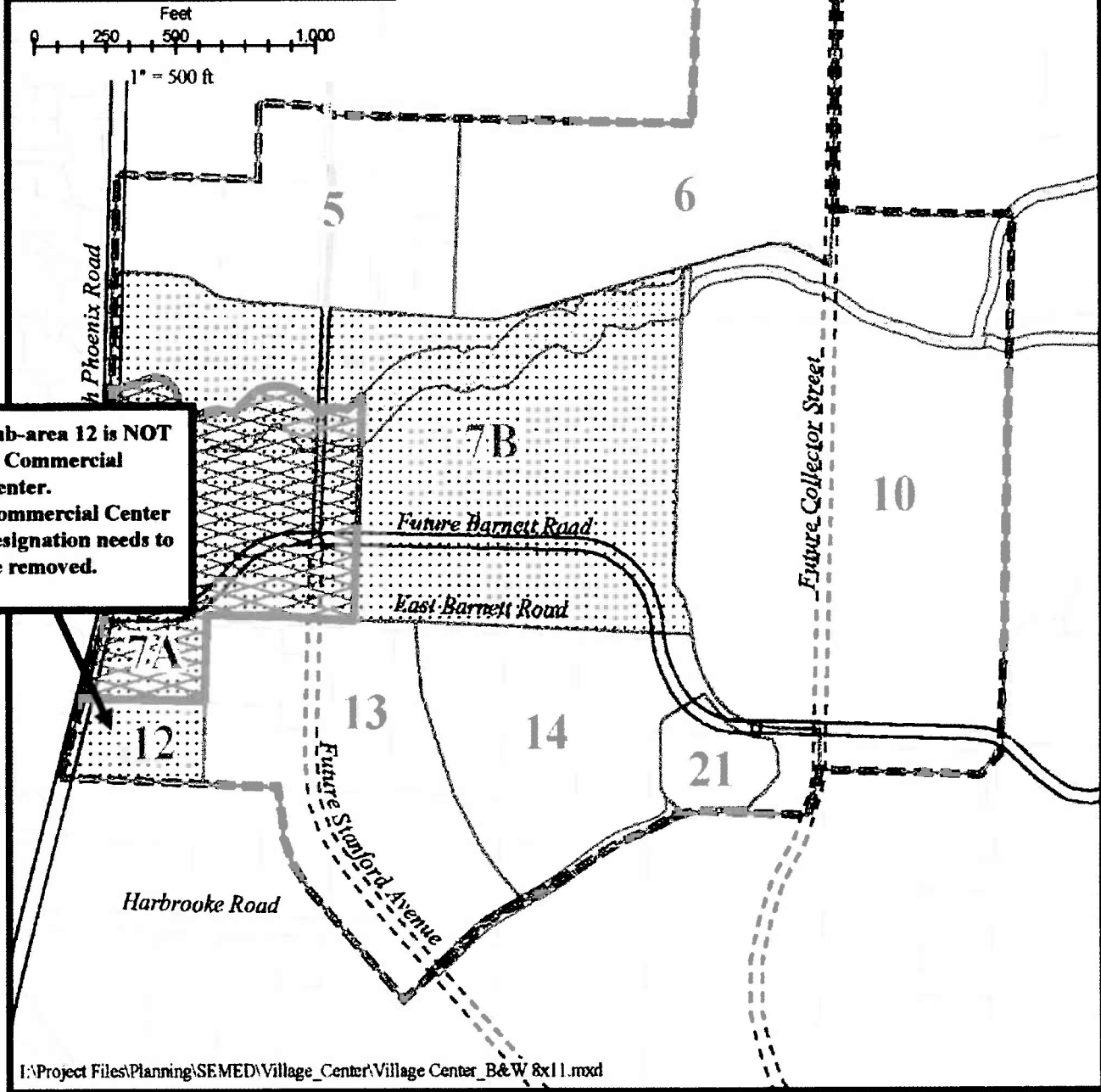
Commercial Areas

- Commercial Center
- Commercial Center Core Area

Greenways

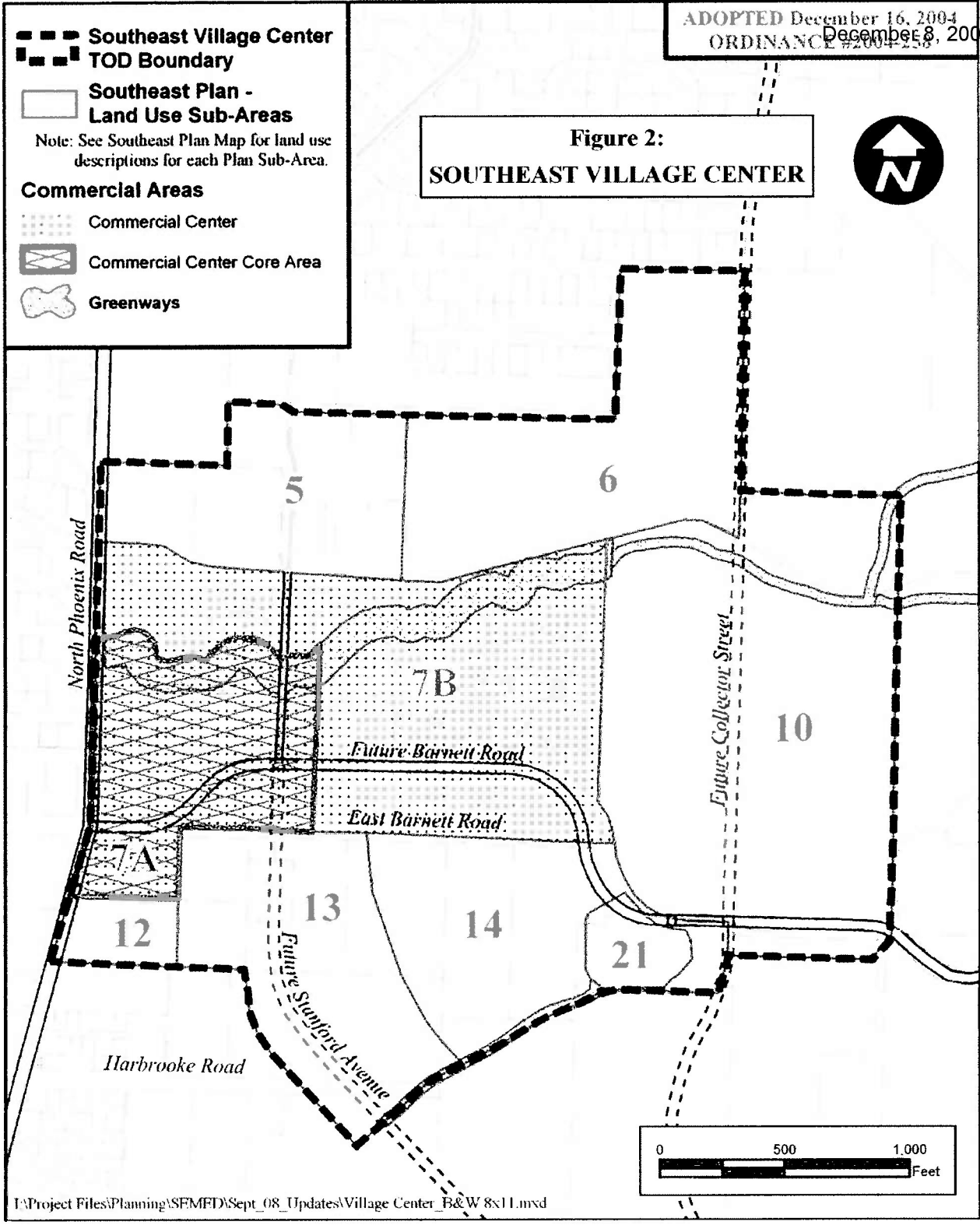


**Sub-area 12 is NOT
in Commercial
Center.
Commercial Center
designation needs to
be removed.**



REVISED FIGURE 2: SOUTHEAST VILLAGE CENTER

ADOPTED December 16, 2004
ORDINANCE #2004-158
December 8, 2008



December 8, 2008



City of Medford

CP-08-119

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**
CP-08-119



City of Medford

CP-08-119

Exhibit C

PLAN REVIEW and AMENDMENT PROCEDURE of the *MEDFORD COMPREHENSIVE PLAN*

CRITERIA FOR PLAN AMENDMENTS

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

Conclusions – Amendments shall be based on the following:

1. A change or addition to the text, data, inventories, or graphics which substantially affects the nature of one or more conclusions.

Goals and Policies – Amendments shall be based on the following:

1. A significant change in one or more Conclusion.
2. Information reflecting new or previously undisclosed public needs.
3. A significant change in community attitude or priorities.
4. Demonstrable inconsistency with another Plan provision.
5. Statutory changes affecting the Plan.
6. All applicable Statewide Planning Goals.

Implementation Strategies – Amendments shall be based on the following:

1. A significant change in one or more Goal or Policy.
2. Availability of new and better strategies such as may result from technological or economic changes.
3. Demonstrable ineffectiveness of present strategy(s).

4. Statutory changes affecting the Plan.

5. Demonstrable budgetary constraints in association with at least one of the above criteria.

December 8, 2008

6. All applicable Statewide Planning Goals.

Street Re-classifications, that include the re-classification of a lower order street to either a collector or arterial street, or when re-classifying a collector street to an arterial street, and when the re-classification is not a part of a major (Class A) legislative amendment, shall be based on the following:

1. A demonstrated change in need for capacity which is consistent with other plan provisions.
2. Consideration of alternatives to the proposed revision which includes alternative vehicle routes and alternative travel modes that would better preserve the livability of affected residential neighborhoods.
3. A significant change in one or more Goal or Policy.
4. Statutory changes affecting the Plan.
5. Demonstrable budgetary constraints in carrying out the existing plan.
6. All applicable Statewide Planning Goals.

Map Designations – Amendments shall be based on the following:

1. A significant change in one or more Goal, Policy, or Implementation strategy.
2. Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.
3. The orderly and economic provision of key public facilities.
4. Maximum efficiency of land uses within the current urbanizable area.
5. Environmental, energy, economic and social consequences.
6. Compatibility of the proposed change with other elements of the City *Comprehensive Plan*.
7. All applicable Statewide Planning Goals.



City of Medford

CP-08-119

Exhibit D

Oregon Administrative Rules (OAR) 660-012-060(1)

Plan and Land Use Regulation Amendments

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

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

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

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

CITY OF MEDFORD
EXHIBIT # D
File # CP-08-119

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 # E
File # CP-08-119

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. December 8, 2008

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.

December 8, 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:

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

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. ^{December 8, 2008}

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. ^{December 8, 2008}

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. ^{December 8, 2008}

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. December 8, 2008

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. ^{December 8, 2008}

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. ^{December 8, 2008}

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

December 8, 2008

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.

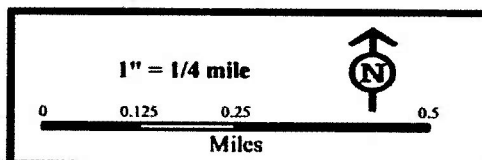
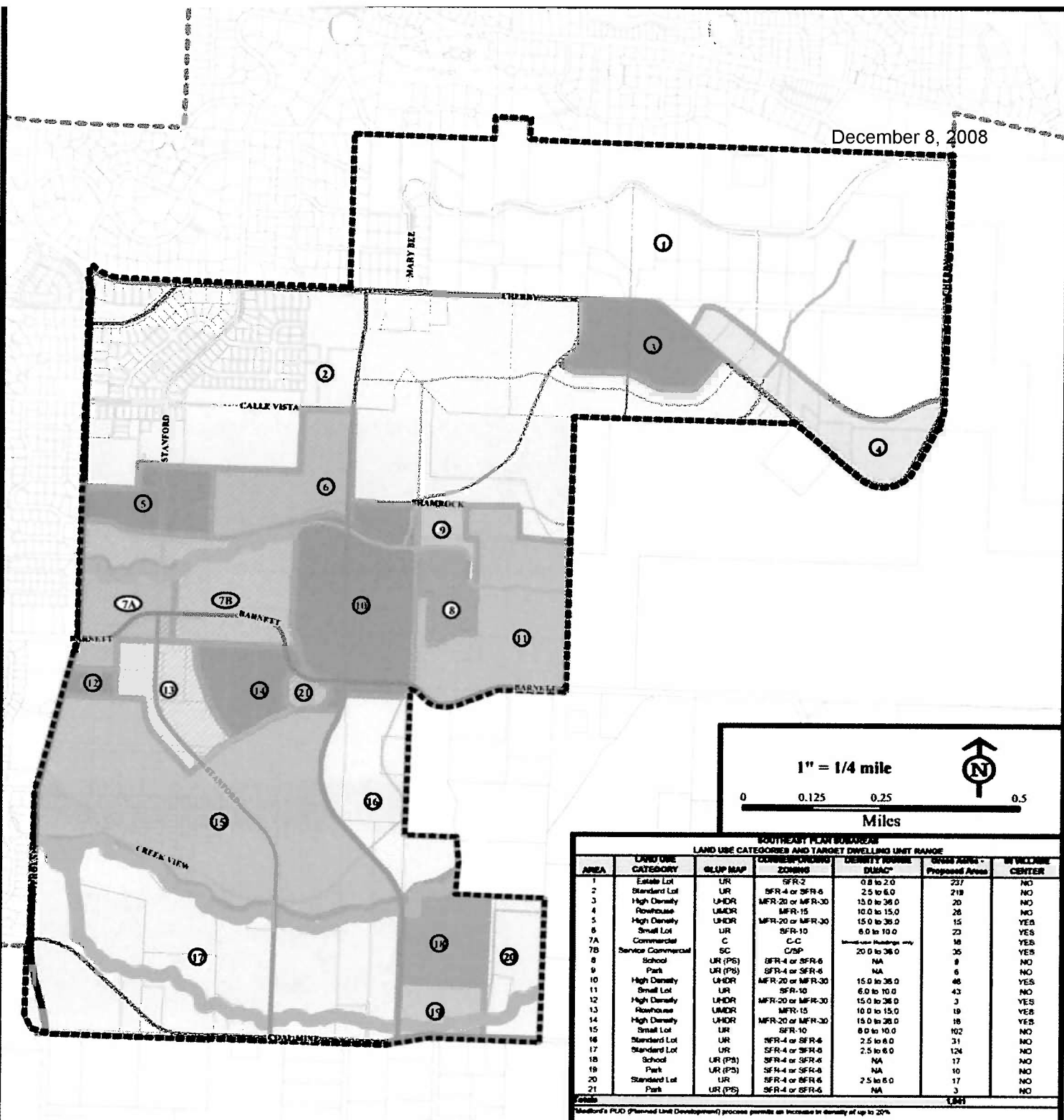
December 8, 2008

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.

December 8, 2008



SOUTHEAST PLAN BUSINESS LAND USE CATEGORIES AND TARGET DWELLING UNIT RANGE

AREA	LAND USE CATEGORY	GLUP MAP	DOWNSIZING ZONING	DENSITY RANGE DUMAC*	DENSITY RANGE Proposed Area	WILLAGE CENTER
1	Estate Lot	UR	SFR-2	0.8 to 2.0	237	NO
2	Standard Lot	UR	SFR-4 or SFR-6	2.5 to 6.0	219	NO
3	High Density	UMDR	MFR-20 or MFR-30	15.0 to 36.0	20	NO
4	Rowhouse	UMDR	MFR-15	10.0 to 15.0	26	NO
5	High Density	UMDR	MFR-20 or MFR-30	15.0 to 36.0	15	YES
6	Small Lot	UR	SFR-10	6.0 to 10.0	23	YES
7A	Commercial	C	C-C	Intermediate Holdings only	18	YES
7B	Service Commercial	SC	C/SP	20.0 to 36.0	26	YES
8	School	UR (PS)	SFR-4 or SFR-6	NA	9	NO
9	Park	UR (PS)	SFR-4 or SFR-6	NA	6	NO
10	High Density	UMDR	MFR-20 or MFR-30	15.0 to 36.0	46	YES
11	Small Lot	UR	SFR-10	6.0 to 10.0	43	NO
12	High Density	UMDR	MFR-20 or MFR-30	15.0 to 36.0	3	YES
13	Rowhouse	UMDR	MFR-15	10.0 to 15.0	19	YES
14	High Density	UMDR	MFR-20 or MFR-30	15.0 to 36.0	18	YES
15	Small Lot	UR	SFR-10	6.0 to 10.0	102	NO
16	Standard Lot	UR	SFR-4 or SFR-6	2.5 to 6.0	31	NO
17	Standard Lot	UR	SFR-4 or SFR-6	2.5 to 6.0	126	NO
18	School	UR (PS)	SFR-4 or SFR-6	NA	17	NO
19	Park	UR (PS)	SFR-4 or SFR-6	NA	16	NO
20	Standard Lot	UR	SFR-4 or SFR-6	2.5 to 6.0	17	NO
21	Park	UR (PS)	SFR-4 or SFR-6	NA	3	NO

*Medford's FUD (Planned Unit Development) process permits an increase in density of up to 20%.

**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
- SE Plan Boundary
- //// Village Center TOD
- Existing Taxlots
- Greenway

- Major Arterial
- Minor Arterial
- Major Collector
- Minor Collector
- Commercial Street
- Standard Residential

- Estate Lot
- Standard Lot
- Small Lot
- Row House
- High Density
- Commercial
- Service Commercial
- Schools
- Parks

CP-08-119



MINUTES
December 8, 2008
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	Norm Nelson
Allen Potter, Excused Absence	Tony Cabler
Jared Hokanson	Tim Jackle
Jerry Shean	
Brita Entenmann	
Robert Tull	

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.

December 8, 2008

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 (Neathamer 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.