



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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## AMENDED NOTICE OF ADOPTED AMENDMENT

November 16, 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 007-04 A - [DCA-04-196]



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: November 27, 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  
Steve Oulman, DLCD Transportation Planner  
John Renz, DLCD Regional Representative  
Robert Scott, City of Medford

<paa> y/email

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

DEPT OF

NOV 08 2007

LAND CONSERVATION  
AND DEVELOPMENT  
For DLCD Use Only

Jurisdiction: City of Medford

Local file number: CP-04-165/DCA-04-196

Date of Adoption: 12/16/04

Date Mailed: 09/18/07

DCA-04-166

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".

Further implementation of the Southeast Plan previously adopted in 1998 - a special area plan that provides a pedestrian-friendly, 1000-acre and implements a Transit Oriented District adopted in the TSP. Adjusts the Southeast Plan and Map to concur with a new Neighborhood Circulation Plan map and policy document; amends the S-E Overlay Zoning District and various sections of the Medford Land Development Code.

Does the Adoption differ from proposal? Please select one

Plan Map Changed from: Existing designations to: --

Zone Map Changed from: amended in size/shape to: N/A

Location: Southeast Medford Area, east of N. Phoenix Rd., Acres Involved: 1041  
north of Coal Mine Rd.

Specify Density: Previous: Average 4.2 to 8.2\*

New: Average 4.0 to 8.5\*

Applicable statewide planning goals:

\*dwelling units per gross acre

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. 007-04 (13981)



ORDINANCE NO 2004-259

AN ORDINANCE amending Chapter 10 of the Code of Medford by amending Sections 10 453, 10 454, 10 455, and 10 270 pertaining to neighborhood circulation plans, Section 10 181 pertaining to major class "A" legislative comprehensive plan amendments, Section 10 821 pertaining to accessory dwelling units, Section 10 471 pertaining to public utility easements, Section 10 012 pertaining to specific definitions, and Sections 10 708 and 10 230 pertaining to residential density calculations

THE CITY OF MEDFORD ORDAINS AS FOLLOWS

Section 1 Section 10 453 of the Code of Medford is amended to read as follows.

10 453 Neighborhood Circulation Plan

All development shall ~~empty~~ **be consistent** with an adopted neighborhood circulation plan when such a plan is available for the project area. **In such cases, the approving authority must find that proposed transportation improvements are consistent with the principles and objectives of the neighborhood circulation plan. Features, such as street arrangement and location, may depart from the adopted plan if it can be found that the principles and objectives of the adopted plan will be carried out.** If a neighborhood circulation plan does not exist, it shall be the developer's responsibility to demonstrate, prior to approval of a plan authorization, that development of the project site will not impair the future development of a comprehensive neighborhood circulation system.

Section 2 Section 10 454 of the Code of Medford is amended to read as follows

10 454 Adoption of Neighborhood Circulation Plan, Adoptions

~~Conceptual~~ Neighborhood circulation plans ~~should~~ **shall** be developed for appropriate areas of the City and urbanizable area and ~~should~~ **shall** be adopted as amendments to the **Medford Comprehensive Plan and Medford Street Functional Classification Plan Map, a part of the Public Facilities Element of the Comprehensive Plan**. Such conceptual neighborhood circulation plans shall identify the functional classification and location of ~~proposed existing and planned streets and alleys, and applicable objectives and policies, if any, and as well as planned circulation for pedestrians, bicyclists, and transit users.~~ **Transportation system design** ~~criteria~~ **standards** shall be applied as per this chapter code, **unless alternative standards are provided by the adopted neighborhood circulation plan**

Section 3 Section 10 455 of the Code of Medford is amended to read as follows

10.455 Revision of a Neighborhood Circulation Plan, Revision

~~Significant changes to~~ **A** ~~an~~ adopted neighborhood circulation plan ~~may~~ **shall** be revised **adopted** by the City Council in the manner set forth in this code for **Major** Comprehensive Plan amendments.

Section 4 Section 10 270 of the Code of Medford is amended to read as follows

10 270 Land Division Criteria

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

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, **including Neighborhood Circulation Plans**, and all applicable design standards set forth in Article IV and V;
- (2) \* \* \*
- (3) \* \* \*
- (4) **If it includes the creation of streets or alleys, that such streets or alleys are laid out to conform, within the limits of the City of Medford and its Urban Growth Boundary, to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property, unless the approving authority determines it is in the public interest to modify the street pattern,**
- (5) **If it Has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth,**
- (6) \* \* \*
- (7) \* \* \*

Section 5 Section 10 181 of the Code of Medford is amended to read as follows

10 181 Application for Major Class 'A' Actions, General

~~Major Comprehensive Plan Amendments are amendments which change a Comprehensive Plan Goal, Policy or Conclusion, or which are changes to the General Land Use Plan Map which affect a large area or many properties. All other amendments to the Comprehensive Plan shall be considered minor amendments or administrative text changes. Major Zoning Map Amendments are changes to the zoning map which affect a large area or many properties. Applications for Major Class "A" Plan authorizations may only be initiated by the Planning Commission or City Council.~~ **Class 'A' amendments are legislative actions and include adoption or revision of:**

- (1) **The following components of the Medford Comprehensive Plan:**
  - (a.) **General Land Use Plan Map, if legislative (affecting a large area or many properties).**
  - (b.) **New Comprehensive Plan Elements.**
  - (c.) **Goals, policies, conclusions, or implementation strategies.**
  - (d.) **Special area plans or neighborhood circulation plans.**
  - (e.) **Significant resource inventories.**
  - (f.) **Transportation System Plans:**
    - Street Functional Classification Plan**
    - Bicycle Facilities Plan**

**Major Pedestrian Facilities Plan  
Major Transit Routes and Stops  
Designated Truck Routes**

(g.) By reference, separate functional plans, such as public facility plans (parks, sewer, stormwater, etc.) and capital improvement plans.

(h.) Urban Growth Boundary.

(i.) Comprehensive Plan review and amendment procedures.

(2) The Medford Land Development Code.

(3) The Medford Zoning Map, if legislative (affecting a large area or many properties).

Section 6 Section 10 821 of the Code of Medford is amended to read as follows

10 821 Accessory Dwelling Unit (ADU)

**For the purposes of this Chapter, a single-family dwelling with an accessory dwelling unit (ADU); as defined herein, located within a single-family residential zone shall not be considered a duplex or multiple-family dwelling. In addition to other standards of this code, ADUs shall comply with the following development standards:**

(1) ~~ADUs must be developed consistent~~ **shall comply** with maximum lot coverage and setback requirements of the underlying zone **applicable to the parcel containing the primary dwelling**

(2) ADUs shall be allowed only in conjunction with parcels containing one **detached** single-family dwelling **(the "primary dwelling")** Only one ADU per parcel is permitted

(3) The ADU may be created through conversion of an existing structure, or construction of a new structure that is either attached to the **primary dwelling** or detached

(4) The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 50 percent of the GHFA of the primary residence **dwelling** on the lot, ~~and or~~ shall not exceed a maximum of 900 square feet, whichever is less. The floor area of any garage shall not be included in the total GHFA.

(5) Only one entrance to the ~~primary dwelling~~ may be located on the front of the house, **existing dwelling** unless the **existing dwelling** house contained additional front doors before the conversion **more than one entrance before the addition of the ADU.**

(6) In order to maintain a consistent architectural character, it is recommended that similar building materials, architectural design and colors be used so that the ADU blends with the general appearance of the ~~primary unit~~ **dwelling**

(7) A parcel containing a primary dwelling unit and an ADU shall provide a minimum of two off-street parking spaces designed in accordance with City of Medford standards.

(8) ADUs shall not be counted in residential density calculations.

(9) A development's Conditions, Covenants, and Restrictions (CC&Rs) or similar legal instrument recorded subsequent to the effective date of this ordinance shall not prohibit or limit the construction and use of ADUs meeting the standards and requirements of the City of Medford.

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///

Section 7 Section 10 471 of the Code of Medford is amended to read as follows

10.471 Public Utility Easements

At the time of development review, five (5) foot wide public utility easements ten feet in width shall be provided along adjoining all lot lines abutting a street, or as otherwise required by utility companies the City of Medford

Section 8 Section 10 012 of the Code of Medford is amended to read as follows

10 012 Definitions, Specific

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

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**Carport** means a permanent roofed structure having no enclosed uses overhead that is a portion of a principal residential building or is an accessory building. A carport is designed to shelter one or more motor vehicles, is open at the vehicular entry, and is entirely open on two or more sides.

\*\*\*

**Garage** A building or portion thereof, used or intended to be used for the parking and storage of motor vehicles Garage shall also mean carport

\*\*\*

**Ground floor wall area** means the area of the facade between two feet and eight feet above the adjacent exterior grade or public sidewalk, whichever is higher.

\*\*\*

**Mixed-use building.** Contains one or more residential dwelling units and a commercial, institutional, or industrial use(s) in the same building. The non-residential use must occupy at least 80 percent of the building's ground floor area.

\*\*\*

**Primary building entrance** means a building entrance that remains unlocked during regular business hours (for non-residential buildings), allows pedestrians to both enter and exit the building, is visible from the street sidewalk, complies with maximum setback standards when applicable, and is connected to the sidewalk with a pedestrian walkway that meets City standards.

\*\*\*

**Public Plazas** means areas adjoining a sidewalk or walkway that provide places for pedestrians to sit, stand, or rest. Plazas are located at transit stops, building entrances, or intersections, and connect directly to adjacent sidewalks, walkways, transit stops, building entrances, and intersections. They are usually paved with concrete, pavers, bricks, or similar materials, and include seating, pedestrian scale lighting, and similar pedestrian improvements. Low walls or planters and landscaping are provided to create a semi-enclosed space and to

buffer and separate the plaza from any adjoining parking lots and vehicle maneuvering areas.

\*\*\*

**Street tree** means any tree located within the right-of-way or within 10 feet of the right-of-way if there is no planter strip or tree well, of any street dedicated for public use, including private streets.

\*\*\*

**Tree topping or severe pruning** means the severing of the trunk, or the cutting back of the trunk or a limb to a stub larger than three inches in diameter, or the cutting back of the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

\*\*\*

**Through-lot** means an interior lot with its rear yard abutting a street right-of-way.

\*\*\*

Section 9 Section 10 708 of the Code of Medford is amended to read as follows

#### 10 708 Residential Density Calculation

The minimum and maximum number of dwelling units permitted within a residential development shall be determined as indicated in (1.) below, except as provided in (2.) and (3.).

1. **The minimum and maximum number of dwelling units permitted shall be determined** by multiplying the project's gross area, less non-development areas (NDAs) at the option of the developer, by the zoning district minimum or maximum density factor.

#### Formula:

Minimum or Maximum DU = (GA - any or all NDAs) x min df or max df

#### Where:

**DU** = Number of dwelling units permitted (minimum rounded up to the nearest whole number and maximum rounded down to the nearest whole number)

**GA** = Gross area of project site, or fraction thereof

**NDAs** = The following

**Reserve acreage**—: That portion of the lot which is not intended to be part of the development and can be separately developed at a later time

**Natural Unbuildable areas**—: Those natural areas unsuitable for building [i.e., wetlands, slopes over 30 percent, and creeks (from top-of-bank to top-of-bank)] Does not include man-made non-buildable areas such as setbacks

**Oversize residential lots**, with an existing house and yard, that exceed the maximum lot area allowed in Section 10.702(3)(a).

**min. df or max. df** = Minimum or maximum density factor (number of dwelling units per acre allowed) for the zoning district



**Minimum Density Calculation Example:**

The project site contains six acres of land (GA = 6) within the SFR-4 district (min. df = 2.5). The developer intends to retain two acres of reserved acreage (RA = 2). The minimum number of dwelling units and/or lots permitted is calculated as follows:

$$(6 - 2) \times 2.5 = 10 \text{ dwelling units}$$

**Maximum Density Calculation Example:**

The project site contains six acres of land (GA = 6) within the SFR-4 district (max. df = 4.0). The developer intends to retain two acres of reserved acreage (RA = 2). The maximum number of dwelling units and/or lots permitted is calculated as follows:

$$(6 - 2) \times 4.0 = 16 \text{ dwelling units}$$

2. For multiple-family dwellings in commercial zoning districts, except Neighborhood Commercial (C-N), the minimum and maximum number of dwelling units shall be the same as the MFR-30 zoning district. For mixed-use buildings as defined herein in commercial zoning districts, there shall be no minimum or maximum number of dwelling units required. In the Neighborhood Commercial (C-N) zoning district, dwelling units must be located in a mixed-use building and conform to 10.837.

3. ~~Exception to Density Standards~~ For Congregate Housing When a living unit in a congregate housing living facility that does not contain full kitchen or cooking facilities, the each unit may be counted as 0.7 of a dwelling unit for purposes of calculating density. The living unit shall be counted as a full dwelling unit for purposes of calculating the parking requirement, however

Section 10. Section 10.230 of the Code of Medford is amended to read as follows:

10.230 Planned Unit Development (PUD)- General Provisions

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D \*\*\*

8. ~~Housing Density:~~ The housing density for residential portions of the PUD may be increased by up to 20% over the maximum permitted density in the underlying residential zone, provided:

a. Common open space or recreation areas, when situated within an underlying residential zone, shall be considered a part of the gross area devoted to residential uses.

b. The 20% density increase shall be computed by multiplying the gross area devoted to residential uses by the density factor of the underlying zone, then multiplying that result by a factor of 1.20 and rounding the result down to the nearest whole number. The following example computes a twenty percent density increase for a 9.80-acre parcel zoned SFR-6 which is devoted entirely to residential uses:  $9.8 \text{ H } 6 = 58.80 \text{ H } 1.20 = 70.56 \rightarrow 70$

9.8. Allowed Uses, Housing Types

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10 9. Mixed Land Uses

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I. Residential Density.

(1) Residential Density Calculation. Minimum and maximum permitted residential densities in PUDs shall be calculated pursuant to 10.708, except, in PUDs 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. Residential density in PUDs may be increased by up to 20% more than the maximum density permitted by (1) above.

Section 11 The City Council hereby adopts the Findings of Fact and Conclusions of Law dated October 26, 2004, which are on file in the Planning Department,

PASSED by the Council and signed by me in authentication of its passage this 16<sup>th</sup> day of December, 2004

ATTEST Heidi Owens  
City Recorder

Skip Knapp  
Acting Mayor

APPROVED December 16, 2004

Skip Knapp  
Acting Mayor

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

City of Medford

December 3, 2004

### STAFF REPORT

**File No:** DCA-04-196 - Land Development Code Amendment (Major Class 'A' - Legislative)  
Various Amendments Related to the Southeast Plan Update

**Applicant:** City of Medford

**Request:** Consideration of amendments to the *Medford Land Development Code* sections related to Neighborhood Circulation Plans (10.453-455; 10.270), Major Class 'A' Legislative Comprehensive Plan Amendments (10.181), Accessory Dwelling Units (10.821), Public Utility Easements (10.471), Specific Definitions (10.012), and Residential Density Calculations (10.708;10.230).

#### BACKGROUND:

Amendments affecting several sections of the *Land Development Code* are proposed as a result of work completed for the Southeast Plan Implementation Project. It was found that the proposed changes were more appropriately applied citywide than just in the Southeast Area via the S-E Overlay Zone. The attached Exhibit 'A' provides the proposed code revision language. Words to be deleted are ~~struck through~~ and words to be added are underlined.

#### SUMMARY OF PROPOSED CODE PROVISIONS:

##### 10.453 Neighborhood Circulation Plan.

This section has been expanded to further explain "being consistent with" an adopted neighborhood circulation plan. It explains that departures from the plan are acceptable as long as the approving authority can find that the objectives of the plan are being carried out.

##### 10.454 Neighborhood Circulation Plan, Adoption.

The Street Functional Classification Map is no longer a part of the Public Facilities Element, but is a part of the new Transportation System Plan Element. The revision also clarifies the components of a neighborhood circulation plan, and permits alternative design standards for transportation facilities if adopted as part of a neighborhood circulation plan.

##### 10.455 Neighborhood Circulation Plan, Revision.

This revision clarifies that significant revision of a neighborhood circulation plan is a "major" amendment of the *Comprehensive Plan*.

##### 10.270 Land Division Criteria.

This revision clarifies that land divisions must be consistent with neighborhood circulation plans. It also includes "alleys" where streets are referenced, and clarifies that new streets and alleys must be consistent with existing and planned ones unless the approving authority determines otherwise.

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**10.181 Application for Major Class ‘A’ Actions, General.**

This revision provides a more detailed list of which *Comprehensive Plan* changes are considered major (legislative). The current list only includes *Comprehensive Plan* goals, policies, or conclusions, and *Comprehensive Plan* and Zoning Map changes that affect a large area. The current list is inconsistent with the Review and Amendments section of the *Comprehensive Plan*, which has a much more exhaustive list. The proposed list also reflects the newly adopted components of the Transportation System Plan, special area and neighborhood circulation plans, and the practice of adopting separate functional plans by reference.

**10.821 Accessory Dwelling Unit (ADU).**

This revision clarifies that an ADU does not affect a dwelling’s status as a single-family residence. It also clarifies that they are only associated with detached single-family residences. It codifies the practice of not requiring additional parking spaces beyond the two required for a single-family dwelling. It clarifies that ADUs are not counted in density calculations for minimum and maximum density purposes, and specifies that new CC&Rs cannot prohibit them.

**10.471 Public Utility Easements.**

This revision clarifies that PUEs are 10 feet in width, which is the usual current width, but that the City can authorize some other option.

**10.012 Definitions, Specific.**

This adds definitions for the following terms, which are utilized by the S-E Overlay Zoning District: public plaza, primary building entrance, ground floor wall area, street tree, tree topping or severe pruning, carport, through-lot, and mixed-use building. It also changes the *garage* definition so that *garage* and *carport* are different.

**10.708 Residential Density Calculation.**

This clarifies that the minimum and maximum permitted residential density in Commercial zones is the same as MFR-30 standards. It also sets no minimum or maximum density standard for mixed-use buildings (residential use and another land use type in the same building) in Commercial zones, except the Neighborhood Commercial district, which currently requires that residential uses must be “attached, accessory, and subordinate to the primary commercial use”.

**10.230 Planned Unit Development (PUD) – General Provisions.**

This revision moves the allowed 20% density bonus in a PUD from the “deviations” section (“D”) and places in a new section “I”. It requires that density calculations in PUDs having residential and non-residential uses in a Residential zone, including mixed-use buildings, must utilize the gross area of the residentially zoned land. “Natural unbuildable areas” can be excluded at the developer’s option as already provided in the code.

**RELEVANT SUBSTANTIVE CRITERIA:**

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.

**FINDINGS:**

The proposed Findings of Fact and Conclusions of Law, dated October 26, 2004 (Exhibit 'B'), are, by this reference, incorporated as a part of this report. A discussion of the proposal relative to the approval criteria listed above is included in the Findings.

**RECOMMENDED ACTION:**

Staff, the Southeast Plan Implementation Advisory Committee, the Joint Transportation Subcommittee, and the Planning Commission forward a favorable recommendation to the City Council for approval of DCA-04-196 per the Staff Report dated December 3, 2004, including:


Attachments:

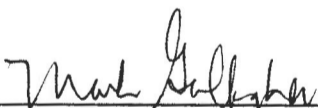
Exhibit 'A' – Various Southeast Related Code Amendments, dated December 3, 2004

Exhibit 'B' - Findings of Fact and Conclusions of Law, dated October 26, 2004

Exhibit 'C' – Planning Commission minutes for the meeting of November 11, 2004

Exhibit 'D' – Joint Transportation Subcommittee minutes for the meeting of July 28, 2004

  
\_\_\_\_\_  
Suzanne Myers A.I.C.P., Associate Planner

  
\_\_\_\_\_  
Reviewed By: Mark Gallagher A.I.C.P., Principal Planner

**PLANNING COMMISSION AGENDA: November 11, 2004**

## VARIOUS SOUTHEAST RELATED CODE AMENDMENTS

Draft of December 3, 2004

### RELATED TO NEIGHBORHOOD CIRCULATION PLANS

#### **10.453 Neighborhood Circulation Plan.**

All development shall ~~comply~~ be consistent with an adopted neighborhood circulation plan when such a plan is available for the project area. In such cases, the approving authority must find that proposed transportation improvements are consistent with the principles and objectives of the neighborhood circulation plan. Features, such as street arrangement and location, may depart from the adopted plan if it can be found that the principles and objectives of the adopted plan will be carried out. If a neighborhood circulation plan does not exist, it shall be the developer's responsibility to demonstrate, prior to approval of a plan authorization, that development of the project site will not impair the future development of a comprehensive neighborhood circulation system.

#### **10.454 ~~Adoption of Neighborhood Circulation Plan, Adoptions.~~**

~~Conceptual~~ Neighborhood circulation plans should be developed for appropriate areas of the City and urbanizable area and should ~~shall~~ be adopted as amendments to the Medford Comprehensive Plan and Medford Street Functional Classification Plan Map, a part of the Public Facilities Element of the Comprehensive Plan. Such ~~conceptual~~ neighborhood circulation plans shall identify the functional classification and location of proposed existing and planned streets and alleys, and applicable objectives and policies, if any, and as well as planned circulation for pedestrians, bicyclists, and transit users. Transportation system design criteria standards shall be applied as per this chapter code, unless alternative standards are provided by the adopted neighborhood circulation plan.

#### **10.455 ~~Revision of a Neighborhood Circulation Plan, Revision.~~**

Significant changes to A ~~an~~ adopted neighborhood circulation plan ~~may~~ shall be ~~revised~~ adopted by the City Council in the manner set forth in this code for Major Comprehensive Plan amendments.

#### **10.270 Land Division Criteria.**

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

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;
- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;
- (3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;

CITY OF MEDFORD  
DCA - 04 - 196  
A

- (4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to conform, within the limits of the City of Medford and its Urban Growth Boundary, to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property, unless the approving authority determines it is in the public interest to modify the street pattern;
- (5) If it Has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;
- (6) Contains streets, if applicable, and lots which are oriented to make maximum effective use of passive solar energy; exceptions to this provision may be granted whenever it is impractical to comply due to:
  - (a) The configuration or orientation of the property;
  - (b) The nature of surrounding circulation patterns, or other existing physical features of the site such as topography;
- (7) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

**10.181 Application for Major Class 'A' Actions, General.**

~~Major Comprehensive Plan Amendments are amendments which change a Comprehensive Plan Goal, Policy or Conclusion, or which are changes to the General Land Use Plan Map which affect a large area or many properties. All other amendments to the Comprehensive Plan shall be considered minor amendments or administrative text changes. Major Zoning Map Amendments are changes to the zoning map which affect a large area or many properties. Applications for Major Class "A" Plan authorizations may only be initiated by the Planning Commission or City Council. Class 'A' amendments are legislative actions and include adoption or revision of:~~

- (1) The following components of the Medford Comprehensive Plan:
  - (a.) General Land Use Plan Map, if legislative (affecting a large area or many properties).
  - (b.) New Comprehensive Plan Elements.
  - (c.) Goals, policies, conclusions, or implementation strategies.
  - (d.) Special area plans or neighborhood circulation plans.
  - (e.) Significant resource inventories.
  - (f.) Transportation System Plans:
    - Street Functional Classification Plan
    - Bicycle Facilities Plan
    - Major Pedestrian Facilities Plan
    - Major Transit Routes and Stops
    - Designated Truck Routes
  - (g.) By reference, separate functional plans, such as public facility plans (parks, sewer, stormwater, etc.) and capital improvement plans.
  - (h.) Urban Growth Boundary.
  - (i.) Comprehensive Plan review and amendment procedures.
- (2) The Medford Land Development Code.
- (3) The Medford Zoning Map, if legislative (affecting a large area or many properties).

## RELATED TO ACCESSORY DWELLING UNITS

### 10.821 Accessory Dwelling Unit (ADU)

For the purposes of this Chapter, a single-family dwelling with an accessory dwelling unit (ADU), as defined herein, located within a single-family residential zone shall not be considered a duplex or multiple-family dwelling. In addition to other standards of this code, ADUs shall comply with the following development standards:

- (1) ADUs ~~must be developed consistent~~ shall comply with maximum lot coverage and setback requirements of the underlying zone applicable to the parcel containing the primary dwelling.
- (2) ADUs shall be allowed only in conjunction with parcels containing one detached single-family dwelling (the "primary dwelling"). Only one ADU per parcel is permitted.
- (3) The ADU may be created through conversion of an existing structure, or construction of a new structure that is either attached to the primary dwelling or detached.
- (4) The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 50 percent of the GHFA of the primary residence dwelling on the lot, and or shall not exceed a maximum of 900 square feet, whichever is less. The floor area of any garage shall not be included in the total GHFA.
- (5) Only one entrance to the primary dwelling may be located on the front of the house, existing dwelling unless the existing dwelling house contained additional front doors before the conversion. more than one entrance before the addition of the ADU.
- (6) In order to maintain a consistent architectural character, it is recommended that similar building materials, architectural design and colors be used so that the ADU blends with the general appearance of the primary unit dwelling.
- (7) A parcel containing a primary dwelling unit and an ADU shall provide a minimum of two off-street parking spaces designed in accordance with City of Medford standards.
- (8) ADUs shall not be counted in residential density calculations.
- (9) A development's Conditions, Covenants, and Restrictions (CC&Rs) or similar legal instrument recorded subsequent to the effective date of this ordinance shall not prohibit or limit the construction and use of ADUs meeting the standards and requirements of the City of Medford.

## RELATED TO PUBLIC UTILITY EASEMENTS

### 10.471 Public Utility Easements.

At the time of development review, ~~five (5) foot wide public utility easements ten feet in width shall be provided along adjoining all lot lines abutting a street, or as otherwise required by utility companies the~~ City of Medford.

## CHANGES TO DEFINITIONS

### 10.012 Definitions, Specific.

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

**Public Plazas** means areas adjoining a sidewalk or walkway that provide places for pedestrians to sit, stand, or rest. Plazas are located at transit stops, building entrances, or intersections, and connect directly to adjacent sidewalks, walkways, transit stops, building entrances, and intersections. They are usually paved with concrete, pavers, bricks, or similar materials, and include seating, pedestrian scale lighting, and similar pedestrian improvements. Low walls or



planters and landscaping are provided to create a semi-enclosed space and to buffer and separate the plaza from any adjoining parking lots and vehicle maneuvering areas.

**Primary building entrance** means a building entrance that remains unlocked during regular business hours (for non-residential buildings), allows pedestrians to both enter and exit the building, is visible from the street sidewalk, complies with maximum setback standards when applicable, and is connected to the sidewalk with a pedestrian walkway that meets City standards.

**Ground floor wall area** means the area of the facade between two feet and eight feet above the adjacent exterior grade or public sidewalk, whichever is higher.

**Street tree** means any tree located within the right-of-way or within 10 feet of the right-of-way if there is no planter strip or tree well, of any street dedicated for public use, including private streets.

**Tree topping or severe pruning** means the severing of the trunk, or the cutting back of the trunk or a limb to a stub larger than three inches in diameter, or the cutting back of the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

**Carport** means a permanent roofed structure having no enclosed uses overhead that is a portion of a principal residential building or is an accessory building. A carport is designed to shelter one or more motor vehicles, is open at the vehicular entry, and is entirely open on two or more sides.

**Garage.** A building or portion thereof, used or intended to be used for the parking and storage of motor vehicles. ~~Garage shall also mean carport.~~

**Through-lot** means an interior lot with its rear yard abutting a street right-of-way.

**Mixed-use building.** Contains one or more residential dwelling units and a commercial, institutional, or industrial use(s) in the same building. The non-residential use must occupy at least 80 percent of the building's ground floor area.

## **RELATED TO RESIDENTIAL DENSITY CALCULATIONS**

### **10.708 Residential Density Calculation.**

The minimum and maximum number of dwelling units permitted within a residential development shall be determined as indicated in (1.) below, except as provided in (2.) and (3.).

1. The minimum and maximum number of dwelling units permitted shall be determined by multiplying the project's gross area, less non-development areas (NDAs) at the option of the developer, by the zoning district minimum or maximum density factor.

**Formula:**

$$\text{Minimum or Maximum DU} = (\text{GA} - \text{any or all NDAs}) \times \text{min. df or max. df}$$

**Where:**

**DU** = -Number of dwelling units permitted (minimum rounded up to the nearest whole number and maximum rounded down to the nearest whole number)

**GA** = Gross area of project site, or fraction thereof

**NDA**s = The following:

**Reserve acreage.**—: That portion of the lot which is not intended to be part of the development and can be separately developed at a later time.

**Natural Unbuildable areas.**—: Those natural areas unsuitable for building [i.e., wetlands, slopes over 30 percent, and creeks (from top-of-bank to top-of-bank)]. Does not include man-made non-buildable areas such as setbacks.

**Oversize residential lots,** with an existing house and yard, that exceed the maximum lot area allowed in Section 10.702(3)(a).

**Min. df or max. df** = Minimum or maximum density factor (number of dwelling units per acre allowed) for the zoning district.

**Minimum Density Calculation Example:**

The project site contains six acres of land (GA = 6) within the SFR-4 district (min. df = 2.5). The developer intends to retain two acres of reserved acreage (RA = 2). The minimum number of dwelling units and/or lots permitted is calculated as follows:

$(6 - 2) \times 2.5 = 10$  dwelling units

**Maximum Density Calculation Example:**

The project site contains six acres of land (GA = 6) within the SFR-4 district (max. df = 4.0). The developer intends to retain two acres of reserved acreage (RA = 2). The maximum number of dwelling units and/or lots permitted is calculated as follows:

$(6 - 2) \times 4.0 = 16$  dwelling units

2. For multiple-family dwellings in commercial zoning districts, except Neighborhood Commercial (C-N), the minimum and maximum number of dwelling units shall be the same as the MFR-30 zoning district. For mixed-use buildings as defined herein in commercial zoning districts, there shall be no minimum or maximum number of dwelling units required. In the Neighborhood Commercial (C-N) zoning district, dwelling units must be located in a mixed-use building and conform to 10.837.
3. Exception to Density Standards— For Congregate Housing: When a living units in a congregate housing living facility that does not contain full kitchen or cooking facilities, the each unit may be counted as 0.7 of a dwelling unit for purposes of calculating density. The living unit shall be counted as a full dwelling unit for purposes of calculating the parking requirement, however.

**10.230 Planned Unit Development (PUD) - General Provisions**

- D. 8. Housing Density:** ~~The housing density for residential portions of the PUD may be increased by up to 20% over the maximum permitted density in the underlying residential zone, provided:~~
- a. ~~Common open space or recreation areas, when situated within an underlying residential zone, shall be considered a part of the gross area devoted to residential uses.~~
  - b. ~~The 20% density increase shall be computed by multiplying the gross area devoted to~~

~~residential uses by the density factor of the underlying zone, then multiplying that result by a factor of 1.20 and rounding the result down to the nearest whole number.~~

**I. Residential Density.**

- (1) Residential Density Calculation.** Minimum and maximum permitted residential densities in PUDs shall be calculated pursuant to 10.708, except, in PUDs 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.** Residential density in PUDs may be increased by up to 20% more than the maximum density permitted by (1) above.

**PROPOSED FINDINGS**

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

IN THE MATTER OF AMENDING	)	FINDINGS OF FACT
VARIOUS SECTIONS OF THE MEDFORD	)	CONCLUSIONS OF LAW
LAND DEVELOPMENT CODE TO	)	File No. DCA-04-196
FURTHER IMPLEMENT THE	)	Exhibit 'B'
SOUTHEAST PLAN	)	October 26, 2004

City of Medford, Applicant

**PROCEDURAL BACKGROUND**

Amendment of 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.

**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.

**COMPLIANCE WITH STATEWIDE PLANNING GOALS**

**Applicable Statewide Planning Goals:**

- GOAL NO. 1: Citizen Involvement
- GOAL NO. 2: Land Use Planning
- GOAL NO. 10: Housing
- GOAL NO. 12: Transportation

Upon investigation, it has been determined that Statewide Planning Goals 3, 4, 5, 6, 7, 8, 9, 11, 13, and 14 are not applicable to this action. 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

DCA-04-196  
'B'

participation in identifying public goals, developing policy guidelines, and evaluating alternatives in the revision of the comprehensive plan, and in the inventorying, mapping, and analysis necessary to develop the plan content and implementation strategies. They must also be given the opportunity to participate in the development, adoption, and application of legislation to carry out a comprehensive plan. Goal 1 requires providing an opportunity to review proposed amendments prior to the public hearing, and any recommendations must be retained and receive a response from policy-makers. The rationale used to reach land use policy decisions must be available in the written record.

The City of Medford has an established citizen involvement program consistent with Goal 1 that includes review of proposed legislative *Comprehensive Plan* 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 Medford City Council appointed a stakeholder committee (the Southeast Plan Implementation Advisory Committee) to help in the development of the components of the Southeast Plan Implementation Project. The Committee consisted of two City Council members, two Planning Commissioners, one citizen member, and five stakeholders. The Committee, along with City staff from various departments as advisors, met over a period of three years to reach consensus regarding consultant and City staff recommendations. The Medford Planning Commission and City Council met in numerous study session workshops throughout this time period to discuss the recommendations. Most of the Committee's recommendations were presented in a set of "Consensus Points" dated January 2003, with an addendum dated April 2004.

After draft maps and documents, sanctioned by the Committee, were completed, individual notices were mailed to property owners in the Southeast Area inviting them and the public to attend an open house meeting to review the proposals and discuss them one-on-one with City staff and to provide input. Approximately 70 persons attended the August 30, 2004 meeting. The draft documents and maps were made available for review on the City of Medford website and at the Planning Department beginning in mid-August 2004. These various related amendments do not place new limitations on permitted uses, and are therefore not subject to Measure 56 noticing requirements.

#### 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 requires 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 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 ownerships.

**CONCLUSIONS OF LAW**

The City's efforts in this proposal to assure that *Land Development Code* provisions properly implement Transportation System Plan components, the use of neighborhood circulation plans, accessory dwelling units, and mixed-use development, consistent with the adopted policies of the acknowledged *Transportation System Plan*, *Medford Comprehensive Plan*, and the Statewide Planning Goals, are consistent with and needed to comply with Statewide Planning Goal 2.

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

Goal 10 requires that comprehensive plans assure the provision of buildable land that is suitable, available, and necessary for needed housing and that allows for flexibility in housing location, type, and density. Needed housing includes attached and detached single-family, multiple-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.

This amendment assists in increasing residential density in the City by promoting the use of mixed-use developments and accessory dwelling units. It also serves to assure expected minimum residential densities are met in Planned Unit Developments.

**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 by promoting the use of mixed-use developments and accessory dwelling units are in compliance with and needed to comply with Statewide Planning Goal 10.

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

#### **FINDINGS OF FACT**

Goal 12 requires that the City's transportation plan be based upon an inventory of local, regional and state transportation needs; and minimize adverse social, economic and environmental impacts and costs. Plans providing for the transportation system must not exceed the carrying capacity of the air, land, and water resources of the planning area, and must identify the positive and negative impacts on environmental quality.

The proposal enhances the City's ability to properly utilize neighborhood circulation plans as called for by section 660-012-0020(2)(b) of the Oregon Transportation Planning Rule (TPR) and the Medford Transportation System Plan (TSP) which call for providing a planned layout of local streets. The proposal also clarifies which components of the TSP are amended through major legislative actions.

#### **CONCLUSIONS OF LAW**

The City's efforts in this proposal to develop strategies that carry out the TPR and the adopted policies of the acknowledged *Comprehensive Plan* related to neighborhood circulation plans are in compliance with and needed to comply with Statewide Planning Goal 12.

#### **COMPLIANCE WITH THE CITY OF MEDFORD *COMPREHENSIVE PLAN***

##### **Applicable Medford Comprehensive Plan Goals, Policies, and Implementation Strategies: Housing Element**

**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 (1):** Prepare an amendment to the *Land Development Code* for consideration by the City Council that would permit accessory dwelling units in single-family residential areas.

**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.

##### **Economic Element**

**Policy 2:** The City of Medford shall encourage mixed commercial and residential use developments through the use of the Planned Development Overlay Zone, site design guidelines, and site development standards.

##### **Transportation System Plan Element**

**Policy 2-A:** The City of Medford shall classify streets so as to provide an optimal balance between mobility and accessibility for all transportation modes consistent with street function.

**Implementation 2-A(3):** Provide a grid network of interconnected lower order (local) streets that disperses traffic and supplies connections to higher order streets, employment centers, and neighborhood activity centers, and provides appropriate emergency access.

**Implementation 2-A(4):** Develop and adopt conceptual Neighborhood Circulation Plans as stand-alone plans or as part of neighborhood or area plans to be implemented as development of these areas occurs. Such Plans shall indicate the function of proposed streets and design standards needed to minimize disruption of existing neighborhoods while assuring adequate access commensurate with the intensity of planned new development and redevelopment. Such plans shall also identify key neighborhood

destinations and an interconnected system of bicycle and pedestrian facilities to serve these destinations, as well as to connect with areas outside of the neighborhood.

**Implementation 2-A(5):** Develop a system of collector and local residential streets that have adequate capacity to accommodate planned land uses, but preserve the quiet, privacy, and safety of neighborhood living by staying within their capacity.

**Policy 2-C:** The City of Medford shall design the street system to safely and efficiently accommodate multiple travel modes within public rights-of-way.

**Implementation 2-C(1):** Apply the street design standard that most safely and efficiently provides multi-modal capacity respective to the functional classification of the street, mitigating noise, energy consumption, neighborhood disruption, economic losses, and other social, environmental, or institutional disruptions. Use of adopted neighborhood plans should determine the specific look and character of each neighborhood and its street system.

**Implementation 2-C(7):** Require new development and redevelopment projects, as appropriate, to connect to and extend local streets to planned future streets, to neighborhood activity centers, such as parks, schools, and retail centers, to transit routes, and to access adjoining undeveloped or underdeveloped property.

**Implementation 2-C(8):** Require new development and redevelopment projects to include accessibility for all travel modes and coordinate with existing and planned developments.

**Implementation 2-D(1):** Identify unique street design treatments, such as boulevards or "main" streets, through the development and use of special area plans, neighborhood plans, or Neighborhood Circulation Plans adopted in the *Medford Comprehensive Plan*.

**Implementation 2-D(3):** When designing new or reconstructed streets, make adjustments as necessary to avoid valuable topographical features, natural resources, historic properties, schools, cemeteries, significant cultural features, etc. that affect the livability of the community and the surrounding neighborhood.

**Implementation 8-A(1):** Through revisions to the *Medford Comprehensive Plan* and *Land Development Code*, provide opportunities for increasing residential and employment density in locations that support increased use of alternative travel modes, such as along transit corridors.

#### FINDINGS OF FACT

The proposed *Land Development Code* amendments implement strategies that utilize neighborhood circulation plans to develop a well-connected multi-modal transportation system. The amendment also further implements and promotes the use of accessory dwelling units and mixed-use developments to increase residential density in a compatible manner.

#### CONCLUSIONS OF LAW

The City's efforts in this proposal to carry out the adopted policies of the acknowledged *Comprehensive Plan* related to increasing residential density through the use of mixed-use developments and accessory dwelling units, and related to use of neighborhood circulation plans, are consistent with and necessary to comply with the above-noted *Comprehensive Plan* Goals, Policies, and Implementation Strategies.

#### SUMMARY

This proposed *Land Development Code* amendment is necessary to do the following: Meet the Goals, Policies, and Implementation Strategies of the *Comprehensive Plan* by continuing the City's efforts to utilize neighborhood circulation plans, and by promoting the use of accessory dwelling units and mixed-use development to increase residential density in a compatible manner, which satisfy the requirements of the Statewide Planning Goals and associated OARs. The amendments are based on a renewed priority for developing and implementing



DCA-04-196

October 26, 2004

neighborhood circulation plans, compliance with the Oregon Transportation Planning Rule of Statewide Planning Goal 12, and the demonstrable ineffectiveness of current regulations to achieve the *Comprehensive Plan* Goals, Policies and Implementation Strategies.

**PLANNING COMMISSION MINUTES**

**NOVEMBER 11, 2004**

because only one side of the story had been heard in the current recommendation. He felt that this would all come out in the City Council hearing, and they would be a good judge of whether this change to the City Code has merit.

Commissioner Bartlett stated that he heard Commissioner McFadden say that he would like for the City Council to take a look at this lot coverage issue for the entire city. Section 10.375 states that the Southeast Overlay District modifies the lot coverage standards of the underlying zones; this is not asking for the entire city.

Commissioner Ruffing stated that he was in agreement with Commissioner McFadden's concerns about the higher densities, not so much for the storm water runoff – he believed that Commissioner Harriff's statements were correct; that this issue will receive enough attention – but he also shared the concerns about having the City Council take a look at this issue and address it as an individual item.

Moved by: Commissioner McFadden      Seconded by: Commissioner Ruffing

Vote: 2-5

Commissioners McFadden and Ruffing voted Yes. Commissioners Tull, Bartlett, Shean, Harriff, and Jackle voted No. Motion failed.

- 60.5 DCA-04-196 Consideration of amendments to the Medford *Land Development Code* sections related to Neighborhood Circulation Plans (10.453 through 10.455; 10.270), Major Class "A" Legislative Comprehensive Plan Amendments (10.181), Accessory Dwelling Units (10.821), Public Utility Easements (10.471), Specific Definitions (10.012), and Residential Density Calculations (10.708; 10.230); City of Medford, Applicant.

Suzanne Myers summarized the amendment request. Staff, the Southeast Plan Advisory Committee, the Joint Transportation Subcommittee, and the Citizens Planning Advisory Committee – recommend that the Planning Commission forward a favorable recommendation to the City Council for DCA-04-196.

As Chairman of the Southeast Plan Advisory Committee, Commissioner Bartlett thanked the Planning Commission for all the time they put in to study sessions this year.

Motion: Direct Staff to forward a favorable recommendation to City Council for approval of DCA-04-196 as per the Planning Commission Staff Report dated October 26, 2004, including Exhibits "A" and "B", with the following revision:

- a. Amend 10.453 (page 4) to replace "conceptual" with "adopted".

Moved by: Commissioner McFadden      Seconded by: Commissioner Shean

Vote: 7-0

117  
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DCA - 04 - 196

**PLANNING COMMISSION MINUTES**

**NOVEMBER 11, 2004**

Staff will forward a favorable recommendation to City Council containing all findings of fact.

8:51 p.m. – Recess.

8:59 p.m. – Reconvened with same members present.

**OUT OF SEQUENCE**

**50. Public Hearings:**

It was noted that Items 50.1, 50.2, 50.4, 50.5, 50.6, 50.8, and 50.9 have been proposed by staff for continuation. Since full testimony will not be accepted this evening, the Commission encouraged anyone in attendance, who wished to speak regarding these issues, to return at the next appropriate meeting and provide testimony at that time.

**Old Business**

50.1 ZC-04-208 Consideration of a request for a change of zone from County RR-5 (Rural Residential - 5 acre minimum lot size) to City SFR-4 (Single-Family Residential - 4 units per acre) zoning district on a 0.73-acre parcel located on the north side of Normil Terrace approximately 500 feet east of North Foothill Road; Scott Friesen, Applicant (Scott Sinner Consulting, Agent).

Principal Planner Jim Maize stated that staff recommends continuation until the next meeting of the Planning Commission on December 9, 2004.

Motion: Continue ZC-04-208 to the next meeting on December 9, 2004 with the public hearing open.

Moved by: Commissioner Harriff

Seconded by: Commissioner Ruffing

Vote: 7-0

No one spoke in favor of or opposition to this request.

50.2 LDS-04-187 Consideration of a tentative plat approval for Heber Subdivision, a 14-lot subdivision on two parcels totaling 2.48 acres located on the southwest corner of North Ross Lane and Maple Park Drive, within an SFR-10 (Single-Family Residential – 10 units per acre) zoning district; Jerry Toney Construction, Inc., Applicant (Neathamer Surveying Inc., Agent).

Principal Planner Jim Maize stated that, staff recommends continuation until the next meeting of the Planning Commission on December 9, 2004.

Motion: Continue LDS-04-187 to the next meeting on December 9, 2004 with the public hearing open.

Moved by: Commissioner McFadden

Seconded by: Commissioner Shean

meeting between Staff and Carl Bartlett and Ernest Garb to address issues that should be brought before JTS. The purpose of the meeting will be to help JTS prepare for future meeting topics. Carl Bartlett asked that the secretary give a copy of the Ordinance No. 8377 to Cory Crebbin, Larry Beskow, and Alex Georgevitch.

C. A request was made to have copies of the detailed report about the TSP approval issues at the next meeting of the JTS. It would allow the committee to participate in further implementation of the TSP. This committee would like to continue working on transit recommendations. Paige West, RVTB, offered her services as a researcher, or in any other capacity, to assist the JTS in making recommendations for the TSP. Carl Bartlett asked to have copies for the committee of a request from the Medford City Council to the JTS regarding the transit services within the City. The secretary will make copies and distribute with the next agenda.

## 5. ONGOING BUSINESS

A. Ridership and usage of RVTB – Paige West distributed ridership reports for April, May, and June 2004. Bikes on buses has increased during the summer months. The Bear Creek Corp. bus pass program will begin in September. Folks with Rogue Community College ID are allowed to ride free on RVTB.

B. Reports from other transportation committees: Carl Bartlett attended the Tradco meeting 6-8-04. Stewart Foster, Transportation Commissioner for the State of Oregon, reported on the bridges in the State that are currently under repair and road projects ODOT is working on this summer. Mike Montero reported on the Oregon Transportation plan to be reviewed.

C. Requests from the Committee to the Staff: None

D. Report from the Bicycle Committee: None

E. 17 Project Update: Jerry Barnes reported the extension of Columbus to Sage Rd. is in design; Crater Lake and McAndrews intersection is in right-of-way acquisition phase; Siskiyou/Highland intersection went to the Planning Commission last week and is scheduled to be presented to the City Council August 5; Poplar, McAndrews to Progress, was completed earlier this year; S. Peach, Stewart to Garfield, is in design; Jackson, from Berkeley to Valley View, also in design; Holly St., from Holmes to Garfield, not been addressed at this time; Lozier Ln., not addressed at this time; Table Rock/Merriman intersection, preliminary alternative analysis in process; Garfield, Peach to King, not addressed at this time; Delta Waters fill-ins for sidewalk projects was presented to the City Council; Juanipero completed from Golf View to Olympic; N. Front St. extension, not addressed at this time.

## 6. NEW BUSINESS:

Suzanne Myers, Associate Planner and Project Manager for the SE Circulation Plan presented a complete update from preliminary draft documents dated 6-10-04. The latest update is available on the Planning Department website.

Also discussed during the meeting: Medford currently has two adopted circulation plans. The SE Plan would be the third. It's important to have circulation plans adopted prior to development to give the developers specific guidelines. One of the goals for the SE Circulation Plan is to promote pedestrian activity in the neighborhoods. Streetscape planning and design help accomplish that. Nothing was

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DCA-04-196

approved in the SE Preliminary Draft unless the vote was unanimous. The Fire Department was consulted on any of the issues in regard to median strips and planters that prevent left turns.

The major and minor arterials and collectors are included in the current TSP. There aren't any proposed changes at this time. The proposed SE Circulation plan will be presented at an open house meeting for the neighborhood tentatively scheduled for August 31, 2004. All property owners within the SE area will be notified of the meeting. All are draft documents and are open for discussion and are open for comment by the citizens and property owners.

Carl Bartlett requested that members of the JTS, Planning Commission, and SPAC be invited to the Open House Meeting on August 31. Suzanne said that as the notices are prepared for the property owners, the above mentioned committees will be included.

Anyone on the committee having questions, comments, or suggestions can direct them to Suzanne.

Jennings Ruffing made a motion that the draft ordinance changes and SE Circulation Plan be recommended for acceptance to the Planning Commission. The motion was seconded. Motion carried unanimously. The secretary was asked to write the recommendation for Carl Bartlett to sign for the committee.

7. **OTHER BUSINESS:** Carl Bartlett suggested that we have more information available at the next meeting on the TSP. Suzanne Myers will talk to Mark Gallagher about the TSP and the committee's desire to be involved in the process.
8. **NEXT MEETING DATE:** August 25, 2004.
9. **ADJOURNMENT:** The meeting adjourned at 4:45 p.m.

Submitted by,

Monica Neimoyer  
Administrative Support Technician