



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

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 B - [DCA-04-166]



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: 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

FORM 2

DLCD

Notice of Adoption

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

In person electronic mailed

DATE
SYSTEM

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
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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. 007-04 (13981)

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

Rogue Valley Transportation District (RVTD); ODFW: ODOT; Medford School District;
Phoenix-Talent School District.

Local Contact: Robert O. Scott Phone: (541) 774-2380 Extension:
Address: 200 South Ivy Street Fax Number: - -
City: Medford Zip: 97501 E-mail Address: rob.scott@cityofmedford.org

Enclosures: Revised Staff Report dated December 3, 2004; Ord. No. 2004-257 (CP-04-165)
Staff Report dated December 3, 2004; Ord. No. 2004-259 (DCA-04-196)
Revised Staff Report dated December 3, 2004; Ord. No. 2004-258 (DCA-04-166)

ADOPTION SUBMITTAL REQUIREMENTS

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

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

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

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

ORDINANCE NO. 2004-258

AN ORDINANCE amending Chapter 10 of the Code of Medford by repealing existing Sections 10.370-10.378 and replacing with new Sections 10.370-10.385 to revise the Southeast (S-E) Overlay Zoning District which applies to approximately 1,000 acres generally located east of North Phoenix Road and north of Coal Mine Road extending to the easterly Urban Growth Boundary.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. Sections 10.370 – 10.378 of the Code of Medford are hereby repealed:

~~10.370 Purpose of the Southeast Overlay District, S-E.~~

~~— The Southeast (S-E) Overlay District establishes special standards and criteria for planning and development controls which implement the Medford Comprehensive Plan and special planning studies that have dealt with this area of the community.~~

~~10.371 Scope and Applicability, S-E.~~

~~— Sections 10.370 through 10.377 shall apply to the area denoted on the City of Medford Zoning Map as the S-E Overlay District, and shall be applied in addition to all other applicable regulations in this Code.~~

~~10.372 GLUP Map Consistency; Southeast Plan Map; Permitted Residential Density, S-E.~~

~~— Within the S-E Overlay District, the Medford General Land Use Plan (GLUP) Map is further refined by the Southeast Plan Map that has been adopted as part of the Medford Comprehensive Plan. Within the S-E Overlay District, the Southeast Plan Map shall determine GLUP Map consistency for purposes of zoning and zone changes. The zoning district(s) with which each Southeast Plan land use category is consistent, and their permitted residential density ranges are set forth in Table 1.~~

///

///

///

///

///

TABLE 1

SOUTHEAST PLAN

General Land Use Plan Map Consistency and Permitted Density Range

General Land Use Plan Map	Southeast Plan Map Land Use Categories ¹	Corresponding Zoning District	Permitted Density Range DU/AC (PUD) ²
UR	Estate Lot	SFR-2	0.8 to 2.0 (2.4)
UR	Standard Lot	SFR-4 or SFR-6	2.5 to 6.0 (7.2)
UR	Small Lot	SFR-10	6.0 to 10.0 (12.0)
UMDR	Rowhouse	MFR-15	10.0 to 15.0 (18.0)
UHDR	High Density	MFR-20 or MFR-30	15.0 to 30.0 (36.0)
C	Commercial	C-C	N/A ³
Parks and Schools ³	School	SFR-4, SFR-6 or MFR-15	N/A ⁴
Parks and Schools ³	Park	SFR-4, SFR-6 or MFR-15	N/A ⁴
Greenway	Greenway	All	N/A ⁴

Table Footnotes

- ¹ Southeast Plan Map land use categories are derived from the study entitled *Southeast Medford Circulation & Development Plan*, August 1995, as amended.
- ² Medford's PUD process permits an increase in density of up to 20% over the maximum permitted density in the underlying zone.
- ³ Land designated and planned for use as either a future park or future school shall be limited to either SFR-4 or SFR-6 zoning, except within the Village Center, while under the Parks or Schools Southeast Plan Map land use categories.
- ⁴ N/A = Not Applicable.

10.373 PUD Required; Zone Changes; Amendments to the Southeast Plan Map, S-E:

A. Planned Unit Development Required. Within the S-E Overlay District, all new residential development consisting of four or more housing units, or which occupies more than two acres, and all commercial, industrial, and institutional development that occupies more than two acres shall proceed as a Planned Unit Development (PUD) pursuant to Sections 10.230 through 10.245. The Planning Director may waive the required submittal of a PUD application when, in his/her discretion, a PUD application would be unnecessary to implement the S-E Overlay District, and the proposal would not conflict with Goals and Policies in the Medford *Comprehensive Plan* that relate to the Southeast Plan.

B. Zone Changes. Within the S-E Overlay District, and notwithstanding Sections 10.225 through 10.227, zoning consistent with the Southeast Plan Map and Table 1 in Section 10.372 shall be granted upon approval of a Preliminary PUD Plan, provided that:

1. **Public Facility Adequacy; Single Phase PUD.** Approval of a Preliminary PUD Plan and zone change shall require demonstrating that Category 'A' urban services and facilities are available and adequate to serve the PUD in the ways required by the Medford *Comprehensive Plan*, or that such services and facilities can be made available upon development.

2. **Public Facility Adequacy; Multiple Phase PUD.** For PUDs having multiple phases, compliance with Subsection 10.373(B)(1) shall be required for only the first phase. For each

successive phase, compliance shall be established prior to or concurrent with approval of a Final PUD Plan. An applicant shall be entitled to seek compliance with Subsection 10.373(B)(1) for PUD phases as a matter separate from the approval of a Final PUD Plan.

~~3. Zone Change as Separate Matter; Fees. In the S-E Overlay District, the City shall not charge separate zone change fees as part of the PUD process. However, an owner may apply for zoning as a separate matter at any time, and, if processed separately, shall be subject to fees established for zone changes. When processed as a separate matter, a zone change application, in addition to demonstrating compliance with the zone change criteria in Section 10.227, shall also demonstrate consistency with the Southeast Plan Map.~~

~~C. Amendments to the Southeast Plan Map. Amendments to the Southeast Plan Map shall follow the procedures below:~~

~~1. Land Use Categories. The amendment of the Southeast Plan Map land use categories shall be the same as amendments to the GLUP Map designations as set forth in Article II of this Code, and in the "Review and Amendments" section of the Medford Comprehensive Plan for Major and Minor Comprehensive Plan Amendments.~~

~~2. Street Classifications. The amendment of street classifications shown on the Southeast Plan Map shall be the same as amendments to the Medford Comprehensive Plan "Street Classification Map." Such amendments shall be subject to the criteria in the "Review and Amendments" section of the Medford Comprehensive Plan required to amend the plan's Implementation Strategies.~~

~~10.374. Greenways – Special Design and Development Standards, S-E.~~

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

~~A. Location and Extent of Greenway Designation. Within the S-E Overlay District, the general location of Greenways shall be as depicted on both the GLUP Map and Southeast Plan Map, provided that, a more precise location shall be established as follows:~~

~~1. The Greenway designation shall extend not less than 50 feet from the top of the bank on each side of the channel along the North, Middle, and South Forks of Larson Creek. The top of the bank shall be as defined in Subsection 10.341(2).~~

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

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

~~B. Permitted Uses. Notwithstanding the provisions of Section 10.306 through 10.337, and subject to any other provisions of this Code and law, the only uses permitted within areas designated as Greenways shall be:~~

~~1. Streets, roads, bridges, and paths where necessary for access or crossings, provided these uses are designed and constructed to minimize intrusion into the riparian area.~~

~~2. Drainage facilities, utilities, and irrigation pumps.~~

~~3. Water-related and water-dependent uses.~~

~~4. Interpretive and educational displays, and overlooks, including benches and outdoor~~

furniture.

5. Replacement of existing structures with structures in the same location that do not disturb additional riparian area.

6. Other uses and activities permitted in the underlying zoning district, unless prohibited by state or federal regulations, as may be approved as part of a PUD, provided that the City may install or permit the installation of any use or activity permitted in the underlying zoning district without PUD approval.

C. Greenway Improvements.

1. Improvement Standards. Greenways shall be improved according to the following standards:

a. Except for the Greenway that passes through the Village Center Commercial designation shown on the Southeast Plan Map, and as may otherwise be approved as part of a PUD, Greenways shall consist of native vegetation, and shall not be improved except as permitted in this Subsection 10.374, provided that:

(1) Additional canopy trees of a size, species, and variety approved by the City may be installed to augment the natural landscape and stabilize the banks of drainageways.

(2) Enhancement of the native vegetation is encouraged. Noxious weeds or nonnative vegetation may be removed if replaced with native plant species as approved by the appropriate state and federal agencies.

(3) Nothing in this Section shall be construed to prohibit the preservation or enhancement of wetlands as may be required by any public agency having jurisdiction over wetlands consistent with the laws of the City, state, and federal governments.

b. Improved access for the equipment needed for maintenance of storm drainage facilities and for bicycle and pedestrian circulation shall be provided on at least one side of each drainageway within a Greenway in a location determined by the City to have the least impact on the vegetation in the riparian area. Said access shall be constructed to the standards of the City. Where acceptable access for the maintenance of storm drainage facilities and bicycle and pedestrian circulation is provided along a planned or existing street adjacent to a Greenway, the access requirement within the Greenway may be waived.

e. Greenways shall be improved at the time adjacent land is developed.

d. Where feasible, streets shall be collinear and adjacent to Greenways.

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

a. Greenway Improvements for Storm Drainage. The installation of improvements that provide required access to storm drainage facilities in Greenways based on the Southeast Plan Map and the *Comprehensive Medford Area Drainage Master Plan (1996)* shall be by, and at the sole expense of the owners of the land adjacent to either side of the Greenway, or segment of, unless otherwise approved by the City. Absent an adopted Greenway design plan, the City shall approve, on a case-by-case basis, the location of a surfaced path required to provide access for storm drainage maintenance, and any other required or proposed improvements. The City may require all or any part

of the Greenway to be dedicated for public use and/or ownership following the installation of the required improvements. However, the City, in its sole discretion, may permit the dedication of easements in lieu of fee simple land dedication.

b. ~~Greenway Improvements Exclusively for Pedestrian and Bicycle Circulation.~~ The installation of a surfaced path in Greenways other than those for storm drainage, shall be by, and at the sole expense of the City unless otherwise agreed upon. Absent an adopted Greenway design plan, the City shall approve, on a case-by-case basis, the location of a surfaced path required to provide pedestrian and bicycle circulation, and any other required improvements. All or part of Greenways improved exclusively for pedestrian and bicycle circulation may be acquired by the City through dedication or purchase of the land in fee simple or through the acquisition of easements.

e. ~~Extent of Greenway Improvements.~~ Pursuant to Subsection 10.374, the portion of each Greenway required to be improved by a property owner at the time of development shall be that portion of his/her property contiguous to the property to be developed. Where a Greenway passes through a parcel, the owner, pursuant to Subsection 10.374(C)(2)(a), shall be required to improve the entire Greenway segment passing through his/her parcel.

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

~~10.375 Village Center – Special Design and Development Standards, S-E.~~

Within the S-E Overlay District, development within the area designated as the Village Center shall be consistent with the following regulations, and all other provisions of this Code, except as may be waived or altered through the PUD process in Subsection 10.230(D), but as limited by 10.375(E). Such regulations shall be required through the PUD and/or Site Plan and Architectural Review processes:

A. ~~Pre-Application Conference Required.~~ Applicants for a PUD in the Village Center shall undergo a pre-application conference before the City will accept a PUD application as complete. The pre-application conference shall be used to acquaint applicants with the special design regulations for the Village Center, and to discuss other aspects of the Southeast Plan that are important to the successful completion of a project.

B. ~~Lighting for Streets, Sites, and Buildings.~~ Street lighting, on-site pole lighting, and lighting affixed to buildings within the Village Center, including on lands in public or private ownership, shall be similar except for the existence or height of the lighting poles.

C. ~~Signs.~~ Notwithstanding Article VI of this Code, signs in the Village Center shall be similar in appearance and compatible with one another with respect to the method and materials of construction, color, and purpose.

D. ~~Outdoor Storage; Garbage and Recycling Receptacles.~~ The Village Center shall have no outdoor storage of materials other than garbage and recycling receptacles, which shall be concealed from view by solid wood fencing, concrete block walls or other approved materials consistent with the architecture of related buildings.

E. ~~Limits of PUD Flexibility in Village Center.~~ Notwithstanding the flexibility accorded PUDs in Section 10.230, the PUD process shall not be used to relocate the residential land use categories and/or targeted residential densities, as shown on the Southeast Plan Map, outside the Village Center.

~~F. Village Center Commercial Designation. Development in the Village Center Commercial designation shall be designed as follows:~~

~~1. Overall Master Plan Required. There shall be an overall Master Plan covering the entire Village Center Commercial designation, including the Greenway encompassed by the Commercial designation. The Master Plan shall be adopted as a Preliminary PUD Plan prior to issuance of development permits. This requirement applies whether the Village Center Commercial designation covers one or multiple ownerships. After approval of the Preliminary PUD Plan, the owners of individual parcels may obtain individual approvals for Final PUD Plans and other development permits and land use applications consistent with the Preliminary PUD Plan, as amended. After initial approval, the Preliminary PUD Plan may be revised by the individual owners without the mutual consent of the other owners provided that all revisions are approved pursuant to Section 10.245. The Master Plan shall not expire in the same way as a Preliminary PUD plan pursuant to Section 10.240.~~

~~2. City Assistance Available. If different parcels within the Village Center Commercial designation are under different ownerships, the City will, at the request of the owners, assist in the preparation of the required Master Plan.~~

~~3. Commercial Designation Use Restrictions. The following provisions shall govern land uses and activities within the Village Center Commercial designation:~~

~~a. Permitted Uses. Land uses and activities within the Village Center Commercial designation shall be those permitted and conditional uses listed for land zoned C-C (Community Commercial) in Section 10.337. Provided, however, that all uses, activities, sales, merchandise, and the stockpiling and storage of equipment and materials shall be entirely within an enclosed building, except the uses specifically permitted below:~~

~~(1) Temporary outdoor sales of merchandise pursuant to Section 10.831.~~

~~(2) Temporary uses pursuant to Sections 10.841 through 10.851.~~

~~(3) Parks, playgrounds, greenways, outdoor performing arts facilities, outdoor sports facilities, plazas, pedestrian malls, small-scale retail uses, such as flower and newspaper stands, mobile food stands, and similar uses and facilities.~~

~~(4) Other exceptions as may be approved through the PUD process.~~

~~(5) Gasoline service stations having a maximum improved area of 30,000 square feet.~~

~~b. Dwellings. In addition to uses permitted in Subsection 10.375(F)(3)(a), and notwithstanding any other provision of this Code, dwellings shall be permitted within the Village Center Commercial designation only as follows:~~

~~(1) A single dwelling unit, if attached to a commercial building and having less gross floor area than the commercial building to which it is attached.~~

~~(2) Within that portion of the Village Center Commercial designation situated south of the North Fork of Larson Creek, multiple-family dwellings if located above the first story of a commercial building.~~

~~(3) Within that portion of the Village Center Commercial designation situated north of the North Fork of Larson Creek, multiple-family dwellings meeting MFR-30 (Multiple-Family Residential—30 units per gross acre) zoning district standards, retirement or congregate care facilities, nursing and personal care facilities, and residential care facilities.~~

~~c. Prohibited Uses. Notwithstanding Section 10.337, the following uses are not permitted, and shall not be permitted through the PUD process:~~

~~SIC 271* Newspaper Printing Facilities~~
~~SIC 6553 Cemeteries and Mausoleums~~
~~SIC 7218 Industrial Laundries~~
~~SIC 7692 Welding Shops~~
~~SIC 7699 Agricultural Equipment Repair, Engine Repair, Industrial Truck
Repair, and Septic Tank Services~~
~~SIC 7948 Outdoor Race Tracks~~
~~SIC 805 Nursing and Personal Care Facilities**~~
~~SIC 836 Residential Care Facilities with more than 15 residents**~~
~~SIC 9223 Correctional Institutions~~

*— The SIC numbers correspond to the Standard Industrial Classification (SIC)
Code number found in Section 10.337.

**— Except as permitted in Section 10.375 (F)(3)(b)(3)

~~d. Building Size Limitation. Notwithstanding any other provision of this Code, no
single business use shall exceed 50,000 square feet of gross floor area enclosed within a building.~~

~~e. "Special Use Regulations" Not Required. Unless otherwise provided in this
Subsection, permitted uses shall not be subject to Sections 10.811 through 10.900.~~

~~4. Off-street Parking. Notwithstanding any other provision of this Code, there shall be no
requirement to supply a minimum number of off-street vehicle parking spaces in the Village Center
Commercial designation. However, nothing in this Subsection prohibits the provision of off-street
parking spaces, and, when provided, shall comply with the regulations of the City, except as
modified through the PUD process.~~

~~5. Greenway Improvements. Unless prohibited by state or federal regulations, in the Village
Center Greenway encompassed by the Commercial designation, undesirable shrubs, trees, and
noxious vegetation may be removed, and ornamental vegetation installed to supplement the
remaining native vegetation. Proposed Greenway improvements shall be incorporated into the
Master Plan for the Village Center Commercial designation. Such improvements shall be made at
the time of development, unless phased with the phased construction of buildings. When buildings
representing greater than 50 percent of the approved square footage on either side of the North Fork
of Larson Creek within the Commercial designation have been developed, then all required
Greenway improvements on that side of the creek shall be installed at the sole expense of the
property owner(s). If needed, the City shall facilitate a reimbursement agreement providing for
future reimbursement to an owner required to install Greenway improvements greater than his/her
proportional share.~~

~~6. Creekside Development. The development of land adjoining the Greenway within the
Village Center Commercial designation shall conform with the following requirements, unless
waived or modified as part of the PUD process:~~

~~a. Pedestrian Walkway Connections. A pedestrian walkway as required in Sections
10.772 through 10.776 shall link the principal building of each creekside use or activity to the multi-
use path within the Greenway, if on the same side of the drainageway as the path.~~

~~b. Pedestrian Walkway Lighting. All pedestrian walkway connections to the multi-~~

use Greenway path shall be lighted with the type of fixtures required in Subsection 10.375(B) and meeting the definition of "pedestrian scale lighting" in Section 10.012.

~~e. Landscaping Between Creekside Development and Greenway. Undeveloped land between each creekside building, use, or activity and the Greenway shall be landscaped in a manner compatible with the native vegetation, and irrigated with an automatic underground system. Such landscaping shall be designed to produce areas of high surveillance to reduce the potential for vandalism and criminal mischief. Landscaping to achieve high surveillance includes grass and ground cover, shrubs less than two and one-half feet in height, and deciduous trees that produce canopies having the lowest branches more than six feet from the ground. Such landscaping shall not conflict with or violate state and federal regulations related to the preservation of wetlands or riparian areas.~~

~~10.376 Alleys – Special Design and Development Standards, S-E.~~

~~Within the S-E Overlay District, development having alleys shall be consistent with the following regulations, and such regulations shall be required through the PUD and/or Site Plan and Architectural Review processes:~~

~~A. Planned Unit Development Required. Where proposed, alleys are permitted only as part of a PUD. Alleys shall be considered the same as streets for the purposes of Section 10.230.~~

~~B. Width and Curb Radius. Alleys shall have a minimum width of 14 feet and a maximum width of 18 feet, with a curb radius of not less than five feet at an intersection with a street.~~

~~C. Surface Materials and Structural Requirements. Alleys shall have a hard permanent surface approved by the City. Where alleys are paved with asphalt, there shall be a concrete edge not less than six inches wide and six inches deep. Except as described in this Subsection, the structural specifications for alleys shall be those for Minimum Access Streets as set forth in this Code.~~

~~D. Trees and Landscaping. Alleys shall have trees and landscaping meeting the following requirements:~~

~~1. Trees shall be installed in alleys at the lesser rate of one tree per each dwelling or dwelling lot, or one tree per 40 feet of property frontage.~~

~~2. There shall be a planter strip not less than two feet in width between the edge of the pavement and perimeter fencing. The planter strip shall be planted with evergreen ground cover and served by an automatic drip irrigation system. Trees may be placed within the planter strip, and shall be served by the automatic drip irrigation system. Trees located adjacent to or within a public right-of-way are subject to Sections 6.700 through 6.750.~~

~~3. Trees along alleys shall be of a species and variety approved by the City and have a minimum trunk diameter of two inches measured 12 inches from the ground.~~

~~4. Trees along each alley segment shall be of the same species and variety. For purposes of this Section, an "alley segment" shall mean an alley segment located between the intersections of an alley and a street, or such intersection and the terminus of an alley.~~

~~5. Trees along alleys shall be installed with root barriers of a type and design approved by the City. Installation of root barriers may be necessary before alley improvement or the installation of perimeter fencing.~~

~~E. Fencing. Perimeter fencing along alleys shall be identical in design and materials for each alley segment. This requirement shall be implemented by conditions attached to the PUD approval which require:~~

1. ~~The installation of fencing at the time of initial PUD development; or~~
2. ~~The developer to record detailed design and construction specifications for alley fencing in the official records of Jackson County at the time of Final PUD Plan approval. The City shall approve design specifications which bind all successors in interest, and which shall not be altered after approval without the City's written consent.~~

~~F. Garbage and Recycling Receptacles. The design of alleys shall incorporate space for garbage and recycling receptacles, provided that receptacles shall not be stored within alleys or areas visible from an alley except on days of pickup.~~

~~G. Terminus. Except as otherwise approved as part of a PUD, an alley shall terminate only at its intersection with a street unless provision is made for an adequate vehicular turnaround. Vehicular turnarounds shall be designed to accommodate passenger vehicles rather than emergency vehicles.~~

~~H. Rear Yard Setbacks for Garages. Notwithstanding other provisions in this Subsection, there shall be a minimum distance of 22 feet measured from a garage wall or any required parking space which faces an alley to the most distant edge of the paved alley surface.~~

~~I. Access to Alley Required. All lots, including corner lots, which abut an alley for 15 feet or more shall utilize the alley for access to garages, carports, and other forms of required on-site parking.~~

~~J. Lighting. All garages or carports having vehicular access to an alley shall have a permanently mounted light fixture facing the alley and operated by a photo cell or motion detector.~~

~~K. Address Display. Each dwelling having vehicular access to an alley shall display a house number and street name facing the alley to benefit service vehicles and guests.~~

~~10.377 Street Trees – Special Design and Development Standards, S-E.~~

~~Within the S-E Overlay District, planting of street trees shall be consistent with the following regulations, and all other provisions of this Code. Such regulations shall be required through the PUD and/or Site Plan and Architectural Review processes:~~

~~A. Definitions: The following definitions apply to this Section:~~

~~Street Tree: Any tree located within the right of way, or within 10 feet of the right of way if there is no planter strip, of any street dedicated for public use, including private streets.~~

~~Tree Topping or Severe Pruning: 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.~~

~~B. Street Trees Required: Street trees shall be planted and maintained along all public or private streets as a condition of the following actions. Nothing in this Subsection shall be construed to prohibit, limit, or require the selection, planting, removal, or maintenance of any tree on private property unless it is a required street tree. However, trees on private and public property are also regulated elsewhere in this Code, including in Sections 6.700 through 6.750, and through Site Plan and Architectural Review.~~

1. ~~As a condition of approval for any subdivision, land partition, or PUD; or,~~
2. ~~As a condition of approval for any development requiring Site Plan and Architectural Review; or,~~
3. ~~As a condition for the issuance of a building permit for the construction of a single-family dwelling; or,~~
4. ~~As part of the project when arterial and collector streets dedicated, or intended to be dedicated, for public use are constructed or improved by paving, curbs, or sidewalks by any public~~

entity. However, street trees shall not be required under this Subsection if the Planning Director finds that water necessary for the nurture of street trees is not available; or,

5. As a condition for a permit to remove a street tree when replacement is required.

C. Spacing Standards. The following spacing standards for street trees shall be required:

1. For streets abutting single-family lots: One tree per lot for interior lots, and one tree for each street frontage for corner lots. The trees shall be planted within 10 feet of the midpoint of the lot along the street frontage. For through lots abutting arterial and collector streets, the City may install the street trees on the frontage abutting the arterial or collector street.

2. For all other streets: Street trees shall be located to maintain a spacing of not less than one tree per 40 feet of street frontage, except within 20 feet of the intersection of street right-of-way lines. Anywhere within 10 feet of the exact interval position shall be deemed to comply.

D. Tree Types; Minimum Tree Size. The species and variety of street tree shall be in accordance with the City of Medford Street Tree Plan. Absent such a plan, the developer shall select an appropriate species and variety of tree from the City's list of approved street trees. New street trees shall have a minimum trunk diameter of two inches measured 12 inches from the ground.

E. Location of Street Trees. Street trees shall be planted within the planter strips located between the curb and the sidewalk, no closer than three feet from the curb line. If no planter strip exists, required street trees may be planted within the street right-of-way or public utility easement adjoining such right-of-way, or on private property, subject to the following conditions:

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

2. Written approval by public facility providers shall be obtained before any tree is planted within a public utility easement.

3. Any street tree planted within six feet of, or inside, a public street right-of-way, or a public utility easement, shall be planted with a root barrier approved by the City.

4. For single-family lots, street trees may be planted on private property not more than 10 feet back from the street right-of-way line.

F. Timing for Installing Street Trees; Security to Guarantee Street Tree Installation.

1. Single-Family Residential Land Divisions. The planting of street trees may be deferred for new single-family lots until dwellings are constructed, at which time street trees conforming with this Subsection shall be planted, prior to occupancy of the dwelling. When the planting of street trees is deferred, the developer shall enter into an agreement with the City and post security to ensure compliance pursuant to Subsection 10.377(F)(5).

2. Multiple-Family Residential, Commercial, Industrial, and Institutional Development. Street trees conforming with this Section shall be planted in conjunction with new multiple-family residential, commercial, industrial, and institutional development requiring Site Plan and Architectural Review. Required street trees may count toward the trees required in frontage landscaping pursuant to Section 10.797. As a condition of the PUD approval or Site Plan and Architectural Review approval, the developer shall enter into a Building Site Improvement Agreement that ensures compliance with this Section.

3. New Dwellings; Relocated Dwellings. Street trees conforming with this Section shall be planted prior to occupancy of new or relocated dwellings on existing lots. As a condition of the issuance of the building permit, the developer shall enter into a Building Site Improvement

Agreement that ensures compliance with this Section.

~~4. Street Construction or Improvement. Street trees required in this Subsection shall be planted within six months following the completion of work by the City on each segment of roadway which requires the planting of street trees.~~

~~5. Security to Guarantee Street Tree Installation. If an agreement is required to defer street tree planting under this Subsection, the applicant and all owners of the subject parcel, prior to issuance of the building permit or final approval of an application, shall be required to sign an agreement with the City that assures planting of the trees required by this Section within 30 days after occupancy of the building. Such agreement shall specify the type, size, and location of the trees, and expressly assume financial responsibility for the planting. The City shall approve the agreement prior to execution, and it shall be accompanied by a certified check, surety bond, or other security acceptable to the City to cover 125 percent of the estimated cost of planting the deferred street trees. The security may be released incrementally as the street tree planting is completed to the satisfaction of the City.~~

~~G. Street Tree Maintenance. The care and maintenance of street trees shall be a continuing responsibility of the owners of land upon which the street tree is planted, or, if planted within a street right of way, of the owner of the abutting property, except for street trees abutting arterial and collector streets in single family residential zoning districts, which shall be the responsibility of the City. Proper care and maintenance shall be pursuant to Section 6.730, and shall involve periodic irrigation and pruning as necessary to maintain the tree(s) in a healthy condition.~~

~~H. Removal, Topping or Severe Pruning of Street Trees Prohibited. Pursuant to Section 6.725, no required street tree shall be removed, topped or severely pruned (as defined in this Section), without the prior written approval of the Parks Director or designee.~~

~~[Added Sec. 4, Ord. No. 98-67, Apr. 2, 1998.]~~

10.378 Street Lighting—Special Design and Development Standards, S-E.

A. Public Streets

For public streets within the Southeast Overlay District, street lighting and pedestrian scale street lighting meeting the design and improvement standards specified for the Southeast Overlay District within the "City of Medford Street Lighting Standards and Specifications", a copy of which is on file in the Public Works Department, shall be installed as follows:

~~1. At least one street light shall be installed at each street intersection and at any pedestrian street crossing other than at street intersections.~~

~~2. Pedestrian scale street lights shall be installed on both sides of the street at least every 80 feet within the park strips, or, where park strips are not required, located within the street right of way at locations agreed upon by the Director of the Medford Public Works Department or his/her designee.~~

~~3. Street lights and pedestrian scale street lights shall be designed or shielded so as to prevent light from being emitted above the fixture.~~

~~4. The location of street lights and pedestrian scale street lights shall be coordinated with street tree planting plans where required or utilized.~~

~~5. The operation and maintenance costs for the pedestrian scale street lighting shall be charged to the benefiting property owners through establishment of a utility fee or Local~~

Improvement District.

B. Private Streets

For private streets within the Southeast Overlay District, street lighting and pedestrian-scale street lighting shall be installed in accordance with 10.378(A) unless the Planned Unit Development (PUD) approval authorizes a modification. Legal documents shall be submitted in a form acceptable to the City Attorney prior to recording in the official records of Jackson County that assure that the street lighting and pedestrian-scale street lighting systems will be perpetually maintained and operated by individual property owners, an association of property owners, or other entity.

Section 2. Sections 10-370 – 10.385 are added to read as follows:

10.370 Objectives Of The Southeast (S-E) Overlay District.

The Southeast (S-E) Overlay District is intended to:

- A. Assure that land use and development occur in accordance with the *Medford Comprehensive Plan – Southeast Plan* section;
- B. Establish land use patterns and development design that emphasizes transportation connectivity and promotes viability for many modes of transportation;
- C. Establish a Southeast Village Center with commercial, institutional, and residential uses, and provide standards and incentives for compact, pedestrian-oriented, mixed-use development in the Southeast Village Center;
- D. Require coordinated planning of the Southeast Plan Area, and encourage the development of neighborhoods with a cohesive design character;
- E. Establish special design and development standards for streetscapes, building orientation, setbacks, building height, access, lot coverage and density, and the use of greenways, alleys, street trees, and pedestrian street lighting;
- F. Provide a mix of compatible housing types at planned densities, including in Planned Unit Developments (PUDs);
- G. Preserve natural waterways and other natural resources while providing routes for pedestrian and bicycle travel;
- H. Require approval of most development through the Planned Unit Development (PUD) regulations in order to coordinate planning of designated areas of the Southeast Plan Area, including the Southeast Village Center.

10.371 Scope And Applicability Of Southeast (S-E) Overlay District Regulations.

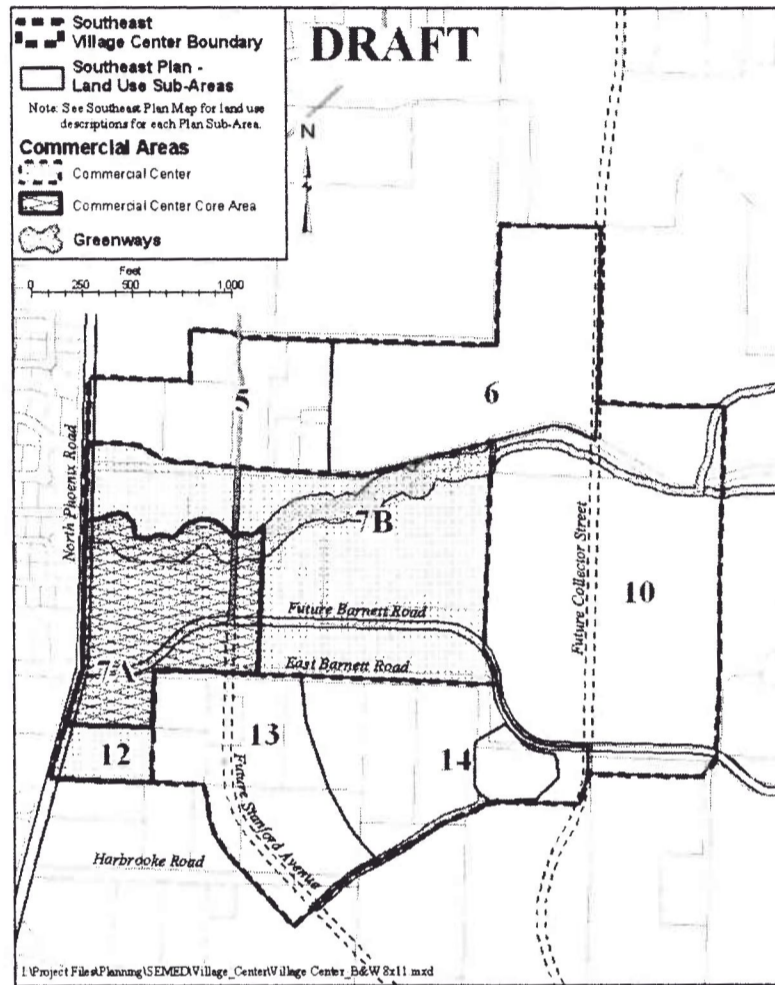
The S-E Overlay District applies automatically upon annexation to the City of Medford to the Southeast Plan Area designated on the City of Medford General Land Use Plan Map. Land use and development within the S-E Overlay District shall conform to the S-E Overlay District regulations, in addition to all other applicable City regulations.

10.372 General Land Use Plan Map And Southeast Plan Map Consistency, S-E.

Within the S-E Overlay District, the Medford General Land Use Plan (GLUP) Map is further refined by the Southeast Plan Map adopted as part of the *Medford Comprehensive Plan*. Within the S-E Overlay District, the Southeast Plan Map shall determine GLUP Map consistency for purposes of zoning and zone changes. See Figure 10.372 for the location of the

Southeast Village Center, the Commercial Center, and the Commercial Center Core Area. The zoning district(s) with which each Southeast Plan land use category is consistent and their permitted residential density ranges are set forth in MLDC 10.373.

FIG. 10.372 - SOUTHEAST VILLAGE CENTER



10.373 General Land Use Plan Map, Southeast Plan Map, Zoning, And Residential

Density, S-E.

1. **General Land Use Plan Map Designations, Southeast Plan Map Land Use Categories, Zoning, and Residential Density.** The General Land Use Plan Map designations, Southeast Plan Map land use categories, zoning, and residential densities permitted in the S-E Overlay District are provided in Figure 10.373.
2. **Special Residential Density Provisions for the S-E Overlay District.**
 - A. Minimum permitted residential density is 5.0 units per acre in SFR-10 for the portion(s) of a development where dwellings receive sole vehicular access from an alley.
 - B. Maximum permitted residential density is 36.0 units per acre in MFR-30, C-S/P, and C-C, plus the 20% density bonus permitted in a PUD, and mixed-use buildings as defined herein shall have a maximum density requirement of 60 units per acre within the Commercial Center. Within the Commercial Center Core Area, residential development shall conform to MLDC 10.378 (3).

FIGURE 10.373: Southeast Area General Land Use Plan Map, Southeast Plan Map, Zoning, and Residential Density

General Land Use Plan Map Designation	Southeast Plan Map Land Use Category ¹	Permitted Zoning	Permitted Residential Density Range Du/Ac ³ (PUD Du/Ac) ⁴
UR	Estate Lot	SFR-2	0.8 to 2.0 (2.4) ⁴
UR	Standard Lot	SFR-4 or SFR-6	2.5 to 6.0 (7.2) ⁴
UR	Small Lot	SFR-10 with alleys ² SFR-10 without alleys	5.0 to 10.0 ² 6.0 to 10.0 (12.0) ⁴
UMDR	Rowhouse	MFR-15	10.0 to 15.0 (18.0) ⁴
UHDR	High Density	MFR-20 MFR-30	15.0 to 20.0 (24.0) ⁴ 20.0 to 36.0 (43.2) ⁴
Commercial and Service Commercial	Service Commercial, Commercial, Commercial Center Core	C-C and C-S/P Mixed-Use Buildings	20.0 to 36.0 (43.2) ⁴ 60.0 ⁵
Parks and Schools (UR Underlying)	School	SFR-4 or SFR-6	Not Applicable
Parks and Schools (UR Underlying)	Park	SFR-4 or SFR-6	Not Applicable
Greenway	Greenway	Any	Not Applicable

Formatted: Font: Bold, Superscript

Table Footnotes:

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

² Special density provisions for SFR-10.

³ Du/Ac = Dwelling units per acre.

⁴ The maximum residential densities with the 20% increase permitted by MLDC 10.230 D. (8.) for PUDs are shown in parentheses.

⁵ Mixed-use buildings in the Commercial Center shall not exceed a maximum of 60 du/ac.

Formatted: Font: Bold

3. Zone Changes in Commercial Center Core Area.

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

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

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

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

3. **Planned Unit Development Approvals.** In approving PUD applications for projects within the S-E Overlay District, the Planning Commission shall find that the application conforms to the S-E Overlay District standards. The Planning Commission may grant modifications of City standards, including provisions of the S-E Overlay District, under MLDC 10.230 (D), except for the prohibited uses in 10378 (4).

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

- a. Materials required for a Preliminary PUD Plan application.
- b. Provision for retail commercial uses on both sides of Barnett Road.
- c. Pedestrian and bicycle circulation plan.
- d. Conceptual locations for civic sites such as post office, plaza, and branch library.
- e. Special street design standards for the main street(s) that include on-street parking and a three-lane configuration for Barnett Road, sidewalks of at least 12 feet in width, and maximum block lengths.
- f. Required architectural design standards and unique architectural themes for each sector of development.
- g. Required "pedestrian friendly" design through the use of:
 - (1) Building facades set nearer the sidewalk.
 - (2) De-emphasis of automobile access and storage; avoiding an uninterrupted expanse of asphalt; and provision of large shade trees on the interior and perimeter of parking lots.

- (3) Interesting and varied landscape designs including hardscapes.
 - (4) Common streetlights that are architecturally appropriate.
 - (5) Street furniture, such as benches, lights, raised flowerpots, drinking fountains, and public art.
 - (6) Weather protection for pedestrians.
 - (7) Design that discourages use of fencing.
 - (8) At least three operating building entrances per block and at least one per building on streets where on-street parking is permitted.
- h. Lighting plan that avoids lighting adjacent properties and the night sky.
 - i. Master signage plan that encourages monument signs, discourages retail signage that lists tenants, and discourages rooftop lights.
 - j. Covered bicycle parking areas.
 - k. Public restrooms.
 - l. Usable exterior spaces and outdoor gathering and eating areas open to the public.
 - m. Shopping cart storage incorporated into building design to screen stored carts.
 - n. Separated truck delivery and circulation from customer circulation.

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

- 1. **Maximum Lot Coverage.** The S-E Overlay District modifies the lot coverage standards of the underlying zones as follows:
 - a. Maximum lot coverage by structures is 40% for lots in the SFR-2 zone, 45% for lots in the SFR-4 and SFR-6 zones, and 50% for lots containing single-family residences in the SFR-10 zone. These percentages may be exceeded if the footprints of the structures on a lot do not exceed 2,000 square feet. For the purposes of calculating lot coverage in the S-E Overlay District, outdoor swimming pools are considered structures only if located beneath or within a structure.
 - b. Maximum lot coverage by structures is increased by 10% for single-family lots that contain an accessory dwelling unit (ADU).
 - c. Front porches, canopies, awnings, porticos, arcades, and similar pedestrian weather protection features, when abutting a street or public plaza, as defined herein, and measuring not less than six feet in depth and six feet in width are exempt from maximum lot coverage calculations.
- 2. **Building Setbacks.** The S-E Overlay District modifies the building setback standards of the underlying zones as follows:
 - a. The minimum front yard setbacks in all residential zones are 15 feet for building walls and 20 feet for garage entrances, except that side-loaded garages (where vehicular access to the street is parallel to the street) may be set back 15 feet. Front porches, canopies, awnings, porticos, arcades, patio walls (if the patio wall is constructed of stucco, brick, stone/faux stone, or a similar finish and does not exceed five and a half feet in height), and similar architectural projections may be placed within nine feet of the front property line, provided that they do not encroach onto any public utility easement.

b. The minimum rear yard setbacks for garage entrances having alley access are as follows:

- (1) 18 feet for a garage with head-in parking on the driveway apron;
- (2) Four feet for a side-loaded garage (where vehicular access to the alley is parallel to the alley);
- (3) Eight feet for a garage having parallel parking only or no parking between the garage entrance and the alley.

c. Setbacks of the underlying zones are also modified by the following sections of the S-E Overlay District:

- (1) Special design standards for attached housing (MLDC 10.376);
- (2) Special design standards for Southeast Village Center (MLDC 10.377);
- (3) Special fencing standards (MLDC 10.382).
- (4) Standards for development in or adjacent to Greenways (MLDC 10.384);
- (5) Standards for development abutting Arterial or Collector streets (MLDC 10.383).

3. **Maximum Building Height – Commercial Center Core Area.** Within the Commercial Center Core Area, the maximum allowable building height is 45 feet, except that the maximum building height may be increased to 60 feet for residential development as described in MLDC 10.378 (3.)

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

Except as provided in MLDC 10.377 for the Southeast Village Center, the following standards apply to attached housing types (townhouses, multiple-family, duplexes, and other attached dwellings) in the S-E Overlay District.

1. **Primary Dwelling Entrances.** Primary dwelling entrances shall face a street, or face a courtyard, breezeway, or lobby that is visible from and connected to the street sidewalk. For a group quarters or residential facility, such as a congregate or retirement facility, one primary entrance must meet this requirement. For purposes of this Section, a “courtyard” is an enclosed yard through which pedestrian access is provided to a building.
2. **Garages.** When provided for attached housing, garages shall meet one of the standards in (a.) through (c.), and shall additionally meet both (d.) and (e.):
 - a. The garage is accessed via an alley or internal drive (required for groups of two or more free-standing garages); or
 - b. The garage door(s) is flush with the front or street side building elevation, does not exceed 50% of the entire front or street side building elevation, and the garage door(s) is constructed of material(s) that is compatible with the appearance of the rest of the building; or
 - c. The garage door(s) is set back from the front or street side building elevation or from a covered porch by at least six feet. To meet this standard, the front or street side building elevation and/or porch must account for at least 30% of the length of the building facing the street.
 - d. Carports are not permitted.

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

10.377 Special Design Standards For Southeast Village Center.

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

1. **Building Orientation (Build-to Lines).** At least 50% of the length of the ground level street-facing façade of a building must be located at the minimum street setback line or abut a public plaza, as defined herein, that adjoins a street. No structure, driveway, or motor vehicle parking area may be closer than the minimum street setback line, except where provided for direct vehicle access to the street, and except for fences and patio walls under MLDC 10.375 (2.)(a.) and 10.382.
2. **Building Setbacks.** The S-E Overlay District modifies the building setback standards of the underlying zones in the Southeast Village Center as follows:
 - a. **SFR-10 Zone** – The minimum front yard setback is 15 feet; the minimum street side yard setback is ten feet, and the maximum street or public plaza setback is 20 feet;
 - b. **MFR and C-S/P Zones** – There is no minimum front or street side yard setback, and the maximum street or public plaza setback is 15 feet;
 - c. **Commercial Center Core Area** – Special setback standards, if any, will be provided by the Commercial Center Core Area Master Plan.
3. **Primary Building Entrances.** Buildings in the Southeast Village Center shall provide entrances that conform to the following standards:
 - a. **Commercial, institutional, and the non-residential portion of mixed-use buildings** shall have a primary building entrance that either faces an adjacent street or is placed at an angle of up to 45 degrees from an adjacent street, measured from the property line abutting the right-of-way. Buildings adjacent to, or within 200 feet of a transit stop or station shall orient a primary building entrance to face the stop or station.
 - b. When located at the intersection of two streets, a commercial, institutional, and the non-residential portion of a mixed-use building shall do one of the following:
 - (1) Provide two primary building entrances, one facing each street; or
 - (2) Orient one primary building entrance to both streets by placing the entrance at the street corner; or
 - (3) Place one primary building entrance facing one street that it is not more than 20 feet from either street measured from the property line abutting the right-of-way.
 - c. **Residential buildings, except for detached single-family residences** shall conform to the standards in (a.) and (b.), or provide a pedestrian walkway for access to transit stops or stations meeting the provisions of MLDC 10.775 and 10.776. Detached single-family residences shall provide a primary entrance facing one adjacent street. A primary building entrance for a residential building may face a porch or patio that is located between the building and street.
4. **Ground Floor Windows.** Commercial, institutional, and the non-residential portion of

mixed-use buildings shall provide ground floor windows that conform to the following standards:

- a. Ground floor windows shall cover at least 50% of the horizontal length and at least 25% of the ground floor wall area of all building facades that face a street or public plaza. This requirement does not apply to the walls of residential units, nor to the walls of parking structures when set back at least ten feet and screened with landscape materials in conformance with MLDC 10.797.
 - b. Required window areas must be either transparent windows that allow views into working areas or lobbies; pedestrian entrances; or transparent display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than four feet above the adjacent exterior grade. Only clear or lightly tinted glass in windows, doors, and display windows shall be considered transparent. Transparent areas shall allow views into the structure or into display windows from the outside.
5. **Windows on Street-Facing Facades on Residential Buildings.** At least 15% of the area of each façade on all floors or stories that face a street on all residential buildings or residential portion of a mixed use building must be windows, primary building entrance doors, porches, balconies, and/or a similar visual or physical access way for natural surveillance of the street. Windows used to meet this standard must allow views from the building to the street. Glass block and similar sight-obscuring surfaces do not meet this standard. Windows in garage doors and garage walls count toward meeting this standard.
6. **Landscaping and Pedestrian Amenities.**
- a. The following is the minimum amount of landscaped open space required within the Southeast Village Center:
 - (1) SFR-10 zone: 20% of the project site area, except does not apply to detached single-family residential uses.
 - (2) MFR zones: 15% of the project site area;
 - (3) C-C zone: 10% of the project site area.
 - (4) C-S/P and other zones not listed in (1) through (3): 20% of the project site area.
 - b. Notwithstanding MLDC 10.797, all land between buildings and/or other structures and the right-of-way shall be treated with a combination of landscaping and hard surfacing for use by pedestrians. Subject to City review and approval, extra-wide public sidewalks may provide for pedestrian amenities such as benches, drinking fountains, and/or other design elements (e.g., public art, planters, and kiosks). Weather protection elements such as awnings, canopies, porticos, covered entrances, porches, covered seating (e.g., bus waiting areas), and/or similar elements may encroach into a required setback or the public right-of-way when approved through Site Plan and Architectural Review or as part of a PUD.

10.378 Special Standards For Commercial Center, S-E.

The S-E Overlay District modifies the provisions of the underlying zones in the Commercial Center as follows:

1. **Outdoor Uses.** Except as provided in (a.) through (c.), all uses, activities, sales, merchandise, and the stockpiling and storage of equipment and materials shall be entirely within an enclosed building. The following uses may be outside an enclosed building:
 - a. Outdoor eating areas pursuant to 10.833.
 - b. Temporary outdoor sales of merchandise pursuant to MLDC 10.831;
 - c. Temporary uses pursuant to MLDC 10.841 through 10.858;
 - d. Parks, playgrounds, greenways, outdoor performing arts facilities, outdoor sports facilities, plazas, pedestrian malls, and news racks in conformance with Chapter 6 of the Medford Municipal Code.
2. **Fueling Stations.** Fueling stations, including attached convenience stores, fuel pumps, motor vehicle services, and accessory uses, are limited to the Commercial Center Core Area and require Conditional Use Permit (CUP) approval. These uses shall conform to the CUP criteria, the following standards, and other appropriate conditions imposed by the approving authority:
 - a. Fueling stations shall not contain more than four fueling pumps on two islands, serving up to eight motor vehicles at a time; and
 - b. Fueling pumps shall provide and utilize at least Stage II Vapor Recovery for air quality.
3. **Residential Uses in Commercial Center Core Area.** Residential uses and group quarters are subject to the provisions of the Commercial Center Core Area Master Plan, and not more than 20% of the gross floor area on a project site may consist of ground floor residential or group quarters uses. Residential and group quarter uses may be located above a ground-floor commercial or institutional use, subject to the building height standards provided in MLDC 10.373 and 10.375 (3.).
4. **Prohibited Uses.** Notwithstanding MLDC 10.337, the following uses are not permitted in the Commercial Center and cannot be permitted through a PUD approval:

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

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

5. Business Size Limitations in Commercial Center Core Area.

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

b. The total gross floor area of all commercial businesses is limited to 100,000 square feet plus 50,000 square feet for a grocery store.

6. Off-Street Motor Vehicle Parking.

a. Except for residential and group quarters uses, there shall be no requirement to supply a minimum number of off-street motor vehicle parking spaces in the Commercial Center.

b. Except for residential and group quarters uses, the number of off-street motor vehicle parking spaces provided for each use shall not exceed 120% of the minimum standard for the subject use.

c. Shared motor vehicle parking spaces, even where there is overlap in time of use, and reciprocal access and use are permitted as determined through the PUD approval process.

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

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

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

1. Streetscape and Planter Strip Plan Required. A Streetscape and Planter Strip Plan shall be submitted as part of an application for a Land Division, Preliminary PUD Plan, Transportation Facility, Site Plan and Architectural Review, or Conditional Use Permit, except when the project site has no public or private street frontage, or a Streetscape and Planter Strip Plan has been previously approved for the site frontage. The approving authority shall approve, conditionally approve, or disapprove the Plan after review and recommendations from City staff.

a. **Plan Content.** The form and number of copies of the Streetscape and Planter Strip Plan shall be as set forth in the application materials on file in the Medford Planning Department. The Plan shall include details regarding the proposed design of the entire area between the curb and the property line, including sidewalks, landscaping, street trees, street lights, utility poles, traffic signals, and transit stops. It shall

acknowledge that an appropriately designed automatic underground irrigation system will be provided. The street trees indicated in the Plan shall meet the requirements in (2.) through (6.). Street lighting indicated in the Plan shall meet the requirements of MLDC 10.380. The Plan shall also include streetscape features, such as traffic calming measures, required by any adopted Neighborhood Circulation Plan, Commercial Center Core Area Master Plan, special area plan, or other adopted plans.

- b. Landscaping Installation and Continued Maintenance. Except for planter strips and medians in Arterial streets, and for medians in Collector streets, installation and maintenance of the approved landscaping, including street trees, shall be a continuing responsibility of the owners of the abutting property or another responsible entity and shall be assured through CC&Rs, property owner association agreements, or the conditions of approval for PUDs, Site Plan and Architectural Reviews, or Conditional Use Permits.
2. Street Trees and Right-of-Way Landscaping Required. Street trees and right-of-way landscaping shall be planted and maintained along all public or private streets as a condition of the following actions. Trees on private and public property are also regulated elsewhere in this Municipal Code, including in Sections 6.700 through 6.750.
 - a. As a condition of approval for any subdivision, land partition, or PUD; or,
 - b. As a condition of approval for any development requiring Site Plan and Architectural Review; or,
 - c. As part of the project when Arterial and Collector streets dedicated, or intended to be dedicated, for public use are constructed or improved ; or,
 - d. As a condition for a permit to remove a street tree when replacement is required.
 3. Street Tree Spacing Standards. Where within or abutting residential zones on the same side of the street, street trees shall be installed to provide not less than a 100 percent canopy cover over the sidewalk at the time of tree maturity. Within or abutting commercial zones on the same side of the street, street trees shall be installed to provide not less than a 70 percent canopy cover over the sidewalk at tree maturity. Canopy cover shall be based on tree maturity and growth habit data provided in the *Official List of City of Medford Approved Street Trees*, a copy of which is on file in the City of Medford Parks Department. Street trees shall not be located within 20 feet of the corner of an intersection of two streets measured at the curb line. Where trees are required in on-site street frontage landscaping pursuant to MLDC 10.797, street trees located in the right-of-way may be counted towards this requirement on a one to one basis at the discretion of the approving authority.
 4. Street Tree Types; Minimum Tree Size.
 - a. Appropriate tree species, variety and cultivars shall be selected from the *Official List of City of Medford Approved Street Trees*, a copy of which is on file in the City of Medford Parks Department.

The approving authority shall consider tree type selections based on the following:

 - (1) Maximizing tree canopy size at maturity to provide maximum shading.
 - (2) Avoiding conflicts with utilities, street lighting, and traffic visibility.
 - (3) Meeting unique site aesthetic considerations.
 - (4) Ensuring tree type diversity within a multi-block area.

- b. New street trees shall have a minimum trunk diameter of two inches measured 12 inches from the ground.
5. Location of Street Trees.
- a. Street trees shall be planted within the planter strips located between the curb and the sidewalk, no closer than three feet from the curb line. For those commercial areas where no planter strips are planned, tree wells with grates shall be used, the design of which shall be as approved in the Streetscape and Planter Strip Plan.
 - b. If no planter strip or tree wells exist, required street trees may be planted within the street right-of-way, or on private property, subject to the following conditions:
 - (1) The street trees may be planted between the edge of the street improvements and street right-of-way line provided that the tree is no closer than three feet from the planned curb line and not within a planned sidewalk.
 - (2) For any street tree planted within a public utility easement, a deed restriction shall note that tree replacement due to utility work is the responsibility of the property owner.
 - (3) Any street tree planted within six feet of or inside a public street right-of-way, or in a public utility easement, shall be planted with a City-approved root controlling design.
 - (4) When necessary, the street trees may be planted on private property not more than ten feet back from the street right-of-way line. When required street trees are planted on private property, deed restrictions shall be recorded indicating that such trees are subject to the same City of Medford regulations as street trees within a public right-of-way.
6. Timing for Installing Street Trees and Right-of-Way Landscaping; Security to Guarantee Installation.
- a. Single-Family Residential Land Divisions. The planting of street trees and right-of-way landscaping may be deferred for new single-family lots until dwellings are constructed, at which time street trees and landscaping conforming with the approved Streetscape and Planter Strip Plan and this Section shall be planted within 30 days after occupancy of the dwelling. When the planting of street trees and landscaping is deferred, the developer shall enter into an agreement with the City and post security to ensure compliance.
 - b. Multiple-Family Residential, Commercial, and Institutional Development. Street trees and planter strip landscaping conforming with the approved Streetscape and Landscape Plan and this Section shall be planted in conjunction with new multiple-family residential, commercial, and institutional development. As a condition of the PUD, Site Plan and Architectural Review, or Conditional Use Permit approval, the developer shall enter into a recorded Building Site Improvement Agreement that ensures compliance with this Section.
 - c. New Dwellings; Relocated Dwellings. For new or relocated dwellings on existing lots not subject to (a.) or (b.), street trees and landscaping conforming with the approved Streetscape and Landscape Plan and this Section shall be planted within 30 days after occupancy. As a condition of the issuance of the building permit, the developer shall

enter into a recorded Building Site Improvement Agreement that ensures compliance with this Section.

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

10.380 Street Lighting Standards, S-E.

1. **Public Streets.** For public streets within the S-E Overlay District, street lighting and pedestrian-scale street lighting meeting the design and improvement standards specified for the S-E Overlay District within the *City of Medford Street Lighting Standards and Specifications*, a copy of which is on file in the Medford Public Works Department, shall be installed as follows:
 - a. At least one streetlight shall be installed at each street intersection and at any pedestrian street crossing other than at street intersections.
 - b. Pedestrian-scale street lights shall be installed on both sides of lower order streets at least every 80 feet within the planter strips, or, where planter strips are not required, located within the street right-of-way at locations agreed upon by the Director of the Medford Public Works Department or designee. For Collector and Arterial streets, the use and location of pedestrian scale streetlights shall be as determined by the approving authority in the development review process.
 - c. Streetlights and pedestrian-scale streetlights shall be designed or shielded so as to prevent light from being emitted above the fixture.
 - d. The location of streetlights and pedestrian-scale streetlights shall be coordinated with streetscape and planter strip or street tree planting plans where required or utilized.
 - e. The operation and maintenance costs for the pedestrian-scale street lighting shall be charged to the benefiting property owners through establishment of a utility fee.
2. **Private Streets.** For private streets within the S-E Overlay District, street lighting and pedestrian-scale street lighting shall be installed in accordance with (1.), unless the PUD approval authorizes a modification. Legal documents shall be submitted in a form acceptable to the City Attorney prior to recording in the official records of Jackson County that assure that the street lighting and pedestrian-scale street lighting systems will be perpetually maintained and operated by individual property owners, an association of property owners, or other entity.

10.381 Special Street Design And Vehicle Access Standards, S-E.

1. **Street, Streetscape, and Vehicle Access Design.** Streets, streetscapes, and vehicle access to individual properties within the S-E Overlay District shall be located, designed, and constructed consistent with the Municipal Code and adopted City of Medford Engineering Standards and Specifications, except as modified by any adopted Neighborhood Circulation Plan and, as applicable, the Commercial Center Core Master Plan.
2. **Vehicle Access to Narrow Lots.** Residential lots with 50 feet or less width and 50 feet or less street frontage shall receive vehicular access from an alley or additional Minimum Access Street.

10.382 Special Fencing Standards, S-E.

1. **Fences Abutting Rights-of-Way, Front Yard.** Notwithstanding MLDC 10.732 and except as provided for patio walls in MLDC 10.375 (2.)(a.), the maximum wall or fence height within a front yard abutting a street right-of-way is three feet, provided that the wall or fence shall be located on private property and no closer than two feet from the sidewalk. The fence setback area between any fencing and the sidewalk shall be landscaped, irrigated, and maintained with a combination of perennial ground cover plants and low growing (less than three feet in height) shrub plantings.
2. **Fences Abutting Rights-of-Way, Side or Rear Yard.** Notwithstanding MLDC 10.732, and except as provided for patio walls in MLDC 10.375 (2.)(a) and for Major Arterial street frontages, the maximum wall or fence height within a rear or side yard abutting a street right-of-way is six feet, provided that the wall or fence shall be located on private property, no closer than 10 feet from the sidewalk, and must be of a consistent design and color within a single block. Open fencing having a picket design within a rear or side yard abutting a street right-of-way can be located within three feet of the sidewalk, if not exceeding five and a half feet in height, provided that the wall or fence shall be located on private property and must be of a consistent design and color within a single block. The fence setback area between any fencing and the sidewalk shall be landscaped, irrigated, and maintained by the abutting property owner, a property owners' association, or other responsible entity.
3. **Chain Link Fencing Limitations.** Chain link fencing is prohibited within the S-E Overlay District, except black dip-coated chain link fencing with black posts and without interwoven strips is permitted adjacent to open space, schools, and parks. The approving authority at their discretion may allow chain link fencing in other situations or designs.

10.383 Standards For Development Abutting Arterial Or Collector Streets, S-E.

1. **Purpose.** This section is intended to protect the functionality of Collector and Arterial streets, which must serve multiple modes of traffic while meeting the need for access to neighborhoods and individual uses. This section is also intended to promote an attractive and safe streetscape by orienting buildings toward the street for natural surveillance, rather than orienting backyard fences to the street.
2. **Vehicular Access Standards.** Direct vehicular access to a parcel shall not be provided from an Arterial or Collector street unless none of the options in (a.) through (d.) are available; however, access shall be consistent with any adopted Neighborhood Circulation Plan, and the Commercial Center Core Area Master Plan where applicable.

- a. Access from a side street that is a lower-order street; or
 - b. Access from an alley; or
 - c. Access from a Frontage street (commercial); or
 - d. Access from a shared driveway (not permitted on Arterials).
3. Through-Lots. Notwithstanding MLDC 10.383 (2.) and 10.704, the following applies to through-lots:
- a. Detached or attached single-family residential through-lots are permitted only where an applicant can demonstrate why the creation of through-lots is unavoidable due to environmental, physical, topographical, or existing development constraints, subject to the review and approval of the approving authority.
 - b. Where through-lots are authorized in any zoning district, except for single-family residential through-lots on Major Arterial streets, an irrigated landscaped buffer shall be installed behind the back of the sidewalk abutting the rear yard. The landscaped buffer may be in common ownership or incorporated into extra deep lots, subject to the review and approval of the approving authority. The minimum depth of the buffer shall be at least ten feet, except where 10.382 (2.) permits a fence within three feet of the sidewalk. Additional depth may be required by the approving authority when necessary to provide visual buffering. Design, installation, and maintenance of the landscaped buffer shall be assured in a form acceptable to the City Attorney's Office. All required landscape improvements shall be installed or guaranteed, in conformance with City standards, prior to issuance of building permits.

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

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

- A. **Location and Extent of Greenway Designation.** Within the S-E Overlay District, the general location of Greenways shall be as depicted on both the GLUP Map and Southeast Plan Map, provided that, a more precise location shall be established as follows:
 - 1. The Greenway designation shall extend not less than 50 feet from the top of the bank on each side of the channel along the North, Middle, and South Forks of Larson Creek. The top of the bank shall be as defined in MLDC 10.012.
 - 2. For Greenways that are not located along the North, Middle, or South Forks of Larson Creek, the Greenway designation shall extend not less than 20 feet from the centerline of the drainageways.
 - 3. The size and location of Greenways may be altered by the City when needed to comply with state and federal regulations.
- B. **Permitted Uses.** Notwithstanding the provisions of MLDC 10.306 through 10.337, and subject to any other provisions of this Municipal Code and law, the only uses permitted within areas designated as Greenways shall be:
 - 1. Streets, roads, bridges, and paths where necessary for access or crossings, provided these uses are designed and constructed to minimize intrusion into the riparian area.
 - 2. Drainage facilities, utilities, and irrigation pumps.

3. Water-related and water-dependent uses.
 4. Interpretive and educational displays, and overlooks, including benches and outdoor furniture.
 5. Replacement of existing structures with structures in the same location that do not disturb additional riparian area.
 6. Other uses and activities permitted in the underlying zoning district, unless prohibited by state or federal regulations, as may be approved as part of a PUD, provided that the City may install or permit the installation of any use or activity permitted in the underlying zoning district without PUD approval.
- C. Greenway Improvements.
1. Improvement Standards. Greenways shall be improved according to the following standards:
 - a. Except for the Greenway that passes through the Village Center Commercial designation shown on the Southeast Plan Map, and as may otherwise be approved as part of a PUD, Greenways shall consist of native vegetation, and shall not be improved except as permitted in this Section, provided that:
 - (1) Additional canopy trees of a size, species, and variety approved by the City may be installed to augment the natural landscape and stabilize the banks of drainageways.
 - (2) Enhancement of the native vegetation is encouraged. Noxious weeds or nonnative vegetation may be removed if replaced with native plant species as approved by the appropriate state and federal agencies.
 - (3) Nothing in this Section shall be construed to prohibit the preservation or enhancement of wetlands as may be required by any public agency having jurisdiction over wetlands consistent with the laws of the City, state, and federal governments.
 - b. Improved access for the equipment needed for maintenance of storm drainage facilities and for bicycle and pedestrian circulation shall be provided on at least one side of each drainageway within a Greenway in a location determined by the City to have the least impact on the vegetation in the riparian area. Said access shall be constructed to the standards of the City. Where acceptable access for the maintenance of storm drainage facilities and bicycle and pedestrian circulation is provided along a planned or existing street adjacent to a Greenway, the access requirement within the Greenway may be waived.
 - c. Greenways shall be improved at the time adjacent land is developed.
 - d. Where feasible, streets shall be collinear and adjacent to Greenways.
 2. Responsibility for Greenway Improvements. Required improvements in Greenways shall serve two principal purposes as explained in the *Medford Comprehensive Plan*: 1) for storm drainage based on the *Comprehensive Medford Area Drainage Master Plan (1996)*; or, 2) for pedestrian and bicycle circulation. The Southeast Plan Map denotes the principal purpose for the required improvements in each Greenway. The responsibility for installing Greenway improvements to the standards in this Section shall be based on the following:
 - a. Greenway Improvements for Storm Drainage. The installation of improvements that provide required access to storm drainage facilities in Greenways based on the Southeast Plan Map and the *Comprehensive Medford Area Drainage Master Plan (1996)* shall be by, and at the sole expense of, the owners of the land adjacent to either side of the Greenway, or segment of, unless otherwise approved by the City. Absent an adopted Greenway design plan, the City

shall approve, on a case-by-case basis, the location of a surfaced path required to provide access for storm drainage maintenance, and any other required or proposed improvements. The City may require all or any part of the Greenway to be dedicated for public use and/or ownership following the installation of the required improvements. However, the City, in its sole discretion, may permit the dedication of easements in lieu of fee-simple land dedication.

b. **Greenway Improvements Exclusively for Pedestrian and Bicycle Circulation.** The installation of a surfaced path in Greenways, other than those for storm drainage, shall be by and at the sole expense of the City unless otherwise agreed upon. Absent an adopted Greenway design plan, the City shall approve, on a case-by-case basis, the location of a surfaced path required to provide pedestrian and bicycle circulation, and any other required improvements. All or part of Greenways improved exclusively for pedestrian and bicycle circulation may be acquired by the City through dedication or purchase of the land in fee-simple or through the acquisition of easements.

c. **Extent of Greenway Improvements.** Pursuant to this Section, the portion of each Greenway required to be improved by a property owner at the time of development shall be that portion of his/her property contiguous to the property to be developed. Where a Greenway passes through a parcel, the owner, pursuant to MLDC 10.374 (C.) (2.) (a.), shall be required to improve the entire Greenway segment passing through his/her parcel.

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

D. Commercial Center

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

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

a. **Pedestrian Walkway Connections.** A pedestrian walkway as required in Sections 10.772 through 10.776 shall link the principal building of each creekside use or activity to the multi-use path within the Greenway, if on the same side of the drainageway as the path.

b. **Pedestrian Walkway Lighting.** All pedestrian walkway connections to the multi-use Greenway path shall be lighted with the type of fixtures and meeting the definition of

“pedestrian scale lighting” in Section 10.012.

c. **Landscaping Between Creekside Development and Greenway.** Undeveloped land between each creekside building, use, or activity and the Greenway shall be landscaped in a manner compatible with the native vegetation, and irrigated with an automatic underground system. Such landscaping shall be designed to produce areas of high surveillance to reduce the potential for vandalism and criminal mischief. Landscaping to achieve high surveillance includes grass and ground cover, shrubs less than two and one-half feet in height, and deciduous trees that produce canopies having the lowest branches more than six feet from the ground. Such landscaping shall not conflict with or violate state and federal regulations related to the preservation of wetlands or riparian areas.

10.385 School and Park Site Location, S-E.

1. **Purpose.** The purpose of requiring public school and park sites to abut streets instead of the backs of lots is to support natural surveillance of public spaces for crime prevention, and to provide adequate public access to parks and schools. The standard ensures at least a minimal amount of visibility into the site for security, and the potential for a limited amount of on-street parking.

2. **Schools and Parks location standard.** Public school and park sites shall abut streets instead of the backs of lots. This standard is met when a school or park site has frontage onto at least one public street for a distance of not less than 100 feet. The standard does not apply to private schools, parks, or open spaces.

Section 3. The City Council hereby adopts the Findings of Fact and Conclusions of Law dated December 3, 2004, which are on file in the Planning Department,

PASSED by the Council and signed by me in authentication of its passage this 16th day of December, 2004.

ATTEST: /s/Glenda Owens
City Recorder

/s/Skip Knight
Acting Mayor

APPROVED December 16, 2004.

/s/Skip Knight
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.

REVISED STAFF REPORT

File No: DCA-04-166 - Land Development Code Amendment (Class 'A' Major Legislative)
Southeast (S-E) Overlay Zoning District Revision

Applicant: City of Medford

Request: Consideration of an amendment to the Medford *Land Development Code* affecting Sections 10.370-10.378 to revise the Southeast (S-E) Overlay Zoning District

BACKGROUND:

The Southeast (S-E) Overlay Zoning District, which implements the Southeast Plan, a special area plan for over 1,000 acres, was adopted in 1998 after several years of effort. It was known at the time that the work was incomplete. The S-E Overlay Zone specifically covered the implementation of the plan through the required use of PUDs and standards for Greenways, the Village Center, alleys, and street trees. Pedestrian street lighting standards were added in 2002. Many other standards necessary to assure that the area would be pedestrian-friendly with mixed land uses were not included. The Regional Transportation Plan, and more recently, the Medford Transportation System Plan (TSP) designated the Southeast Village Center as one of the region's Transit Oriented Districts (TODs). The TSP noted that further work was needed for the Southeast Village Center to qualify as a TOD according to the Oregon Transportation Planning Rule.

The Medford City Council appointed the Southeast Plan Implementation Advisory Committee in 2001 to assist in revision of the S-E Overlay Zone. The City subsequently utilized the state's Smart Development Code Assistance Program, a part of the Transportation and Growth Management (TGM) Program, to aid in expanding the scope of the S-E Overlay Zone. The attached Exhibit 'A' provides the proposed code revision language. This language replaces the current sections 10.370-10.378.

SUMMARY OF PROPOSED CODE PROVISIONS:

Below is a summary of the amendments to each section. The existing section number that pertains to the section topic is indicated in parentheses. Some section numbers are new.

10.370 (10.370)

The purpose statements from the Southeast Plan document have been added here to provide a basis and explanation of why the S-E Overlay Zoning District exists.

10.371 (10.371)

This now indicates that the S-E Overlay District applies immediately upon annexation (not clear before) and states that the Plan Area boundaries are indicated on the GLUP Map. They have been added to the GLUP Map.

10.372 (10.372)

This is basically the same except that Table 1 has been moved to 10.373 and is now called Figure 10.373. This also adds a map (Figure 10.372) identifying the location of the Southeast Village Center, the Commercial Center, and the Commercial Center Core Area. These are the concentric areas that constitute the “TOD” (Transit Oriented District).

10.373 (10.373 B.)

This new section contains Figure 10.373 (previously Table 1) and adds new density provisions. These include allowing a reduction in the SFR-10 minimum density from 6 to 5 du/ac if the dwellings have only alley vehicular access. It also increases the MFR-30 maximum density from 30 to 36 du/ac. It creates a Commercial Center Core Area, and provides that zone change applications in the Commercial Center Core Area will not be accepted until a Commercial Center Core Area Master Plan is approved. The zone change/facility adequacy requirements are eliminated since these are governed by the new Zone Change Criteria elsewhere in the *Medford Land Development Code*.

10.374 (10.373 A.)

This section eliminates the requirement for a PUD in certain areas of the Southeast Plan Area – those that are to be zoned SFR-2, 4 or 6. It also eliminates the ability for the Planning Director to issue a waiver for required PUDs. It reduces the site size that would require a PUD from two acres to one acre, and requires all zone changes in the Commercial Center to be concurrent with a PUD application. It reduces the area to be covered by the required Master Plan from the Commercial Area (53 acres) to just the Commercial Center Core Area (about 18 acres), and specifies exactly what needs to be covered by the Master Plan.

10.375

This section adds special standards increasing maximum lot coverage by structures and reducing front yard setbacks, and provides for additional alley garage setbacks. It reduces the maximum height in the Commercial Center Core Area.

10.376

This adds special design standards for attached housing. It requires primary entrances to be located facing a street and requires garage doors to be less prominent when facing a street. It prohibits carports.

Note: Existing Section 10.376 regarding alley design standards is deleted. Alley standards are anticipated in the future pending further policy development.

10.377

This adds special design standards for the Village Center (the “TOD” - 178 acres). It requires “build to” lines, minimum setbacks, setbacks for motor vehicle areas, and provides specifics about primary building entrances. It requires ground-floor windows, and sets a minimum amount of landscaping. The requirement for a pre-application conference has been dropped. The requirement for similar outdoor lighting and signage has been dropped. The requirement that PUDs not move required density outside the Village Center has been dropped.

10.378 (10.375 F.)

This adds additional special design standards for the Commercial Center (48 acres). It changes fueling station requirements and limits them to the Commercial Center Core Area and requires a CUP. It permits freestanding multiple-family uses and group quarters (including nursing facilities) in the entire Commercial Center (previously limited to north of the creek unless they were in a mixed-use building), except within the Commercial Center Core Area, which still must be in a mixed-use building. It adds drive-through windows and motor vehicle sales and repair to the prohibited uses list. It specifies that, in the Commercial Center Core Area, the total floor area of commercial businesses is limited 100,000 sq. ft. plus 50,000 sq. ft. for a grocery store. It requires off-street parking spaces to be provided for residential uses in the Commercial Center but continues no off-street parking space requirement for non-residential uses. It limits parking space provision to 120% of the minimum standard for the use. It requires a certain amount of pedestrian amenities for each development.

10.379 (10.377)

This adds a requirement to submit a streetscape and planter strip plan in development applications. It incorporates the existing street tree requirements in the S-E Overlay. It requires property owner installation and maintenance of the planter strip landscaping and any right-of-way between the sidewalk and the property line, except for medians and Arterial Street planter strips. It continues allowing street trees on private property if no planter strip exists such as on Residential Lanes and Minimum Access Streets. It changes the spacing requirements for street trees and allows picking them from the official City list of street trees. It allows them to count towards frontage landscaping requirements.

10.380 (10.378)

No changes are proposed to the Street Lighting Standards that were adopted in 2002.

10.381

This provides that street design must comply with any adopted Neighborhood Circulation Plan and the Commercial Center Core Area Master Plan, and that residential lots of less than 50 feet in width must take vehicular access from an alley or an additional Minimum Access Street.

10.382

This provides special regulations for side and rear yard fencing abutting streets. It requires maintained and irrigated landscaping between the fencing and the sidewalk abutting all streets, and a minimum fence setback depending on fence type. It requires similar fencing within a block. It limits fence or wall height abutting streets to six feet rather than eight. It limits the use of chain link fencing.

10.383

This requires site and street design to limit the use of through-lots while reducing the need for direct access to higher order streets. It requires a maintained landscaped buffer if through-lots are approved.

10.384 (10.374 and 10.375 F. (5.) and (6.))

No changes are proposed to the Greenway standards until policy development is completed.

10.385

This requires public parks and schools to abut streets for at least 100 feet for public view and access.

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 December 3, 2004 (Exhibit 'A'), 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.

MEDFORD IN THE 21ST CENTURY - VISION STRATEGIC PLAN:

This amendment carries out the following action items from Medford's *Vision Strategic Plan*:

- Action 1.2** Develop new zoning standards and design guidelines for both the Southeast Overlay area and appropriate areas within the City.
- Action 1.3** Develop new Transit Oriented Development (TOD) code provisions.

RECOMMENDED ACTION:

Staff, the Southeast Plan Implementation Advisory Committee, and the Joint Transportation Subcommittee, and the Planning Commission forward a favorable recommendation to the City Council for approval of DCA-04-166 per the Revised Staff Report dated December 3, 2004, including the attachments. The Citizens Planning Advisory Committee recommends approval with the exception of the provisions for increasing the permitted lot coverage by structures in the Southeast Overlay Zone (see attached memo and minutes from CPAC).

Attachments:

- Exhibit 'A' - Proposed Findings of Fact and Conclusions of Law
- Exhibit 'B' - Proposed *Land Development Code* language for S-E Overlay Zone
- 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
- Exhibit 'E' - CPAC memo to Planning Commission dated November 9, 2004 including copy of a memo to City Council dated July 26, 2004

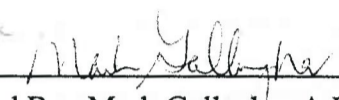
DCA-04-166

December 3, 2004

Exhibit 'F' – CPAC minutes for the meeting of November 9, 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

PROPOSED FINDINGS

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

IN THE MATTER OF AMENDING)
VARIOUS ELEMENTS OF THE)
MEDFORD COMPREHENSIVE PLAN TO)
FURTHER IMPLEMENT THE)
SOUTHEAST PLAN AND AMENDING THE)
SOUTHEAST (S-E) OVERLAY ZONING)
DISTRICT OF THE MEDFORD LAND)
DEVELOPMENT CODE)

FINDINGS OF FACT
CONCLUSIONS OF LAW
File Nos. CP-04-165 and
DCA-04-166
Exhibit 'A'
December 3,2004

City of Medford, Applicant

PROCEDURAL BACKGROUND

Amendment of an element of the *Medford Comprehensive Plan* and amendment of the *Medford Land Development Code* are categorized as procedural Class 'A' legislative actions 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.

The "Review and Amendments" section of the *Medford Comprehensive Plan* provides the following criteria for amendments of the *Comprehensive Plan*:

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).

'A'
DCA-04-166

4. Statutory changes affecting the Plan.
5. Demonstrable budgetary constraints in association with at least one of the above criteria.
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 *Medford Comprehensive Plan*.
7. All applicable Statewide Planning Goals.

COMPLIANCE WITH STATEWIDE PLANNING GOALS

Applicable Statewide Planning Goals:

- GOAL NO. 1: Citizen Involvement
- GOAL NO. 2: Land Use Planning
- GOAL NO. 5: Open Spaces, Scenic and Historic Areas, and Natural Resources
- GOAL NO. 7: Areas Subject to Natural Disasters and Hazards
- GOAL NO. 9: Economic Development
- GOAL NO. 10: Housing
- GOAL NO. 11: Public Facilities
- GOAL NO. 12: Transportation

Upon investigation, it has been determined that Statewide Planning Goals 3, 4, 6, 8, 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 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 this 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 affected property owners 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. Written input from several property owners resulted in minor changes to the proposed local street circulation plan. 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. Since the proposal has been determined to result in some properties having "to be rezoned in order to comply with the amended or new comprehensive plan" and/or to "amend an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone", a "Measure 56 Notice" (per ORS 227.186) has been mailed to all affected property owners notifying them of the public hearing before the City Council.

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.

The proposal further implements a special area plan that includes a specific land use plan having a transit oriented district (TOD), a neighborhood circulation plan, and a Greenway plan. These were identified in previous revisions of the *Comprehensive Plan* as needed actions by the City.

CONCLUSIONS OF LAW

The City's efforts in this proposal to implement a special area plan that includes a specific land use plan having a transit oriented district (TOD), a neighborhood circulation plan, and a Greenway plan, consistent with the adopted policies of the acknowledged *Transportation System Plan*, *Medford Comprehensive Plan*, and the Statewide Planning Goals, and to develop strategies to carry out the plans, are consistent with and needed to comply with Statewide Planning Goal 2.

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

FINDINGS OF FACT

Goal 5 requires the City to adopt programs that conserve and protect natural resources for present and future generations to promote a healthy environment and natural landscape that contribute to livability. Plans have to consider the carrying capacity of the air, land, and water resources of the planning area, and land development actions provided for by the *Comprehensive Plan* must not exceed the carrying capacity of the resources. The physical limitations of the land and conservation of natural resources must be used in determining the quantity, quality, location, rate, and type of growth in the planning area. Significant natural areas that are ecologically or scientifically unique, outstanding, or important must be inventoried and evaluated, and comprehensive plans must provide for their preservation. As part of the *Comprehensive Plan*, local governments must determine significant resource sites and develop programs to achieve Goal 5.

In the Southeast Plan Area, Riparian Corridors, which are significant Goal 5 resources, have been established along the two southerly forks of Larson Creek. Riparian Corridor regulations protect these areas by providing setbacks 50-feet from the tops of the banks. This amendment aids in the City's program to protect these Riparian Corridors as required by Goal 5 by providing for future public acquisition of Greenways along these and other waterways in the Southeast Area that will also be open for public access and will provide bicycle and pedestrian transportation corridors. Greenway path designs have been included in the Circulation Plan

document that address the value of the riparian vegetation. A recommended plan for Greenway improvement funding has also been developed.

CONCLUSIONS OF LAW

The City's efforts in this proposal to further develop Greenways consistent with the adopted policies of the acknowledged *Comprehensive Plan*, the Statewide Planning Goals, and the *Land Development Code* provisions for Riparian Corridors, and to develop strategies to carry out the Plan, are consistent with and needed to comply with Statewide Planning Goal 5.

GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS - To protect people and property from natural hazards.

FINDINGS OF FACT

Goal 7 requires local governments to adopt comprehensive plan inventories, policies, and implementing strategies that reduce the risk to people and property from natural hazards, including floods. Development in hazard areas where the risk to people and property cannot be mitigated must be avoided. In adopting plan policies and implementing strategies to protect people and property from natural hazards, local governments must consider the benefits of maintaining natural hazard areas for open space, recreation, or similar uses, and identify mitigation strategies related to the management of natural resources. Local governments must manage stormwater runoff to address flood and landslide hazards. Waterways, especially those in a natural condition, provide hydrological control benefits, and are a necessary component of an adequate stormwater management program.

CONCLUSIONS OF LAW

The City's efforts in this proposal to assure that Greenways are provided in conformance with the adopted policies of the acknowledged *Comprehensive Plan* and the Statewide Planning Goals, and to develop strategies to carry out the Plan, are consistent with and aid in complying with Statewide Planning Goal 7.

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

Goal 9 requires comprehensive plan policies to contribute to a stable and healthy economy. Such policies must be based on an inventory of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses and must not exceed the carrying capacity of the air, land, and water resources of the planning area.

The Southeast Plan amendments provide for detailed planning of a transit oriented district (TOD) with a Commercial Center having a Commercial Center Core Area, with "Commercial" or "Service Commercial" land use designations for approximately 48 acres (previously 46 acres). This Commercial Center is to have a local community emphasis that precludes regional level

commercial attractions and includes a high number of residential units. Much of the area is to be re-designated "Service Commercial" rather than "Commercial" as previously planned, in order to concentrate a retail core area of about 16 acres (including the abutting Greenway), and to create a "town center" with buildings abutting the sidewalk and a streetscape with on-street parking and slow moving traffic.

CONCLUSIONS OF LAW

The City's efforts in this proposal to provide neighborhood-level commercial development in close proximity to residential development and to implement a TOD consistent with the adopted policies of the acknowledged *Comprehensive Plan* and the Statewide Planning Goals, and to develop strategies to carry out the Plan, are consistent with and aid in complying with Statewide Planning Goal 9.

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 proposes to increase the maximum permitted density in the Urban High Density Residential and Commercial designations of the Southeast Plan Area from 30 units per acre to 36 units per acre, with the continued option to increase them by 20% more through a Planned Unit Development process. Medford's current regulations also permit a residential developer to increase density on the remainder of a site to compensate for unbuildable natural areas such as wetlands or waterways. This amendment also proposes to increase the amount of high density residential land in the TOD area by about 22 acres and medium density residential by about seven acres by moving the park and school site outside the TOD but abutting it to the east.

Concerns had been expressed about the proposed reduction in minimum density from six units per acre to five units per acre in SFR-10 zones in the Southeast Area for detached single-family homes utilizing alley access only. This reduction was proposed to make use of alleys more feasible while meeting minimum density requirements as well as minimum lot dimensions. Since the City calculates minimum density as "gross" density, utilizing the land area to the center of abutting streets and alleys, the effect of this reduction is less than if "net" density were utilized. The use of alleys for access to narrow single-family lots promotes a pedestrian-friendly streetscape by eliminating the need to use the front yards for driveways and garages.

CONCLUSIONS OF LAW

The City's efforts in this proposal to provide detailed planning for higher density housing consistent with the adopted policies of the acknowledged *Comprehensive Plan* and the Statewide Planning Goals, and to develop strategies to carry out the Plan, are consistent with and aid in complying 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

Goal 11 requires that urban development be guided and supported by urban public facilities and services appropriate for the needs of the areas to be served. Plan provisions for public facilities and services must not exceed the carrying capacity of the air, land, and water resources of the planning area. Stormwater management is an urban service required by Goal 11. The Citizen's Planning Advisory Committee (CPAC) expressed concern about the proposal to increase maximum permitted lot coverage by structures in the Southeast Area. CPAC's concern is associated with the increase in impervious surfaces as related to stormwater management.

The proposal provides a maximum coverage by structures ranging between 40% and 50% in the SFR zones (currently 35% to 40%). It also increases maximum lot coverage by 10% for lots that contain an accessory dwelling unit (ADU) and excludes pedestrian weather protection features abutting a street, such as front porches, canopies, and awnings, from coverage calculations. Outdoor swimming pools would be considered structures only if located beneath or within a structure. The coverage increase was proposed as an incentive for developing detached single family homes on small lots, as well as an incentive for utilizing accessory dwellings units and weather protection features at the fronts of homes.

The Southeast Plan Implementation Advisory Committee felt that the stormwater management issue would be addressed through pending requirements for detention and management of stormwater created by developments, and that high coverage by impervious surfaces is expected in urban areas. The City's on-going efforts to develop a stormwater management program include accommodating the amount of impervious surface expected by each type of land use through public facility improvements.

CONCLUSIONS OF LAW

The City's on-going efforts to develop a stormwater management program that addresses the impacts of urban-level quantities of impervious surface will mitigate this potential minor increase in impervious surfaces in conformance with adopted policies of the acknowledged *Comprehensive Plan* and the Statewide Planning Goals, and comply with Statewide Planning Goal 11.

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.

This proposal creates a neighborhood circulation plan as called for by section 660-012-0020(2)(b) of the Oregon Transportation Planning Rule (TPR) and the Medford TSP, which call for providing a planned layout of local streets. The Southeast Village Center TOD qualifies as a "mixed-use, pedestrian-friendly center" for the purposes of the TPR because it is designated in the acknowledged Transportation System Plan as a transit oriented development and will include a concentration of a variety of land uses.

In conformance with the TPR, the Southeast Plan and the S-E Overlay Zoning District will allow, and, in most cases, require the following in the Village Center TOD: Medium to high density residential development (12 or more units per acre); offices or office buildings; retail stores and services; restaurants; public or private open space available for public use, such as a park or plaza; civic or cultural uses; a core commercial area where multi-story buildings are permitted; buildings and building entrances oriented to streets; street connections and safe crossings that make the center conveniently accessible from adjacent areas; a network of streets with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting, and on-street parking, and, where appropriate, accessways and walkways that make it highly convenient for people to walk between uses within the center or neighborhood; one or more transit stops; and limitations on low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

It has been determined that the proposal does not significantly affect a transportation facility according to the Transportation Planning Rule. It does not change the functional classification of transportation facilities identified in the TSP (major streets). It does not allow new land uses that would result in levels of travel that are inconsistent with the functional classification of a transportation facility; nor does it reduce the performance standards of a transportation facility below the minimum acceptable level identified in the TSP because it does not generate in excess of 250 new average daily motor vehicle trips over the currently adopted land use plan.

Consistent with the TPR, the City has assumed that the motor vehicle trip generation (daily and peak hour) for the Village Center TOD will be reduced by 10% for the uses located in mixed-use, pedestrian-friendly centers. The provisions in the revised S-E Overlay zone, in addition to existing Code requirements, will require the development of a mixed-use, pedestrian-friendly center and provide for pedestrian/bicycle connectivity and access to transit. The proposed plan amendments meet the TPR incentive for the designation and implementation of pedestrian-friendly, mixed-use centers by lowering the regulatory barriers to plan amendments that accomplish this type of development. The TPR concludes that an assumption that actual trip reduction benefits will vary from case to case, and may be somewhat higher or lower than

presumed 10%, is warranted given the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns.

The memo to the Medford City Council dated December 3, 2004 providing the traffic generation analysis data is hereby included as part of these findings.

CONCLUSIONS OF LAW

The City's efforts in this proposal to develop and implement a neighborhood circulation plan and a transit oriented district consistent with the adopted policies of the acknowledged *Comprehensive Plan* and the Statewide Planning Goals, and to develop strategies to carry out the Plan, 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 and Policies:

Housing Element

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

Implementation 1-A (1): Prepare *community design guidelines*, which will guide the development and architectural review process, for consideration by the City Council. Emphasize such elements as mixed uses, parkways with shade trees, pedestrian ways, bicycle lanes, alley access, rear yard garages, and varied setbacks.

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

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

Policy 2-B: The City of Medford shall assure that residential development or redevelopment includes energy conservation considerations, and is designed and located to reduce transportation energy demand.

Implementation 2-B (1): Require shade trees (versus ornamental) to be installed as part of residential development projects to provide shading of streets, and, in multiple-family housing projects, shading of parking areas as well.

Policy 3-C: The City of Medford shall designate areas that are or will be conveniently located close to pedestrian, bicycle, and transit or high capacity transportation routes, and community facilities and services, for higher density residential development.

Implementation 3-C (1): Identify areas where up-zoning would best support infrastructure improvements, including transit.

Economic Element

GOAL 3: To develop locational criteria and site development standards for commercial and industrial development that will encourage efficient use of public facilities, particularly the city's transportation systems.

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.

Policy 3: The City of Medford shall encourage cohesive, integrated commercial centers and industrial centers, rather than traditional, unrelated, linear development patterns, through site design guidelines.

Transportation System Plan Element

GOAL 2: To provide a comprehensive street system that serves the mobility and multi-modal transportation needs of the Medford planning area.

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(3): Require pedestrian/bicycle accessways when there is not a direct street connection, to pass through long blocks, to connect cul-de-sac streets with nearby streets, or to connect to nearby bicycle paths, etc. to create more direct non-motorized access where appropriate.

Implementation 2-C(6): Assure that the design and operation of the transportation system allows for the safe and rapid movement of fire, medical, and police vehicles.

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-C(9): Limit cul-de-sac streets, minimum access streets, and other "dead-end" development to situations where access cannot otherwise be made by a connected street pattern due to topography or other constraints.

Implementation 2-C(10): Adopt maximum block length standards for local streets to assure good circulation.

Policy 2-D: The City of Medford shall balance the needed street function for all travel modes with adjacent land uses through the use of context-sensitive street and streetscape design techniques.

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(2): Utilize design techniques for local streets, such as reduced widths and lengths, curb extensions, and other traffic calming measures, to lower vehicular speeds, provide a human-scale environment, facilitate pedestrian crossing, and minimize adverse impacts on the character and livability of neighborhoods and business districts, while still allowing for emergency vehicle access.

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.

Policy 2-E: The City of Medford shall design to enhance livability by assuring that aesthetics and landscaping are a part of Medford's transportation system.

Implementation 2-E(1): Incorporate aesthetic streetscape features into public rights-of-way, such as street trees, shrubs, and grasses; planter strips and raised medians; street furniture, planters, special lighting, public art, and paving materials which include architectural details.

Policy 2-F: The City of Medford shall bring arterial and collector streets up to full design standards where appropriate, and facilitate improving existing local streets to urban design standards where appropriate.

Implementation 2-H(2): Utilize access management, including access location and spacing, to increase the capacity and safety of the transportation system. Incorporate access management techniques, such as raised medians, access management plans, driveway consolidation, driveway relocation, and closure of driveway access, into arterial and collector street design and development applications.

Policy 2-J: The City of Medford shall prohibit on-street parking on arterial and major collector streets in order to maximize the capacity of the transportation system except in the Downtown Parking District, in the adopted Transit Oriented Districts (TODs), or where permitted through the development and use of special plans adopted in the *Medford Comprehensive Plan*.

Implementation 2-J(1): Remove existing on-street parking in preference to widening arterial and collector streets to gain additional travel lanes, bicycle lanes, and sidewalks, except where on-street parking has been determined to be essential through special plans adopted in the *Medford Comprehensive Plan*.

Policy 2-K: The City of Medford shall manage on-street parking in the Downtown and in other adopted Transit Oriented Districts (TODs) to assist in slowing traffic, facilitating pedestrian movement, and efficiently supporting local businesses and residences consistent with the land use and mobility goals for each street.

Policy 2-L: The City of Medford shall require an appropriate supply and design of off-street parking facilities to promote economic vitality, neighborhood livability, efficient use of urban space, reduced reliance on single-occupancy motor vehicles, and to make certain areas, such as Transit Oriented Districts (TODs), more pedestrian friendly.

Implementation 2-L(1): Require a minimum and maximum number of off-street parking spaces based on the typical daily needs of the specific land use type. (A parking space maximum standard assures that unnecessary consumption of land area is avoided.) Designate areas of the City where no off-street parking would be required.

Policy 2-M: The City of Medford shall undertake efforts to contribute to a reduction in the regional per capita parking supply to promote the use of alternatives to the single-occupancy motor vehicle.

Implementation 2-M(3): Assure that major facilities with a high parking demand meet the demand through a combination of shared, leased, and new off-street parking facilities, access by transit, and encourage designs that reduce parking need.

Implementation 3-B(4): Assure that land use planning activities promote transit service viability and accessibility, including locating mixed residential-commercial, multiple-family residential, and employment land uses on or near (within one-quarter mile walking distance) transit corridors.

Implementation 3-B(5): Provide transit-supportive street system, streetscape, land division, and site design and operation requirements that promote efficient bus operations and pedestrian connectivity, convenience, and safety.

Policy 3-C: The City of Medford shall undertake efforts to increase the percentage of dwelling units in the Medford planning area located within one-quarter mile walking distance of transit routes, consistent with the target benchmarks in the "Alternative Measures" of the *Rogue Valley Regional Transportation Plan* (RTP).

Policy 4-A: The City of Medford shall undertake efforts to increase the percentage of total daily trips taken by bicycling in Medford consistent with the target benchmarks in the "Alternative Measures" of the *Rogue Valley Regional Transportation Plan* (RTP).

Implementation 4-A(1): Develop a network of bicycle facilities linking Downtown, other Transit Oriented Districts (TODs), residential neighborhoods, commercial/ employment centers, schools, parks and greenways, community centers, civic and recreational facilities, and transit centers.

Implementation 4-A(2): Design streets and other public improvement projects to facilitate bicycling by providing bicycle-friendly paving, lane width, traffic control, storm drainage grates, striping, signage, lighting, etc.

Implementation 4-A(5): Provide interconnected off-street multi-use paths along stream and waterway corridors, such as Bear Creek and Larson Creek, and in other suitable locations where multiple street or driveway crossings are unlikely and where such facilities can be constructed without causing significant environmental degradation.

Policy 4-C: The City of Medford shall encourage bicycling as an alternative mode of transportation as well as a recreational activity.

GOAL 5: To facilitate the increased use of pedestrian transportation in the Medford planning area.

Policy 5-A: The City of Medford shall develop a connected, comprehensive system of pedestrian facilities that provides accessibility for pedestrians of all ages, focusing on activity centers such as Downtown, other Transit Oriented Districts (TODs), commercial centers, schools, parks/greenways, community centers, civic and recreational facilities, and transit centers.

Implementation 5-A(2): Design street intersections, particularly arterial and collector street intersections, with convenient, safe, and accessible pedestrian crossing facilities.

Implementation 5-A(3): Require development within activity centers, business districts, and Transit Oriented Districts (TODs) to focus on and encourage pedestrian travel, and require sidewalks, accessways, and walkways to complement access to transit stations/stops and multi-use paths.

Implementation 5-A(4): Utilize an interconnecting network of multi-use paths and trails to compliment and connect to the sidewalk system, using linear corridors such as creeks, canals, utility easements, railroad rights-of-way, etc.

Policy 5-B: The City of Medford's first priority for pedestrian system improvements shall be access to schools; the second priority shall be access to transit stops.

Policy 5-C: The City of Medford shall undertake efforts to increase the percentage of total daily trips taken by walking in Medford consistent with the targeted benchmarks in the "Alternative Measures" of the *Rogue Valley Regional Transportation Plan (RTP)*.

Implementation 5-C(1): Encourage walking for both travel and recreation, emphasizing the health, economic, and environmental benefits for the individual and community.

Implementation 5-C(2): Prepare for consideration by the City Council, ordinances that require pedestrian-friendly development design that encourages walking.

Policy 5-D: The City of Medford shall undertake efforts to increase the percentage of collector and arterial street miles in Medford's adopted Transit Oriented Districts (TODs) having sidewalks, consistent with the targeted benchmarks in the "Alternative Measures" of the *Rogue Valley Regional Transportation Plan (RTP)*.

Implementation 5-E(1): Develop crosswalk marking and traffic calming policies that address pedestrian safety in appropriate locations, including signalized intersections, controlled intersections near schools, activity centers, Transit Oriented Districts (TODs), and other locations with high pedestrian volumes.

Implementation 5-E(6): Work toward completion of street lighting systems on all arterial and collector streets, and facilitate the formation of neighborhood street lighting districts to provide appropriate street lighting on local streets.

Policy 8-A: The City of Medford shall facilitate development or redevelopment on sites located where best supported by the overall transportation system that reduces motor vehicle dependency by promoting walking, bicycling, and transit use. This includes altering land use patterns through changes to type, density, and design.

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.

Implementation 8-A(2): Maintain and continue enforcement of *Medford Land Development Code* provisions that require new development to accommodate multi-modal trips by providing bicycle racks, connecting sidewalks, building entrances near the street, and transit facilities.

Policy 8-B: The City of Medford shall undertake efforts to increase the percentage of dwelling units and employment located in adopted Transit Oriented Districts (TODs), consistent with the targeted benchmarks in the "Alternative Measures" of the *Rogue Valley Regional Transportation Plan (RTP)*.

Implementation 8-B(1): Through revisions to the *Medford Comprehensive Plan* and *Land Development Code*, pursue changes to planned land uses to concentrate employment, commercial, and high density residential land uses in Transit Oriented Districts (TODs).

Implementation 8-B(2): Complete and adopt a land use/transportation plan, design guidelines, street and streetscape standards, and implementing ordinances for the Southeast Medford Transit Oriented District (TOD), the West Medford TOD, and the Delta Waters TOD, and mixed-use areas.

Public Facilities Element - Parks

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

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

Implementation 2-A (2): Investigate and implement methods for developing off-street multi-use paths along appropriate creek corridors, greenways, utility corridors, and other rights-of-way, particularly where such paths would provide links to schools and parks.

Environmental Element

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 6: To recognize Medford's waterways and wetlands as essential components of the urban landscape that improve water quality, sustain wildlife habitat, and provide open space.

Policy 6-A: The City of Medford shall regulate land use activities and public improvements that could adversely impact waterways in the interest of preserving and enhancing such natural features to improve water quality and fish and wildlife habitat.

Policy 6-C: The City of Medford shall encourage the incorporation of waterways, wetlands, and natural features into site design and operation of development projects.

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

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

Implementation 7-B (2): Ensure that improvements, such as multi-use paths and storm drainage facilities sited in or near riparian corridors, waterways, wetlands, or other fish and wildlife habitat, include protective buffers, preserve natural vegetation, and comply with the requirements of Oregon Administrative Rules 660-23.

Implementation 8-B (3): In foothill developments, require streets and utilities to be located along existing topographic contours wherever possible, and require streets and parking facilities to be kept at the minimum size necessary, to minimize erosion resulting from development activities, and to prevent sediment from entering the storm drainage system.

FINDINGS OF FACT

The proposed *Comprehensive Plan* and *Land Development Code* amendments implement land use planning strategies that will result in pedestrian-friendly mixed-use development, a well-connected circulation system, and an increase in the use of alternative modes of transportation in the Southeast Plan Area. The amendment to the Southeast Overlay Zoning district provides site development standards that require an integrated Commercial Center that contains a retail core area, and that encourages mixed residential and commercial development. The amendment provides special standards for human-scale streetscapes, lots with alley access, and, in certain areas such as within the TOD, reduced front setbacks and build-to lines. Although permitted in the entire area, the requirement for Planned Unit Developments is to be limited to the

Commercial Center and areas that will contain residential densities over six units per acre. The high density residential acreage within the TOD has been increased by moving the park and school sites just outside the TOD so that a high number of residents will be within a five minute walk of the transit stop and commercial services.

The proposed circulation plan provides an interconnected system of lower order streets that connect to planned activity centers and enhance emergency service access. It promotes the accommodation of multiple travel modes within the public rights of way by providing maximum block length and traffic calming guidelines. and the use of access management. It specifically provides for an alternative context sensitive design for the Minor Arterial Street within the Commercial Center to provide a pedestrian-friendly "Main Street" design, including on-street parking. The proposed code standards continue the reduced parking space requirement in the Commercial Center for non-residential uses.

The proposal will have a positive effect on the natural environment and community character by promoting improvement and preservation of waterways in the Southeast Area. It recognizes these waterways as essential components of the urban landscape that improve water quality, sustain wildlife habitat, and provide open space, protect citizens from the potential damage caused by flooding. It will determine the appropriate management of public and private Greenways to protect sensitive plant and wildlife habitat. It will encourage the incorporation of Greenways into site design including restoration when necessary.

This amendment proposes changes to the Conclusions, Policies, and Implementation Strategies of the General Land Use Plan Element of the *Comprehensive Plan*. It adds a new Conclusion noting that special areas plans, such as the Southeast Plan, are a needed component of the Medford planning process and will reside in a new "Neighborhoods Element". It makes two changes to the policies related to the Southeast Plan. It amends Policy 3-A to indicate that zone changes shall be exempt from the transportation level of service (LOS) standard on Barnett Road within the Southeast Commercial Center due to its alternative design to encourage slow moving traffic in the "town center". It adds an Implementation Strategy to further assess the LOS *Land Development Code* provisions to assure that this policy is implemented. It also amends Policy 3-B to add that similar land uses shall be encouraged on both sides of streets. It deletes two Implementation Strategies that have been completed and modifies Imp. 1-B (3) to require a master plan for the Commercial Center Core Area rather than the entire Commercial Center.

CONCLUSIONS OF LAW

The City's efforts to conduct detailed planning for the Southeast Plan Area and implement such plans in conformance with the Statewide Planning Goals are consistent with and necessary to comply with the above-noted *Comprehensive Plan* Goals and Policies.

SUMMARY

This proposed *Comprehensive Plan* and *Land Development Code* amendment is necessary to do the following: Meet the Goals and Policies of the *Comprehensive Plan* by continuing the City's efforts to reduce motor vehicle miles traveled per capita, provide more adequate protections for

waterways, and which not only provide a more livable community, but also address needs in a more economical and efficient manner; and satisfy the requirements of Statewide Planning Goals and the associated OARs. The amended Conclusions, Policies, and Implementation Strategies are based on changes to the text, data, inventories, and graphics which affect one or more Conclusion; a new priority for the use of TODs, compliance with the Oregon Transportation Planning Rule of Statewide Planning Goal 12, the availability of a better waterway protection strategy, and the demonstrable ineffectiveness of current regulations to achieve the Goals and Policies.

DRAFT S-E OVERLAY ZONING DISTRICT ORDINANCE AMENDMENTS
Replaces MLDC 10.370 through 10.378.

EDITS AS OF November 12, 2004

Section 10.370 OBJECTIVES OF THE SOUTHEAST (S-E) OVERLAY DISTRICT

The Southeast (S-E) Overlay District is intended to:

- A. Assure that land use and development occur in accordance with the *Medford Comprehensive Plan* – Southeast Plan section;
- B. Establish land use patterns and development design that emphasizes transportation connectivity and promotes viability for many modes of transportation;
- C. Establish a Southeast Village Center with commercial, institutional, and residential uses, and provide standards and incentives for compact, pedestrian-oriented, mixed-use development in the Southeast Village Center;
- D. Require coordinated planning of the Southeast Plan Area, and encourage the development of neighborhoods with a cohesive design character;
- E. Establish special design and development standards for streetscapes, building orientation, setbacks, building height, access, lot coverage and density, and the use of greenways, alleys, street trees, and pedestrian street lighting;
- F. Provide a mix of compatible housing types at planned densities, including in Planned Unit Developments (PUDs);
- G. Preserve natural waterways and other natural resources while providing routes for pedestrian and bicycle travel;
- H. Require approval of most development through the Planned Unit Development (PUD) regulations in order to coordinate planning of designated areas of the Southeast Plan Area, including the Southeast Village Center.

Section 10.371 SCOPE AND APPLICABILITY OF SOUTHEAST (S-E) OVERLAY DISTRICT REGULATIONS

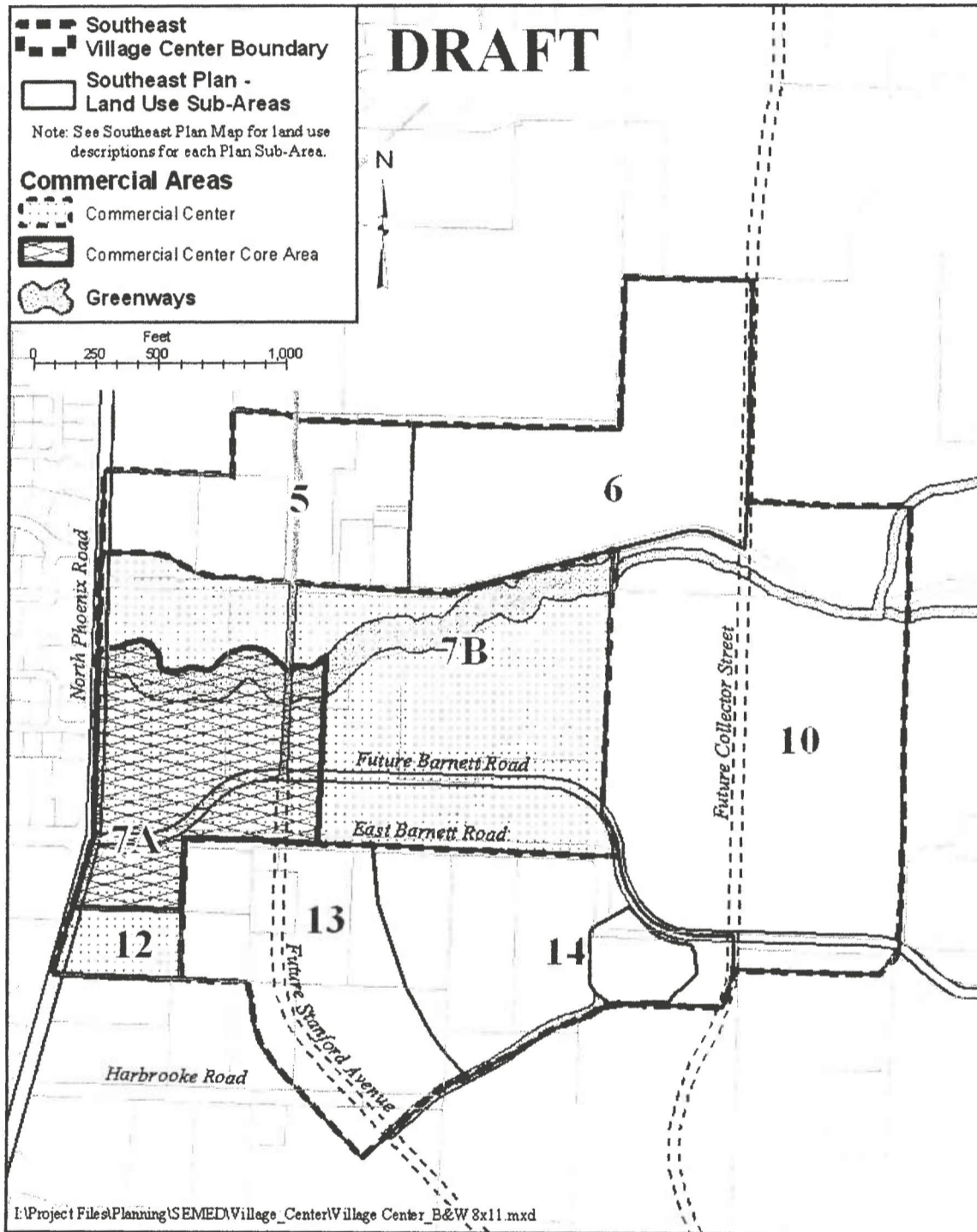
The S-E Overlay District applies automatically upon annexation to the City of Medford to the Southeast Plan Area designated on the City of Medford General Land Use Plan Map. Land use and development within the S-E Overlay District shall conform to the S-E Overlay District regulations, in addition to all other applicable City regulations.

Section 10.372 GENERAL LAND USE PLAN MAP AND SOUTHEAST PLAN MAP CONSISTENCY, S-E

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

B
DCA - 04-166

FIG. 10.372 - SOUTHEAST VILLAGE CENTER



Section 10.373 GENERAL LAND USE PLAN MAP, SOUTHEAST PLAN MAP, ZONING, AND RESIDENTIAL DENSITY, S-E

1. **General Land Use Plan Map Designations, Southeast Plan Map Land Use Categories, Zoning, and Residential Density.** The General Land Use Plan Map designations, Southeast Plan Map land use categories, zoning, and residential densities permitted in the S-E Overlay District are provided in Figure 10.373.
2. **Special Residential Density Provisions for the S-E Overlay District.**
 - A. Minimum permitted residential density is 5.0 units per acre in SFR-10 for the portion(s) of a development where dwellings receive sole vehicular access from an alley.
 - B. Maximum permitted residential density is 36.0 units per acre in MFR-30, C-S/P, and C-C, plus the 20% density bonus permitted in a PUD and mixed-use buildings as defined herein shall have a maximum density requirement of 60 units per acre within the Commercial Center. Within the Commercial Center Core Area, residential development shall conform to MLDC 10.378 (3).

FIGURE 10.373: Southeast Area General Land Use Plan Map, Southeast Plan Map, Zoning, and Residential Density

General Land Use Plan Map Designation	Southeast Plan Map Land Use Category ¹	Permitted Zoning	Permitted Residential Density Range Du/Ac ³ (PUD Du/Ac) ⁴
UR	Estate Lot	SFR-2	0.8 to 2.0 (2.4) ⁴
UR	Standard Lot	SFR-4 or SFR-6	2.5 to 6.0 (7.2) ⁴
UR	Small Lot	SFR-10 with alleys ² SFR-10 without alleys	5.0 to 10.0 ² 6.0 to 10.0 (12.0) ⁴
UMDR	Rowhouse	MFR-15	10.0 to 15.0 (18.0) ⁴
UHDR	High Density	MFR-20	15.0 to 20.0 (24.0) ⁴
		MFR-30	20.0 to 36.0 (43.2) ⁴
Commercial and Service Commercial	Service Commercial, Commercial, Commercial Center Core	C-C and C-S/P	20.0 to 36.0 (43.2) ⁴
		Mixed-Use Buildings	60.0 ⁵
Parks and Schools (UR Underlying)	School	SFR-4 or SFR-6	Not Applicable
Parks and Schools (UR Underlying)	Park	SFR-4 or SFR-6	Not Applicable
Greenway	Greenway	Any	Not Applicable

Table Footnotes:

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

² Special density provisions for SFR- 10.

³ Du/Ac = Dwelling units per acre.

⁴ The maximum residential densities with the 20% increase permitted by MLDC 10.230 D. (8.) for PUDs are shown in parentheses.

⁵ Mixed-use buildings in the Commercial Center shall not exceed a maximum of 60 du/ac.

3. Zone Changes in Commercial Center Core Area.

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

**Section 10.374 PLANNED UNIT DEVELOPMENT AND MASTER PLAN
REQUIREMENTS, S-E**

- 1. Planned Unit Development Requirements.** Except for properties within Southeast Plan land use areas 1, 2, 16, 17, 18, 19, and 20; for proposed institutional uses that require a Conditional Use Permit; or as otherwise exempted by the S-E Overlay District, all new developments consisting of one or more acres shall require approval of a Planned Unit Development pursuant to MLDC 10.230 through 10.245 and all applicable provisions of the S-E Overlay District. Proposed PUDs that are not required by this section must be at least one acre in size. Regardless of the size of the property or number of dwellings, all zone change applications for projects in the Commercial Center shall be accompanied by a Preliminary PUD Plan application.
- 2. Planned Unit Development Exemptions.** Projects consisting of less than one acre and/or non-mixed use residential projects of fewer than four dwellings (e.g., lot line adjustment, partition, single dwelling, duplex, triplex, or two or three unit townhouse) shall not require a PUD.
- 3. Planned Unit Development Approvals.** In approving PUD applications for projects within the S-E Overlay District, the Planning Commission shall find that the application conforms to the S-E Overlay District standards. The Planning Commission may grant modifications of City standards, including provisions of the S-E Overlay District, under MLDC 10.230 (D), except for the prohibited uses in 10378 (4.).
- 4. Commercial Center Core Area Master Plan.** A Master Plan, adopted by the City Council, shall govern design and development within the area designated "Commercial Center Core Area" on the Southeast Plan Map. (See Figure 10.372.) All zone changes, PUDs, other land use actions, and permits within the Commercial Center Core Area shall conform to the Master Plan. The Master Plan, at a minimum, shall contain the following elements:
 - a. Materials required for a Preliminary PUD Plan application.
 - b. Provision for retail commercial uses on both sides of Barnett Road.
 - c. Pedestrian and bicycle circulation plan.
 - d. Conceptual locations for civic sites such as post office, plaza, and branch library.
 - e. Special street design standards for the main street(s) that include on-street parking and a three-lane configuration for Barnett Road, sidewalks of at least 12 feet in width, and maximum block lengths.
 - f. Required architectural design standards and unique architectural themes for each sector of development.
 - g. Required "pedestrian friendly" design through the use of:
 - (1) Building facades set nearer the sidewalk.

- (2) De-emphasis of automobile access and storage; avoiding an uninterrupted expanse of asphalt; and provision of large shade trees on the interior and perimeter of parking lots.
 - (3) Interesting and varied landscape designs including hardscapes.
 - (4) Common streetlights that are architecturally appropriate.
 - (5) Street furniture, such as benches, lights, raised flowerpots, drinking fountains, and public art.
 - (6) Weather protection for pedestrians.
 - (7) Design that discourages use of fencing.
 - (8) At least three operating building entrances per block and at least one per building on streets where on-street parking is permitted.
- h. Lighting plan that avoids lighting adjacent properties and the night sky.
 - i. Master signage plan that encourages monument signs, discourages retail signage that lists tenants, and discourages rooftop lights.
 - j. Covered bicycle parking areas.
 - k. Public restrooms.
 - l. Usable exterior spaces and outdoor gathering and eating areas open to the public.
 - m. Shopping cart storage incorporated into building design to screen stored carts.
 - n. Separated truck delivery and circulation from customer circulation.

Section 10.375 SPECIAL LOT COVERAGE, BUILDING SETBACKS, BUILDING HEIGHT STANDARDS, S-E

1. **Maximum Lot Coverage.** The S-E Overlay District modifies the lot coverage standards of the underlying zones as follows:
 - a. Maximum lot coverage by structures is 40% for lots in the SFR-2 zone, 45% for lots in the SFR-4 and SFR-6 zones, and 50% for lots containing single-family residences in the SFR-10 zone. These percentages may be exceeded if the footprints of the structures on a lot do not exceed 2,000 square feet. For the purposes of calculating lot coverage in the S-E Overlay District, outdoor swimming pools are considered structures only if located beneath or within a structure.
 - b. Maximum lot coverage by structures is increased by 10% for single-family lots that contain an accessory dwelling unit (ADU).
 - c. Front porches, canopies, awnings, porticos, arcades, and similar pedestrian weather protection features, when abutting a street or public plaza, as defined herein, and measuring not less than six feet in depth and six feet in width are exempt from maximum lot coverage calculations.
2. **Building Setbacks.** The S-E Overlay District modifies the building setback standards of the underlying zones as follows:
 - a. The minimum front yard setbacks in all residential zones are 15 feet for building walls and 20 feet for garage entrances, except that side-loaded garages (where vehicular access to the street is parallel to the street) may be set back 15 feet. Front porches, canopies, awnings, porticos, arcades, patio walls (if the patio wall is constructed of stucco, brick, stone/faux stone, or a similar finish and does not exceed five and a half feet in height), and similar architectural projections may be placed within nine feet of the front property line, provided that they do not encroach onto any public utility easement.

- b. The minimum rear yard setbacks for garage entrances having alley access are as follows:
 - (1) 18 feet for a garage with head-in parking on the driveway apron;
 - (2) Four feet for a side-loaded garage (where vehicular access to the alley is parallel to the alley);
 - (3) Eight feet for a garage having parallel parking only or no parking between the garage entrance and the alley.
 - c. Setbacks of the underlying zones are also modified by the following sections of the S-E Overlay District:
 - (1) Special design standards for attached housing (MLDC 10.376);
 - (2) Special design standards for Southeast Village Center (MLDC 10.377);
 - (3) Special fencing standards (MLDC 10.382).
 - (4) Standards for development in or adjacent to Greenways (MLDC 10.384);
 - (5) Standards for development abutting Arterial or Collector streets (MLDC 10.383).
3. **Maximum Building Height – Commercial Center Core Area.** Within the Commercial Center Core Area, the maximum allowable building height is 45 feet, except that the maximum building height may be increased to 60 feet for residential development as described in MLDC 10.378 (3.)

Section 10.376 SPECIAL DESIGN STANDARDS FOR ATTACHED HOUSING, S-E

Except as provided in MLDC 10.377 for the Southeast Village Center, the following standards apply to attached housing types (townhouses, multiple-family, duplexes, and other attached dwellings) in the S-E Overlay District.

- 1. **Primary Dwelling Entrances.** Primary dwelling entrances shall face a street, or face a courtyard, breezeway, or lobby that is visible from and connected to the street sidewalk. For a group quarters or residential facility, such as a congregate or retirement facility, one primary entrance must meet this requirement. For purposes of this Section, a “courtyard” is an enclosed yard through which pedestrian access is provided to a building.
- 2. **Garages.** When provided for attached housing, garages shall meet one of the standards in (a.) through (c.), and shall additionally meet both (d.) and (e.):
 - a. The garage is accessed via an alley or internal drive (required for groups of two or more free-standing garages); or
 - b. The garage door(s) is flush with the front or street side building elevation, does not exceed 50% of the entire front or street side building elevation, and the garage door(s) is constructed of material(s) that is compatible with the appearance of the rest of the building; or
 - c. The garage door(s) is set back from the front or street side building elevation or from a covered porch by at least six feet. To meet this standard, the front or street side building elevation and/or porch must account for at least 30% of the length of the building facing the street.
 - d. Carports are not permitted.
 - e. Groups of two or more freestanding garages shall be set back from adjacent streets by at least 20 feet. Frontage landscaping shall be provided to create a visual buffer between group(s) of freestanding garages and adjacent streets.

Section 10.377 SPECIAL DESIGN STANDARDS FOR SOUTHEAST VILLAGE CENTER

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

- 1. Building Orientation (Build-to Lines).** At least 50% of the length of the ground level street-facing façade of a building must be located at the minimum street setback line or abut a public plaza, as defined herein, that adjoins a street. No structure, driveway, or motor vehicle parking area may be closer than the minimum street setback line, except where provided for direct vehicle access to the street, and except for fences and patio walls under MLDC 10.375 (2.) (a.) and 10.382.
- 2. Building Setbacks.** The S-E Overlay District modifies the building setback standards of the underlying zones in the Southeast Village Center as follows:
 - a. SFR-10 Zone – The minimum front yard setback is 15 feet; the minimum street side yard setback is ten feet, and the maximum street or public plaza setback is 20 feet;
 - b. MFR and C-S/P Zones – There is no minimum front or street side yard setback, and the maximum street or public plaza setback is 15 feet;
 - c. Commercial Center Core Area – Special setback standards, if any, will be provided by the Commercial Center Core Area Master Plan.
- 3. Primary Building Entrances.** Buildings in the Southeast Village Center shall provide entrances that conform to the following standards:
 - a. Commercial, institutional, and the non-residential portion of mixed-use buildings shall have a primary building entrance that either faces an adjacent street or is placed at an angle of up to 45 degrees from an adjacent street, measured from the property line abutting the right-of-way. Buildings adjacent to, or within 200 feet of a transit stop or station shall orient a primary building entrance to face the stop or station.
 - b. When located at the intersection of two streets, a commercial, institutional, and the non-residential portion of a mixed-use building shall do one of the following:
 - (1) Provide two primary building entrances, one facing each street; or
 - (2) Orient one primary building entrance to both streets by placing the entrance at the street corner; or
 - (3) Place one primary building entrance facing one street that it is not more than 20 feet from either street measured from the property line abutting the right-of-way.
 - c. Residential buildings, except for detached single-family residences shall conform to the standards in (a.) and (b.), or provide a pedestrian walkway for access to transit stops or stations meeting the provisions of MLDC 10.775 and 10.776. Detached single-family residences shall provide a primary entrance facing one adjacent street. A primary building entrance for a residential building may face a porch or patio that is located between the building and street.
- 4. Ground Floor Windows.** Commercial, institutional, and the non-residential portion of mixed-use buildings shall provide ground floor windows that conform to the following standards:
 - a. Ground floor windows shall cover at least 50% of the horizontal length and at least 25% of the ground floor wall area of all building facades that face a street or public plaza. This requirement does not apply to the walls of residential units, nor to the walls of

parking structures when set back at least ten feet and screened with landscape materials in conformance with MLDC 10.797.

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

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

6. Landscaping and Pedestrian Amenities.

- a. The following is the minimum amount of landscaped open space required within the Southeast Village Center:
 - (1) SFR-10 zone: 20% of the project site area, except does not apply to detached single-family residential uses.
 - (2) MFR zones: 15% of the project site area;
 - (3) C-C zone: 10% of the project site area.
 - (4) C-S/P and other zones not listed in (1) through (3): 20% of the project site area.
- b. Notwithstanding MLDC 10.797, all land between buildings and/or other structures and the right-of-way shall be treated with a combination of landscaping and hard surfacing for use by pedestrians. Subject to City review and approval, extra-wide public sidewalks may provide for pedestrian amenities such as benches, drinking fountains, and/or other design elements (e.g., public art, planters, and kiosks). Weather protection elements such as awnings, canopies, porticos, covered entrances, porches, covered seating (e.g., bus waiting areas), and/or similar elements may encroach into a required setback or the public right-of-way when approved through Site Plan and Architectural Review or as part of a PUD.

Section 10.378 SPECIAL STANDARDS FOR COMMERCIAL CENTER, S-E

The S-E Overlay District modifies the provisions of the underlying zones in the Commercial Center as follows:

1. **Outdoor Uses.** Except as provided in (a.) through (c.), all uses, activities, sales, merchandise, and the stockpiling and storage of equipment and materials shall be entirely within an enclosed building. The following uses may be outside an enclosed building:
 - a. Outdoor eating areas pursuant to 10.833.
 - b. Temporary outdoor sales of merchandise pursuant to MLDC 10.831;
 - c. Temporary uses pursuant to MLDC 10.841 through 10.858;
 - d. Parks, playgrounds, greenways, outdoor performing arts facilities, outdoor sports facilities, plazas, pedestrian malls, and news racks in conformance with Chapter 6 of the Medford Municipal Code.

2. **Fueling Stations.** Fueling stations, including attached convenience stores, fuel pumps, motor vehicle services, and accessory uses, are limited to the Commercial Center Core Area and require Conditional Use Permit (CUP) approval. These uses shall conform to the CUP criteria, the following standards, and other appropriate conditions imposed by the approving authority:
 - a. Fueling stations shall not contain more than four fueling pumps on two islands, serving up to eight motor vehicles at a time; and
 - b. Fueling pumps shall provide and utilize at least Stage II Vapor Recovery for air quality.
3. **Residential Uses in Commercial Center Core Area.** Residential uses and group quarters are subject to the provisions of the Commercial Center Core Area Master Plan, and not more than 20% of the gross floor area on a project site may consist of ground floor residential or group quarters uses. Residential and group quarter uses may be located above a ground-floor commercial or institutional use, subject to the building height standards provided in MLDC 10.373 and 10.375 (3.).
4. **Prohibited Uses.** Notwithstanding MLDC 10.337, the following uses are not permitted in the Commercial Center and cannot be permitted through a PUD approval:

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

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

5. **Business Size Limitations in Commercial Center Core Area.**
 - a. The maximum gross floor area of any one business use shall be 50,000 square feet in accordance with MLDC 10.238.
 - b. The total gross floor area of all commercial businesses is limited to 100,000 square feet plus 50,000 square feet for a grocery store.
6. **Off-Street Motor Vehicle Parking.**
 - a. Except for residential and group quarters uses, there shall be no requirement to supply a minimum number of off-street motor vehicle parking spaces in the Commercial Center.

- b. Except for residential and group quarters uses, the number of off-street motor vehicle parking spaces provided for each use shall not exceed 120% of the minimum standard for the subject use.
 - c. Shared motor vehicle parking spaces, even where there is overlap in time of use, and reciprocal access and use are permitted as determined through the PUD approval process.
7. **Pedestrian Amenities.** For every ten square feet of site area developed with commercial, institutional, residential, and/or mixed-use development, at least one square foot of area shall be devoted to pedestrian amenities. These may include amenities provided by the developer on public property or right-of-way with City authorization. Pedestrian amenities may include, but are not limited to, public and/or private plazas, outdoor seating, pocket parks, transit waiting areas and facilities, extra-wide sidewalks (wider than minimum City standard) with street furnishings (e.g., seating, fountain, public art, information kiosk, sidewalk vending where permitted, and similar furnishings). This ratio may be reduced or waived for projects that provide parking structures for multiple users, subject to City approval of a PUD and recorded shared parking agreement.

**Section 10.379 STREETScape, Planter Strip, and Street Tree
STANDARDS, S-E**

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

1. **Streetscape and Planter Strip Plan Required.** A Streetscape and Planter Strip Plan shall be submitted as part of an application for a Land Division, Preliminary PUD Plan, Transportation Facility, Site Plan and Architectural Review, or Conditional Use Permit, except when the project site has no public or private street frontage, or a Streetscape and Planter Strip Plan has been previously approved for the site frontage. The approving authority shall approve, conditionally approve, or disapprove the Plan after review and recommendations from City staff.

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

b. **Landscaping Installation and Continued Maintenance.** Except for planter strips and medians in Arterial streets, and for medians in Collector streets, installation and maintenance of the approved landscaping, including street trees, shall be a continuing responsibility of the owners of the abutting property or another responsible entity and shall be assured through CC&Rs, property owner association agreements, or the conditions of approval for PUDs, Site Plan and Architectural Reviews, or Conditional Use Permits.

2. **Street Trees and Right-of-Way Landscaping Required.** Street trees and right-of-way landscaping shall be planted and maintained along all public or private streets as a condition

of the following actions. Trees on private and public property are also regulated elsewhere in this Municipal Code, including in Sections 6.700 through 6.750.

- a. As a condition of approval for any subdivision, land partition, or PUD; or,
- b. As a condition of approval for any development requiring Site Plan and Architectural Review; or,
- c. As part of the project when Arterial and Collector streets dedicated, or intended to be dedicated, for public use are constructed or improved ; or,
- d. As a condition for a permit to remove a street tree when replacement is required.

3. Street Tree Spacing Standards. Where within or abutting residential zones on the same side of the street, street trees shall be installed to provide not less than a 100 percent canopy cover over the sidewalk at the time of tree maturity. Within or abutting commercial zones on the same side of the street, street trees shall be installed to provide not less than a 70 percent canopy cover over the sidewalk at tree maturity. Canopy cover shall be based on tree maturity and growth habit data provided in the *Official List of City of Medford Approved Street Trees*, a copy of which is on file in the City of Medford Parks Department. Street trees shall not be located within 20 feet of the corner of an intersection of two streets measured at the curb line. Where trees are required in on-site street frontage landscaping pursuant to MLDC 10.797, street trees located in the right-of-way may be counted towards this requirement on a one to one basis at the discretion of the approving authority.

4. Street Tree Types; Minimum Tree Size.

- a. Appropriate tree species, variety and cultivars shall be selected from the *Official List of City of Medford Approved Street Trees*, a copy of which is on file in the City of Medford Parks Department. .

The approving authority shall consider tree type selections based on the following:

- (1) Maximizing tree canopy size at maturity to provide maximum shading.
- (2) Avoiding conflicts with utilities, street lighting, and traffic visibility.
- (3) Meeting unique site aesthetic considerations.
- (4) Ensuring tree type diversity within a multi-block area.

- b. New street trees shall have a minimum trunk diameter of two inches measured 12 inches from the ground.

5. Location of Street Trees.

- a. Street trees shall be planted within the planter strips located between the curb and the sidewalk, no closer than three feet from the curb line. For those commercial areas where no planter strips are planned, tree wells with grates shall be used, the design of which shall be as approved in the Streetscape and Planter Strip Plan.
- b. If no planter strip or tree wells exist, required street trees may be planted within the street right-of-way, or on private property, subject to the following conditions:
 - (1) The street trees may be planted between the edge of the street improvements and street right-of way line provided that the tree is no closer than three feet from the planned curb line and not within a planned sidewalk.
 - (2) For any street tree planted within a public utility easement, a deed restriction shall note that tree replacement due to utility work is the responsibility of the property owner.
 - (3) Any street tree planted within six feet of or inside a public street right-of-way, or in a public utility easement, shall be planted with a City-approved root controlling design.

- (4) When necessary, the street trees may be planted on private property not more than ten feet back from the street right-of-way line. When required street trees are planted on private property, deed restrictions shall be recorded indicating that such trees are subject to the same City of Medford regulations as street trees within a public right-of-way.
6. **Timing for Installing Street Trees and Right-of-Way Landscaping; Security to Guarantee Installation.**
- a. **Single-Family Residential Land Divisions.** The planting of street trees and right-of-way landscaping may be deferred for new single-family lots until dwellings are constructed, at which time street trees and landscaping conforming with the approved Streetscape and Planter Strip Plan and this Section shall be planted within 30 days after occupancy of the dwelling. When the planting of street trees and landscaping is deferred, the developer shall enter into an agreement with the City and post security to ensure compliance.
- b. **Multiple-Family Residential, Commercial, and Institutional Development.** Street trees and planter strip landscaping conforming with the approved Streetscape and Landscape Plan and this Section shall be planted in conjunction with new multiple-family residential, commercial, and institutional development. As a condition of the PUD, Site Plan and Architectural Review, or Conditional Use Permit approval, the developer shall enter into a recorded Building Site Improvement Agreement that ensures compliance with this Section.
- c. **New Dwellings; Relocated Dwellings.** For new or relocated dwellings on existing lots not subject to (a.) or (b.), street trees and landscaping conforming with the approved Streetscape and Landscape Plan and this Section shall be planted within 30 days after occupancy. As a condition of the issuance of the building permit, the developer shall enter into a recorded Building Site Improvement Agreement that ensures compliance with this Section.
- d. **Security to Guarantee Street Tree Installation.** If an agreement required to defer street tree and landscape planting under this Section stipulates the posting of security, the applicant and all owners of the subject parcel, prior to issuance of the building permit or final approval of an application, shall be required to sign an agreement with the City that assures planting of the trees and landscaping required by the approved Streetscape and Landscape Plan within 30 days after occupancy of the building. Such agreement shall expressly assume financial responsibility for the planting. The City shall approve the agreement prior to execution, and it shall be accompanied by a certified check, surety bond, or other security acceptable to the City to cover 125% of the estimated cost of planting the deferred street trees and landscaping.

Section 10.380 STREET LIGHTING STANDARDS, S-E

1. **Public Streets.** For public streets within the S-E Overlay District, street lighting and pedestrian-scale street lighting meeting the design and improvement standards specified for the S-E Overlay District within the *City of Medford Street Lighting Standards and Specifications*, a copy of which is on file in the Medford Public Works Department, shall be installed as follows:
- a. At least one streetlight shall be installed at each street intersection and at any pedestrian street crossing other than at street intersections.

- b. Pedestrian-scale street lights shall be installed on both sides of lower order streets at least every 80 feet within the planter strips, or, where planter strips are not required, located within the street right-of-way at locations agreed upon by the Director of the Medford Public Works Department or designee. For Collector and Arterial streets, the use and location of pedestrian scale streetlights shall be as determined by the approving authority in the development review process.
 - c. Streetlights and pedestrian-scale streetlights shall be designed or shielded so as to prevent light from being emitted above the fixture.
 - d. The location of streetlights and pedestrian-scale streetlights shall be coordinated with streetscape and planter strip or street tree planting plans where required or utilized.
 - e. The operation and maintenance costs for the pedestrian-scale street lighting shall be charged to the benefiting property owners through establishment of a utility fee.
2. **Private Streets.** For private streets within the S-E Overlay District, street lighting and pedestrian-scale street lighting shall be installed in accordance with (1.), unless the PUD approval authorizes a modification. Legal documents shall be submitted in a form acceptable to the City Attorney prior to recording in the official records of Jackson County that assure that the street lighting and pedestrian-scale street lighting systems will be perpetually maintained and operated by individual property owners, an association of property owners, or other entity.

Section 10.381 SPECIAL STREET DESIGN AND VEHICLE ACCESS STANDARDS, S-E

1. **Street, Streetscape, and Vehicle Access Design.** Streets, streetscapes, and vehicle access to individual properties within the S-E Overlay District shall be located, designed, and constructed consistent with the Municipal Code and adopted *City of Medford Engineering Standards and Specifications*, except as modified by any adopted Neighborhood Circulation Plan and, as applicable, the Commercial Center Core Master Plan.
2. **Vehicle Access to Narrow Lots.** Residential lots with 50 feet or less width and 50 feet or less street frontage shall receive vehicular access from an alley or additional Minimum Access Street.

Section 10.382 SPECIAL FENCING STANDARDS, S-E

1. **Fences Abutting Rights-of-Way, Front Yard.** Notwithstanding MLDC 10.732 and except as provided for patio walls in MLDC 10.375 (2.)(a.), the maximum wall or fence height within a front yard abutting a street right-of-way is three feet, provided that the wall or fence shall be located on private property and no closer than two feet from the sidewalk. The fence setback area between any fencing and the sidewalk shall be landscaped, irrigated, and maintained with a combination of perennial ground cover plants and low growing (less than three feet in height) shrub plantings.
2. **Fences Abutting Rights-of-Way, Side or Rear Yard.** Notwithstanding MLDC 10.732, and except as provided for patio walls in MLDC 10.375 (2.)(a) and for Major Arterial street frontages, the maximum wall or fence height within a rear or side yard abutting a street right-of-way is six feet, provided that the wall or fence shall be located on private property, no closer than 10 feet from the sidewalk, and must be of a consistent design and color within a single block. Open fencing having a picket design within a rear or side yard abutting a street right-of-way can be located within three feet of the sidewalk, if not exceeding five and a half feet in height, provided that the wall or fence shall be located on

private property and must be of a consistent design and color within a single block. The fence setback area between any fencing and the sidewalk shall be landscaped, irrigated, and maintained by the abutting property owner, a property owners' association, or other responsible entity.

3. **Chain Link Fencing Limitations.** Chain link fencing is prohibited within the S-E Overlay District, except black dip-coated chain link fencing with black posts and without interwoven strips is permitted adjacent to open space, schools, and parks. The approving authority at their discretion may allow chain link fencing in other situations or designs.

Section 10.383 STANDARDS FOR DEVELOPMENT ABUTTING ARTERIAL OR COLLECTOR STREETS, S-E

1. **Purpose.** This section is intended to protect the functionality of Collector and Arterial streets, which must serve multiple modes of traffic while meeting the need for access to neighborhoods and individual uses. This section is also intended to promote an attractive and safe streetscape by orienting buildings toward the street for natural surveillance, rather than orienting backyard fences to the street.
2. **Vehicular Access Standards.** Direct vehicular access to a parcel shall not be provided from an Arterial or Collector street unless none of the options in (a.) through (d.) are available; however, access shall be consistent with any adopted Neighborhood Circulation Plan, and the Commercial Center Core Area Master Plan where applicable.
 - a. Access from a side street that is a lower-order street; or
 - b. Access from an alley; or
 - c. Access from a Frontage street (commercial); or
 - d. Access from a shared driveway (not permitted on Arterials).
3. **Through-Lots.** Notwithstanding MLDC 10.383 (2.) and 10.704, the following applies to through-lots:
 - a. Detached or attached single-family residential through-lots are permitted only where an applicant can demonstrate why the creation of through-lots is unavoidable due to environmental, physical, topographical, or existing development constraints, subject to the review and approval of the approving authority.
 - b. Where through-lots are authorized in any zoning district, except for single-family residential through-lots on Major Arterial streets, an irrigated landscaped buffer shall be installed behind the back of the sidewalk abutting the rear yard. The landscaped buffer may be in common ownership or incorporated into extra deep lots, subject to the review and approval of the approving authority. The minimum depth of the buffer shall be at least ten feet, except where 10.382 (2.) permits a fence within three feet of the sidewalk. Additional depth may be required by the approving authority when necessary to provide visual buffering. Design, installation, and maintenance of the landscaped buffer shall be assured in a form acceptable to the City Attorney's Office. All required landscape improvements shall be installed or guaranteed, in conformance with City standards, prior to issuance of building permits.

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

[Note: The language in this section is not yet proposed for amendment pending further policy development.]

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

A. Location and Extent of Greenway Designation. Within the S-E Overlay District, the general location of Greenways shall be as depicted on both the GLUP Map and Southeast Plan Map, provided that, a more precise location shall be established as follows:

1. The Greenway designation shall extend not less than 50 feet from the top of the bank on each side of the channel along the North, Middle, and South Forks of Larson Creek. The top of the bank shall be as defined in MLDC 10.012.
2. For Greenways that are not located along the North, Middle, or South Forks of Larson Creek, the Greenway designation shall extend not less than 20 feet from the centerline of the drainageways.
3. The size and location of Greenways may be altered by the City when needed to comply with state and federal regulations.

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

1. Streets, roads, bridges, and paths where necessary for access or crossings, provided these uses are designed and constructed to minimize intrusion into the riparian area.
2. Drainage facilities, utilities, and irrigation pumps.
3. Water-related and water-dependent uses.
4. Interpretive and educational displays, and overlooks, including benches and outdoor furniture.
5. Replacement of existing structures with structures in the same location that do not disturb additional riparian area.
6. Other uses and activities permitted in the underlying zoning district, unless prohibited by state or federal regulations, as may be approved as part of a PUD, provided that the City may install or permit the installation of any use or activity permitted in the underlying zoning district without PUD approval.

C. Greenway Improvements.

1. Improvement Standards. Greenways shall be improved according to the following standards:

- a. Except for the Greenway that passes through the Village Center Commercial designation shown on the Southeast Plan Map, and as may otherwise be approved as part of a PUD, Greenways shall consist of native vegetation, and shall not be improved except as permitted in this Section, provided that:
 - (1) Additional canopy trees of a size, species, and variety approved by the City may be installed to augment the natural landscape and stabilize the banks of drainageways.
 - (2) Enhancement of the native vegetation is encouraged. Noxious weeds or nonnative vegetation may be removed if replaced with native plant species as approved by the appropriate state and federal agencies.

- (3) Nothing in this Section shall be construed to prohibit the preservation or enhancement of wetlands as may be required by any public agency having jurisdiction over wetlands consistent with the laws of the City, state, and federal governments.
- b. Improved access for the equipment needed for maintenance of storm drainage facilities and for bicycle and pedestrian circulation shall be provided on at least one side of each drainageway within a Greenway in a location determined by the City to have the least impact on the vegetation in the riparian area. Said access shall be constructed to the standards of the City. Where acceptable access for the maintenance of storm drainage facilities and bicycle and pedestrian circulation is provided along a planned or existing street adjacent to a Greenway, the access requirement within the Greenway may be waived.
 - c. Greenways shall be improved at the time adjacent land is developed.
 - d. Where feasible, streets shall be collinear and adjacent to Greenways.
2. **Responsibility for Greenway Improvements.** Required improvements in Greenways shall serve two principal purposes as explained in the *Medford Comprehensive Plan*: 1) for storm drainage based on the *Comprehensive Medford Area Drainage Master Plan (1996)*; or, 2) for pedestrian and bicycle circulation. The Southeast Plan Map denotes the principal purpose for the required improvements in each Greenway. The responsibility for installing Greenway improvements to the standards in this Section shall be based on the following:
- a. **Greenway Improvements for Storm Drainage.** The installation of improvements that provide required access to storm drainage facilities in Greenways based on the Southeast Plan Map and the *Comprehensive Medford Area Drainage Master Plan (1996)* shall be by, and at the sole expense of, the owners of the land adjacent to either side of the Greenway, or segment of, unless otherwise approved by the City. Absent an adopted Greenway design plan, the City shall approve, on a case-by-case basis, the location of a surfaced path required to provide access for storm drainage maintenance, and any other required or proposed improvements. The City may require all or any part of the Greenway to be dedicated for public use and/or ownership following the installation of the required improvements. However, the City, in its sole discretion, may permit the dedication of easements in lieu of fee-simple land dedication.
 - b. **Greenway Improvements Exclusively for Pedestrian and Bicycle Circulation.** The installation of a surfaced path in Greenways, other than those for storm drainage, shall be by and at the sole expense of the City unless otherwise agreed upon. Absent an adopted Greenway design plan, the City shall approve, on a case-by-case basis, the location of a surfaced path required to provide pedestrian and bicycle circulation, and any other required improvements. All or part of Greenways improved exclusively for pedestrian and bicycle circulation may be acquired by the City through dedication or purchase of the land in fee-simple or through the acquisition of easements.
 - c. **Extent of Greenway Improvements.** Pursuant to this Section, the portion of each Greenway required to be improved by a property owner at the time of development shall be that portion of his/her property contiguous to the property to be developed. Where a Greenway passes through a parcel, the owner, pursuant to MLDC 10.374

(C.)(2.)(a.), shall be required to improve the entire Greenway segment passing through his/her parcel.

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

D. Commercial Center

1. **Greenway Improvements.** Unless prohibited by state or federal regulations, in the Village Center Greenway encompassed by the Commercial designation, undesirable shrubs, trees, and noxious vegetation may be removed, and ornamental vegetation installed to supplement the remaining native vegetation. Proposed Greenway improvements shall be incorporated into the Master Plan for the Village Center Commercial designation. Such improvements shall be made at the time of development, unless phased with the phased construction of buildings. When buildings representing greater than 50 percent of the approved square footage on either side of the North Fork of Larson Creek within the Commercial designation have been developed, then all required Greenway improvements on that side of the creek shall be installed at the sole expense of the property owner(s). If needed, the City shall facilitate a reimbursement agreement providing for future reimbursement to an owner required to install Greenway improvements greater than his/her proportional share.
2. **Creekside Development.** The development of land adjoining the Greenway within the Village Center Commercial designation shall conform with the following requirements, unless waived or modified as part of the PUD process:
 - a. **Pedestrian Walkway Connections.** A pedestrian walkway as required in Sections 10.772 through 10.776 shall link the principal building of each creekside use or activity to the multi-use path within the Greenway, if on the same side of the drainageway as the path.
 - b. **Pedestrian Walkway Lighting.** All pedestrian walkway connections to the multi-use Greenway path shall be lighted with the type of fixtures required in Subsection 10.375(B) [*requirement to be deleted*] and meeting the definition of "pedestrian scale lighting" in Section 10.012.
 - c. **Landscaping Between Creekside Development and Greenway.** Undeveloped land between each creekside building, use, or activity and the Greenway shall be landscaped in a manner compatible with the native vegetation, and irrigated with an automatic underground system. Such landscaping shall be designed to produce areas of high surveillance to reduce the potential for vandalism and criminal mischief. Landscaping to achieve high surveillance includes grass and ground cover, shrubs less than two and one-half feet in height, and deciduous trees that produce canopies having the lowest branches more than six feet from the ground. Such landscaping shall not conflict with or violate state and federal regulations related to the preservation of wetlands or riparian areas.

Section 10.385 SCHOOL AND PARK SITE LOCATION, S-E

- 1. Purpose.** The purpose of requiring public school and park sites to abut streets instead of the backs of lots is to support natural surveillance of public spaces for crime prevention, and to provide adequate public access to parks and schools. The standard ensures at least a minimal amount of visibility into the site for security, and the potential for a limited amount of on-street parking.
- 2. Schools and Parks location standard.** Public school and park sites shall abut streets instead of the backs of lots. This standard is met when a school or park site has frontage onto at least one public street for a distance of not less than 100 feet. The standard does not apply to private schools, parks, or open spaces.

November 11, 2004

Proposed Correction to 10.373

Maximum residential density for mixed-use buildings in the Commercial Center

The consultant had originally proposed that a density bonus be provided for mixed-use buildings in the Commercial Center. A maximum density of 60 units per acre was provided in the proposal. This was deleted by staff when the change to the citywide density calculation was proposed to require no minimum or maximum for a mixed-use building. However, the Committee members have requested that the 60 units per acre limitation be kept for the Commercial Center as originally proposed. Staff has no objections to this.

Note: The definition of a mixed use building includes the provision that there be at least 80% non residential uses on the ground floor.

CITY OF MEDFORD
EXHIBIT # **B-1**
File # **DCA-04-166**

PROPOSED CORRECTION 11-11-04

Section 10.373 GENERAL LAND USE PLAN MAP, SOUTHEAST PLAN MAP, ZONING, AND RESIDENTIAL DENSITY, S-E

1. General Land Use Plan Map Designations, Southeast Plan Map Land Use Categories, Zoning, and Residential Density. The General Land Use Plan Map designations, Southeast Plan Map land use categories, zoning, and residential densities permitted in the S-E Overlay District are provided in Figure 10.373.

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

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

B. Maximum permitted residential density is 36.0 units per acre in MFR-30, C-S/P, and C-C, plus the 20% density bonus permitted in a PUD, except that ~~and~~ mixed-use buildings as defined herein shall have ~~no minimum or a~~ maximum density requirement ~~of 60 units per acre within C-S/P and C-C~~ the Commercial Center. Within the Commercial Center Core Area, residential development shall conform to MLDC 10.378 (3).

FIGURE 10.373: Southeast Area General Land Use Plan Map, Southeast Plan Map, Zoning, and Residential Density

General Land Use Plan Map Designation	Southeast Plan Map Land Use Category ¹	Permitted Zoning	Permitted Residential Density Range Du/Ac ³ (PUD Du/Ac) ⁴
UR	Estate Lot	SFR-2	0.8 to 2.0 (2.4) ⁴
UR	Standard Lot	SFR-4 or SFR-6	2.5 to 6.0 (7.2) ⁴
UR	Small Lot	SFR-10 with alleys ² SFR-10 without alleys	5.0 to 10.0 ² 6.0 to 10.0 (12.0) ⁴
UMDR	Rowhouse	MFR-15	10.0 to 15.0 (18.0) ⁴
UHDR	High Density	MFR-20 MFR-30	15.0 to 20.0 (24.0) ⁴ 20.0 to 36.0 (43.2) ⁴
Commercial and Service Commercial	Service Commercial, Commercial, Commercial Center Core	C-C and C-S/P Mixed-use Buildings	20.0 to 36.0 (43.2) ⁴ 60.0²
Parks and Schools (UR Underlying)	School	SFR-4 or SFR-6	Not Applicable
Parks and Schools (UR Underlying)	Park	SFR-4 or SFR-6	Not Applicable
Greenway	Greenway	Any	Not Applicable

Table Footnotes:

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

² Special density provisions for SFR-10.

³ Du/Ac = Dwelling units per acre.

⁴ The maximum residential densities with the 20% increase permitted by MLDC 10.230 D. (8.) for PUDs are shown in parentheses.

~~Mixed-use buildings in the Commercial Center shall not exceed a maximum of 60 du/ac.~~

40. Oral and Written Requests and Communications.

Carol Berg representing the Citizens Planning Advisory Committee (CPAC) discussed the effect of the Southeast Plan Overlay and the impact on the storm drainage system. Upon studying the project, the Committee found one area of major concern. Ms. Berg submitted a letter to the Planning Commission outlining this concern. CPAC is requesting the Planning Commission delay approval of Southeast Overlay proposed Section 10.375 regarding increase in lot coverage until such time as the City has completed additional research to determine that the storm drainage system is adequate for an increase in lot coverage as proposed. CPAC's recommendation has been submitted to the City Council as well.

THE PLANNING COMMISSION ALSO TOOK THE FOLLOWING ACTIONS:

OUT OF SEQUENCE

60. Written Communications.

- 60.1 PUD-01-001 Consideration of PUD Final Plan approval for Fern Gardens, a 257-unit assisted living and enhanced care facility on 7.20 acres located on the east side of Table Rock Road approximately 400 feet south of Midway Road, within an MFR-30 (Multiple-Family Residential – 30 units per acre) and SFR-6 (Single-Family Residential – 6 units per acre) zoning district; Luis Jauregui, Applicant (L. Calvin Martin, Agent).

Principal Planner Jim Maize summarized the Staff Report of November 2, 2004, and the applicable criteria. The applicant has provided a narrative which identifies and addresses each issue of this request. The final PUD plan is substantially consistent with the preliminary PUD plan approved by the Site Plan Architectural Commission and the Planning Commission, including all required revisions. The final plan results in a net reduction of six dwelling units, which is not more than a five percent decrease, consistent with the final plan approval criteria. The applicant is proposing a revision of the phase line only affecting the development of the interior of the assisted living facility. All other aspects will be developed as a single phase. There is a difference in elevation in the larger assisted living facility, although the overall height is consistently the same, the applicant has created a basement approach towards the interior so the interior has four stories rather than the approved three. Staff recommends that the Planning Commission approve this request as per the Staff Report dated November 2, 2004.

Motion: Find that the Final Plan is substantially consistent with the preliminary approval and direct Staff to prepare a Final Order for approval of PUD-01-001 as per the Planning Commission Staff Report dated November 2, 2004 including all exhibits and conditions.

Moved by: Commissioner McFadden

Seconded by: Commissioner Ruffing

Vote: 6-0

Abstention: Commissioner Bartlett

DCA - 04-166

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, RVT, 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 RVT – 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 RVT.

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

D
DCA - 04-166

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

November 9, 2004

To: Medford Planning Commission

From: Citizens Planning Advisory Committee (CPAC)

RE: Comments on the Southeast Plan Overlay

We appreciate being included in the request for comment regarding the Southeast Plan Overlay.

Generally, our committee feels the plan to be quite comprehensive and well planned and are excited to be a part of this time of great expansion to the City of Medford's housing requirements.

There is one area where we unanimously felt the impact of proposed changes would greatly hinder the eventual resources of the city however, and after combined efforts of research, conversation, and appeals to the SEO Committee, we sent a letter outlining our concerns to the City Council.

The impact of increased Lot Coverage (Section 10.375) will GREATLY affect our storm drainage system beyond its capacity to handle even the 10 year storms, not to mention the 15, 25 and 50 year storms. Our current storm drainage system is barely maintaining current flows and needs improvements in the area of \$35 million just to handle the current storm waters. The current budget is not addressing these current financial needs. The SEO is not addressing the impact of the addition of its 1000 plus houses to the current system, muchless the impact of increased lot coverage. Finally, it is obvious that the proposed storm water detention system, designed for only a 10 year flood, will not possibly mitigate the effects of increased lot coverage in 15, 25, or 50 year storms.

The proposal in the SEO to increase the lot coverage (Section 10.375) is irresponsible to our fiscal policy and to our homeowners in the lower areas of our city who will be impacted by flooding. We therefore appeal to your greater senses of duty to our present situation and request that you delay approval of any increases in lot coverage until these issues are properly resolved.

We respectfully submit our recommendations on the Southeast Plan Overlay.

enc: June 26, 2004 Recommendation to the City Council
Report on Lot Coverage Standards for Jackson County Cities

CITY OF MEDFORD
EXHIBIT # E
File # DCA-04-166

To: Medford City Council
Study Session July 8, 2004

From: Citizen's Planning Advisory Committee (CPAC)

Date: June 26, 2004

RE: Southeast Overlay District Lot Coverage's Recommendation

It has come to our committee's attention recently, through presentations regarding the Southeast Overlay District, that Lot Coverage is a code issue that the SEO Committee has recommended for change. This change is not only for the SEO District, but for the entire city of Medford.

We at CPAC still have serious concerns about this proposed amendment that we feel have not been fully addressed by the SEO committee, even though we have made our concerns known to the committee and they responded in part. Thus we are appealing to the city council for you to consider our concerns, and hope that you will give this the attention it deserves.

To our knowledge, the most recent copy of the draft that we are aware of is dated April 14, 2004. The section we are most concerned about is Section 10.375 SPECIAL LOT COVERAGE, BUILDING SETBACKS, BUILDING HEIGHT STANDARDS, S-E., #1 Maximum Lot Coverage. Please refer to enclosed copy along with the copy of the current Lot Coverage Stds.

The proposed percentage increase in lot coverage is: for SFR2 going from 35% to 40% (a 14.5% increase), for SFR 4&6 from 40% to 45% (a 12.5% increase), and for SFR10 (for single family residences) from 40% to 50% (a 25% increase). The proposal also exempts swimming pools unless they are covered, and various front porches, canopies,

At CPAC, we formed a work group to look at this proposal. We found that most cities in the Rogue Valley use the Lot Coverage Std, with 40% being the standard, along with the dwelling footprint and other covered structures and swimming pools being included in the definition of structures. The exception was Ashland which includes all impervious surfaces including driveways and walkways.

We requested the reason for the increase in Lot Coverage and was informed that the size of the houses, and the style of housing, using front porches and single levels, are what the current market demands and are the impetus for this change.

We spoke with Larry Beskow, who is working on a storm drainage and storm water runoff plan, and asked him for his opinion of this increase. The engineering department works with the term "impervious surface" as opposed to "Lot Coverage" which is the codedescription, and therefore had not considered the impact of increased "Lot Coverage" on the City's storm drainage system.

He informed our committee when he met with us March 9, 2004, that the city's storm drainage system was severely in need of maintenance, to the tune of approximately

\$35 Million, none of which is budgeted. Currently when there is a problem, he personally is attending to the cleaning of the city's storm drains. He felt that the Stormwater Management Program was definitely a step in the right direction, but that the Program would not be actively mitigating any storm water damage until 4 to 5 years after adoption of the program.

When asked by the SEO Committee whether the increased lot coverage would impact the storm water runoff, Mr. Beskow felt that the increase, by itself, (not to mention the increase in development that continually puts stress on the system) would increase the average runoff volume by approximately 14% to 29%. He has specific recommendations to help mitigate the potential runoff problem, but they need to be put in place immediately and become a part of the SEO plans when the lot coverage issue is addressed.

Currently, the final runoff from rains in Medford will travel through Bear Creek or two smaller north side Rogue River tributaries. There is limited capacity as witnessed by the floods of 1964 and 1997. Bear Creek receives runoff from 289 square miles including other developed locations such as Ashland, Talent and Phoenix.

Data Sourced from Oregon Climate Service and the US Geological Survey: The 1997 flood measured 17,000 cfs while the 1964 flood occurred at a flow of 14,500 cfs. More impermeable lot coverage and less ground absorption capability may exasperate the potential to flood:

<u>Daily Rainfall</u>	<u>Dates:</u>					
1964 Dec.	<u>19</u>	<u>20</u>	<u>21</u>	<u>22</u>	<u>4-days</u>	
Inches/24 Hrs	0.74	1.01	1.90	3.20	6.85	
Temp Range	46-32	47-37	58-40	66-50	66-32	
1996/97 Dec/Jan	<u>29</u>	<u>30</u>	<u>31</u>	<u>1</u>	<u>4-days</u>	
Inches/24 Hrs	0.33	1.05	0.87	1.53	3.78	
Temp. Range	57-40	53-38	58-43	57-46	58-38	

We on the Citizen's Planning Advisory Committee, feel this issue must be addressed. Therefore we are making the following recommendations to the City Council:

- 1) Approval of any new lot coverage standards should be delayed until a storm water detention ordinance is complete.
- 2) Establishment of a city-wide goal to have developers maintain pre-development storm drainage flow through detention and other means.

LOT COVERAGE STANDARDS - SINGLE FAMILY RES - LOCAL MUNICIPALITIES

CITY ZONE	MEDFORD	ASHLAND	PHOENIX	TALENT	CENTRAL PT	J'VILLE
SFR2 ZONES:	35%	R15: 50%	ALL ZONES:	ALL ZONES:	ALL ZONES:	ALL
SFR4	40	R175: 45%	40%	40%	40%	40%
SFR6	40	R110: 40%				
SFR10	40	R-2: 55%				

NOTES:

STRUCTURES INCLUDE MAIN DWELL GARAGE ACCES BLDG COV PATIOS DECKS POOLS	BASED ON TOTAL AREA OF ALL STRUCTURES INCL PAVED DRIVEWAYS OR OTHER SOIL DISTURB. THAT WILL	GARAGES, CARPORTS INCLUDED	DWELLING FTPRINT INCLUDED	"BLDG. COVERAGE"
NOT INCLUDE: DRIVEWAYS WALKWAYS	NOT ALLOW NORMAL WATER INFILTRATION	COV. PATIOS NOT INCL.	UNCOV. PATIOS, POOLS NOT INCL.	

30.2.3 Subcommittee Reports

On behalf of the Lot Coverage Subcommittee, Carole Berg submitted a draft advisory statement for submission to the Planning Commission. The statement addresses CPAC's concern about the changes in lot coverage standards proposed for the Southeast Overlay District. CPAC members offered suggestions for some revisions, and agreed to submit the statement to the Planning Commission and City Council. Members asked Ms. Berg to submit the written statement at the next Planning Commission meeting, and also to testify verbally during the public comment period.

30.2.4 Other Announcements

Karen Blair presented a stack of surveys from the Leisure Services Plan process, and asked staff to relay them to Pete Young.

30.3 Upcoming Planning Commission Study Sessions

November 11 – South Interchange Management Plan – Gary Miller;
David Evans & Assoc.
Joint session with City Council

Not yet scheduled –

- EFU lands within urban growth boundaries
- Hillside Standards
- Land Use Legal Training (ongoing)
- Sign Ordinance Amendments
- Wetlands ESEE
- Public Hearings Officer
- RPS/ Water Request Properties
- TSP Implementation
- Southeast Plan Implementation:
 - Phase 1 Ordinance
 - Phase 2 – Neighborhood Circulation Plan/Greenways Policy Issues
 - Phase 3 – Village Commercial Master Plan

30.4 Upcoming City Council Study Sessions

November 11 – South Interchange Management Plan – Gary Miller;
David Evans & Assoc.

December 2 – Community Reinvestment Act – Louise Dix
Pre-Disaster Mitigation – Jef Faw

DCA - 04-166

30.5 Upcoming policy issues for possible CPAC consideration –

Historic conservation district
 TSP amendments
 Stormwater detention
 Neighborhood plans
 Consolidated Plan update (HUD)
 Year-end report on residential development
 Public land inventory
 RPS refinement: land uses in future growth areas
 Affordable housing pilot project – Housing Commission proposal.
 Hillside Ordinance
 Alley reversion
 ADU issues
 Open space conservation, acquisition
 Timing of Facility Adequacy evaluations; cumulative impacts

40. LAND USE POLICY ISSUES**40.1 DCA-04-59 – Class “C” Code Amendments**

CPAC members briefly discussed the purpose and impact of the code amendment, and the state enabling legislation that made it possible. Members understood that submittals for complex land use applications include a very large amount of material, and that “completeness” is not necessarily an easy determination to make.

Hugh Hohe expressed concern that the amendment doesn’t specify that a staff finding that a land use application is incomplete should itemize the application’s deficiencies. Steve Rehn said such itemization is already department practice, whether or not it is codified.

Motion: Recommend approval of DCA-04-59.

Made by: Gary Stine **Second:** Ernest Garb

Vote: 10 - 0

40.2 Southeast Plan General Plan and Development Code Amendments

CPAC members reiterated their consensus that the Southeast Plan in almost all of its elements is generally a good policy. They remain concerned about the impact of the change in lot coverage standards on Medford’s vulnerability to flooding.

Motion: CPAC recommends that the lot coverage standards set forth in the Southeast Overlay development code provisions – specifically §10.375 ¶ 1: Maximum Lot Coverage – should conform to the impervious surface standards set forth in Medford’s Stormwater Master Plan. The City of Medford will be subject to increased flooding if the proposed changes in lot coverage are adopted. CPAC strongly recommends that the

Maximum Lot Coverage provisions proposed in the Overlay District amendment be denied.

Made by: John Pearson *Second:* Curtis Folsom

Vote: 10 - 0

Motion: Apart from §10.375, CPAC recommends approval of DCA-04-166, and CPAC also recommends approval of CP-04-165.

Made by: Ernest Garb *Second:* Carole Berg

Vote: 10 - 0

50. IMPLICATIONS OF CURRENT LAND USE APPLICATIONS

No current applications were discussed.

60. GENERAL DISCUSSION

Joel Marks asked if staff had verified the legality of land dedication requirements as a mechanism for park acquisition. Steve Rehn said it is legal within the limits set by Dolan. Mr. Marks and Hugh Hohe asked staff to find examples of ordinances that require park land dedications.

Curtis Folsom wondered if open space preservation makes it more difficult for Medford to achieve its residential density goals. Steve Rehn said that land dedicated for parks and schools is not counted in residential density calculations, but that golf courses are counted because they are typically zoned residential and include some housing. Mr. Folsom suggested that this might discourage golf courses, which he feels provide public benefit.

John Pearson suggested that golf courses would provide more benefit if they were located in inter-city buffer areas. He pointed out that under the present system, golf course development inside city limits would put pressure on the City to increase density elsewhere.

CPAC members asked staff how the City is responding to Measure 37. Steve Rehn said the Measure had been the main subject at the Planning Department staff meeting, but that the City had not yet formulated any policies. The Measure becomes effective on December 2, so the City must have policies in place by then. The State legislature will likely modify the law, but doesn't begin its next session until January.

CPAC members agreed that Measure 37 is probably the most important land use planning issue currently facing the City, and asked staff to place it on the agenda for the next meeting.

Curtis Folsom asked if a master plan for Southwest Medford is in the works. He commented that the area is rapidly re-developing from rural residential patterns to fully