

PLANNING COMMISSION AGENDA FEBRUARY 26, 2015



Commission Members

Tim D'Alessandro
Norman Fincher
Chris MacMillan
Bill Mansfield
David McFadden
Mark McKechnie
Patrick Miranda
Jared Pulver
Alec Schwimmer

Regular Planning Commission
meetings are held on the second &
fourth Thursdays of every month

Beginning at 5:30 p.m.

City of Medford

City Council Chambers
411 W Eighth Street, Third Floor
Medford, OR 97501
(541) 774-2380



MEDFORD PLANNING COMMISSION **AGENDA**
February 26, 2015
5:30 p.m.

Council Chambers
411 West Eighth Street, Medford, OR

10. Roll Call

10.1 Appoint two Commissioners to the Joint Transportation Subcommittee.

20. Consent Calendar/Written Communications (Voice Vote)

20.1 PUD-14-074/ Final Orders for requests for a Planned Unit Development consisting of a
LDS-14-091/ Preliminary PUD Plan for Rockland Place and Tentative Plat for a 31 lot
ZC-14-103 single family subdivision and a zone change from County RR-5 (Rural
Residential – 5 acre minimum lot size) to SFR-10 (Single Family Residential
– 10 units per gross acre) on two parcels totaling 4.61 acres located on the
south side of Harbrooke Road, approximately 385 feet east of North
Phoenix Road, within an SFR-10/S-E (Single Family Residential – 10 units
per gross acre / Southeast Overlay) zoning district. The zone change
pertains only to 371W34 Tax Lot 1600. (Richard & Leslie Lovett Trust,
Applicant; Richard Stevens and Associates, Agent).

20.2 PUD-14-116/ Final Orders for a Preliminary Planned Unit Development Plan, including
LDS-14-117 proposed modifications to Land Development Code standards pertaining to
specific lots including: 1) modification of minimum lot area, width, depth,
coverage, and frontage standards, and 2) implementation of private streets
to be utilized as shared driveway easements; and consideration of a
tentative subdivision plat to create 41 residential lots and two common area
lots on an 8.16 gross acres located on the east side of Thomas Road,
approximately 800 feet north of Sunset Drive, within the SFR-6 (Single
Family Residential, 6 dwelling units per gross acre) zone district. (Stella
Real Estate Investments, LLC, Applicant; CSA Planning, Ltd., Agent).

30. Minutes

40. Oral and Written Requests and Communications

50. Public Hearings

New Business

50.1 Update Planning Commission Rules of Order.

60. Report of the Site Plan and Architectural Commission

70. Report of the Joint Transportation Subcommittee

80. Report of the Planning Department

90. Messages and Papers from Chair of Planning Commission

100. Remarks from the City Attorney

110. Propositions and Remarks from the Commission

120. Adjournment

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE PUD-14-074)
APPLICATION FOR A PLANNED UNIT DEVELOPMENT) ORDER
SUBMITTED BY ROCKLAND PLACE)

ORDER granting approval of a preliminary PUD plan for Rockland Place and Tentative Plat for a 31 lot single family subdivision and a zone change from County RR-5 (Rural Residential – 5 acre minimum lot size) to SFR-10 (Single Family Residential – 10 units per gross acre) on two parcels totaling 4.61 acres located on the south side of Harbrooke Road, approximately 385 feet east of North Phoenix Road, within an SFR-10/S-E (Single Family Residential – 10 units per gross acre / Southeast Overlay) zoning district. The zone change pertains only to 371W34 Tax Lot 1600, as provided for in the City of Medford Land Development Code.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.235 Application, Planned Unit Development, and
2. The Medford Planning Commission has duly held a public hearing on the matter of an application for approval of a preliminary PUD plan for Rockland Place and Tentative Plat for a 31 lot single family subdivision and a zone change from County RR-5 (Rural Residential – 5 acre minimum lot size) to SFR-10 (Single Family Residential – 10 units per gross acre) on two parcels totaling 4.61 acres located on the south side of Harbrooke Road, approximately 385 feet east of North Phoenix Road, within an SFR-10/S-E (Single Family Residential – 10 units per gross acre / Southeast Overlay) zoning district. The zone change pertains only to 371W34 Tax Lot 1600, with a public hearing a matter of record of the Planning Commission on February 12, 2015.
3. At the public hearing on said application, evidence and recommendations were received and presented by the applicant's representative and Planning Department staff; and
4. At the conclusion of said public hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded, granted preliminary plan approval for a Planned Unit Development and directed staff to prepare a final order with all conditions and findings set forth for the granting of the Preliminary Plan approval.

THEREFORE LET IT BE HEREBY ORDERED that the application for approval of a preliminary PUD plan for Rockland Place and Tentative Plat for a 31 lot single family subdivision and a zone change from County RR-5 (Rural Residential – 5 acre minimum lot size) to SFR-10 (Single Family Residential – 10 units per gross acre) on two parcels totaling 4.61 acres located on the south side of Harbrooke Road, approximately 385 feet east of North Phoenix Road, within an SFR-10/S-E (Single Family Residential – 10 units per gross acre / Southeast Overlay) zoning district. The zone change pertains only to 371W34 Tax Lot 1600, stands approved subject to compliance with the conditions stated in the Planning Commission Report dated February 12, 2015.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this application for preliminary plan approval for a planned unit development is hereafter supported by the findings adopted by the Planning Commission as Exhibit "H" and any additional findings contained in the Planning Commission Report dated February 12, 2015.

FINAL ORDER

PUD-14-074/LDS-14-091/ZC-14-103

Accepted and approved this 26th day of February 2015.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF TENTATIVE PLAT APPROVAL OF)
)
ROCKLAND PLACE [LDS-14-091]) ORDER

ORDER granting approval of a request for tentative plat approval of Rockland Place.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.265 through 10.267; and
2. The Medford Planning Commission has duly held a public hearing on the request for consideration of tentative plat approval for a 31 lot single family subdivision, preliminary PUD plan and a zone change from County RR-5 (Rural Residential – 5 acre minimum lot size) to SFR-10 (Single Family Residential – 10 units per gross acre) on two parcels totaling 4.61 acres located on the south side of Harbrooke Road, approximately 385 feet east of North Phoenix Road, within an SFR-10/S-E (Single Family Residential – 10 units per gross acre / Southeast Overlay) zoning district. The zone change pertains only to 371W34 Tax Lot 1600, with the public hearing a matter of record of the Planning Commission on February 12, 2015.
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat approval and directed staff to prepare a final order with all conditions and findings, set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for Rockland Place stands approved per the Planning Commission Report dated February 12, 2015, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Planning Commission Report dated February 12, 2015.

BASED UPON THE ABOVE, the Planning Commission determined that the tentative plat is in conformity with the provisions of law and Section 10.270 Land Division Criteria of the Land Development Code of the City of Medford.

Accepted and approved this 26th day of February, 2015.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE)
ZC-14-103 APPLICATION FOR A ZONE CHANGE SUBMITTED) **ORDER**
BY ROCKLAND PLACE)

ORDER granting approval of a request for changing the zoning from County RR-5 (Rural Residential – 5 acre minimum lot size) to SFR-10 (Single Family Residential – 10 units per gross acre) on two parcels totaling 4.61 acres located on the south side of Harbrooke Road, approximately 385 feet east of North Phoenix Road, within an SFR-10/S-E (Single Family Residential – 10 units per gross acre / Southeast Overlay) zoning district. The zone change pertains only to 371W34 Tax Lot 1600. The application also includes approval of a preliminary PUD Plan for Rockland Place and tentative plat for a 31 lot single family subdivision.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below from County RR-5 (Rural Residential – 5 acre minimum lot size) to SFR-10 (Single Family Residential – 10 units per gross acre) on two parcels totaling 4.61 acres located on the south side of Harbrooke Road, approximately 385 feet east of North Phoenix Road, within an SFR-10/S-E (Single Family Residential – 10 units per gross acre / Southeast Overlay) zoning district. The zone change pertains only to 371W34 Tax Lot 1600. The application also includes approval of a preliminary PUD Plan for Rockland Place and tentative plat for a 31 lot single family subdivision; and

WHEREAS, the City Planning Commission has given notice of, and held, a public hearing, and after considering all the evidence presented, finds that the zone change is supported by, and hereby adopts the Final Order, Planning Commission Report dated February 12, 2015, and the Findings contained therein – Exhibit “A,” and Legal Description – Exhibit “B” attached hereto and hereby incorporated by reference; now, therefore,

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MEDFORD, OREGON, that:

The zoning of the following described area within the City of Medford, Oregon:

37 1W 34 Tax Lot 1600

is hereby changed from County RR-5 (Rural Residential – 5 acre minimum lot size) to SFR-10 (Single Family Residential – 10 units per gross acre) on two parcels totaling 4.61 acres located on the south side of Harbrooke Road, approximately 385 feet east of North Phoenix Road, within an SFR-10/S-E (Single Family Residential – 10 units per gross acre / Southeast Overlay) zoning district.

Accepted and approved this 26th day of February, 2015.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



CITY OF MEDFORD

PLANNING DEPARTMENT

PLANNING COMMISSION REPORT

Date: February 12, 2015

Subject: Rockland Place PUD (PUD-14-074 / LDS-14-091 / ZC-14-103)
Richard & Leslie Lovett (Richard Stevens & Associates, Agent)

BACKGROUND

Proposal

Consideration of a request for a Planned Unit Development consisting of a Preliminary PUD Plan for Rockland Place, and Tentative Plat for a 31 lot single family subdivision and a zone change from County RR-5 (Rural Residential – 5 acre minimum lot size) to SFR-10 (Single Family Residential – 10 units per gross acre) on two parcels totaling 4.61 acres located on the south side of Harbrooke Road, approximately 385 feet east of North Phoenix Road, within an SFR-10/S-E (Single Family Residential – 10 dwelling units per gross acre / Southeast Overlay) zoning district. The zone change pertains only to 371W34 Tax Lot 1600.

Subject Site Zoning, GLUP Designation, Southeast Designation and Existing Uses

Zoning:	RR-5 / SFR-10/SE
GLUP:	UR (Urban Residential)
SE Plan Sub-Area:	15
SE Plan Category:	Small Lot
Existing Use:	Single Family Home / Vacant Land

Surrounding Property Zoning and Uses

North

Zoning:	SFR-10/SFR-00/SE (Single Family Residential – 1 dwelling unit per existing lot/Southeast Overlay)
GLUP:	UR/UM (Urban Medium Density Residential)
SE Plan Sub-Area:	15 / 13
SE Plan Category:	Small Lot / Rowhouse
Existing Use:	Single Family Homes

South

Zoning:	SFR-10/SE/PD
GLUP:	UR
SE Plan Sub-Area:	15
SE Plan Category:	Small Lot
Existing Use:	Single Family Homes within Stonegate Estates PUD

"Working with the Community to Shape a Vibrant and Exceptional City"

East

Zoning: SFR-00/SE
GLUP: UR
SE Plan Sub-Area: 15
SE Plan Category: Small Lot
Existing Use: Single Family Home / Vacant Land

West

Zoning: SFR-10/SE/PD
GLUP: UR
SE Plan Sub-Area: 15
SE Plan Category: Small Lot
Existing Use: Single Family Homes within Whitney Place PUD

Related Projects

A-02-207 Annexation
ZC-05-087 Zone Change (for Tax Lot 1700)
PUD-06-239 Elmwood PUD (Expired)

Applicable Criteria

Planned Unit Development, Section 10.235(D)

The Planning Commission shall approve a Preliminary PUD if it concludes that compliance exists with each of the following criteria:

1. The proposed PUD:
 - a. preserves an important natural feature of the land, or
 - b. includes a mixture of residential and commercial land uses, or
 - c. includes a mixture of housing types in residential areas, or
 - d. includes open space, common areas, or other elements intended for common use or ownership, or
 - e. is otherwise required by the *Medford Land Development Code*.
2. The proposed PUD complies with the applicable requirements of this Code, or
 - a. the proposed modified applications of the Code are necessary for the project to be consistent with the criteria in Section 10.235(C)(1)(a-e), and
 - b. the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and
 - c. the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.
3. The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria thereunder:

- a. Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.
 - b. Public Facilities Strategy pursuant to ORS 197.768 as amended.
 - c. Limited Service Area adopted as part of the Medford *Comprehensive Plan*.
4. The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.
 5. If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D) (8)(c), the applicant shall alternatively demonstrate that either:
 - 1) demands for the Category "A" public facilities listed below are equivalent to or less than for one or more permitted uses listed for the underlying zone, or
 - 2) the property can be supplied by the time of development with the following Category "A" public facilities which can be supplied in sufficient condition and capacity to support development of the proposed use:
 - a. Public sanitary sewerage collection and treatment facilities.
 - b. Public domestic water distribution and treatment facilities.
 - c. Storm drainage facilities.
 - d. Public streets.

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

6. If the Preliminary PUD Plan includes uses proposed under Subsection 10.230(D)(8)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.248.
7. If approval of the PUD application includes the division of land or the approval of other concurrent development permits applications as authorized in Subsection 10.230(C), approval of the PUD shall also be subject to compliance with the substantive approval criteria in Article II for each of the additional development applications.

Land Division, Section 10.270

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

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;
- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;
- (3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;
- (4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property unless the approving authority determines it is in the public interest to modify the street pattern;
- (5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;
- (6) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

Zone Change, Section 10.227

The zone change criteria that are not relevant to this particular application are hereby omitted from the following citation.

The approving authority (Planning Commission) shall approve a quasi-judicial zone change if it finds that the zone change complies with subsections (1) and (2) below:

- (1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.

- (2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the *Comprehensive Plan* "Public Facilities Element."
- (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.
 - (b) Adequate streets and street capacity must be provided in one of the following ways:
 - (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or
 - (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or
 - (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:
 - (a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or
 - (b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.
 - (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.
 - (c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the

zone change request. Special development conditions shall be established by deed restriction of covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:

- (i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,
- (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,
- (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

ISSUES/ANALYSIS

Prior Approval

A portion of the subject area (Tax Lot 1700) was originally included as part of another PUD known as Elmwood (PUD-06-239). The Preliminary PUD Plan has since expired for that project.

PUD Requirement

The subject property is within the Southeast Medford Overlay (SE) Sub-area 15. Medford Land Development Code Section 10.374 requires development of properties of over 1 acre in size in this area to be approved as a Planned Unit Development (PUD).

Scope of Project

The applicant has submitted three applications for review: a PUD, Land Division, and a Zone Change. The PUD consists of two parcels to be developed with single family detached homes. The Land Division consists of a tentative plat for a 3 phase, 31-lot subdivision. The zone change request is from County RR-5 to City SFR-10. The zone change applies to only one of the parcels (Tax Lot 1600).

Project Summary

As described above, the project includes 31 residential lots, with no commercial or other non-residential uses proposed. The PUD is divided into three phases, with single family detached home lots. The PUD does not include any common areas or private streets.

Density

The project density is a minimum of 30 units and a maximum of 49 units. The project is proposed with 31 lots, which is within the allowable range.

Street Circulation

The street circulation for the project is consistent with the Southeast Circulation Plan. Rutherford Drive is shown on the tentative plat to extend from the stubbed portion, to the south within Stonegate Estates, to Harbrooke Road (Exhibit C). Sidney Way, currently stubbed from the west within Whitney Place PUD, will extend and stub to the undeveloped property to the east. Both streets are planned as public rights-of-way as no private streets are proposed.

Modifications

Medford Land Development Code Section 10.230(D) lists modifications of standards the Planning Commission can allow within the scope of the PUD. The applicant is proposing modifications to vehicle access, street design, and setbacks. Each is discussed below.

Vehicle Access Modification

Medford Land Development Code Section 10.381(2) requires that lots of 50-feet in width or less be accessed by an alley or minimum access easement. The applicant is requesting a modification to the PUD to eliminate this requirement. The Findings explain that with the existing street circulation and development in the area, there is insufficient area to propose an alley (Exhibit H).

In looking at the surrounding development to the west and south, two streets are stubbed to the project. Both are proposed for extension through the project. If not for those street extensions, an alley may have worked for vehicular access. But because of the existing street pattern, alleyways do not seem feasible.

Street Design Modification

Medford Land Development Code Section 10.430 sets forth the general standards for all types of city streets. Residential Lanes require a 17-foot travel lane, a 7-foot parking lane on one side of the road, and a 5-foot sidewalk on one side of the road.

The applicant is requesting a modification to the street design for the southern portion of Rutherford Drive south of Sidney Way. The southern portion of Rutherford Drive, south of Sidney Way, is a Residential Lane. North of Sidney Way, Rutherford Drive is a Minor Residential Street. The applicant is requesting a modification to Rutherford Drive (the Residential Lane portion south of Sidney Way) to eliminate the 7-foot parking lane and instead have a 5-foot sidewalk on both sides of the street. This proposal is consistent with the portion of Rutherford Drive within Stonegate Estates, which is also a Residential Lane with a sidewalk on both sides of the street. This consistency will allow pedestrians walking north on Rutherford Drive from Stonegate Estates to continue on a sidewalk as

opposed to having to walk into the street around a parked car. This request provides better functionality in this area than the Code standard.

Setback Modification

The applicant seeks a modification from side yard setbacks for all of the lots. Medford Land Development Code Section 10.710 requires a minimum of a 4-foot side yard setback for structures within the residential zoning district. Setbacks increase a half a foot for every foot in building height over 15 feet. The Findings state the majority of the dwellings will be two-story and approximately 27 feet in height. Based upon that height, a 10-foot side yard setback would be required on both sides of the building to the property line. The applicant is requesting the minimum setback of 4-feet to apply instead.

The Findings describe the difficulty of home siting for small, narrow lots. The lots in the project vary from 41 to 53 feet in width. Because of the small lot size, two-story homes provide the best opportunity for livable square footage. However, two-story homes have increased setbacks, making for yet another design challenge.

The Commission may want consider allowing a reduced side yard setback. Average setbacks for two-story homes are generally 7-8 feet. The Commission could consider reducing the side yard setback to 6 feet (for the homes over 15 feet in height), which is closer to the average than the requested 4-feet. It is also important to note that the setback reduction requested is for side yards and not rear yards.

Decision: The Commission granted the modification, allowing a 5-foot setback for buildings over 15 feet in height on all of the lots.

Street Tree Plan / Frontage Landscaping

Medford Land Development Code Section 10.379 regulates the street tree standards within the Southeast Overlay. The applicant submitted a street tree plan in accordance with the requirements. The Parks Department has reviewed the plan and has recommended changes relating to the specification of the variety of the Zelkova tree proposed (Exhibit Q). The other comment of the Parks Memo relates to the replacement of the London Plane Tree with a tree that will grow to a more manageable size.

Site Development Standards

All proposed lots conform to the standards of the Medford Land Development Code for length, width, square footage, and lot frontage.

Street & Pedestrian-Scale Lighting

Medford Land Development Code Section 10.380 designates special SE Overlay standards for street lighting and pedestrian-scale lighting and references the *City of Medford Street Lighting Standards and Specifications*. One street light shall be installed at each street intersection and at any pedestrian street crossing. Pedestrian-scale

lighting is required on both sides of lower order streets at least every eighty feet within the planter strips. A condition has been included requiring a street and pedestrian-scale lighting plan to be reviewed and approved by the Public Works Department prior to the first final plat approval.

Zone Change

As part of this review, a zone change is requested for one of the two subject parcels. Tax Lot 1700 received a zone change from County RR-5 to SFR-10 back in 2005 (ZC-05-087). The applicant is requesting the same change for Tax Lot 1600.

The applicant has submitted Findings of Fact concluding that the proposed SFR-10 zoning is consistent with the GLUP and Southeast Overlay designation and demonstrating that urban services and facilities are available to serve the subject property (Exhibit I). The SFR-10 zoning district is an allowable zone within the Urban Residential GLUP designation and the corresponding zoning to the Small Lot Sub-Area of the Southeast Overlay. Water, sewer, storm drainage, and street facilities have adequate capacity to serve the subject property at the proposed density, according to the Medford Water Commission and the Public Work Department (Exhibits K & P).

The conclusion can be made that all of the zone change criteria have been met.

Phasing

Medford Land Development Code Section 10.269 allows the Commission to grant additional time for tentative plat approvals for phased projects. Since the project is proposed to be developed into three phases, staff is recommending the Commission allow the maximum time allowable for phased project of five years.

Criteria Compliance

Staff finds Preliminary PUD Plan for Rockland Place to be consistent with the approval criteria for a Planned Unit Development, Land Division, and Zone Change based upon the Applicant's Findings of Facts and Conclusions of Law.

FINDINGS OF FACT

Staff has reviewed the applicant's Findings of Fact and Conclusions of Law (Exhibit H & I) and recommends that the Commission adopt the Findings, with the following modification:

1. A 6-foot side yard setback shall be allowed for dwellings over 15-feet in height. This is based upon the average two-story setback of 7-8 feet.

Decision: The Commission granted a modification for a 5-foot setback for buildings over 15 feet in height for all of the lots.

EXHIBIT A-1

Rockland Place PUD
PUD-14-074/LDS-14-091/ZC-14-103
Conditions of Approval
February 12, 2015

DISCRETIONARY CONDITIONS

1. The lots in the subdivision (Lots 1-31) are allowed a 5-foot setback for structures over 15 feet in height.
2. The land division is granted a five-year approval period allowed for phased projects.

CODE CONDITIONS

Land Division

3. Prior to first Final Plat approval, the applicant shall:
 - a. Submit a street and pedestrian lighting plan to be reviewed and approved by the Public Works Department consistent with the requirements listed in Medford Land Development Code Section 10.380.
4. Prior to the Final Plat approval for each phase, the applicant shall:
 - a. Received Final Plan approval;
 - b. Comply with the Public Works Staff Reports (Exhibit J & K);
 - c. Comply with the Medford Fire Department Report (Exhibit L);
 - d. Comply with the Medford Water Commission Memo (Exhibit O);
 - e. Comply with the Talent Irrigation District Land Use Agency Response Form (Exhibit R);

3636 Creek View Drive
Medford, OR 97504
February 10, 2015

City of Medford
ATTN: Planning Commission
200 South Ivy Street
Medford, OR 97501

RECEIVED

FEB 11 2015

Planning Dept.

RE: PUD-14-074, LDS-14-091, and ZC14-013

Dear Commissioners,

I request that this letter be made part of the record for the referenced actions.

The referenced actions concern property in my neighborhood. I object to the modifications to standards in the Medford Land Development Code and to the land division. Additionally, I encourage the Commission to require that the streets should have sidewalks on both sides as set out in the Southeast Circulation Plan.

The standards in the land development code should drive the plat and plan for Planned Use Developments. In this case, you are asked to let the plat drive the standards. The developer asks for three modifications—vehicle access, setback, and street design. The vehicle access and setback modification requests arise from the desire to have narrow lots (under 50 feet) and to build two-story homes on those lots. Rather than create a plat and plan that comply with the established standards, the applicant asks that the standards be changed to accommodate the plat and plan.

I want to address each proposed modification.

Vehicle access Medford Land Development Code Section 10.381(2) requires that lots of 50-feet in width or less be accessed by an alley or minimum access easement. The staff report states that alleyways do not seem feasible because of the existing street pattern. The staff report does not address two other possibilities acceptable under the code—minimum access easements or wider lots. Of these options, wider lots seems most viable.

Setback This modification is again a function of narrow lots, or more specifically tall homes on narrow lots. Closely- packed two-story homes impact the community's livability by impeding light, air, and views. It is crowded and usually unattractive. One option is single-level homes, but the applicant says that two stories are necessary to get livable square footage on a narrow lot. So, we are back to the core problem of narrow lots. As with the vehicle access standards, the need for modification could be avoided with wider lots.

Street design The applicant requests a modification to the street design for the southern portion of Rutherford Drive south of Sidney Way. The modification would eliminate a required seven-foot parking lane but would have sidewalks on both sides of the street for the southern portion of Rutherford Drive. Lack of designed-in parking lane does not mean nobody will park there (except on the side posted no parking for a fire lane) and thus impede the flow of traffic. However, the absence of platted lots facing this portion of Rutherford Drive mitigates the potential adverse effects and thus makes more reasonable weight given to matching the design of the stubbed portion of Rutherford Drive.

CITY OF MEDFORD

EXHIBIT # X

File # PUD-14-074/LDS-14-091

ZC-14-103

The street design should accommodate both vehicle and pedestrian traffic. With this in mind, the planned sidewalks on both sides of the southern portion of Rutherford Drive are desirable and should be incorporated into the full length of the street. The sidewalks are particularly desirable because Rutherford Drive will be a likely pedestrian route to the planned Southeast Village Center and its transit stop. In fact, the Southeast Circulation Plan Section 5.3.1 calls for sidewalks on both sides of all streets in the Southeast Area.

General Conditions for Modifications The Medford Land Development Code permits modifications “to fulfill the purpose and intents of the standards set forth in Section 10.230(A).” The requested modifications do not fulfill the purposes and intents. The stated purpose of the PUD approach is to permit “flexibility to allow creative and imaginative urban development that would otherwise not be possible under the strict requirements of the code.” The proposed PUD is not notably creative or imaginative, nor is there a showing that the development otherwise would not be possible under the strict requirements of the code. The intents stated in Section 10.230(A) are “to promote more efficient use of urban land and urban services while protecting natural features, creating common open space, promoting the development of transit-oriented design along designated transit corridors and within designated transit-oriented development (TOD) areas, and encouraging a mixture of land uses and housing types that are thoughtfully planned and integrated.” The proposed PUD has not been shown to promote efficiency, to protect any natural features, or to create common open space. While the project is within a transit-oriented development, it appears to be just outside a planned transit corridor and does not particularly promote transit-oriented design. The project is one land use and one housing type, no mixtures. In summary, the modifications neither promote the purpose nor meet any the intents of the PUD approach.

The City of Medford has adopted plans and codes to maintain and enhance livability. Sometimes a developer comes up with a better idea. This is not such a case. The applicant should create a plat with wider lots to accommodate the standard setbacks the intended two-story construction and to eliminate the alley issue. The plan should further incorporate sidewalks on both sides of the full length of Rutherford drive in addition to, not in lieu of the standard parking lane except on that portion south of Sidney Way to be consistent with the Southeast Circulation Plan.

Thank you for your consideration of the issues I raise in this letter.

Sincerely,



Theresa K. Peterson

1 Enclosure—PUD Criteria Table

PUD Criteria from 10.235(D)	
1. Meet one of these:	
a. Preserves important natural feature	No
b. Includes mixture of residential and commercial land uses	No
c. Includes a mixture of housing types	No
d. Includes open space, common areas, or other elements intended for common use or ownership	
e. Is otherwise required by the Medford Land Development code	No showing
2. Comply with applicable requirements of code, or: (meet all below)	No
a. Proposed modifications are necessary for project to be consistent with criteria in Section 10.235(B)(3)(a)	(mailed packet had a typo that misidentified referenced section) No—the section requires that the narrative include the rationale for planning this development as a PUD; the Rockland PUD Narrative does not expressly address rationale
b. Proposed modifications enhance the development as a whole resulting in a more creative and desirable project	No. The modifications make the project less desirable.
c. Proposed modifications will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole	Okay with no parking fire lane on modified south portion of Rutherford Drive
3. Property not subject to certain listed restrictions	Okay (no information)
4. Common elements appropriate for their intended use and function	NA—no common elements
5. Public facilities can support zoning change	Yes

(enclosure to Peterson letter date February 10, 2015)

Sarah K. Sousa

From: Alex <alex@pacificwallsystems.com>
Sent: Thursday, February 12, 2015 12:05 PM
To: Sarah K. Sousa
Cc: dlh@hoffbuhr.com
Subject: File # PUD-14-074

RECEIVED
FEB 12 2015
PLANNING DEPT

Sarah,

I am working on this alignment issue now. As I shared with you this am, we used to be partners with the applicant. I have called him (Richard Lovett) and the land planner further the surveyor (Daryl) whom is looking into this alignment issue from a feasibility stand point. I have instructed him to send me the bill for this exercise. I am awaiting a call back from Alex in engineering. I would predict he will only offer the clear fact that centerline roadway alignment is mandatory, further a 200'+ min offset requirement to intersections.

So upon approval of this roadway alignment (Rutherford), planning will be accepting the continuation of such thru the center of our parcel.

We are the owners of 3663 Harbrooke. Which lies directly to the north of this PUD.

We encourage the development of these parcels.

We intend to develop our property as well into a similar PUD configuration. The timing of such is undetermined at this juncture.

Please reference The Medford Land Development code section 10.270 item #2 and 4.

We will propose the continuation of Rutherford drive north across Harbrooke rd and thru the centerline of our parcel.

We will be limited on depth of the parcels due to the 55' right of way that will be required of us.

We ask the planning dept. to condition the approval of this PUD (14-074) on a 6'+- offset to the East, of Rutherford Drive, bringing the centerline of the road to the centerline of our parcel at this intersection.

If this offset limits the applicants ability to develop lots east of Rutherford drive, we believe that potentially the offset can occur on our parcel, with some guidance from the Medford engineering dept. and our surveyor.

In summary we favor the proposed development, and encourage its approval. Further would appreciate this road alignment issue become part of the permanent record for this application.

Thank you,

Alex Knecht of Knecht Development Co

Alex Knecht, President

Pacific Wall Systems INC

5077 Table Rock rd.

Central Point Oregon 97502

Office 541-664-1214

Fax 541-664-1215

After hours 541-973-7461

www.pacificwallsystems.com

EXHIBIT **B**

LEGAL DESCRIPTION: Real property in the County of Jackson, State of Oregon, described as follows:

COMMENCING AT THE SOUTHEAST CORNER OF DONATION LAND CLAIM NO. 58 IN TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON, THENCE NORTH 89°39'25" WEST, ALONG THE SOUTH LINE OF SAID CLAIM, A DISTANCE OF 620.40 FEET TO A 5/8" IRON PIN, THENCE SOUTH 0°13'55" WEST 1481.44 FEET TO A 5/8" IRON PIN ON THE NORTH LINE OF CLAIM NO. 57, SAID TOWNSHIP AND RANGE, THENCE SOUTH 89°42'35" WEST, ALONG SAID NORTH LINE, 998.45 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°42'35" WEST, ALONG SAID LINE, 254.44 FEET; THENCE NORTH 0°13'55" EAST 424.13 FEET TO THE SOUTH LINE OF TRACT DESCRIBED IN VOLUME 473 PAGE 114 OF THE DEED RECORDS OF JACKSON COUNTY, OREGON; THENCE SOUTH 89°39'25" EAST, ALONG SAID LINE, 254.44 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF TRACT DESCRIBED IN VOLUME 551 PAGE 351; THENCE SOUTH 0°13'55" WEST, ALONG THE WEST LINE OF SAID TRACT, 419.71 FEET TO THE TRUE POINT OF BEGINNING.

NOTE: This legal description was created prior to January 1, 2008.

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE PUD-14-116)
APPLICATION FOR A PLANNED UNIT DEVELOPMENT SUBMITTED) ORDER
BY STELLA RE INVESTMENTS, LLC)

ORDER granting approval of a preliminary PUD plan including proposed modifications to development code standards pertaining to specific lots, including modification of minimum lot area, lot width, lot depth, lot coverage, lot frontage standards of the SFR-6 (Single Family Residential – 6 Dwelling Units Per Gross Acre) Zone District, and for implementation of private streets to be utilized as shared driveway easements; and consideration of a tentative subdivision plat to create 41 residential lots and two common area lots on a 8.16 gross acre site within an SFR-6 zone district, located on the east side of Thomas Road, approximately 800 feet north of Sunset Drive, as provided for in the City of Medford Land Development Code.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.235 Application, Planned Unit Development, and
2. The Medford Planning Commission has duly held a public hearing on the matter of an application for approval of a preliminary PUD plan including proposed modifications to development code standards pertaining to specific lots, including modification of minimum lot area, lot width, lot depth, lot coverage, lot frontage standards of the SFR-6 (Single Family Residential – 6 Dwelling Units Per Gross Acre) Zone District, and for implementation of private streets to be utilized as shared driveway easements; and consideration of a tentative subdivision plat to create 41 residential lots and two common area lots on a 8.16 gross acre site within an SFR-6 zone district, located on the east side of Thomas Road, approximately 800 feet north of Sunset Drive, with a public hearing a matter of record of the Planning Commission on February 12, 2015.
3. At the public hearing on said application, evidence and recommendations were received and presented by the applicant's representative and Planning Department staff; and
4. At the conclusion of said public hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded, granted preliminary plan approval for a Planned Unit Development and directed staff to prepare a final order with all conditions and findings set forth for the granting of the Preliminary Plan approval.

THEREFORE LET IT BE HEREBY ORDERED that the application for approval of a preliminary PUD plan including proposed modifications to development code standards pertaining to specific lots, including modification of minimum lot area, lot width, lot depth, lot coverage, lot frontage standards of the SFR-6 (Single Family Residential – 6 Dwelling Units Per Gross Acre) Zone District, and for implementation of private streets to be utilized as shared driveway easements; and consideration of a tentative subdivision plat to create 41 residential lots and two common area lots on a 8.16 gross acre site within an SFR-6 zone district, located on the east side of Thomas Road, approximately 800 feet north of Sunset Drive stands approved subject to compliance with the conditions stated in the Planning Commission Report dated February 12, 2015.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this application for preliminary plan approval for a planned unit development is hereafter supported by the findings adopted by the Planning Commission as Exhibit "B" and any additional findings contained in the Planning Commission Report dated February 12, 2015.

Accepted and approved this 26th day of February, 2015.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF TENTATIVE PLAT APPROVAL OF)
) ORDER
STELLA RE INVESTMENTS, LLC [LDS-14-117])

ORDER granting approval of a Preliminary Planned Unit Development Plan, including proposed modifications to Land Development Code standards pertaining to specific lots including: 1) modification of minimum lot area, width, depth, coverage, and frontage standards, and 2) implementation of private streets to be utilized as shared driveway easements; and consideration of a tentative subdivision plat to create 41 residential lots and two common area lots on an 8.16 gross acres located on the east side of Thomas Road, approximately 800 feet north of Sunset Drive, within the SFR-6 (Single Family Residential, 6 dwelling units per gross acre) zone district.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.265 through 10.267; and
2. The Medford Planning Commission has duly held a public hearing on the request for a Preliminary Planned Unit Development Plan, including proposed modifications to Land Development Code standards pertaining to specific lots including: 1) modification of minimum lot area, width, depth, coverage, and frontage standards, and 2) implementation of private streets to be utilized as shared driveway easements; and consideration of a tentative subdivision plat to create 41 residential lots and two common area lots on an 8.16 gross acres located on the east side of Thomas Road, approximately 800 feet north of Sunset Drive, within the SFR-6 (Single Family Residential, 6 dwelling units per gross acre) zone district, with the public hearing a matter of record of the Planning Commission on February 12, 2015.
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat approval and directed staff to prepare a final order with all conditions and findings set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that a Preliminary Planned Unit Development Plan, including proposed modifications to Land Development Code standards pertaining to specific lots including: 1) modification of minimum lot area, width, depth, coverage, and frontage standards, and 2) implementation of private streets to be utilized as shared driveway easements; and a tentative subdivision plat to create 41 residential lots and two common area lots on an 8.16 gross acres located on the east side of Thomas Road, approximately 800 feet north of Sunset Drive, within the SFR-6 (Single Family Residential, 6 dwelling units per gross acre) zone district., stands approved per the Planning Commission Report dated February 12, 2015, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Planning Commission Report dated February 12, 2015.

BASED UPON THE ABOVE, the Planning Commission determined that the tentative plat is in conformity with the provisions of law and Section 10.270 Land Division Criteria of the Land Development Code of the City of Medford.

Accepted and approved this 26th day of February, 2015.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



CITY OF MEDFORD

PLANNING DEPARTMENT

PLANNING COMMISSION REPORT

Date: February 12, 2015

Subject: Stella Estates PUD and Subdivision (PUD-14-116/LDS-14-117)
Stella Real Estate Investments, LLC, Applicant (CSA Planning, Agent)

BACKGROUND

Proposal

Consideration of a Preliminary Planned Unit Development Plan, including proposed modifications to Land Development Code standards pertaining to specific lots including: 1) modification of minimum lot area, width, depth, coverage, and frontage standards, and 2) implementation of private streets to be utilized as shared driveway easements; and consideration of a tentative subdivision plat to create 40 residential lots and two common area lots on an 8.16 gross acres located on the east side of Thomas Road, approximately 800 feet north of Sunset Drive, within the SFR-6 (Single Family Residential, 6 dwelling units per gross acre) zone district.

REQUEST

Subject Site Zoning, GLUP Designation and Existing Uses

Zoning: SFR-6 (Single Family Residential – 6 dwelling units per gross dwelling acre)

GLUP: UR (Urban Residential), UM (Urban Medium) UH (Urban High) [*Submitted and deemed complete prior to GLUP Amendment; entire property under UR Designation prior to December 4, 2015*]

Existing Use: Four Single Family Homes / Underutilized Land

Surrounding Property Zoning and Uses

North

Zoning: SFR-6/PD (Single Family Residential – 10 dwelling units per gross acre – Elk Creek Estates PUD), SFR-00 (Single Family Residential – 1 unit per existing lot)

GLUP: UR (Urban Residential)

Existing Use: Single Family Homes
“Working with the Community to Shape a Vibrant and Exceptional City”

South

Zoning: SFR-6
GLUP: UR, UM
Existing Use: Single Family Homes

East

Zoning: SFR-00 SFR-6
GLUP: UH, UM
Existing Use: Future Cunningham Road Alignment, Single Family Homes / Underutilized Land

West

Zoning: SFR-00, SFR-6
GLUP: UR
Existing Use: Single Family Homes

Related Projects

ZC-06-010 Zone Change from SFR-00 to SFR-6
PLA-06-296 Property line adjustment
PUD-07-049 Thomas Lagune Estate Preliminary PUD (Expired)
LDS-07-050 Thomas Lagune Estates PUD Subdivision – 47 lot subdivision (Expired)

Applicable Criteria

Planned Unit Development, Section 10.235(C)

The Planning Commission shall approve a Preliminary PUD if it concludes that compliance exists with each of the following criteria:

1. The proposed PUD:
 - a. preserves an important natural feature of the land, or
 - b. includes a mixture of residential and commercial land uses, or
 - c. includes a mixture of housing types in residential areas, or
 - d. includes open space, common areas, or other elements intended for common use or ownership, or
 - e. is otherwise required by the *Medford Land Development Code*.
2. The proposed PUD complies with the applicable requirements of this Code, or
 - a. the proposed modified applications of the Code are necessary for the project to be consistent with the criteria in Section 10.235(C)(1)(a-e), and
 - b. the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and

- c. the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.
3. The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria thereunder:
 - a. Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.
 - b. Public Facilities Strategy pursuant to ORS 197.768 as amended.
 - c. Limited Service Area adopted as part of the Medford *Comprehensive Plan*.
4. The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.
5. If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D) (8)(c), the applicant shall alternatively demonstrate that either:
 - 1) demands for the Category "A" public facilities listed below are equivalent to or less than for one or more permitted uses listed for the underlying zone, or
 - 2) the property can be supplied by the time of development with the following Category "A" public facilities which can be supplied in sufficient condition and capacity to support development of the proposed use:
 - a. Public sanitary sewerage collection and treatment facilities.
 - b. Public domestic water distribution and treatment facilities.
 - c. Storm drainage facilities.
 - d. Public streets.

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

6. If the Preliminary PUD Plan includes uses proposed under Subsection 10.230(D)(8)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.248.
7. If approval of the PUD application includes the division of land or the approval of other concurrent development permits applications as authorized in Subsection 10.230(C), approval of the PUD shall also be subject to compliance with the substantive approval criteria in Article II for each of the additional development applications.

Land Division, Section 10.270

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

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;
- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;
- (3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;
- (4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property unless the approving authority determines it is in the public interest to modify the street pattern;
- (5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;
- (6) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

ISSUES/ANALYSIS

Prior Approval

A preliminary PUD plan and tentative subdivision plat to create 47 residential lots, including 19 detached units and 28 attached units were approved by the Planning Commission on September 27, 2007 (PUD-07-049 / LDS-07-050). The subject plat and PUD have since expired in 2008 and 2010, respectively.

Scope of Project

The applicant has submitted two applications for review; a Planned Unit Development consisting of entirely residential development and a Land Division. The PUD area encompasses three parcels (Assessor Plat 372W35DB, Tax Lots 801 & 250, and Assessor Plat 372W35DC, Tax Lot 400). The applicant is proposing 26 single family homes and 14 attached residential units. The Land Division consists of a tentative plat for to be constructed in four phases.

Project Summary

As described above, the project includes 40 residential lots, with no commercial or other non-residential uses proposed. The PUD is divided into four phases with single family detached home lots. The PUD contains approximately 1.51 acres that will be reserved as common area for the preservation of Elk Creek and adjacent wetland marsh (Lots 34 & 35), which will also be utilized for storm water quality and detention facilities.

Of the 26 single family homes, 16 are proposed to have garage access via a shared driveway with an adjoining unit and 10 will be constructed with a driveway that provides access solely to that particular unit. Of the 14 attached units, all will be constructed with a two car garage that takes access from a shared driveway, clustered around a courtyard. All units proposed in the development will be constructed with a two car garage, with exception of one single family unit having a single garage and one uncovered parking space (Lot 28). Shared driveways that provide access two units have a typical width of 16 feet. Shared driveways that provide access to more than two units have a minimum width of 18 feet. In addition to the two open space lots associated with Elk Creek, a small open space is located upon lot 29 which provides parking spaces for three vehicles.

Density

The subject underlying zoning district is SFR-6, which has a density range of 4 to 6 dwelling units per gross acre. Based on the 8.16 gross acre size, the SFR-6 zoning district would require a minimum of 33 residential dwelling units for the project and permit a maximum of 48 units. The proposed number of dwelling units for the project is 40, which results in a density of 4.9 dwelling units per gross acre.

The Medford Land Development Code allows for any residential housing type to be considered within a PUD. If requested by the applicant, the Commission may consider and approve a density bonus of up to 20% permitted within the respective zoning district. The applicant has not requested a density bonus through this PUD. The Medford Land Development Code also permits unbuildable natural open space acreage to be excluded from the density calculation if requested by the applicant to meet the required density range of the zoning district. Since the project density falls at the midpoint of the density range, the open space has been left in the calculation. When excluding open space from the equation, the buildable acreage calculates as 6 dwelling units per acre.

Street Circulation

The street circulation for the project is consistent with the Southwest Circulation Plan (Exhibit B-7) and Section 10.426 (C) for maximum block length and perimeter. The proposed development contains two minor residential streets, Orleans Street and Stella Drive, which will have a 55 foot total width consistent with the Medford Land Development Code standards.

Stella Drive is shown on the tentative plat to extend along the easterly property line from Orleans Drive on the north and terminating in the southeast corner with as it turns toward the existing Westwood Drive right-of-way. Stella Drive will terminate with a barricade until such time that properties to the east are redeveloped and improve Westwood Drive to development standards.

The project proposes two residential lanes: Dubois Lane and Blanche Lane. Residential lanes may be employed when the less than 8 residential units take access from the street. Dubois Lane north of Orleans Street has eight lots. Dubois Lane south of Orleans Street is proposed to turn westward into Blanche Lane. Seven lots will take vehicular access from this street segment. A residential lane has a total right of way width of 33 feet, consisting of a total paved width of 28 feet with street parking on one side and a five foot sidewalk on one side of the street.

The property surrounds an exception parcel on three sides that is not of the applicant's ownership or control. The applicant proposes to construct the full street improvement associated with Blanche Lane. Dubois will temporary terminate at the common property line of the exception parcel and have a temporary emergency vehicle turnaround easement on lots 11 and 12. When the owner of the exception parcel opts to develop in the future, that project will extend Dubois Lane into Blanche Lane on the far west portion of that parcel to connect the street segment. As the 70 foot width of the exception parcel will only facilitate two potential lots under the MLDC development standards, only one additional lot will take access off this segment.

As part of the modifications requested by the applicant, lots 26 through 31 (5 lots) are proposed to take access off one shared driveway having a paved width of 18 feet. This paved width is equivalent to the typical paved width of a minimum access easement, which serves three units under the Development Code standards. Thus, the applicant is requesting two additional units be permitted to take access from the drive. The applicant has also proposed an auto court-type configuration for Lots 36 through 43 in the southeast portion of the development and for lots 11 through 13 on the west side of the development. The minimum width of shared driveways for the auto-court product is 18 feet with all of the proposed housing having a recessed garage to ensure adequate vehicle maneuverability in and out of the auto-court development (see Exhibit B-3, Preliminary PUD Plan). Staff recommends that the Commission approve the street layout as provided in the Tentative Plant and Preliminary PUD Plan.

Modifications

Medford Land Development Code Section 10.230(D) lists modifications of standards the Planning Commission can allow within the scope of the PUD. The applicant is proposing several modifications of the SFR-6 zoning district. Each is modification requested is discussed thoroughly within the applicant's PUD project narrative (Exhibit B-10) on pages 4 through 7 and include the following:

- Reduced lot area for three detached single family dwellings (Lot 18,19 and 29)
- Reduced lot area for fourteen duplex dwellings (Lots 11, 12, 26, 27, 30, 31 and 36-43)
- Reduced lot width for 11 detached single family dwelling units (Lots 3, 5, 14,15, 22 and Lots 16-21)
- Reduced lot width for three duplex dwelling units (Lots 39, 41,and 43)
- Reduced lot depth for one detached single family dwelling units (Lot 28)
- Maximum lot coverage percentage for duplex units.
- Lot frontage and access standard modification for courtyard duplex units (Lots 12, 27, 30, 36, 38, 40, and 42)
- Application of private streets utilizing shard driveway easement (Lots 5-13, 20, 23, 24-26, 30, 31, 36-43)

The proposed mix of single-family detached and attached duplex units within Stella Estates allows clustering and particular juxtaposition of structures, thus establishing efficient development pattern which preserves over 19% of the gross project area as open space while generally falling at the midpoint of the required density range. It is through the shared driveway configurations and modification to the lot size that allow for the density calculation to be met while preserving significant open space wetlands. Staff supports the applicant's requests for modification per the project Preliminary PUD Project Narrative (Exhibit B-10) and as represented on the Preliminary Development Plan (Exhibit B-2, B-3 and B-4).

Street Tree Plan / Frontage Landscaping

The Parks Department has reviewed the Street Tree and Open Space Landscape Plan. The Parks Department Memo recommends that PUD Landscape Plan be approved as submitted (Exhibit F).

Riparian Corridor

Elk Creek, running through the project, is not identified as a fish bearing stream on the City of Medford's Riparian Corridor Map. However the creek area is identified as a locally significant wetland as depicted on the City of Medford Local Wetland Inventory (LWI) (Exhibit B-9).

The applicant has retained services of a wetland consultant to delineate the extent of the wetland area. The wetland area, as delineated wetland consultant, is shown on the tentative subdivision plan and preliminary PUD plans. The delineation has been

submitted to the Oregon Division of State Lands and is currently pending approval. Field work and survey of the area indicated the wetlands are more extensive than suggested by the Medford WLI map.

Phasing

Medford Land Development Code Section 10.269 allows the Commission to grant additional time for tentative plat approvals for phased projects. Since the project is proposed to be developed into four phases, staff is recommending the Commission allow the maximum time allowable for phased project of five years.

Criteria Compliance

Staff finds Stella Estates PUD to be consistent with the approval criteria for a Planned Unit Development and Land Division, based upon the Applicant's Findings of Facts and Conclusions of Law.

FINDINGS OF FACT

Staff has reviewed the applicant's Findings of Fact and Conclusions of Law (Exhibit B-1) supporting evidence (Exhibit B2- B10) and recommends that the Commission adopt the Findings as presented by the applicant.

ACTION TAKEN

Directed staff to prepare Final Orders for approval of PUD-14-116 and LDS-14-117, per the Commission dated February 12, 2015, including Exhibits A-1 through L.

EXHIBITS

A-1 Conditions of Approval dated February 12, 2015

B Applicant's Findings of Fact and Conclusions of Law received January 21, 2015, with applicant supporting exhibits;

- Tentative Plat for Land Division
- Preliminary PUD Plan
- PUD Landscape Site Plan
- Conceptual Grading and Stormwater Drainage Facility Plan
- Conceptual Sewer and Water Plan
- Conceptual Roadway⁷ Cross Sections
- City of Medford Zoning Map on Aerial Photo
- Adopted Southwest Medford Circulation Plan
- City of Medford Riparian Inventory Map
- City of Medford Local Wetland Inventory Map
- PUD Narrative Description and Rationale

C-1 Public Works Department Staff Report dated February 5, 2015

D Medford Water Commission Memo dated November 7, 2014

EXHIBIT A-1

**Stella Estates PUD & Tentative Subdivision Plat
PUD-14-116, LDS14-117
Conditions of Approval
February 12, 2015**

CODE CONDITIONS

1. Prior to approval of the Final Plat, The applicant shall:
 - a. Comply with the Public Works Staff Report received dated February 5, 2015 (Exhibit C-1);
 - b. Comply with the Medford Water Commission Staff Memo dated November 7, 2015 Exhibit D);
 - c. Comply with the Fire Department Land Development Report prepared February 9, 2015 (Exhibit E-1);
 - d. Comply with the correspondence from Rogue Valley Sewer Services, dated November 21, 2015 (Exhibit I);
 - e. Comply with the correspondence from Jackson County Roads, dated November 17, 2015 (Exhibit J).

DISCRETIONARY CONDITIONS

2. Prior to the submission of a Final Plat, the applicant shall submit a Final PUD Plan to the Planning Department for review and approval.
3. The tentative subdivision plat for Stella Estates Phases 1-4 shall be valid for a period of five years from Final Order approval date of PUD-14-116 and LDS-14-117.

CITY OF MEDFORD
EXHIBIT # A-1
File # PUD-14-116 / LDS 14-117
1 of 1

**PUBLIC WORKS DEPARTMENT STAFF REPORT
STELLA ESTATES**

Consideration of a Preliminary Planned Unit Development Plan, including proposed modifications to Development Code standards pertaining to specific lots, including lot frontage standards; and consideration of a tentative subdivision plat to create 41 residential lots and two common area lots. Location is on the east side of Thomas Road, approximately 800 feet north of Sunset Drive.

NOTE: Items A - D Shall be Completed and Accepted Prior to Approval of the Final Plat

A. STREETS

1. DEDICATIONS

Cunningham Avenue has a designated classification of minor arterial. The Tentative Plat indicates the proposed right-of-way dedication consistent with the standard width of 78 feet Medford Land Development Code (MLDC 10.428), and a centerline alignment and curve radius concentric and equal to with those of the existing dedicated right-of-way adjacent on the north boundary of the proposed development. The Developer shall dedicate the right-of-way for Cunningham as shown on the Tentative Plat.

The developer shall receive S.S.D.C. (Street System Development Charge) credits for the public right-of-way dedication for Cunningham Avenue, per the methodology established by the Medford Municipal Code, Section 3.815.

Should the developer elect to have the value of the S.S.D.C. credits determined by an appraisal, a letter to that effect must be submitted to the City Engineer within 60 calendar days of the date of the Final Order by the Planning Commission for this development. If the City of Medford receives said letter within 60 calendar days of the date of the Final Order, it will then select an appraiser, and a deposit from the Developer shall be required as stated in the Code, Section 3.815. Should any phase expire, and need to go back to Planning Commission, the ability to have an additional appraisal is void.

Thomas Road is designated a Standard Residential Street, and has an existing dedicated public right-of-way width of 50 feet, as represented by the tentative plat submittal. The Tentative Plat indicates the proposed right-of-way dedication of 6.5 feet, resulting in a width of 31.5 feet measured from centerline. The proposed dedication is consistent with the standard total width of 63 feet (MLDC 10.430). The Developer shall dedicate the right-of-way for Thomas Road as shown on the Tentative Plat.

Orleans Street is proposed as a Minor Residential Street with a right-of-way width of 55 feet (MLDC 10.430). The Developer shall dedicate the length and width of proposed Orleans Street as shown on the Tentative Plat to within one foot of the east boundary line of the subdivision, and the remaining one foot shall be granted in fee, as a non-access reserve strip to the City of Medford. Upon approved dedication of the extension of said Orleans Street, the one-foot reserve strip shall automatically be dedicated to the public use as part of said street without any further action by the City of Medford. (MLDC 10.439)

Stella Drive is proposed as minor residential street, having a right-of-way dedication 27.5 feet wide west of centerline, and 13 feet east of centerline. The Developer shall dedicate the length and width of proposed Stella Drive as shown on the Tentative Plat to within one foot of the east boundary line of the subdivision, and the remaining one foot shall be granted in fee, as a non-access reserve strip to the City of Medford. Upon approved dedication of the remaining right-of-way to the east, the one-foot reserve strip shall automatically be dedicated to the public use as part of said street without any further action by the City of Medford. (MLDC 10.439)

Dubois Lane is proposed as a 33 foot wide right-of-way, consistent with the standard for a residential lane classification (MLDC 10.430). As such, it shall serve the sole function of providing direct access to the immediately adjacent residentially zoned land, and upon which a maximum of eight (8) dwelling units take access. The segment of Dubois Lane extending north from proposed Orleans Street is shown by the Preliminary PUD Plan to serve the eight SFR Lots 15 thru 22, which is consistent with the codified standard. Likewise, the segment of Dubois Lane extending south from proposed Orleans Street is shown to serve the three SFR Lots 11, 12 and 13, also consistent with the codified standard. The Developer shall dedicate the right-of-way for Dubois Lane as shown on the Preliminary PUD plan to within one foot of the north, south and west boundary lines of the subdivision, and the remaining one foot shall be granted in fee, as a non-access reserve strip to the City of Medford. Upon approved dedication of the remaining right-of-way to the north, and/or extension to the south, the one-foot reserve strips shall automatically be dedicated to the public use as part of said street without any further action by the City of Medford. (MLDC 10.439)

With respect to the classification parameters of Dubois Lane as a residential lane, future connections with Cunningham Avenue to the north are precluded.

Blanche Lane is also proposed as a 33 foot wide right-of-way, consistent with the standard for a residential lane classification (MLDC 10.430). As shown by the Preliminary PUD plan, it shall provide access to SFR Lots 7, 8, 9, and 10, within the codified limits for a residential lane classification. The Developer shall dedicate the right-of-way for Blanche Lane as shown on the Preliminary PUD plan to within one foot of the north boundary line of the subdivision, and the remaining one foot shall be granted in fee, as a non-access reserve strip to the City of Medford. Upon approved dedication of the remaining right-of-way to the north, the one-foot reserve strip shall automatically be dedicated to the public use as part of said street without any further action by the City of Medford. (MLDC 10.439). The Tentative Plat shall be revised to reflect the "knuckle" at the east terminus as shown on the Preliminary PUD plan.

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2 of 12

A 15 foot corner radius shall be provided at the right-of-way lines of all intersecting streets. (MLDC 10.445)

Public Utility Easements, 10 feet in width, shall be dedicated along and adjacent to the street frontage of all the Lots within this PUD. (MLDC 10.471)

2. IMPROVEMENTS

a. Public Streets

Cunningham Avenue is proposed as a right-of-way dedication only, and no improvements are proposed by the Preliminary PUD Plan or Tentative Plat. No public improvements to Cunningham Avenue shall be required as a condition of this proposed development because of its mid-block nature.

Thomas Road shall be improved by the Developer to the standards for a Standard Residential Street (MLDC 10.430), consistent with a 36-foot wide paved section complete with curbs, gutters, 8-foot wide planter strips, 5-foot wide sidewalks and street lights. In accordance with MLDC 10.442, the Developer shall improve the east half of Thomas Road plus the twelve feet lying west of the existing right-of-way centerline. Said improvements shall include concrete curb and gutter, street lights, sidewalk with planter strip along the east side of Thomas Road along the entire length of the development frontage.

Orleans Street shall be improved by the Developer to Minor Residential Street Standards (MLDC 10.430).

Stella Drive shall be improved by the Developer to Minor Residential Street Standards. Because Stella Drive is situated along the east boundary of the proposed subdivision, and in accordance with MLDC 10.442, the Developer shall construct the west half of Stella Drive plus 12 feet lying east of the proposed right-of-way. Said improvements shall include concrete curb and gutter, street lights, and sidewalk with planter strip along the west side of the street and appropriate drainage on the east side. Future development of the land east of Stella Drive would be expected to provide for dedication of the additional 14.5 feet of right-of-way necessary for additional street, concrete curb and gutter, street lights and sidewalk with planter strip.

Dubois Lane and Blanche Lane shall be improved by the Developer to Residential Lane standards, having a standard 26-foot wide curb-to-curb section, 5-foot wide sidewalks and street lights. The north termini of Dubois Lane shall terminate with a standard cul-de-sac or other approved turn-around limited to within current public right-of-way and that complies with the requirements of MLDC 10.450. The east terminus of Blanche Lane shall terminate with an approved turn-around within proposed easements as shown on the Preliminary PUD Plan.

b. Lighting and signing

All street lights and signing for public streets shall be installed to City of Medford specifications. The following street lighting and signing installations will be required:

Street Lighting - Developer Provided & Installed

14 – 100W street lights

Traffic Signs and Devices - City Installed

- 4 – Street name signs
- 2 – Stop signs
- 3 – Dead end signs
- 2 – Speed signs
- 5 – Dead end barricades

c. Access and Circulation

The shared driveways proposed for access to Lots 12, 27, 28, 29, 31, 36, 38, 40, and 42 shall be designed and constructed in accordance with requirements of MLDC 10.746.

d. Soil Testing

The Developer’s engineer shall obtain soil testing data to determine if there is shrink-swell potential in the underlying soils in this development. If they are present, they shall be accounted for in the roadway and sidewalk design within this Development.

3. Section 10.668 Analysis

To support a condition of development that an applicant dedicate land for public use or provide a public improvement, the Medford Code requires a nexus and rough proportionality analysis which is essentially a codification of the constitutional provisions in Nollan and Dolan cases.

10.668 Limitation of Exactions

Notwithstanding any other provisions of this Chapter 10, an applicant for a development permit shall not be required, as a condition of granting the application, to dedicate land for public use or provide public improvements unless:

- (1) the record shows that there is an essential nexus between the exaction and a legitimate government purpose and that there is a rough proportionality between the burden of the exaction on the developer and the burden of the development on public facilities and services so that the exaction will not result in a taking of private property for public use, or*
- (2) a mechanism exists and funds are available to fairly compensate the applicant for the excess burden of the exaction to the extent that it would be a taking.*

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Nexus to a legitimate government purpose

The purposes for these dedications and improvements are found throughout the Medford Code, the Medford Transportation System Plan, and the Statewide Planning Rule, and supported by sound public policy. Those purposes and policies include, but are not limited to: development of a balanced transportation system addressing all modes of travel, including motor vehicles, transit, bicycles, emergency services and pedestrians. Further, these rights-of-way are used to provide essential services such as sanitary sewer, domestic water and storm drains to serve the developed parcels. It can be found that the listed right-of-way dedications and improvements have a nexus to these purposes and policies.

Rough proportionality between the dedications and improvements, and the impacts of development.

No mathematical formula is required to support the rough proportionality analysis. Furthermore, benefits to the development resulting from the dedication and improvements when determining "rough proportionality" have been considered, including but not limited to: increased property values, intensification of use, as well as connections to municipal services and the transportation network.

As set forth below, the dedications and improvements recommended herein can be found to be roughly proportional to the impacts reasonably anticipated to be imposed by this development.

Cunningham Avenue is classified as a minor arterial street per the adopted Transportation System Plan. It is planned to be the primary connector between Orchard Home Drive and all points westward, and shall provide safe travel for all modes of transportation. As a higher order street, it is eligible for street SDC credits for the right-of-way dedication. SDC credits offset costs to the developer and as such provide the mechanism by which the City of Medford is able to fairly compensate the applicant for the excess burden of dedicating right-of-way.

Thomas Road, Orleans Street, Stella Drive, Dubois Lane & Blanche Lane: In determining rough proportionality, the City averaged the lineal footage of roadway per dwelling unit for road improvements and averaged square foot of right-of-way per dwelling unit for dedications. The proposed development has 41 dwelling units and will improve approximately 1985 lineal feet of roadway which equates to 48 lineal feet per dwelling unit. Also the development will dedicate approximately 67,760 square feet of right-of-way which equates to approximately 1653 square feet per dwelling unit.

To determine proportionality a neighborhood with similar characteristics was used. The development used was Spring Meadows Subdivision Phase 1-5 located between Griffin Creek Road and Orchard Home Drive and Sunset Drive and South Stage Road and consisting of 66 dwelling units. The previous development improved approximately 3,048 lineal feet of roadway and dedicated approximately 151,756 square feet of right-of-way (GIS data used to calculate, approximations only). This equates to approximately 46 lineal feet of road per dwelling unit and approximately 2,299 square feet of right-of-way per dwelling unit.

- a. Dedication will ensure that new development and density intensification provides the current level of urban services. This development will create an additional 41 Lots within the City of Medford and increase vehicular traffic by approximately 392 average daily trips. The proposed street improvements will provide a safe environment of all modes of travel (vehicular, bicycles, & pedestrians) to and from this development.

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- b. Dedication will ensure adequate street circulation is maintained. The street layout and connectivity proposed in this development will provide alternate route choices for the residents that will live in this neighborhood. This will decrease emergency vehicle response times and will decrease overall vehicle miles traveled.
- c. Dedication will provide access and transportation connections at urban level of service standards for this development. Each Lot in this development will have direct access to a public street with facilities that will allow for safe travel for vehicles, bicycles and pedestrians. There is also sufficient space for on-street parking. The connections proposed in this development will enhance the connectivity for all modes of transportation and reduce trip lengths. As trip lengths are reduced, it increases the potential for other modes of travel including walking and cycling.
- d. Dedication of PUE will benefit development by providing public utility services, which are out of the roadway and more readily available to each Lot being served.

The additional traffic of all modes of travel generated by this proposed development supports the dedication and improvements for all modes of travel and utilities. As indicated above, the area required to be dedicated and improved for this development is necessary and roughly proportional to that required in previous developments in the vicinity to provide a transportation system that meets the needs for urban level services.

B. SANITARY SEWERS

The proposed development is situated within the Rogue Valley Sewer service area. The Developer shall contact RVS for conditions and requirements relevant to the construction of public sewer facilities to serve this project.

A private sanitary sewer lateral shall be constructed to each tax lot prior to approval of the Final Plat.

C. STORM DRAINAGE

1. Hydrology

The Design Engineer shall provide an investigative report of the off-site drainage on the subdivision perimeter, a distance not less than 100 feet in all directions. All off-site drainage affecting the subdivision shall be addressed on the subdivision drainage plan. A hydrology map depicting the amount of area the subdivision will be draining shall be submitted with hydrology and hydraulic calculations. The opening of each curb inlet shall be sized in accordance with ODOT design standards. These calculations and maps shall be submitted with the public improvement plans for approval by the Engineering Division.

For the stream channel of Little Elk Creek, a drainage and hydrology study must be prepared by a licensed civil engineer. The study must establish the 10, 25, and 100-year flood plain boundaries and the 100-year base flood elevations. No fill shall be allowed within the floodplain without a Flood

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Plain Permit from the Building Department. Water surface elevations for the 10 and 25 year events shall also be provided on the public improvement plans.

2. Stormwater Detention and Water Quality Treatment

As mentioned, this site lies within the Little Elk Creek Drainage Basin. This development shall provide stormwater detention in accordance with MLDC, Section 10.486, and water quality treatment in accordance with the Rogue Valley Stormwater Quality Manual. Since this development is bigger than five acres, Section 10.486 requires that the development set aside a minimum of 2% of the gross area as open space to be developed as open ponds for stormwater detention and treatment.

Upon completion of the project, the developer's design engineer shall provide written certification to the Engineering Division that the construction of the controlled storm water release drainage system was constructed per plan. This letter shall be received by the City of Medford Public Works Engineering Department prior to certificate of occupancy of the new building.

3. Grading

A comprehensive grading plan showing the relationship between adjacent property and the proposed subdivision will be submitted with the public improvement plans for approval. The Developer shall be responsible that the final grading of the development shall be in compliance with the approved grading plan.

4. Mains and Laterals

In the event the lot drainage should drain to the back of the lot, the developer shall be responsible for constructing a private drain line, including a tee at the low point of each lot to provide a storm drain connection. All roof drains and foundation drains shall be connected directly to a storm drain system.

A storm drain lateral shall be constructed to each tax lot prior to approval of the Final Plat. Easements shall be shown on the Final Plat for storm drain laterals crossing lots other than the one being served by the lateral.

All public storm drain mains shall be located in paved public streets or within easements. All manholes shall be accessible by paved, all-weather roads. All easements shall be shown on the Final Plat and the public improvement plans.

5. Wetlands

The Developer shall contact the Division of State Lands for the approval and/or clearance of the subject property with regards to wetlands and/or waterways, as they are present on the site. The Developer shall also contact the US Army Corps of Engineers for the approval and/or clearance of the proposed culverts and street crossing of Little Elk Creek.

6. Erosion Control

Subdivisions/P.U.D.'s of one acre and greater require a run-off and erosion control permit from DEQ. The approved permit must be submitted to the Engineering Division prior to construction plan approval. The erosion prevention and sediment control plan shall be included as part of the plan set. All disturbed areas shall have vegetation cover prior to final inspection/"walk-through" for this subdivision.

D. SURVEY MONUMENTATION

All survey monumentation shall be in place, field-checked, and approved by the City Surveyor prior to the final "walk-through" inspection of the public improvements by City staff.

E. MISCELLANEOUS

1. Construction Plans

Construction drawings for this project shall be prepared by a professional engineer currently licensed in the State of Oregon, and submitted to the Engineering Division of Medford Public Works Department for approval. Approval shall be obtained prior to beginning construction. Only a complete set of construction drawings (3 copies) shall be accepted for review, including plans and profiles for all streets, minimum access drives, sanitary sewers, storm drains, and street lights as required by the Planning Commission's Final Order, together with all pertinent details and calculations. The Developer shall pay a deposit for plan review and construction inspection prior to final plan approval. Public Works will keep track of all costs associated with the project and, upon our acceptance of the completed project, will reconcile the accounting and either reimburse the Developer any excess deposit or bill the Developer for any additional amount not covered by the deposit. The Developer shall pay Public Works within 60 days of the billing date or will be automatically turned over for collections.

In order to properly maintain an updated infrastructure data base, the Surveyor of Record shall submit an as-built survey prior to the Final Inspection and, the Engineer of Record shall submit mylar "as-constructed" drawings to the Engineering Division within sixty (60) calendar days of the Final Inspection (walk through). Also, the engineer shall coordinate with the utility companies, and show all final utility locations on the "as built" drawings.

2. Design Requirements

All public improvements including streets, street lights, and storm drainage facilities shall be designed and constructed in accordance with the "Engineering Design Standards for Public Improvements", adopted by the Medford City Council in December, 2004. Copies of this document are available in the office of the City Engineer.

3. Phasing

The Tentative Plat shows that this subdivision will be developed in four phases. The public improvements corresponding to a particular phase shall be constructed at the time such phase is being developed, and the public improvements that are not included within the geometric boundaries of any phase being developed, but are needed to serve each respective phase, shall be constructed with each phase as needed.

4. Draft of Final Plat

The developer shall submit 2 copies of the preliminary draft of the final plat at the same time the public improvement plans (3 copies) are submitted. Neither lot number nor lot line changes shall be allowed on the plat after that time, unless approved by the City and all utility companies.

5. Permits

Building Permit applications shall not be accepted by the Building Department until the Final Plat has been recorded, and a "walk through" inspection has been conducted and approval of all public improvements as required by the Planning Commission has been obtained for this development.

Concrete or block walls built within a P.U.E., or within sanitary sewer or storm drain easements require review and approval from the Engineering Division of Public Works. Walls shall require a separate permit from the Building Department and may also require certification by a professional engineer.

6. System Development Charges

Buildings in this development are subject to sewer treatment and street systems development charges. These SDC fees shall be paid at the time individual building permits are taken out.

This development is also subject to storm drain system development charges, the Developer is eligible for storm drain system development charge credits for the installation of storm drain pipe which is 24 inches in diameter or larger and is not used for storm drain detention in accordance with Medford Municipal Code (MMC), Section 3.891. The storm drain system development charge shall be collected at the time of the approval of the final plat

Developments in which Collector and/or Arterial streets are being dedicated are eligible for Street SDC credits in accordance with MMC 3.815.

7. Pavement Moratoriums

The developer shall be responsible for notifying by certified letter all utility companies, as well as all current property owners of parcels which are adjacent to any public street being constructed or paved as part of this project. The letter shall inform the utility companies and property owners of the City's

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street moratorium policy with respect to pavement cutting for future utility services. The utility companies and property owners shall be given the opportunity to install utility services within the right-of-way prior to paving and the subsequent moratorium. Notifications shall be mailed by the Developer at least 6 months before a street is resurfaced or rebuilt per Medford Municipal Code (MMC), Section 3.070. Copies of the certifications shall be submitted to the City Engineer with the submittal of the preliminary construction drawings.

8. Construction and Inspection

Contractors proposing to do work on public streets, sewers, or storm drains shall 'prequalify' with the Engineering Division prior to starting work. Contractors shall work off a set of public improvement drawings, that have been approved by the City of Medford Engineering Division. Any work within the County right-of-way shall require a separately issued permit to perform from the County.

The City Public Works Maintenance Division requires that public storm drain mains be inspected by video camera prior to acceptance of these systems by the City.

The Developer should contact RVSS for acceptance conditions pertaining to public sanitary sewer improvements.

The developer shall bear all expenses resulting from the adjustment of manholes to finish grades as a result of changes in the finish street grade.

Revised By Doug Burroughs 2-10-15

12-11

Stella Estates PUD 14-116

Summary Conditions of Approval

A. Streets

1. Street Dedications to the Public:

Cunningham Avenue shall be dedicated to a total width of 78-feet as shown on the Tentative Plat

Thomas Road shall have an additional 6.5-feet dedicated along the entire frontage of the property to total to 31.5-feet east of centerline as shown on the Tentative Plat.

Orleans Street shall be dedicated to 55-feet in width as shown on the Tentative Plat. The easterly one-foot (along the east boundary) shall be granted in fee simple to the City.

Stella Drive shall be dedicated to 40.5-feet in width (27.5 feet west of centerline and 13-feet east of centerline) as shown on the Tentative Plat. The east and south one-foot shall be granted in fee simple to the City.

Dubois Lane and Blanche Lane shall be dedicated to 33-feet in width as shown on the Tentative Plat.

15-foot corner radius shall be provided at the right-of-way lines of all intersecting streets.

10-foot public utility easements shall be granted along all street frontages.

2. Improvements:

a. Public Streets

No improvements are required along Cunningham Avenue.

Thomas Road shall be improved to Standard Residential Street standards east of centerline plus 12-feet of paving west of centerline.

Orleans Street shall be improved to Minor Residential Street standards.

Stella Drive shall be improved to Minor Residential Street standards west of centerline plus 12-feet of paving east of centerline.

Dubois Land and Blanche Lane shall be improved to Residential Lane standards.

b. Lighting and Signing

The above street shall include 14 100-watt street lights. Traffic signs and devices shall be paid for by the developer and installed by the City. Soil testing is required for all public roadways and sidewalks.

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B. Sanitary Sewer:

The developer shall contact Rogue Valley Sewer Services for this development. A private lateral shall be constructed to each lot prior to Final Plat.

C. Storm Drain:

An investigative drainage report is required.

Little Elk Creek requires a drainage and hydrology study to establish the 10, 25 and 100-year flood plain.

The site requires above ground water quality and detention facilities.

A comprehensive grading plan is required for the project and made part of the public improvement plans.

A storm drain lateral shall be constructed to each tax lot. In the event lots drain to the back, a private system will be required.

The developer shall contact Division of State Lands for approval and/or clearance of the development with regards to wetlands and US Army Corps of Engineering for culverts and street crossing of Little Elk Creek.

Erosion Control Permit from DEQ required for this project prior to public improvement plan approval.

D. Survey Monumentation

All survey monuments shall be in place, field checked and approved by the City Surveyor prior to final walk-through of public improvements.

The above summary is for convenience only and does not supersede or negate the full report in any way. If there is any discrepancy between the above list and the full report, the full report shall govern. Refer to the full report for details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection.

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of
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Medford Fire Department

200 S. Ivy Street, Room #180
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
E-mail www.fire@ci.medford.or.us

LAND DEVELOPMENT REPORT - REVISED

To: Desmond McGeough

LD Meeting Date: 11/26/2014

From: Greg Kleinberg

Report Prepared: 02/09/2015

Applicant: Stella RE Investments, LLC., Applicant (CSA Planning, Ltd., Agent)

File #: PUD - 14 - 116

Associated File #'s: LDS - 14 - 117

Site Name/Description:

New revised comments based on revised site plan dated 1/15/15.

Consideration of a Preliminary Planned Unit Development Plan, including proposed modifications to development code standards pertaining to specific lots, including modification of minimum lot area, lot width, lot depth, lot coverage, lot frontage standards of the SFR-6 (Single Family Residential - 6 Dwelling Units Per Gross Acre) Zone District, and for implementation of private streets to be utilized as shared driveway easements; and consideration of a tentative subdivision plat to create 41 residential lots and two common area lots on a 8.16 gross acre site within an SFR-6 zone district, located on the east side of Thomas Road, approximately 800 feet north of Sunset Drive; Stella RE Investments, LLC., Applicant (CSA Planning, Ltd., Agent). Desmond McGeough, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE
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Requirement MINIMUM ACCESS ADDRESS SIGN	OFC 505
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These signs are required for any structure where the address is not visible from the street.

The developer must provide a minimum access address sign. See attached minimum access street address sign installation sheet for the proper installation information. A pre-approved address sign can also be utilized.

Requirement FD APPARATUS ACCESS ROAD DESIGN	OFC 503.2.1
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Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches. The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under section 503.2.1, shall be maintained at all times. The fire apparatus access road shall be constructed as asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 60,000 pounds.

(See also OFC 503.4; D102.1)

The turning radius on fire department access roads shall meet Medford Fire Department requirements (OFC 503.2.4).

Requirement FIRE HYDRANTS	OFC 508.5
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Fire hydrants with reflectors will be required for this project.

Hydrant locations shall be as follows: In addition to the proposed fire hydrants, two (2) additional fire hydrants are required: One on Blanche in front of lot #9 and one on Stella in front of lot #43.

CITY OF MEDFORD
EXHIBIT # "E-1"
FILE # PUD-14-116 LDS-14-117
1 of 3



Medford Fire Department

200 S. Ivy Street, Room #180
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Phone: 774-2300; Fax: 541-774-2514;
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LAND DEVELOPMENT REPORT - REVISED

To: Desmond McGeough

LD Meeting Date: 11/26/2014

From: Greg Kleinberg

Report Prepared: 02/09/2015

Applicant: Stella RE Investments, LLC., Applicant (CSA Planning, Ltd., Agent)

File #: PUD - 14 - 116

Associated File #'s: LDS - 14 - 117

Site Name/Description:

The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.

Plans and specifications for fire hydrant system shall be submitted to Medford Fire Department for review and approval prior to construction. Submittal shall include a copy of this review (OFC 501.3).

Requirement "NO PARKING-FIRE LANE" SIGNS REQUIRED

OFC

503.3

Blanch Lane, Dubois Lane, and Stella Drive shall have parking prohibited on one side. One side shall be posted as shown below (Medford Code 10.430). When Stella Drive is built out to a minimum 33' width, the parking restriction is removed.

In addition, all the fire department turn-around areas shall be posted as NO PARKING - FIRE LANE.

Fire apparatus access roads 20-26' wide shall be posted on both sides as a fire lane. Fire apparatus access roads more than 26' to 32' wide shall be posted on one side as a fire lane (OFC D103.6.1).

Where parking is prohibited for fire department vehicle access purposes, NO PARKING-FIRE LANE signs shall be spaced at 50' intervals along the fire lane and at fire department designated turn-around's. The signs shall have red letters on a white background stating "NO PARKING FIRE LANE TOW AWAY ZONE ORS 98.810 to 98.812" (See handout).

Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths (20' wide) and clearances (13' 6" vertical) shall be maintained at all times (OFC 503.4; ORS 98.810-12).

This restriction shall be recorded on the property deed as a requirement for future construction.

Requirement FD ACCESS TO BUILDINGS AND FACILITIES

OFC

503.1.1

Lots/Units Affected: #28

If there is not a access road with a clear unobstructed minimum width of 20' leading into Lot #28, the structure will have to be protected with NFPA 13D fire sprinkler system because the structure on this lot exceeds the 150' requirement from the last legal fire department access road (Orleans Street) as stated below.

Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3

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Medford Fire Department

200 S. Ivy Street, Room #180
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
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LAND DEVELOPMENT REPORT - REVISED

To: Desmond McGeough

LD Meeting Date: 11/26/2014

From: Greg Kleinberg

Report Prepared: 02/09/2015

Applicant: Stella RE Investments, LLC., Applicant (CSA Planning, Ltd., Agent)

File #: PUD - 14 - 116

Associated File #'s: LDS - 14 - 117

Site Name/Description:

(See Appendix D).

Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exception: The fire code official is authorized to modify Sections 503.1 and 503.2 where any of the following applies:

1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
3. There are not more than two Group R-3 or Group U occupancies (OFC 503.1.1).

Development shall comply with access and water supply requirements in accordance with the Fire Code in affect at the time of development submittal.

Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.

Specific fire protection systems may be required in accordance with the Oregon Fire Code.

This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on the information provided only.

Design and installation shall meet the Oregon requirements of the IBC, IFC, IMC and NFPA standards.

1" E-1"
3 of 3

PUBLIC TESTIMONY: JUDY HOQUE

To Jackson County Planning Commission

RE PROPOSED PUD # 14116-14117

RECEIVED

FEB 09 2008 ²⁰¹⁵

PLANNING DEPT.

This letter is in regard to the proposed PUD by Stella Estates. I have no objection to the building of the 41 homes. My concern is the flow through Westwood Drive. I live at 1987 Westwood Drive. This property has been in my family since 1973. It is my understanding that Westwood Drive (which is currently a dead end street) would be pushed through to Thomas Road.

Medford City Council recently approved Westwood Drive to be rezoned to UH or 15 units per acre. It is currently zoned SFR 6. My concern is the connectivity to allow for efficient traffic flow. If this is not developed properly it could affect the property values on Westwood Drive if the amount of new traffic is not considered for future development.

CITY OF MEDFORD,
EXHIBIT # "L"
File # PUD-14-116/14117
DEF

Thank-you for your time

Judy Hoque
1987 Westwood Drive
Medford, OR. 97501
(541) 773-9909

CITY OF MEDFORD PLANNING COMMISSION RULES OF ORDER

Roberts Rules of Order Principles: The right of the majority to rule, the right of the minority to be heard, and the right of the individual to participate in the decision making process.

The City of Medford Planning Commission authority to adopt Rules of Order is found in *MLDC 10.124*.

A. ORGANIZATION

1. Election of Chair and Vice-Chair and Appointment of Commission Representatives
The Commission, at its first regular meeting in February of each year, shall elect a Chair and Vice-Chair. ~~After consultation with the Commission regarding availability, the Commission Chair shall appoint commission representative(s) to the Citizens Planning Advisory Committee and forward name(s) to the Mayor for appointment to the Site Plan and Architectural Commission. The Commission will appoint and the Joint Transportation Subcommittee (JTS) representatives as vacancies occur.~~ This practice will be followed in making appointments to other *ad hoc* committees.

2. Chair-Duties
 - a. The Chair shall preside at all meetings of the Commission providing general direction for the meetings, assuring proper order of the Commission and public in all proceedings. Such duties shall include:
 - i. announcing the business before the Commission in the order in which it is to be acted upon;
 - ii. receiving and submitting in the proper manner all motions and propositions presented by the members of the Commission;
 - iii. putting to a vote all questions which are properly moved, or necessarily arise in the course of proceedings and to announce the result thereof;
 - iv. informing the Commission, when necessary, or when referred to for that purpose, on any point of order or practice. In the course of discharge of this duty, the Chair shall have the right to call upon Legal Counsel for advice;
 - v. maintaining order at the meetings of the Commission;
 - vi. moving the agenda along, holding down redundancy, referencing handouts and procedures in a sensitive way during meetings;
 - vii. receiving documents or other physical evidence as part of the record;
 - viii. recognizing speakers and members of the Commission prior to receiving comments and presentations of physical evidence; i.e., plans and pictures; and
 - ix. the Chair may rule out of order any testimony or comment, which is irrelevant, personal, or not pertinent to the matter being heard.
 - b. It shall be the duty of the Chair to authenticate by signature when necessary, or when directed by the Commission, all of the acts, orders and proceedings of the Commission.

3. Duties of the Vice-Chair

The Vice-Chair, during the absence of the Chair, shall have and perform all the duties and functions of the Chair of the Commission.

4. Temporary Chair

In the event of the absence of, or disability of both the Chair and Vice-Chair, the Secretary calls the meeting to order, calls the role, and the Commission shall elect a temporary Chair to serve until the Chair or Vice-Chair so absent or disabled shall return. In such event, the temporary Chair shall have all the powers and perform the functions and duties herein assigned to the Chair of the Commission.

5. Secretary-Duties

A Planning Department staff member shall serve as secretary of the Commission. The secretary shall have the following duties:

- a. give notice of all Commission meetings as hereinafter provided; attend every meeting of the Commission, call the role and record for the record all members in attendance, ~~read communications, resolutions and other papers which are ordered to be read by the Chair of the meeting; and receive and bring to the attention of the Commission messages and other communications from other sources;~~
- b. keep the minutes of the proceedings of the Commission and record the same;
- c. keep and maintain a permanent record file of all documents and papers pertaining to the work of the Commission; and
- d. perform such other duties as may be required by these rules.

B. CONDUCT OF MEMBERS OF THE COMMISSION

1. Addressing Members

Commission members shall be addressed as "Commissioner" or by Mr. or Ms. and their last name.

2. Preparation

Members of the Commission shall take such time as necessary to prepare themselves for hearings and meetings. If members visit a site or have familiarity with a site they shall disclose any observations.

3. Members shall attend Meetings

Every member of the Commission shall attend the meetings of the Commission unless duly excused or unless unable to attend because of extenuating circumstances. Any member desiring to be excused shall notify the secretary. The secretary shall ~~call~~ disclose the same to the attention of the Chair. If a member of the Planning Commission is absent from three consecutive regular meetings or four regular meetings within a calendar year without being excused by the Chair, the Chair may recommend to the City Council officers that the member be removed from the Commission for nonperformance of duty. *MLDC 10.123*

4. Conflict of Interest *MLDC 10.160*

(1)Disqualification. No member of the Planning Commission shall participate in discussion of an application or vote on an application for any quasi-judicial action when any of the following conditions exist:

- (a) Any of the following have a direct or substantial financial interest in the proposal: members of the Planning Commission or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the past two (2) years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
- (b) The member owns property within the area entitled to receive notice of the decision.
- (c) For any other reason, the member has determined that participation in the decision cannot be in an impartial manner.

In cases where a member is disqualified for conflict of interest, the member shall vacate the seat and physically join the audience. A Commissioner shall also declare an intent to testify if the Commissioner chooses to enter testimony in the record.

(2)Disclosure of Potential Conflict of Interest. Whether or not he/she is disqualified, a public official shall disclose any potential conflict of interest as required by state law.

(3)Ex Parte Contacts. Planning Commission members shall reveal any pre-hearing or ex parte contacts with regard to any matter at the commencement of the public meeting on the matter. An ex parte contact is any communication with a party or person entitled to notice. If such contacts have impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall abstain.

(4)Planning Commission Members Wishing to Give Testimony. A member who desires to give testimony at a meeting may do so only by abstaining from voting on the proposal, vacating the seat and physically joining the audience, and declaring an intent to testify. Before testifying, the Commission member shall make full disclosure of his or her status and position at the time of addressing the Planning Commission and disclose that the person is testifying as an interested member of the public and not in his/her capacity as a member of the Commission.

C. MEETINGS

1. Place

Meetings of the Commission shall be held in the City Council Chambers on the third floor of the City Hall, Medford, Oregon, or at such other place in the city of Medford as the Commission may designate. A meeting having been convened at the place designated, may be adjourned by the Commission to any other place within the city of Medford for the sole purpose of investigating some particular matter of business which may be more conveniently investigated at such other place.

2. Regular Meetings

Regular meetings of the commission shall be held on the second and fourth Thursdays of each month at the hour of ~~5:00~~ 5:30 p.m. At 10:00 p.m. the Planning Commission will consider finishing the item presently being considered, and no additional items will be heard after that time unless a motion is made by a member of the Commission and approved by a majority of those present requesting to continue the agenda. All items remaining to be heard will be forwarded to the next agenda for consideration.

3. Special Meetings-Call

A special meeting may be called at any time by the Chair or by a majority vote of the Commission at any regular meeting of the Commission. Notice shall be given to each Commission member of the time and purpose of every special meeting of the Commission at least twenty-four (24) hours prior to such meeting. Such notice shall be delivered to each member of the Commission personally, or may be given by telephone to the member of the Commission. Such notice may also be given by United States Mail, directed to the member of the Commission at the member's residence and mailed not less than four (4) business days prior to the time fixed for such special meeting. It is specifically provided, however, that any member may, in writing, waive prior notice of the time, place and purpose of such meeting; and such waiver, if made, shall be deemed a waiver of prior notice of the time and purpose thereof.

4. Meetings-Matters Considered

Any matter pertaining to the affairs of the City of Medford Planning Commission and falling within the authority and jurisdiction of the Commission may be considered and acted upon at any regular meeting of the Commission without prior notice thereof, unless other notice is required under statute, *MLDC 10.159* or other noticing policies of the Commission. At special meetings, a matter not included within the notice may not be considered or acted upon without the ~~un~~ unanimous consent of all Commission members present.

5. Quorum

Five members of the Commission shall constitute a quorum thereof for the transaction of all business. An abstaining or disqualified member of the Planning Commission shall be counted if present for purposes of forming a quorum. Except, as otherwise specifically provided in these Rules, a majority vote of the Commission members voting shall be required and shall be sufficient to transact any business before the Commission. If all members of the Planning Commission abstain or are disqualified, all members present after stating their reasons for abstention or disqualification shall by doing so be re-qualified and proceed to resolve the issues. If a quorum is not present, the Chair shall call the meeting to order, announce the lack of a quorum, and adjourn the meeting.

6. Study Sessions

Regular study sessions of the Commission shall be held on the second and fourth Mondays of each month at the hour of 12 noon. Study sessions may be held as part of a regular Commission meeting or called in the same manner as a special meeting

in order for the Commission to discuss matters at greater length or to obtain additional background information. The Commission shall take no vote during such study session, but may give directions to Staff regarding the presentation of options for future consideration.

7. Oregon Public Meetings Law

All meetings of the Planning Commission shall be noticed in conformance with the requirements of Oregon's Public Meetings Law.

D. PROCEDURE - ORDER OF BUSINESS

1. Roll Call

At all meetings before proceeding to business, the roll of the Commission members shall be taken and the names of those present and those absent shall be entered on the record.

2. Order of Business

The order of business shall be as follows:

- a. Roll call
- b. Consent Calendar/Written Communications
- c. Approval of minutes of prior meetings
- d. Oral and Written Requests and Communications
- e. Public Hearings
 - i. ~~Chair Counsel Reads reads~~ Legal Statement Governing Quasi-judicial procedure (~~See Planning Commissioner's Handbook~~)
 - ii. Old Business
 - ~~f~~iii. New Business
 - ~~iv.~~
 - ~~g-f.~~ ~~Report of Citizens Planning Advisory Committee~~
 - ~~h-gf.~~ Report of the Site Plan and Architectural Commission
 - ~~i-hg.~~ Report of the Joint Transportation Subcommittee
 - ~~j-ih.~~ Report of the Planning Director
 - ~~k-ji.~~ Messages and Papers from Chair of Planning Commission
 - ~~l-kj.~~ Remarks from the City Attorney
 - ~~m-lk.~~ Propositions and Remarks from the Commission
 - ~~n-ml.~~ Chair Adjourns Meeting

3. Agenda for Meetings

The secretary, with the approval of the Planning Director, shall prepare a written agenda for each meeting a minimum of seven days prior to each regular meeting in accordance with *MLDC 10.159*.

4. Special Order of Business

The Commission may suspend the rules as to the order of business, or return to an order already passed, on a motion supported by a two-thirds vote of the members of the Commission present.

E. ORDER AND DECORUM

1. Order of Consideration of Items MLDC 10.161 (3) The following procedure will normally be observed in a public hearing or other matter before the Commission; however, it may be rearranged by the Chair for individual items, if necessary, for the expeditious conduct of business:
 - a. Chair introduces item;
 - b. Abstentions, conflicts of interest and challenges are entertained and any declaration of conflicts of interest and ex parte contacts;
 - c. Staff makes a presentation on the criteria and standards and recommendations;
 - d. Applicant or applicant's agent presents evidence for the proposal;
 - e. Any opponents and/or proponents may comment;
 - f. Planning Commission members may question staff, applicant, or opponents on all the above;
 - ~~f~~g. Questioning of witnesses shall be done in accordance with *MLDC 10.162*, questions shall be brief and to the point, all questions shall be submitted to the witness through the Chair unless the Chair expressly permits the submission of questions directly to a witness;
 - ~~g~~h. Applicant's rebuttal if reserved;
 - ~~h~~i. Closing of the public hearing, if applicable;
 - ~~i~~j. Staff summary and recommendations;
 - ~~j~~k. Motion is made and seconded; the Planning Commission discusses the item and votes. Members are allowed to openly discuss the proposal and may further question any party appearing for or against the proposal as necessary, but generally questions should be asked while the public hearing is open.
 - ~~k~~l. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing. The hearing shall be closed and deliberations postponed until the following meeting.
 - ~~l~~m. When the Planning Commission reopens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

2. Public Hearings MLDC 10.161 (1)

Nature of Hearing. All parties with standing shall have an opportunity to be heard, to present and rebut evidence before an impartial tribunal, to have the proceedings recorded, and to have a decision rendered in accordance with the facts on record and the law.

The Chair of the Planning Commission shall have authority to:

 - (a) Regulate the course and decorum of the meeting.
 - (b) Dispose of procedural requests and similar matters.
 - (c) Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation, questions, and rebuttal testimony.
 - (d) Question any person appearing, and allow other members to question any such person.
 - (e) Waive, at his/her discretion, the application of any rule herein where the circumstances of the hearing indicate that it would be expedient and proper to do so, provided that such waiver does not act to prejudice or deny any party his/her substantial rights as provided herein or otherwise by law.

- (f) Take such other action as authorized by the Planning Commission to appropriately conduct the hearing.

A ruling of the Chair may be challenged by any member of the Planning Commission present at the hearing. The challenge must be seconded. A ruling may be reversed by a majority of the members present and voting. A tie vote upholds the Chair's decision.

3. Conduct of Persons Before the Commission *MLDC 10.161(2)*

Proceedings shall at all times be orderly and respectful. The Chair may refuse to recognize or exclude from the hearing anyone who:

- (a) Is disorderly, abusive, or disruptive.
- (b) Takes part in or encourages audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive to the hearing.
- (c) Testifies without first receiving recognition from the Chair and stating his full name and residence. *(Stating their full name and address is optional)*
- (d) Presents irrelevant, immaterial, or repetitious evidence.

Persons making presentations or providing comments to the Planning Commission shall address the Commission from the podium or microphone and not from the audience; shall address all comments to the Planning Commission; and may not directly question or interrogate other persons in the audience.

F. PROCEDURE - MOTIONS

1. Making of Motions

Upon review of the full public record on a request and due deliberation among the members of the Planning Commission, any Planning Commissioner may make or second a motion. The motion shall include not only the direction of the motion, but shall also include the recitation of specific findings of fact supporting such motion. A second shall be required for each motion. Other members of the Commission may support the motion by adding compatible findings. A motion shall die in the absence of a second. Discussion of the motion should not take place until it has been seconded and the Chair has stated the motion and called for discussion. The Chair may decline to state the question on any main motion, amendment, or motion to commit, if it is not in writing.

2. Withdrawing a Motion

When a motion has been made but not yet stated by the Chair, whether or not it has been seconded, it can be withdrawn or modified by the mover. The member simply says, "Chair, I withdraw the motion."

If the mover wishes to modify his/her motion, he/she should specify the modification. Any member may suggest that the mover withdraw or modify his/her motion, but only the mover may do so.

If a motion is modified before being stated by the Chair, the second may withdraw his/her second.

After the Chair states a motion, it is the property of the commission. It can be withdrawn or modified at any time before voting by a majority vote to withdraw or modify.

3. Motions in Order During Debate

When a question is under debate, no motion shall be received except:

- a. to fix the time to adjourn;
- b. to adjourn;
- c. to continue, table, or postpone indefinitely or to a specified time;
- d. to amend; to substitute;
- e. refer to committee;
- f. previous question (immediately close debate);
- g. limit or extend limits of debate;
- h. take a recess;
- i. call for orders of the day;
- j. suspension of the rules;
- k. appeal rulings by the Chair;
- l. reconsider an undebatable motion.

4. Motion must be Germane

No motion or proposition on a subject different from that under consideration is in order and no such motion or proposition shall be admitted under color of amendment.

5. Motions to Deny

Where a motion to deny a request ~~shall have~~has been defeated, a member of the Commission shall make another motion to dispose of the issue.

6. Substitute Motions

A motion to amend by striking out an entire section or paragraph of a main motion and inserting a different section or paragraph is called a motion to substitute. Substitute motions shall supersede the main motion upon receiving the approval of a majority vote.

7. Amendments

All amendments must relate to the same subject as the original motion, resolution, proposition or ordinance. All amendments to the main motion require a second. If any amendment be offered, the question shall be first upon the amendment.

8. Friendly Amendments

A Commissioner may make a friendly amendment without a formal motion with unanimous consent of the members present. Typically such motions are appropriate for clean-up items or an issue discussed but inadvertently neglected by the maker of the motion.

G. PROCEDURE – RECONSIDERATION, RESCINDING & AMEND AFTER ADOPTION MOTIONS

1. Motion to Reconsider

Must be made in the same meeting as the motion that was voted on. Can only be made by a member who voted on the prevailing side. Must be seconded. Any Commission member, regardless of vote on main motion, may second the motion. Is debatable. Can be applied to a vote that was either affirmative or negative, and it proposes no specific change in a decision but simply proposes that the original question be reopened. Requires a majority vote. Cannot be reconsidered.

2. Motion to Rescind

Applies to a final decision on a motion. Can be made by any member of the commission. Must be seconded. Is debatable. Can only be applied to a motion on which the vote was affirmative, and it proposes a specified change in a decision that may have been made at any time previously. Requires a two-thirds vote; or a majority vote when notice of intent to make the motion was made at a previous meeting; or a majority of the entire membership, whichever is the most practical to obtain. A negative vote on this motion may be reconsidered, but not an affirmative vote.

3. Motion to Amend After Adoption

Its purpose is to modify an adopted main motion. It can be proposed to modify only a part of the wording or text previously adopted, or to substitute a different version. The procedures for such a motion are identical to that of a motion to rescind.

4. Alternative Motion Prior to Final Order Adoption

At the meeting where the Commission considers the final order, but prior to adoption, any Commissioner, may pull the item from the consent agenda and make a new motion. The action of the Commission will supersede any proposed final order that had been on the agenda.

H. PROCEDURE - DEBATE

1. Interruptions and Questions

No member of the Commission shall interrupt or question another Commissioner without obtaining the Commissioner's consent. To obtain such consent, the Chair shall be addressed requesting to interrupt or ask a question; e.g., "Chair (name) I would like to ask Commissioner (name) a question or make a comment." The Commissioner speaking has the discretion to allow an interruption.

I. PROCEDURE - VOTING

1. Roll Call on Final Passage

The vote upon the final passage of all business shall be by yeases and nos given by members of the Commission individually on roll call, except a motion to adjourn, table, common consent, continue, proceed out of order, extend the meeting time, or receive for study may be done by voice vote. No member is allowed to explain

his/her vote during the voting process. The names of the members on such roll call shall be called in rotation, except that the Chair shall be called last. In recording votes on roll call, the secretary shall record and report those absent or not voting. The Chair shall announce the result.

Minute Approval. The Chair shall ask the Commission if they have had the opportunity to read the minutes and if there are any additions or corrections. Upon hearing from the Commission the Chair shall declare the minutes approved either as presented or amended. If the Commission has not had an opportunity to review the minutes, approval shall be postponed to the next regular meeting.

2. Changing Vote Before Decision Announced

When a vote is taken on roll call on any question, any member may change his/her vote before the decision of the question has been announced by the Chair.

3. Voting or Changing Vote After Decision Announced

On any such vote no member shall be permitted to vote or to change his/her vote after the decision is announced by the Chair unless the member has the permission of the Planning Commission by general consent or motion if a member objects.

4. Late Voting

A member entering the Chamber after the question is put and before it is decided, may have the question stated, record his/her vote and be counted.

A member absent during the presentation of evidence in a quasi-judicial meeting may not participate in the deliberations or final decision regarding the matter of the meeting unless the member has reviewed all the evidence in the record to date including tapes of prior meetings. *MLDC 10.160 [4]*

5. Tie Votes

If a motion regarding any matter before the Commission receives an equal number of votes in the affirmative and in the negative the motion fails. The Commission shall continue to make motions until a majority vote is obtained. The option of continuing an item with the possibility that an odd number of members of the Commission would be at a subsequent meeting may be considered.

6. Explaining Vote

After the vote is taken, any member of the Commission desiring to explain his/her vote shall be allowed an opportunity to do so.

7. Not to Vote Unless Present

No member of the Commission shall vote on any question unless the member is present when the vote is taken and when the result is announced. No member shall give his/her proxy to any persons whomsoever.

J. DOCUMENTS OF THE COMMISSION

1. Any and all materials submitted to the Planning Commission regarding a request shall be entered into the public record by the Chair by indicating that the material is

"accepted for the record"; provided, however, that the Staff Report submitted to the Planning Commission as part of the agenda shall automatically become part of the public record.

2. All notices, agendas, requests, agency or consultant letters or reports, Staff Reports, minutes of meetings, and resolutions of record shall constitute the documents of the Planning Commission and shall be indexed as public record.

K. AMENDMENT

Adopted Rules of Order may be amended at any regular meeting by a vote of the majority of the entire membership; or if the amendment was submitted in writing at the previous meeting, then they may be amended by a two-thirds vote of those voting, a quorum being present.

L. RECORDING OF RULES -- COPIES TO BE FURNISHED

These Rules, and all subsequent amendments thereto, shall be recorded by the secretary in the book kept for the recording of such business and shall be furnished to each member of the Commission a copy thereof in form convenient for reference.

Effective Date: July 25, 2002

Revised: ~~August 25,~~
~~2005~~ February 26, 2015

David McFadden, Chair
City of Medford Planning Commission