PLANNING COMMISSION AGENDA APRIL 9, 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
April 9, 2015
5:30 p.m.

Council Chambers
411 West Eighth Street, Medford, OR

10.	**Roll Call**	
20.	**Consent Calendar/Written Communications (Voice Vote)**	
30.	**Minutes**	
30.1	Approval of Minutes from the March 26, 2015, meeting	
40.	**Oral and Written Requests and Communications**	
50.	**Public Hearings**	
	New Business	
50.1	CUP-14-127/ E-15-026	Consideration of a request for a Conditional Use Permit to allow for the construction of the replacement of Fire Station #3 and an Exception to driveway width standards on a 23.12 acre parcel located on the west side of Highland Drive near the intersection of Highland Drive and Siskiyou Boulevard, within a SFR-6 (Single Family Residential – 6 dwelling units per gross acre) zoning district. (City of Medford Fire-Rescue, Applicant; CSA Planning Ltd., Agent).
50.2	CUP-14-128/ E-15-027	Consideration of a request for a Conditional Use Permit to allow for the construction of a replacement of Fire Station #4 and an Exception to driveway width standards on a 3.54 acre parcel located east of Table Rock Road on the south side of Berrydale Avenue west of the Railroad Park, within a MFR-20 (Multiple-Family Residential – 20 dwelling units per gross acre) zoning district. (City of Medford Fire-Rescue Department, Applicant; CSA Planning Ltd., Agent).
50.3	LDS-15-015/ E-15-016/ ZC-15-017	Consideration of a request for a consolidated application consisting of a Zone Change from SFR-10 (Single Family Residential – 10 dwelling units per gross acre) to SFR- 6 (Single Family Residential- 6 dwelling units per acre) on one parcel totaling 11.36 acres, a tentative plat for a 57 lot residential subdivision and an associated Exception request seeking relief to side yard setbacks on particular lots within the subdivision. The subject site is located east of the terminus of Ford Drive and north of the terminus of Cheltenham Way within corporate limits of the City of Medford. (HH Medford One, LLC, Applicant; CSA Planning, Ltd/Jay Harland, Agent).
50.4	PUD-14-136/ LDS-14-137/ LDS-14-138	Consideration of a request for a revision to the Cedar Landing Planned Unit Development (PUD) and for approvals of the tentative plats for Sky Lakes Subdivision Phase 1, a 60 lot subdivision and The Village at Cedar Landing Subdivision Phase 1, a 38 lot subdivision. The PUD revision request applies only to the portion north of Cedar Links Drive and consists of: 1) the addition of Longstone Drive, 2) the loss of one lot in Sky Lakes Phase 1, 3) the gain of two lots in The Village at Cedar Landing, and 4) the relocation of pedestrian/bicycle paths. The project is located on approximately 114 acres on the north and south sides of Cedar Links Drive, west of Foothill Road within an SFR-4/PD (Single-Family Residential – 4 dwelling units per gross acre / Planned Development) zoning district. (Cedar Investment Group LLC, Applicant; Dennis Hoffbuhr, Agent).

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

MINUTES
Planning Commission Meeting
March 26, 2015

The regular meeting of the Medford Planning Commission was called to order at 5:30 p.m. in the Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present
David McFadden, Chair
Patrick Miranda, Vice Chair
Tim D'Alessandro
Norman Fincher
Bill Mansfield
Mark McKechnie
Jared Pulver
Alec Schwimmer

Staff
Jim Huber, Planning Director
Kelly Akin, Principal Planner
John Adam, Senior Planner
Kevin McConnell, Deputy City Attorney
Terri L. Rozzana, Recording Secretary
Carla Paladino, Planner III

Commissioners Absent
Chris MacMillan, Excused Absence

10. Roll Call

20. Consent Calendar/Written Communications. None.

30. Minutes.
30.1 The minutes for March 12, 2015, were approved as submitted.

40. Oral and Written Requests and Communications. None.

50. Public Hearing.
New Business
Chair McFadden stated that tonight's meeting will be conducted as a legislative hearing. There will be no statement from Kevin McConnell, Deputy City Attorney. Mr. McConnell confirmed the statement.

50.1 **DCA-15-014** Consideration of a Class 'A' legislative code amendment to amend Chapter 10 of the Municipal Code to provide provisions for beekeeping in the city limits. (City of Medford, Applicant).

Carla Paladino, Planner III, reviewed the approval criteria, background on the amendment, proposed language and compliance with applicable criteria.

Commissioner D'Alessandro asked what constitutes one hive in the Langstroth hive. Ms. Paladino replied that it is the entire structure.

Commissioner McKechnie asked what distance the water source has to be. Ms. Paladino stated no more than 15 feet from the hive.

Commissioner Pulver asked is if bee hives are allowed in the County. Ms. Paladino reported they are.

The public hearing was opened and the following testimony was given.

a. Scott Allison, 891 Beswick Way, Ashland, Oregon, 97520. Mr. Allison has been a beekeeper for three years. It is important for the City to support this amendment. Bees provide pollination for a major portion of the food source. Honey bees are pretty docile.

b. Jesse Boten, 210 Fordham Court, Medford, Oregon, 97504. Mr. Boten commented that hive boxes shown in the staff presentation were exceptionally large; they typically get no taller than waist high. The proposed amendment is a good way for Medford to be at the leading edge.

c. Sharon Schmidt, 4601 S. Pacific Highway, Phoenix, Oregon, 97535. Ms. Schmidt is from the honey festival. There is a problem of keeping bees alive. Anything they can do to increase the bee population will be time well spent.

d. Ryan King, 555 North 5th Street, Jacksonville, Oregon, 97530. Mr. King did his graduate work at SOU and worked with the City of Ashland to do a similar amendment. Part of his thesis at SOU was to set up a beekeeping program at the University. There is a lot of fear associated with bees, especially with children. It would be great for Medford to approve this amendment.

e. Dolly Warden, 255 Colver Road, no. 88, Talent, Oregon, 97540. Ms. Warden stated that it is essential that these bees keep living. We need to make sure there is an ordinance for honey bees in the City of Medford.

f. Dean MacEanis, 1312 Spring Street, Medford, Oregon, 97504. Mr. MacEanis reported that bees are very docile. Neighbors near his bee hives are excited that their gardens have flourished. This amendment is a great idea. He appreciates the City considering this amendment.

g. Vicki Ryder, 2105 Dellwood Avenue, Medford, Oregon, 97504. Ms. Ryder does not want bees next door to her or in her backyard. She does not want to worry about her grandchildren being stung by bees. She does not want bees.

h. Bob King, 3436 Creek View Drive, Medford, Oregon, 97504-9625. Mr. King stated that we get 35 percent of our food from bee pollination. The bees are non-aggressive unless they are disturbed. Many cities allow bees: New York, Chicago, and San Francisco. There are many wild colonies along Larson Creek. Local honey is good for combating local allergies. He hopes that the Planning Commission will approve this amendment.

i. Ellen Wright, 97 Pine Street, Ashland, Oregon. Ms. Wright wanted to make sure that a letter from Southern Oregon Beekeepers Association was in the record. They are a regional branch of the State beekeepers association. The Association strongly supports the effort to allow urban beekeeping.

Chair McFadden asked in regard to Ms. Ryder's concerns if the Southern Oregon Beekeepers Association feels that registration is adequate or would the Association recommend stronger action. Ms. Wright stated that the Association would recommend the registration over requiring hearings. It is important for the City and neighbors to know where the hives are. Ashland uses the registry.

Vice Chair Miranda asked whether there were guidelines in the Southern Oregon Beekeepers Association documentation that states how small or large a hive can be. Ms. Wright answered that twelve stacks would be very unusual. She does not believe there is any reason to restrict it. The only reason it would get tall is if there was a phenomenal honey flow coming in.

Commissioner Mansfield asked if it was true that it is a small percentage of people with that are allergic to honey bees. Ms. Wright confirmed the statement. Ms. Wright will look that up and submit the statistics.

Vice Chair Miranda asked how population in the hives is controlled. Ms. Wright reported by beekeeper management practices.

The public hearing was closed.

Commissioner Pulver stated that his understanding of the nuisance abatement is that if there was a complaint, the City deemed that the offender needed to correct it, and if not, the City would take action with an associated fine. Ms. Paladino confirmed. There is no specific language on how the City would extract the hives if there was an issue. That may be something to consider when forwarding it to the City Council.

Mr. McConnell stated that in this ordinance he does not see where the City could take extraction action. It needs to be discussed and language needs to be included explaining how the City could take action.

Commissioner Schwimmer asked Mr. McConnell if the property owner has a civil cause of action based on a nuisance standing in order to enforce the abatement of the bees. Mr. McConnell confirmed this, but pointed out that civil legal action is a long and expensive process. People who complain will want the City to do something about it.

Motion: Based on the findings and conclusions that all of the approval criteria are either met or are not applicable, the Planning Commission initiates and forwards a favorable recommendation for adoption of DCA-15-014 to the City Council per the staff report dated March

19, 2015, including all Exhibits, with Exhibit A amended, plus revisions regarding nuisance abatement to be worked out by staff.

Moved by: Vice Chair Miranda Seconded by: Commissioner McKechnie

Commissioner D'Alessandro asked if the language would be sent back to the Planning Commission for review or go to the City Council. Mr. McConnell replied that it would go to City Council.

Commissioner Schwimmer stated that the City drafted legislative changes based on compelling city interest for a public good. There has been testimony tonight that there are reasons why the City should approve this ordinance. There are health issues related to the enactment of this ordinance. The City has to weigh the benefit against that. The City has taken steps to mitigate that by placing height limitations, restrictions on setbacks and making sure there is water. The Deputy City Attorney has expressed concerns regarding the abatement process and how the City would have the power to step in and remove bees when a resident complains because the bees do not behave. This enactment will allow better control of the bees. It is his position for the City to enact this ordinance.

Commissioner Pulver stated that it is important for the City to have the ability to take action in a clean and expedited fashion. Whatever language that needs to be added to make that clean should be done. He struggles with the front yard option for location of hives. He also struggles with these in a commercial and industrial setting. He does not see those settings as being favorable for having hives.

Vice Chair Miranda reported that he thinks this will be good for the City and the citizens.

Commissioner McKechnie stated that he is comfortable with the 20-foot front yard setback. It is his opinion this is good for Medford. He supports the idea in case there is a problem with a hive a neighbor has a reasonable remedy to address that without having to go through a long list of items. He is in favor of staff working with the City Council to make it more straightforward.

Mr. McConnell stated that the nuisance abatement is there in case there is a need. As far as determining what bees were causing the nuisance, the City would have to be able to do that before taking anyone's hives. There is a due process. The City would have to prove its case by preponderance of the evidence. If the City could not make the case the bees that were causing the problem came from the neighbors hives then the hives stay.

Roll Call Vote: Motion passed, 8–0.

60. Report of the Site Plan and Architectural Commission.

60.1 Commissioner Schwimmer reported that the Site Plan and Architectural Commission met on Friday, March 20, 2015. They approved the final order for In-N-Out restaurant. They heard consideration of plans to construct a 972 square foot addition to an existing 1,200 square

foot shop building, situated at the northwest corner of a 2.09 acre lot, on the west side of Crater Lake Highway between Commerce Drive and Coker Butte Road. The applicant requested relief from installing three street lights. Kevin McConnell, Deputy City Attorney, stated an exception would not be necessary in this case as the applicant made a Nolan-Dolan argument regarding proportionality. He said there may be a nexus here but not rough proportionality. He added there is no Nolan-Dolan analysis in the Public Works Department Staff Report so based on that this Commission could accept the applicant's request for an exception to the street lights requirement. The Commission approved the exception of the street light requirement stated in the Public Works Department Staff Report.

70. **Report of the Joint Transportation Subcommittee.** None.

80. **Report of the Planning Department.**

80.1 Kelly Akin, Principal Planner, reported that the Planning Commission's next meeting is Monday, April 6, 2015. This is a special study session that will be on the Urban Growth Boundary testimony that they heard on Thursday, March 12, 2015. Staff is supposed to get direction from the Planning Commission on how to proceed for the hearing that will follow.

There is business scheduled for the next two months for the Planning Commission. Those meetings will take place on Thursday, April 9, 23, May 14 and May 28, 2015.

Last week the City Council approved the text amendment allowing administrative revisions to Site Plan and Architectural Review and Conditional Use Permit approvals.

Chair McFadden inquired who was going from the Planning Commission to the APA Conference in Seattle, Washington. Ms. Akin replied that Commissioner Schwimmer would be attending. Chair McFadden asked whether the approval allowed for two Planning Commissioner's to attend. Ms. Akin replied that the approval allows for two Planning Commissioner's to attend the APA Conference. Vice Chair Miranda stated that he was supposed to attend but found out that he would be in Arizona during the dates of the Conference.

90. **Messages and Papers from Chair of Planning Commission.** None.

100. **Remarks from the City Attorney.** None.

110. **Propositions and Remarks from the Commission.** None.

120. **Adjournment.**

The meeting was adjourned at 6:45 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Terri L. Rozzana Recording Secretary	David McFadden Planning Commission Chair

Approved: April 9, 2015

CITY OF MEDFORD
PLANNING DEPARTMENT

STAFF REPORT

Date: April 2, 2015, for meeting of April 9, 2015

To: Planning Commission

From: Sarah Sousa, Planner IV

Reviewed By: Kelly Akin, Principal Planner

Subject: Fire Station #3 (CUP-14-127 / E-15-026)
City of Medford (Greg McKown), Applicant
ORW Architecture (David Wilkerson), Agent

BACKGROUND

Proposal

Consideration of a request for a Conditional Use Permit to allow for the construction of the replacement of Fire Station #3 and an Exception to driveway width standards on a 23.12 acre parcel located on the west side of Highland Drive, approximately 200 feet south of the intersection of Highland Drive and Siskiyou Boulevard, within a SFR-6 (Single Family Residential – 6 dwelling units per gross acre) zoning district.

Subject Site Zoning, GLUP Designation and Existing Uses

Subject Site Zoning: SFR-6
GLUP Designation: PS (Parks & Schools)
Existing Uses: Fire Station

Surrounding Property Zoning and Uses

North Zone: SFR-6 / C-N (Neighborhood Commercial)
Use: Single Family Homes / Shopping Center

West Zone: SFR-6
Use: City Park

South Zone: SFR-6 / MFR-30 (Multi-Family Residential – 30 dwelling units per gross acre)
Use: City Park

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

East Zone: SFR-4 (Single Family Residential – 4 dwelling units per gross acre)
Use: Cemetery

Related Projects

CUP-74-153 Conditional Use Permit for expansions to Fire Stations #3 & #4

Applicable Criteria

Medford Land Development Code Section 10.248
Conditional Use Permit Approval Criteria

The approving authority (Planning Commission) must determine that the development proposal complies with either of the following criteria before approval can be granted.

(1) The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.
(2) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.

In authorizing a conditional use permit the approving authority (Planning Commission) may impose any of the following conditions:

(1) Limit the manner in which the use is conducted, including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
(2) Establish a special yard or other open space or lot area or dimension requirement.
(3) Limit the height, size, or location of a building or other structure.
(4) Designate the size, number, location, or nature of vehicle access points.
(5) Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.
(6) Designate the size, location, screening, drainage, surfacing, or other improvement of parking or truck loading area.
(7) Limit or otherwise designate the number, size, location, height, or lighting of signs.
(8) Limit the location and intensity of outdoor lighting, or require its shielding.
(9) Require screening, landscaping, or other facilities to protect adjacent or nearby property, and designate standards for installation or maintenance thereof.
(10) Designate the size, height, location, or materials for a fence.
(11) Protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.

Medford Land Development Code Section 10.253
Exception Approval Criteria

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority (Planning Commission/Site Plan and Architectural Commission) having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

(1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The Planning Commission/Site Plan and Architectural Commission shall have the authority to impose conditions to assure that this criterion is met.

(2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.

(3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.

(4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

ISSUES/ANALYSIS

Background

Medford Fire Station #3 is located near the intersection of Highland Drive and Siskiyou Boulevard, near the City's first public roundabout. It is situated on over 23 acres, most of which is dedicated to Bear Creek Park. Throughout the years, the existing station has been expanded (in 1976 and 1989), to its current size of 4,365 square feet.

In 2014, the Medford City Council voted to rebuild three of Medford's oldest fire stations in need of modernization. In regards to Fire Station #3, the proposal is to rebuild a new 11,620 square foot building, just south of the existing station. The existing fire station building is planned for reuse by the Parks Department for Bear Creek Park storage.

As the subject property is zoned residential, a Conditional Use Permit is required for institutional uses, such as fire stations, in all residential zones per Medford Land Development Code Section 10.314(6).

Project Summary

The project area is approximately 1.5 acres and is located approximately 200 feet south of the intersection of Highland Drive and Siskiyou Boulevard. Much of the project boundary is surrounded by Bear Creek Park. Directly across Highland Drive to the east is Siskiyou Memorial Cemetery.

The proposed station includes a total of 11,620 square feet and is a one-story building. The site plan shows public and private parking areas, a generator and trash enclosure, a secured patio, and landscaping (Exhibit B). A three-vehicle apparatus bay comprises a large portion of the south side of the building that leads out to a large driveway for the trucks to exit out of onto Highland Drive.

Consolidated Review

Medford Land Development Code Section 10.247(a) states that Conditional Use Permits shall be exempt from Site Plan & Architectural Commission review. However, often the Planning Commission has delegated authority to the Site Plan & Architectural Commission, per Medford Land Development Code Section 10.247(a)(1), for the review of the architecture and landscaping.

Fire Station #2 is located on commercially zoned property and not subject to a Conditional Use Permit, but does require Site Plan & Architectural Commission approval. The Site Plan & Architectural Commission will evaluate the architecture of Fire Station #2, which is identical to Fire Station #3, on April 6, 2015.

Staff can provide the Planning Commission with the results of that meeting at the public hearing on April 9, 2015. Since the architecture is the same, staff recommends that the Planning Commission approve the Conditional Use Permit without delegation to the Site Plan & Architectural Commission for Fire Station #3.

Fire Station Operation

The Deputy Fire Chief supplied information related to the operation of fire stations (Exhibit L). Staffing for each station is three to seven firefighters on duty 24 hours a day, 365 days a year. Fire personnel respond to emergency calls related to fire, medical, natural disasters, and motor vehicle collisions. Approximately 10,000 calls for service are handled between five fire stations. Response is handled at any time during a 24-hour period. Generally, one full size fire engine responds per emergency. Each station contains one or two fire engines as backup within the apparatus bay.

Fire stations are places for firefighters to live and work. The new Fire Station #3 has been designed to accommodate bunk rooms for personnel to sleep in, full bathrooms with showers, a laundry area, kitchen and dining space, an outdoor patio, a physical

training room, a multi-purpose room, offices, storage, and an apparatus bay. According to the Applicant's Findings, no outdoor recreational facilities are planned for Fire Station #3 other than possibly a basketball hoop in the rear paved area for daytime use (Exhibit J).

Access

Access to the new station will be from Highland Drive. Two access points are proposed due to the nature of a fire station's operation. A 30-foot wide driveway is shown on the north side of the property for vehicles during non-emergency events. An additional 81-foot wide driveway is planned to the south for the fire trucks to exit from a three-bay garage.

Exception

In conjunction with the CUP, the applicant submitted an Exception application for relief of driveway width requirements in Medford Land Development Code Section 10.550-1. According to the Applicant's Findings, the south driveway is designed to accommodate the rapid deployment of large fire apparatus during emergencies. It is further analyzed under the Findings of Fact section later in the report.

Circulation

The majority of vehicles will enter the site from the northern driveway off of Highland Drive. It's from this driveway that visitors will enter and park. Heading west to the back of the site, a 20-foot steel gate will secure employee parking spaces behind the building. During non-emergency times, the large trucks will access the site from this northernmost driveway and enter into the large apparatus bay. Generally, the fire trucks will be the only ones using the southern driveway as they exit the site.

Vehicular Parking

In regards to parking, there is no standard specified for fire stations. The closest category listed in Medford Land Development Code Section 10.743-1 is public services. Based upon this use, 1.0 space per 1.1 employees on the largest work shift plus 1 space per company vehicle stored on the premises is required. A total of three to seven firefighters are typically on duty at one time and seven spaces are provided at the back of the building. The apparatus bay serves as parking for the station's trucks. The additional parking shown for visitors (11 spaces) is based upon the need the station has experienced over the years. Staff recommends approval of the parking as proposed.

Bike Parking

The Medford Land Development Code requires institutional uses to provide bicycle parking in a ratio that is 10% of the vehicular parking provided. The applicant submitted a Demonstration of Compliance with Development Standards that listed the use as residential/congregate housing, which is exempt from bicycle parking (Exhibit K). However, the use is actually institutional, and a total of two bicycle parking spaces will

be required in accordance with Medford Land Development Code Section 10.748-10.750. A condition is included requiring the bicycle parking to be shown on a revised site plan as well as the submittal of a bike rack design consistent with an inverted "U" or staple design prior to issuance of the building permit for vertical construction.

Building Elevations

The building elevations show a modern style building with a flat roof (Exhibit G). The exterior materials include red brick with a band of concrete masonry (CMU) towards the top that wraps around the entire structure. The front and most prominent elevation provides interest with a floor to ceiling glass window panel, large red colored bay doors with windows, and a large station number. There are varied roof heights with a black metal coping that help to break up the mass of the building.

Lighting

A lighting plan & detail specifications were submitted to demonstrate compliance with Medford Land Development Code Section 10.764 in regards to glare (Exhibits E & S). A total of eight pole lights are proposed, six within the parking areas and two in the front of the facility. The lights are shown as shielded and downward-facing.

Landscaping

The landscape plan shows the site enhanced with trees and shrubs around the perimeter of the site (Exhibit D). The majority of the landscaping is shown along the western boundary within a 40-foot detention area. All required landscaping has been met. The Parks Department recommends replacement of one tree (Cotinus Coggygria) with one from the street tree list (Exhibit P). A revised landscape plan will be required to be submitted prior to issuance of the building permit for vertical construction.

Concealments

A trash enclosure is proposed at the northwest portion of the site. A detail was provided of the enclosure to ensure compliance with the requirements listed in Medford Land Development Code Section 10.781.

Heating and air equipment (HVAC) is proposed as roof mounted behind a visual screen.

FINDINGS OF FACT

Conditional Use Permit

Uses classified as a conditional use shall be evaluated in order to assure its appropriateness for a site as well as determine compatibility with adjacent land uses. As explained in the Applicant's Findings on page 11, qualities that constitute livability and determine whether a proposed use will cause more than a minimal adverse impact relate to noise, safety, transportation, visual impact, lighting and off-street parking. The Applicant's Findings address those impacts thoroughly. Some of the points in the

Applicant's Findings as well as staff's analysis are described below.

(2) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.

1. Noise will be produced by vehicles entering and leaving the site, voices, sound from electronic devices such as televisions and radios when windows are open, and periodic noise produced when fire apparatus leave in response to emergencies. However, when emergency calls are received and fire apparatus are deployed from the location, no sirens are used until the apparatus are two or more blocks from the responding fire stations, and then only as needed. During nighttime hours when traffic is comparatively light, sirens are only used when approaching intersections and then only as needed to alert motorists. In regards to noise produced by voices and electronic devices, this is not expected to exceed what is produced by a typical single family dwelling. Lastly, no outdoor training is proposed at the site.

2. In regards to safety, the occupants of the proposed fire station include fire fighters and paramedics with a high degree of training in emergency preparedness. They also provide public outreach to the community related to safety and also serve as a significant benefit to those who live or work in the neighborhood who might seek out assistance.

3. Although there is no trip generation number attributed to fire stations, Fire Station #3 will have from three to seven employees at one time at the station. Once employees are at the station, they are there at the site for a 24-hour shift unless called out on an emergency. The general public does not frequent the station very often so the vehicles coming and going from the site are generally from the employees during shift changes.

4. The visual impact from the proposed building will be minimized by the aesthetically pleasing design. The mass of the structure is broken up by varied roof heights from 16 feet to 21 feet in height. In addition, there are no nearby homes adjacent to the site. Much of the land to the north, south and west is occupied by the city park while a cemetery is situated to the east.

5. All proposed lighting is designed to be shielded and downward-facing in order to prevent glare from adjacent properties.

6. Sufficient off-street parking is shown on the site plan. Spaces for employees (seven at the maximum shift) are provided as well as potential visitors to the site.

7. Unlike a new use, the station currently operates on the same site. Adjacent property owners will not be adversely affected as changes are not being made to the current operation of the fire station.

In summary, the Planning Commission can find that the proposal meets the Conditional Use Permit Criteria listed in Medford Land Development Code Section 10.248(2) in that the proposal is in the public interest and the project has been designed to minimize impacts.

Exception

Medford Land Development Code Section 10.550-1 allows for a 36-foot wide driveway for institutional uses off of collector streets. An Exception application was submitted requesting a wider driveway than what is allowed by Code. The applicant submitted Findings of Fact addressing Exception criteria listed in Medford Land Development Code Section 10.253. Staff recommends the Planning Commission adopt the Applicant's Findings with the following analysis below.

(1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The Planning Commission/Site Plan and Architectural Commission shall have the authority to impose conditions to assure that this criterion is met.

The applicant requests an 81-foot driveway off of Highland Drive. This proposed Exception has no impact on adjacent sites as it affects those exiting the site. The wider driveway will only serve as a point of egress for the large apparatus exiting, often during emergencies. As described in the Applicant's Findings, the wider driveway was specifically designed to accommodate the rapid deployment of large fire apparatus during emergencies.

The Public Works Report supports the Exception of a wider driveway but with the limit of 48-56 feet wide. In response, the applicant submitted Fire Engine Maneuvering Diagrams to help support the need for the 81-foot driveway (Exhibit F). It is expected the Public Works Department will review the new information and provide a recommendation at the public hearing. City staff supports the need for the Exception and recommends the width be allowed as recommended by the Public Works Department after review of the additional information submitted.

Criterion 1 is met.

(2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.

No new use is being established by the Exception. It pertains only to the allowance of a wider driveway.

Criterion 2 is met.

(3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.

Fire Stations require unique accommodations to support large fire apparatus to exit a site during an emergency. Only other emergency responding facilities with large apparatus have this requirement, which is limited in the city of Medford. The Applicant's Findings point out the owner of the property is the City of Medford, which operates on behalf of its citizens. If the standard was strictly applied, the efficiency of emergency apparatus deployment would be reduced and therefore producing an undue hardship on citizens by reducing emergency response times.

Criterion 3 is met.

(4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

The need for the Exception is not the result of an illegal act. As stated in the Applicant's Findings, the applicant is aware of the standards from which the Exception relief is sought and any fire station would require similar relief.

Criterion 4 is met.

In summary, the Planning Commission can find that the proposal meets the Exception Criteria listed in Medford Land Development Code Section 10.253.

RECOMMENDED ACTION

Direct staff to prepare a Final Order for approval of CUP-14-127 and E-15-026 per the Staff Report dated April 2, 2015, including Exhibits A through X.

EXHIBITS

A Conditions of Approval dated April 2, 2015
B Site Plan received February 5, 2015
C Utility & Grading Plan received February 5, 2015
D Landscape Plan received February 5, 2015
E Lighting Plan received November 25, 2014
F Fire Engine Maneuvering Diagrams received March 31, 2015
G Building Elevations received February 5, 2015
H Generator / Trash Enclosure Details received November 25, 2014
I Project Narrative received November 25, 2014
J Applicant's Findings of Fact received February 5, 2015

K Demonstration of Compliance with Standards received February 5, 2015
L Fire Station Description of Operation received November 25, 2014
M Public Works Department Report received March 11, 2015
N Medford Fire Department Report received March 11, 2015
O Building Department memo received March 11, 2015
P Parks Department memo received March 31, 2015
Q Medford Water Commission memo received March 11, 2015
R Oregon Department of Transportation email received March 17, 2015
S Lighting Specifications received November 25, 2014
T Aerial Photograph with zoning received November 25, 2014
U General Land Use Plan map received November 25, 2014
V Aerial Photograph with surrounding uses received November 25, 2014
W Site Photographs received November 25, 2014
X Jackson County Assessor's map received November 25, 2014
Vicinity Map

PLANNING COMMISSION AGENDA: APRIL 9, 2015

EXHIBIT A
Conditions of Approval

CUP-14-127 / E-15-026
Fire Station #3 CUP
April 2, 2015

DISCRETIONARY CONDITIONS

1. Prior to issuance of the first building permit for vertical construction, the applicant shall submit a bike rack detail of an inverted U or staple style rack.

2. Prior to issuance of the first building permit for vertical construction, the applicant shall submit a revised landscape plan in compliance with the Parks Department memo received March 31, 2015 (Exhibit P).

CODE-REQUIRED CONDITIONS

3. Prior to issuance of the first building permit the applicant shall:

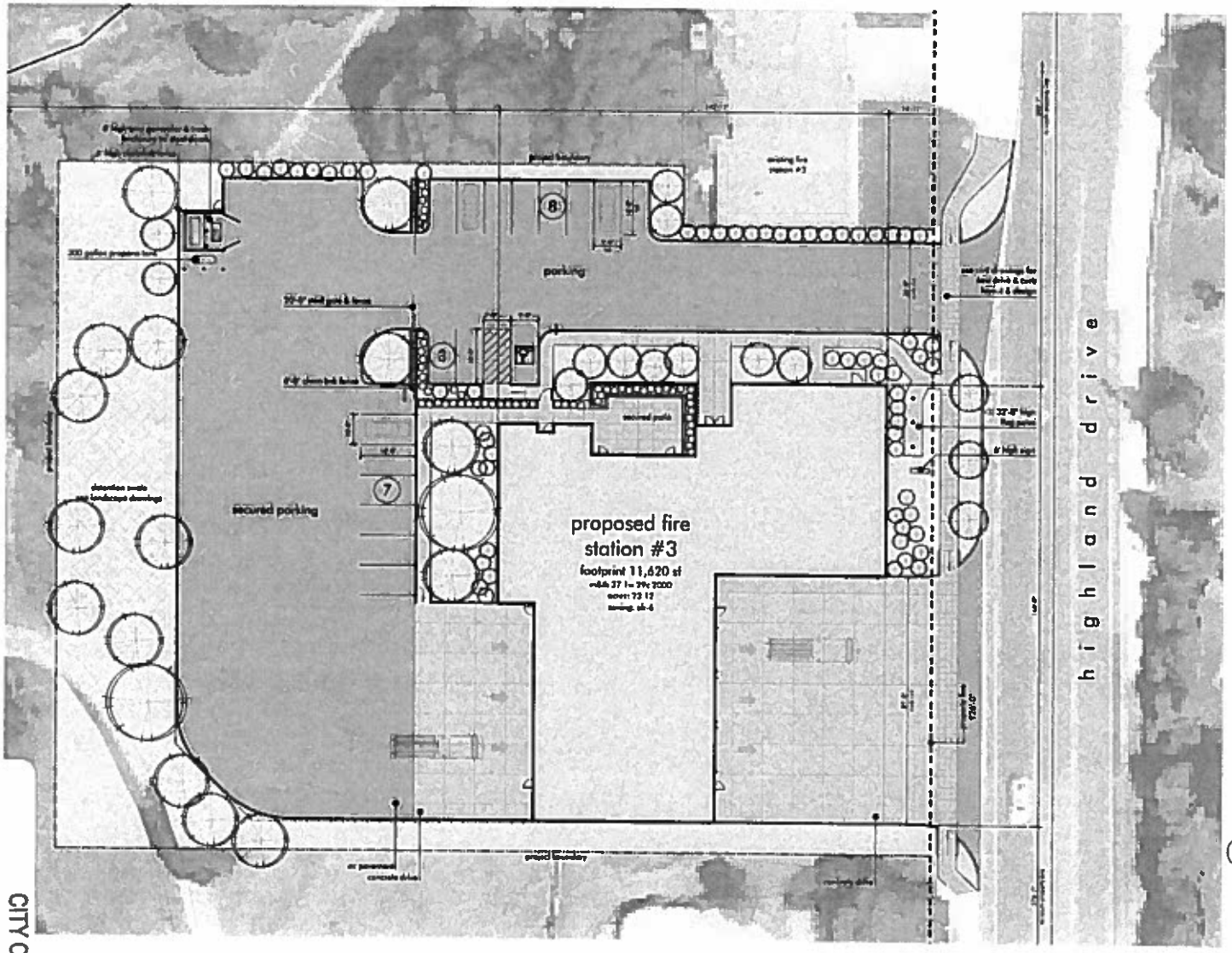
   a. Comply with the report from the Public Works Department received March 11, 2015 (Exhibit M);

   b. Comply with the Medford Fire Department Report received March 11, 2015 (Exhibit N);

   c. Comply with the Medford Water Commission memo received March 11, 2015 (Exhibit Q);

   d. Submit a revised site plan showing the location of 2 bicycle parking spaces consistent with Medford Land Development Code Section 10.748-10.750.

CITY OF MEDFORD
EXHIBIT # A
File # CUP-14-127/E-15-026



of medford fire station #3
ighland drive medford, oregon 97504
ay 2015

project summary:

statistics:

building area calculations

setbacks

materials

building height

parking (10.743)

lengend

general notes

1 site plan

north

DRW ARCHITECTURE

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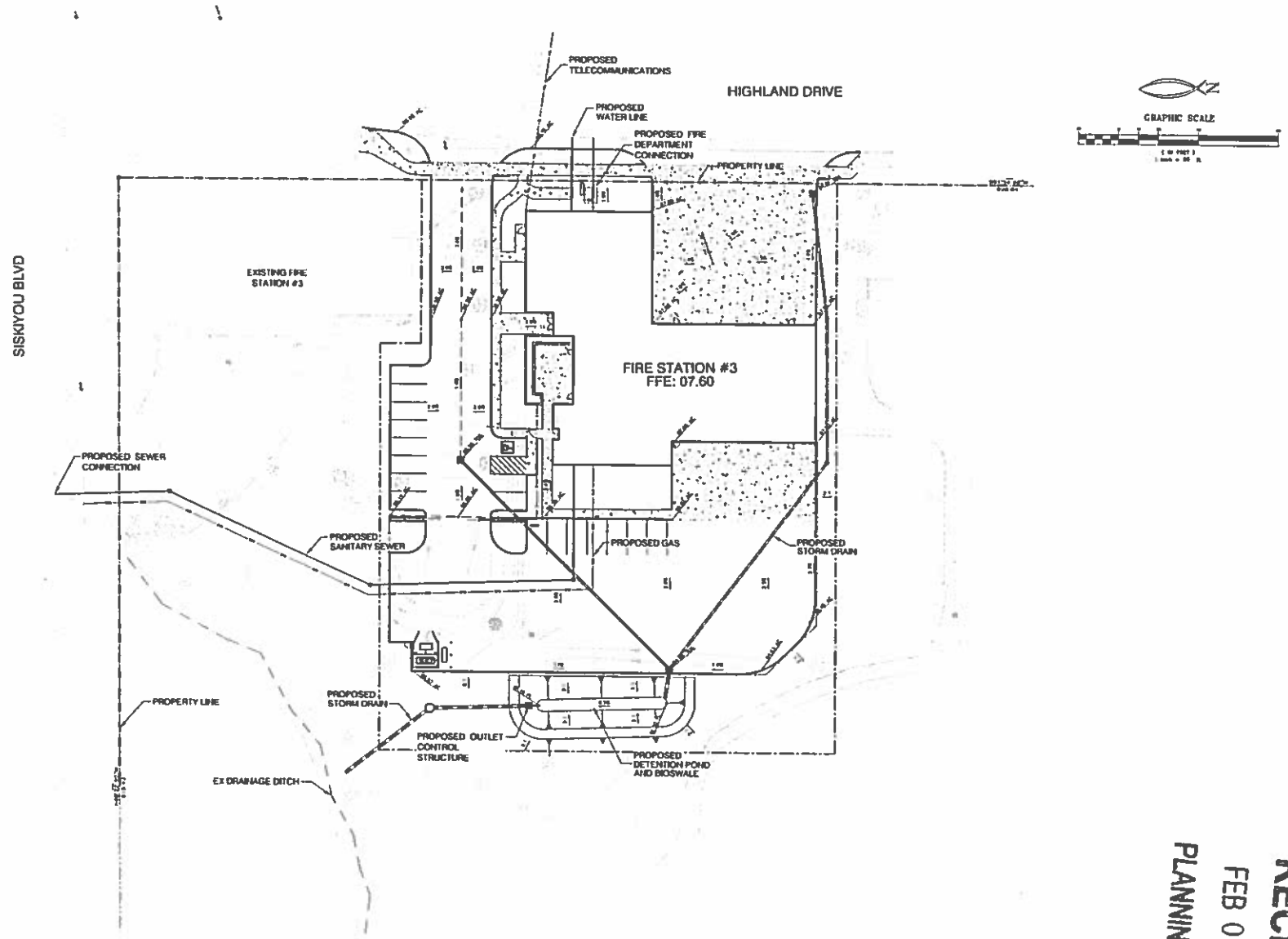
CITY OF MEDFORD
EXHIBIT # B
File # CUP-14-127



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PLANNING DEPT

NEW FIRE STATION #3
Medford Fire Department
530 Highland Dr., Medford, OR 97501

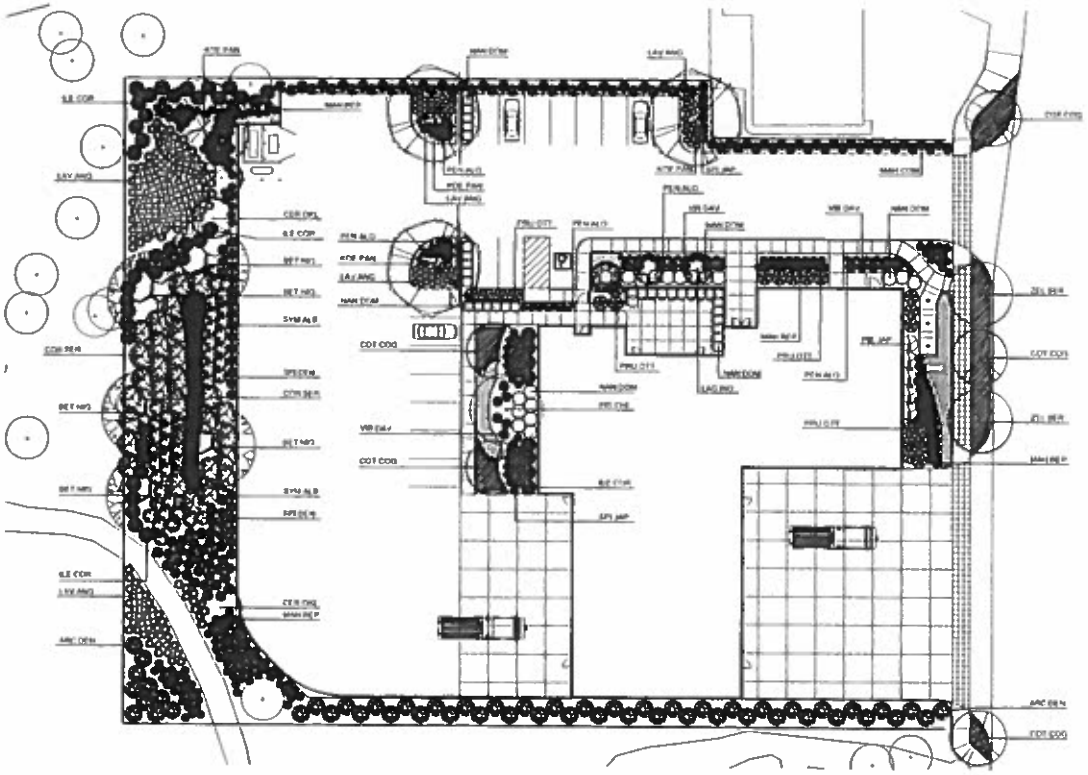
Hardey Engineering & Associates, Inc.

PRELIMINARY UTILITY/GRADING PLAN

DATE 1-25-2013
DRAWN BY
CHECKED BY
SHEET

JOB NO 0423

CITY OF MEDFORD
EXHIBIT # C
File # CUP-14-137



LANDSCAPE NOTES

1. The irrigation system shall be automatic and have a tag locking double check valve installed at the Irrigation Point of Connection. The system shall provide irrigation to 100% of the public and community landscaped area.
2. 1/2"-3/4" bark mulch shall be applied in all shrub planting areas to a depth of 3 inches. Place clean 1-1/2" round river rock in swale and pond area to a depth of 3". Prior to placing bark and river rock, pre-emergent herbicide shall be applied to all planting areas.
3. Imported Topsoil Mix: Minimum of 18" depth of Topsoil Mix will be imported to the site and applied in all shrub areas
4. Per the City of Medford code 10.780.G.10.a "Soil Volume", each new tree will have a minimum (7) cubic feet of soil volume for each sq. ft. of tree canopy at the anticipated mature canopy. Structural Soil will be used in paved areas where topsoil volume is not sufficient.
5. Finish topsoil grades at paved surface shall be 3" below top of paving. Parking islands shall be slightly crowned to match height of adjacent curbs. Swale and bioslm finish grades are to relate to Civil Engineer's drawings.
6. *Per City of Medford Code 10.780.G.5.a "Soil Quality/Restoration/Preparation"*
   - *a. Required Organic Content:*
     Mature compost, as defined herein, shall be added to the soil of landscaping areas at a rate of three cubic yards of compost per 1,000 square feet of landscaping area to be planted. This requirement is not applicable to the following circumstances:
     1. *In areas fully secured by fencing for the purpose of protecting undisturbed soil from damage and compaction during construction.*
     2. *In stormwater quality and detention facilities constructed in accordance with the current adopted version of the Rogue Valley Stormwater Quality Design Manual*
     3. *In landscaped areas where a soil test demonstrates an organic content of at least three percent based upon core samples taken at one test per 20,000 square feet, with a minimum of three samples per test. Samples shall be taken at least 48 hour apart to a depth of six (6) inches following completion of rough grading*
   - *b. Required Soil Preparation Procedures:*
     1. *Assure that soil is suitably dry before beginning.*
     2. *Spread desired topsoil. (Optional)*
     3. *Aerate soil to a depth of eight (8) inches.*
     4. *Assure organic content as required by Subsection 10.780 G (5)a*
     5. *Cultivate soil and amendment(s) to a depth of four (4) to six (6) inches.*

PLANT MATERIAL AND INSTALLATION

1. All plant material shall be number 1 grade stock and typical of their species and variety. They shall have well-developed branches, be densely foliated when in leaf, and have a well-developed root system. Submit to Owner's Representative, certification of conformed plant material prior to shipment of plant material. Submit substitution requests to Landscape Architect. Botanical names take precedence over common names.
2. The numerical plant quantities shown on the drawing are for the Contractor's convenience only. The Contractor is responsible for the quantity of plant material as is graphically shown. Quantities and sizes of plants shall not be altered without written permission from the Owner's Representative.
3. Shrub and tree fertilizer shall be a complete, slow release fertilizer with a nitrogen content between 18 and 15, a phosphorus content between 8 and 11 and a potassium content between 8 and 13. Pre-emergent herbicide shall be applied at the manufacturer's recommended rate in all shrub planting areas.
4. If each plant shall receive Mycorrhizae inoculant of diverse fungi such as "Endo Plus" which is available at: Mycorrhizal Applications, Inc. (541) 476-3983. Apply at manufacturer's recommended rates.
5. Planting holes shall be twice as wide as rootball size and as deep as the rootball. Set plants with top of rootball no lower than finish grade after planted. Do not pull burlap from under plants, but cut twine and loosen burlap from around top of earth.
6. All public street trees within 3' of public impervious surface shall have "linear" tree root control barriers installed per city standard.

PLANT MATERIAL WARRANTY

1. All plant material and workmanship shall be warranted for one year (12 months) from the date of project final acceptance.
2. Plant materials under warranty shall be in healthy condition at the end of the warranty period. Any dead or dying plant material within that warranty period shall be replaced by plants of the same species and size.
3. The Contractor shall not be responsible for any plant material damaged by vandalism or theft during the warranty period.

PLANT LIST

SYM	BOTANICAL	COMMON	SIZE	QTY
	TREES			
BET NIG	Betula nigra 'River Red'	River Red Birch	10' to 14' Multi stem	1
CER CAN	Cercis Canadensis	Eastern Redbud	2"	1
COR CON	Cornus nuttallii 'Eddie's Weeping'	Eddie's Weeping Dogwood	2"	9
ACE PAL	Acer palmatum	Japanese Maple	2"	4
LAG IND	Lagerstroemia indica x fauriei	Hybrid Crape Myrtle	2"	1
PYR CAL	Pyrus calleryana 'Bartlett Select'	Bartlett Select Pear	2"	1
ZEL SER	Zelkova serrata 'Green Vase'	Green Vase Zelkova	2"	2
	SHRUBS / PERENNIALS			
ARC DEN	Arctostaphylos densiflora 'Sensation'	Manzanita 'Sensation'	#5	14
COR SER	Cornus sericea 'Kelseyi'	Kelsey Redtwig Dogwood	#3	21
ILE CON	Ilex cornuta 'Burfordii nana'	Dwarf Burford Holly	#3	35
LIR DRE	Liriodendron chinense 'Shermanii'	Shermanii Lily-tree	#5	3
OHI LUC	Ohiopyrum muticum 'Lucky Strike'	Lucky Strike Grass	#3	6
PAN PRP	Pennisetum rubrum	Fountain Grass Purple	#3	175
VER DCA	Veronica dauneica 'Waterer's Blue'	Waterer's Blue Hybrid Speedwell	#1	45
PEN ALO	Pennisetum alopecuroides 'Little Bunny'	Dwarf Fountain Grass	#3	38
PIE JAP	Pieris japonica 'Valley Valentine'	Valley Valentine Pieris	#5	5
FES OVI	Festuca ovina var. glauca 'Elijah Blue'	Elijah Blue Fescue	#1	21
SPI BUM	Spiraea x bumalda	Bumalda Spiraea	#3	61
SPI JAP	Spiraea japonica 'Limemound'	Limemound Spiraea	#3	18
SYM ALB	Symphoricarpos albus	Snowberry	#3	14
VIB DAV	Viburnum davidii	Double File Viburnum	#3	12

Planting Plan - Fire Station 3

City of Medford Tree Planting — Medford Code 10.780

galbraith
LANDSCAPE ARCHITECTS & SITE PLANNERS

REGISTERED LANDSCAPE ARCHITECT

This document, and the ideas and designs incorporated herein, as an instrument of professional service, is the property of Galbraith & Associates, Inc. and is not to be used, modified, or changed in whole or in part, for any other purpose without the written authorization of John Galbraith, Landscape Architect.

Fire Station 3
530 Highland Drive
Medford, Oregon

SCALE: 1"=20'-0"

Planting Plan

L1

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CITY OF MEDFORD
EXHIBIT # D
File # CUP-14-(a)

NEW FIRE STATION #3
\pte75
\ptz:Medford Fire Department
530 Highland Dr., Medford, OR 97501

MACKENZIE.

60% CONSTRUCTION DOCUMENT SET : 12/02/14

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KEY NOTES

GENERAL NOTES

CITY OF MEDFORD
EXHIBIT # E
File # CUP-14-127/E-15-026

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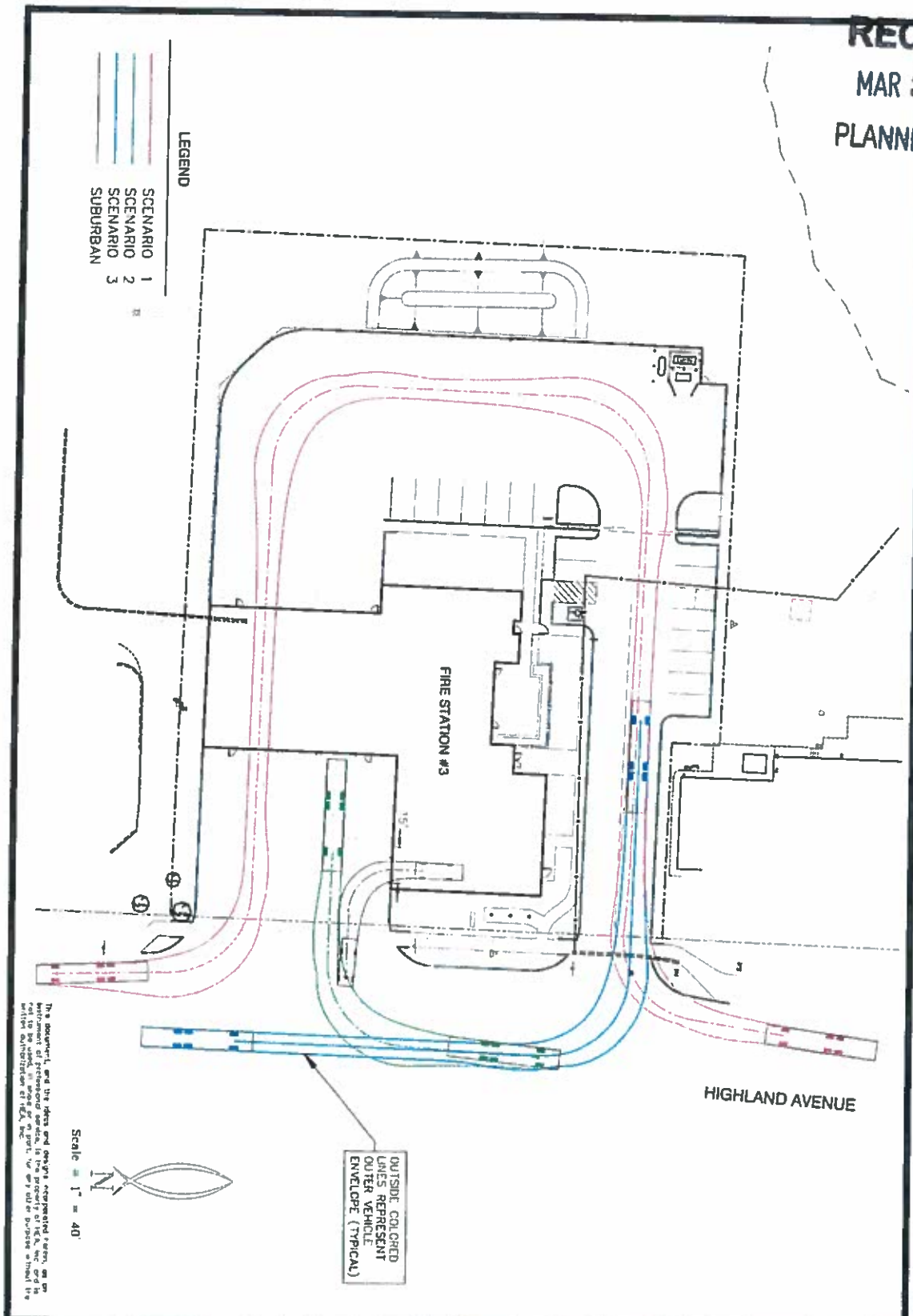

PROJECT INFO	PROJECT	EXHIBIT
HEA Project No: 013-03-14-2 Drawing File: AutoTRUN 60ft.dwg Drawing Status: 100%	FIRE STATION #3 FIRE ENGINE MANEUVERING 47' - 100' RMSP AERIAL PLATFORM AND BODY ASSEMBLY	Hardey Engineering & Associates, Inc. P.O. BOX 1[illegible] MEDFORD, OREGON [illegible] VOICE: 541-772-[illegible] WWW.HEA-INC.COM
SHEET 3 OF 6		

CITY OF MEDFORD
EXHIBIT # F
File # CUP-14-127/E-15-026
1 of 4

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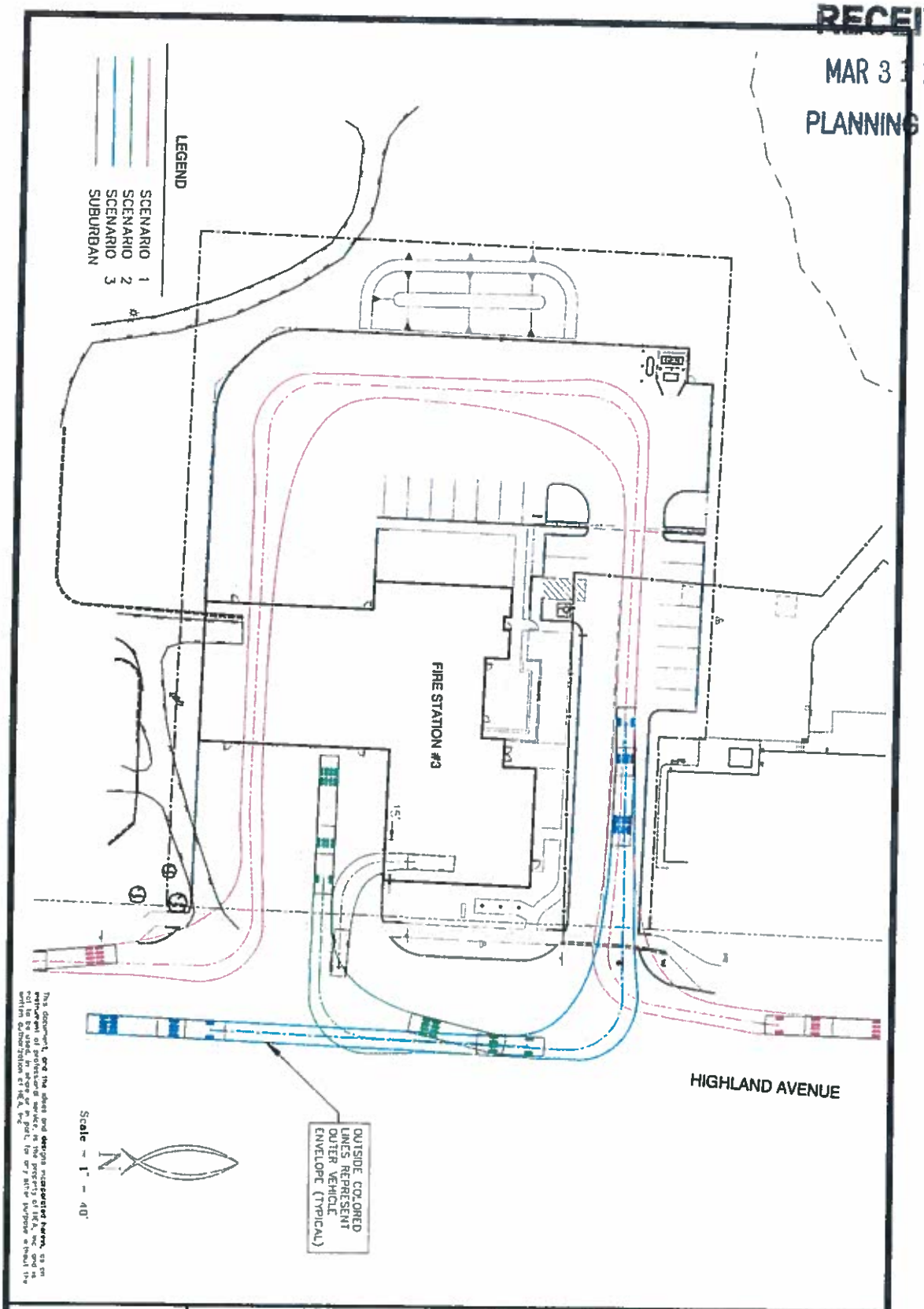

PROJECT INFO	PROJECT	EXHIBIT
HEA Project No: 013-03-14-2 Drawing File: AutoTRUN 60ft.dwg Drawing Status: 100%	FIRE STATION #3 FIRE ENGINE MANEUVERING 60' - 100' AERIAL 500# TIP TILLER AND BODY ASSEMBLY	Hardey Engineering & Associates, Inc. P.O. BOX [illegible] MEDFORD, OREGON 97501 VOICE: 541-773-[illegible] www.[illegible]
SHEET 4 OF 6		

CITY OF MEDFORD
EXHIBIT # F
File # CUP-14-127/E-15-026
2 of 4

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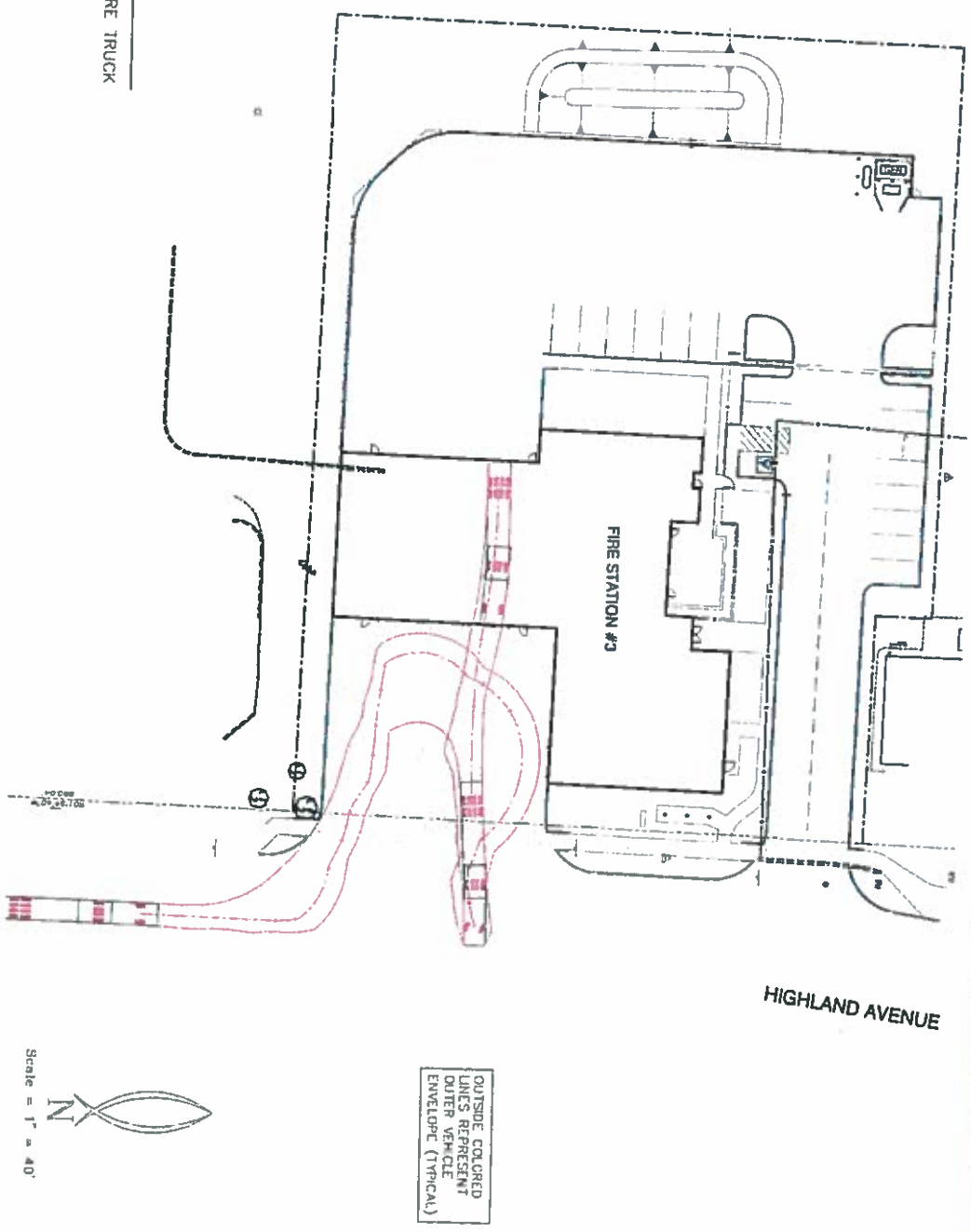

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HEA Project No: 013-03-14-2 Drawing File: AutoTRUN 60'ft.dwg Drawing Status: 100%	FIRE STATION #3 FIRE ENGINE MANEUVERING 60' - 100' AERIAL 500# TIP TILLER AND BODY ASSEMBLY U - TURN	Hardey Engineering & Associates, Inc. P.O. BOX 1825 MEDFORD, OREGON 97501 VOICE: 541-772-8880 WWW.HEA-INC.COM
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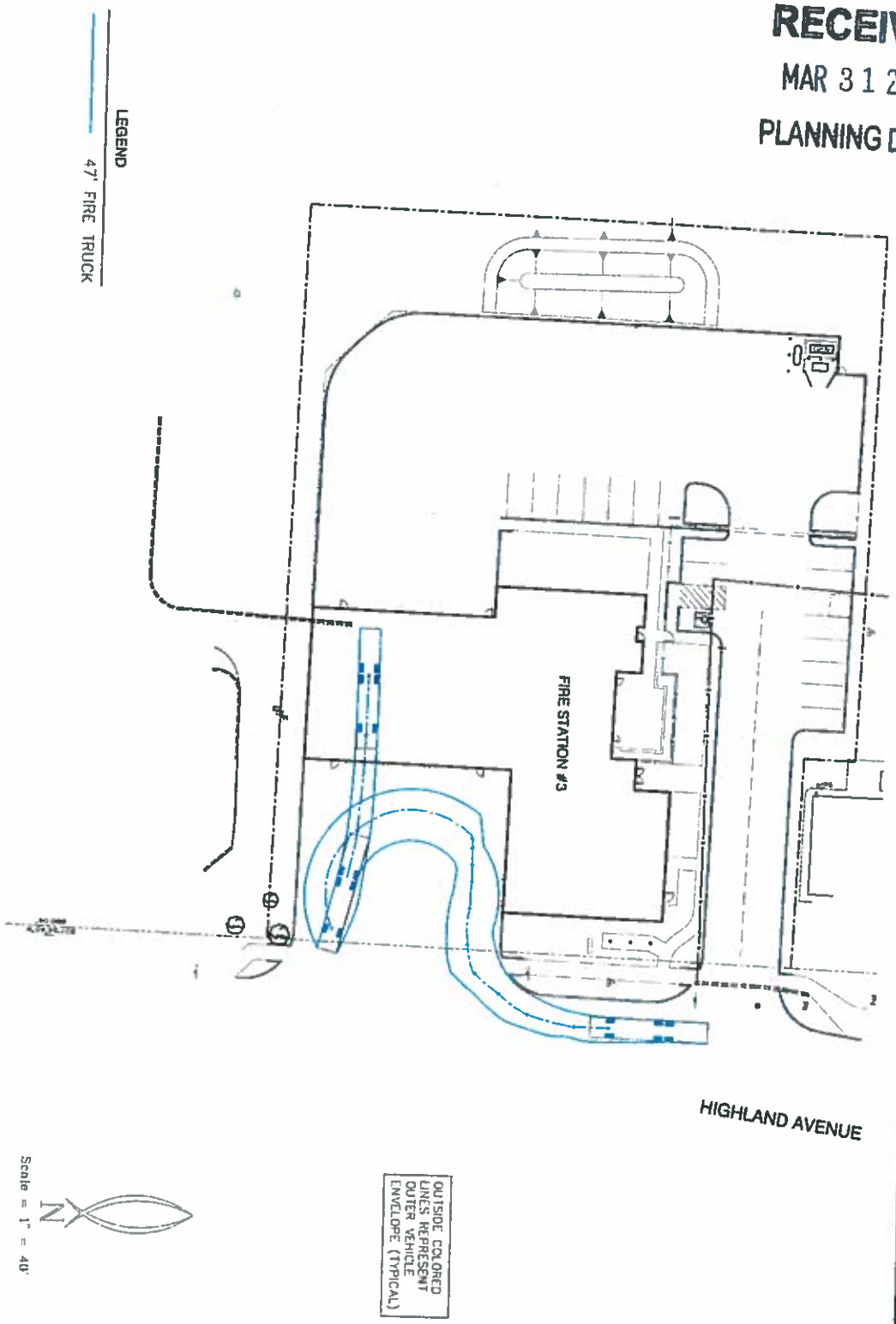

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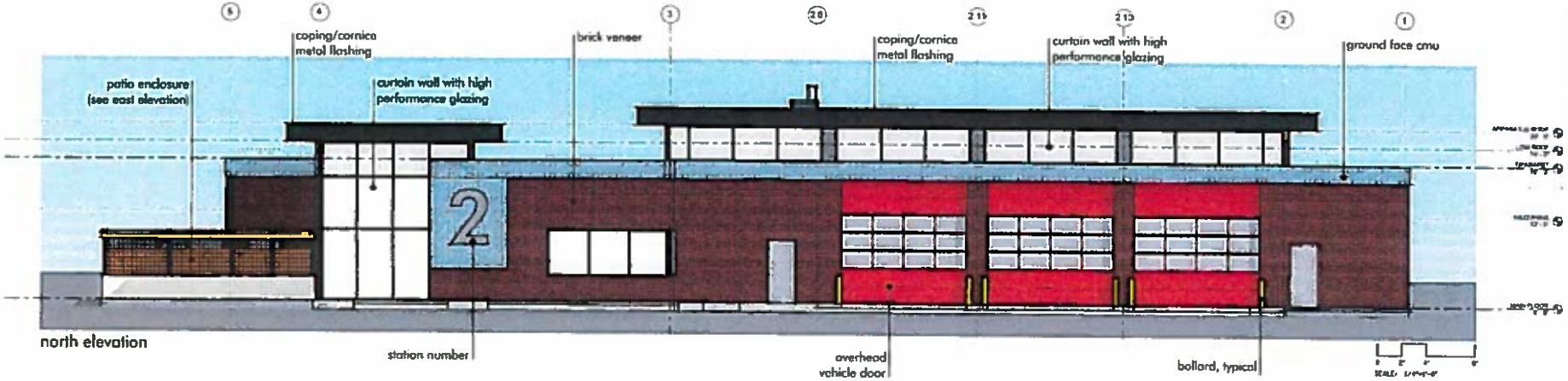
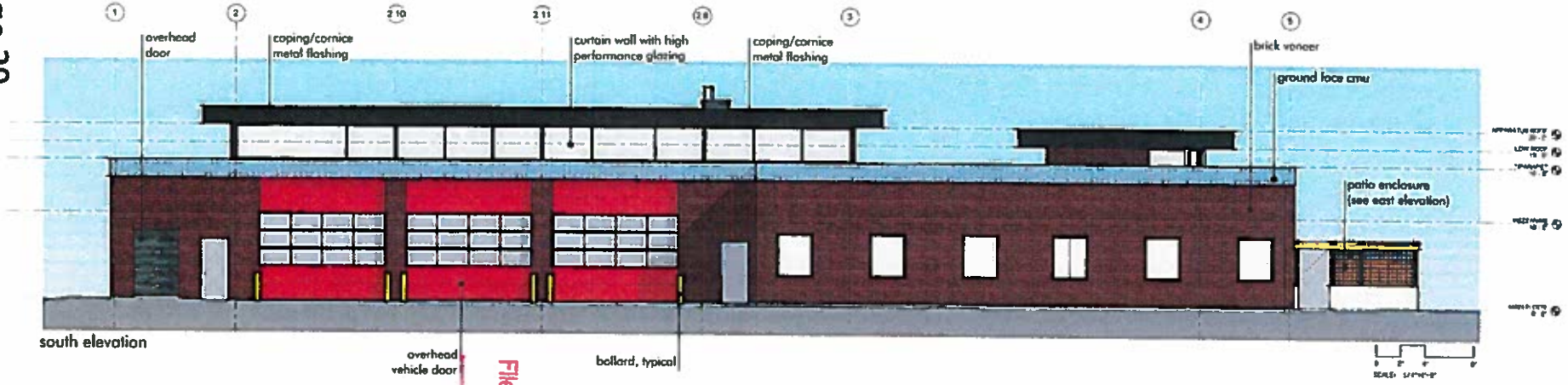
PROJECT INFO	PROJECT	EXHIBIT
HEA Project No: 013-03-14-2 Drawing File: AutoTRUN 60ft.dwg Drawing Status: 100%	FIRE STATION #3 FIRE ENGINE MANEUVERING 47' - 100' RMSP AERIAL PLATFORM AND BODY ASSEMBLY U - TURN	Hardey Engineering & Associates, Inc. P.O. BOX 1625 MEDFORD, OREGON 97501 VOICE: 541-773-[illegible] WWW.HEA-INC.COM
SHEET 3 OF 6		

CITY OF MEDFORD
EXHIBIT # F
File # CUP-14-127/E-15-026
4 of 4



north elevation



south elevation

city of medford fire station, typical elevations

30 january 2015

ORW ARCHITECTURE

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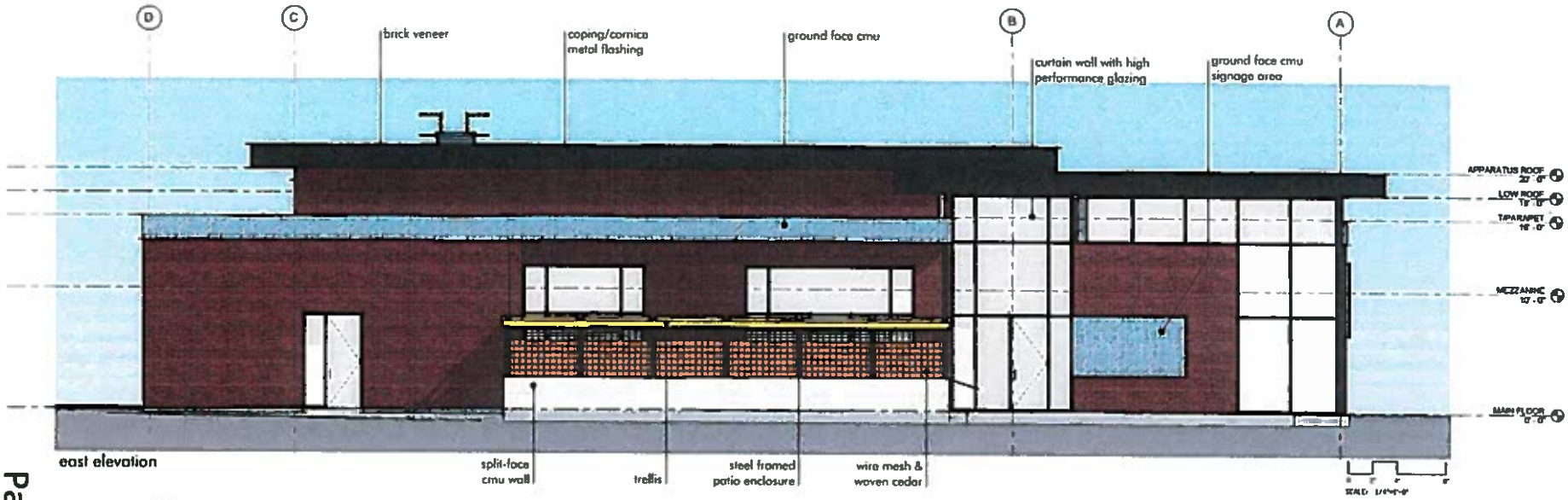
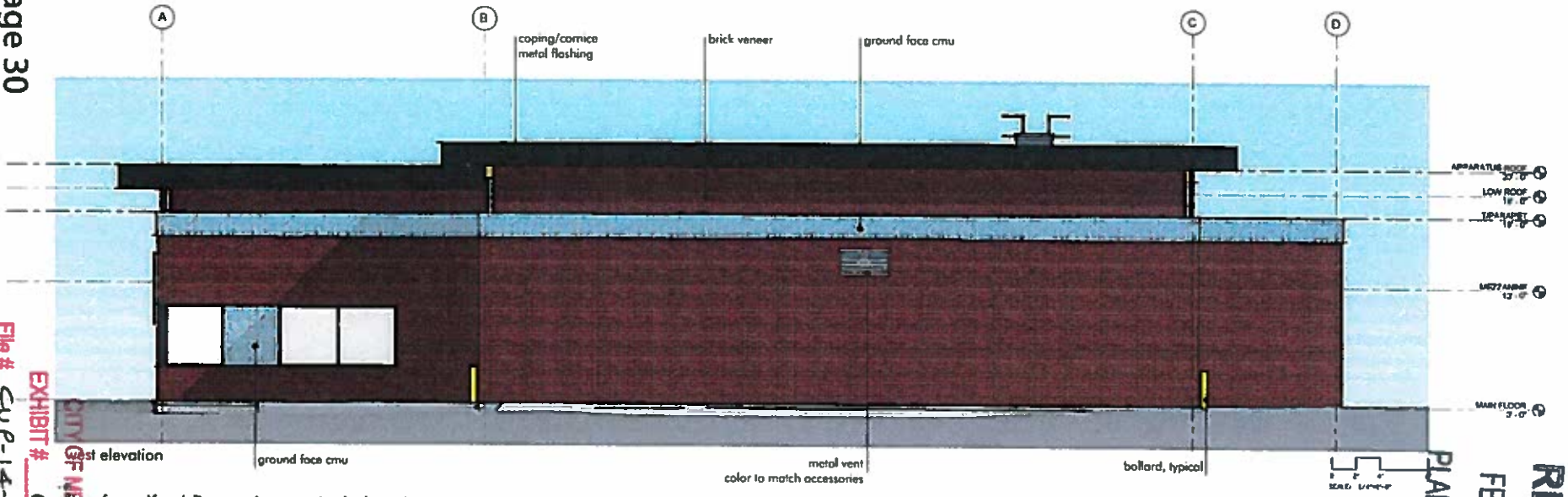
CITY OF MEDFORD
EXHIBIT # G
File # CUP-14-127
1 of 3





city of medford fire station, typical elevations

ORW ARCHITECTURE

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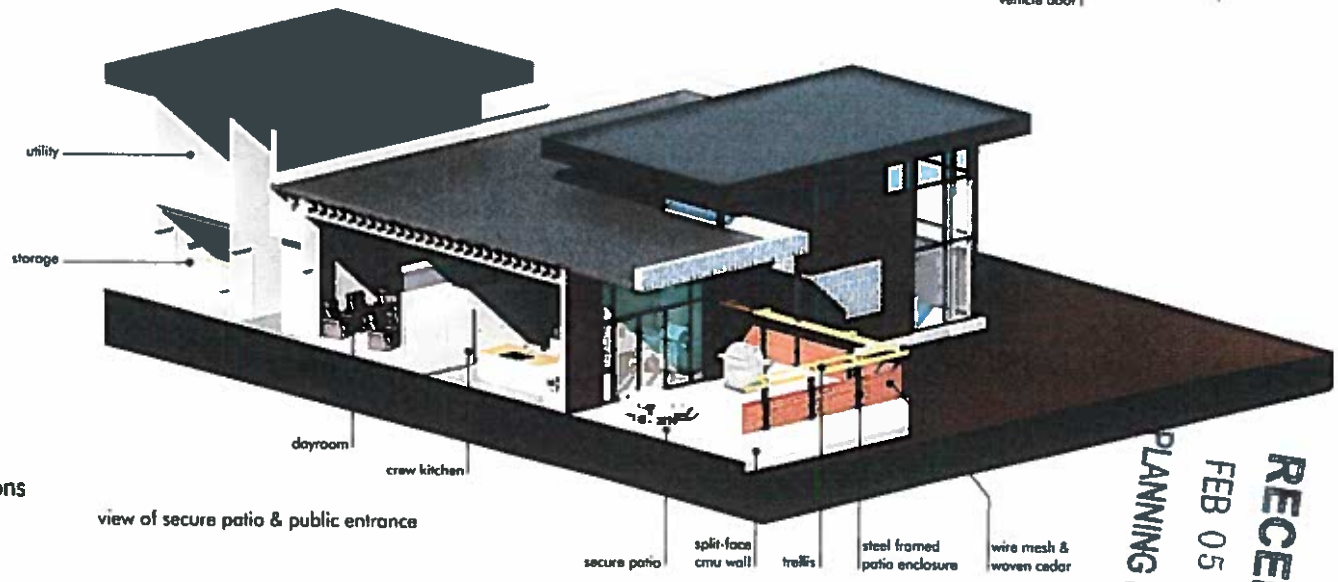
EXHIBIT # 6
File # CUP-14-127

view from street, north-east



view of secure patio & public entrance

city of medford fire station, typical elevations

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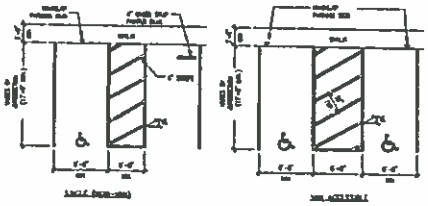
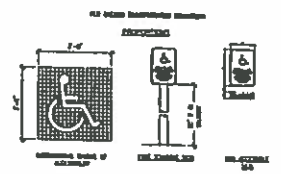
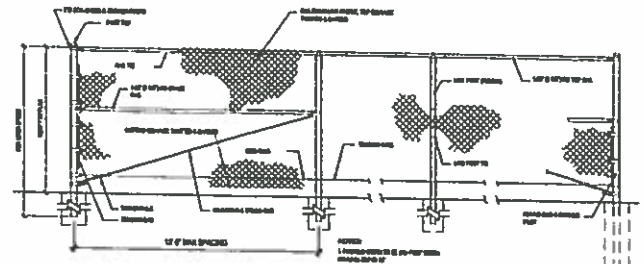
CITY OF MEDFORD
EXHIBIT # G
30 JUN 2015
File # CUP-14-127
2 of 3



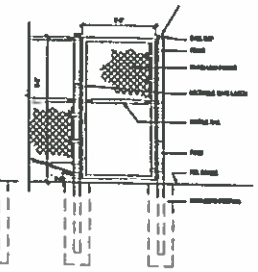
1 HANDICAP ACCESSIBLE PARKING STALLS



2 PARKING SIGNAGE

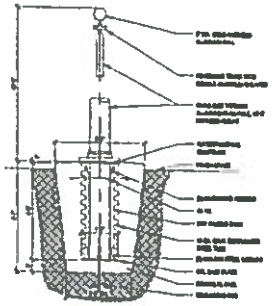


3 CHAINLINK FENCE ELEVATION

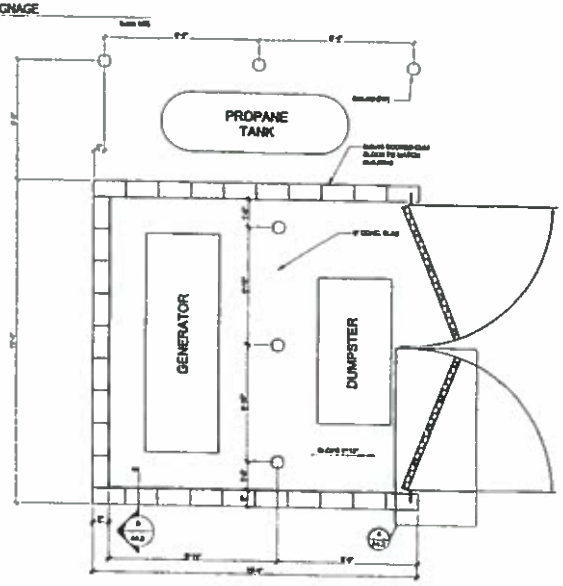


4 CHAINLINK GATE ELEVATION

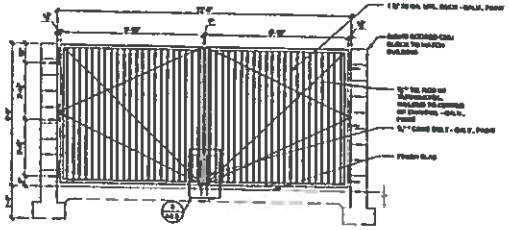
5 PERMANENT BOLLARD



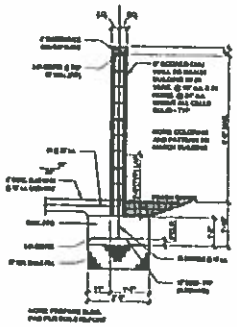
6 FLAG POLE



7 GENERATOR/TRASH ENCLOSURE PLAN VIEW



8 GENERATOR/TRASH ENCLOSURE GATE ELEVATION



9 GENERATOR/TRASH ENCLOSURE SECTION

NEW FIRE STATION

Medford Fire Department
530 Highland Dr., Medford, OR 97501

STRAUS & SEIBERT
ARCHITECTS LLP

Architectural Details

Date: 11/24/14

FS3-A1.2

0423

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NOV 25 2014
PLANNING DEPT

CITY OF MEDFORD
EXHIBIT # H
File # CUP-14-127/E-15-026

RECEIVED
NOV 25 2014
PLANNING DEPT.

NARRATIVE

The City of Medford ("Applicant") has submitted an application for a Conditional Use Permit, the approval of which will enable construction of a new 11,300 square foot fire station and accessory appurtenances. The proposed fire station will replace the existing station located on the same parcel but in a slightly different located as shown on Applicant's plans. The subject property is located at 530 Highland Drive, approximately 300 feet south of the intersection of Highland Drive and Siskiyou Boulevard on a 1.5 acre portion of a 23.12 acre property zoned SFR-6.

CITY OF MEDFORD
EXHIBIT # I
File # CUP-14-137

RECEIVED
FEB 05 2015
PLANNING DEPT.

BEFORE THE PLANNING COMMISSION

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

IN THE MATTER OF A CONDITIONAL USE PERMIT FOR A FIRE STATION BUILDING ON A 23.12 ACRE PARCEL OF LAND ZONED SFR-6 AND LOCATED ADJACENT TO BEAR CREEK PARK NEAR THE INTERSECTION OF HIGHLAND DRIVE AND SISKIYOU BOULEVARD ON LAND THAT IS WITHIN THE CORPORATE LIMITS OF THE CITY OF MEDFORD, OREGON **Applicant: City of Medford** **Agent of Record: CSA Planning, Ltd.**	)))))))))))))	**FINDINGS OF FACT AND CONCLUSIONS OF LAW** **Applicant's Exhibit 2**

I

SCOPE AND NATURE OF THE APPLICATION

The City of Medford ("Applicant") has submitted an application for a Conditional Use Permit, the approval of which will enable construction of a new 11,620 square foot fire station and accessory appurtenances. The proposed fire station will replace the existing station located on the same parcel but in a slightly different located as shown on Applicant's plans. The subject property is located at 530 Highland Drive, approximately 300 feet south of the intersection of Highland Drive and Siskiyou Boulevard on a 1.5 acre portion of a 23.12 acre property zoned SFR-6. The project boundary which distinguishes the new development site is shown on Applicant's plans. Filed contemporaneously is an application that seeks exception relief from the provisions of MLDC 10.550 (Table 10.550-1 and related driveway regulations) to permit a driveway width greater than 36 feet. In this instance, a driveway approximately 81 feet wide is required to accommodate the new fire station's three emergency apparatus bays and other access for station employees.

II

EVIDENCE SUBMITTED WITH APPLICATION

The following evidence is submitted in support of the SPAC application:

Exhibit 1. Signed and Completed Application Forms

Exhibit 2. The proposed findings of fact and conclusions of law (this document) which

CITY OF MEDFORD
EXHIBIT # J
File # CUP-14-127/E-15-026

demonstrates how this CUP application complies with the relevant substantive criteria of the City of Medford and State of Oregon

Exhibit 3. *Demonstration of Compliance with Applicant Standards* — an analysis of the relevant development standards established in the Medford Land Development Code ("MLDC")

Exhibit 4. Site Plan, Architectural Profile and Elevations, Lighting Plan, Floor Plan, Storm Drainage Plan

Exhibit 5. Applicant's Landscape Plan

Exhibit 6. Vicinity Map

Exhibit 7. Jackson County Assessor plat map 37-1W-29C which contains and depicts the subject property

Exhibit 8. Current City of Medford General Land Use Plan ("GLUP") on which the subject property is denoted

Exhibit 9. Current City of Medford Zoning Map on Aerial on which the subject property is denoted

Exhibit 10. Map depicting the surrounding land uses

Exhibit 11. Photos depicting the subject and surrounding properties and the development thereon

Exhibit 12. Memorandum from Justin Bates, Deputy Fire Chief

III

APPLICABLE SUBSTANTIVE CRITERIA

The criteria under which a conditional use must be considered are in Section 10.246 – 10.250 of the Medford Land Development Code ("MLDC"). The relevant approval criteria are recited verbatim below:

10.314 Permitted Uses in Residential Land Use Classification

PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section
6. NONRESIDENTIAL SPECIAL USES									
(c)Institutional Uses (Schools, Churches, Government Facilities - Excluding Storage or Repair Yards or Warehouses, Cemeteries, etc.)	Cs	Cs	Cs	Cs	Cs	Cs	Cs	Cs	10.815-817

10.248 Conditional Use Permit Criteria

The approving authority (Planning Commission) must determine that the development proposal complies with either of the following criteria before approval can be granted.

(1) The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.

(2) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.

10.253 Criteria for an Exception

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

(1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met. (Effective Dec. 1, 2013).

(2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.

(3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.

(4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

IV

FINDINGS OF FACT

The Planning Commission reaches the following facts and finds them to be true with respect to this matter:

1. **Property Location and Description**: The subject property is situated on a 23.12 acre parcel located south of Siskiyou Boulevard, west of Highland Drive and east of Bear Creek. The property includes Bear Creek Park and the existing Fire Station 3. The portion of the property proposed to include the new Fire Station 3, identified on the attached site plan as the project boundary is comprised of approximately 1.5 acres. The project is located on the west side of Highland Drive, approximately 200 feet south of the intersection of Highland Avenue and Siskiyou Boulevard within the corporate limits of the City of Medford and its urban growth boundary. The property is identified on the Tax Lot 2000 Assessor's plat 37-1W-29C. *See*, Exhibit 7.

2. **Ownership:** The subject property is owned in fee simple by City of Medford.
3. **Existing Land Use:** The majority of the subject property is comprised of Bear Creek Park. Bear Creek Park includes a variety of amenities including open grass fields mixed with a variety of mature trees, play structures, skateboard facilities, tennis courts, tables, pavilion, barbeque areas, outdoor amphitheater, parking and bathrooms. A portion of the subject property, immediately north of the proposed Fire Station includes the existing Fire Station 3. The existing fire station may be converted to appropriate park usage under separate permit, if required.
4. **Comprehensive Plan (GLUP):** The subject property's GLUP map designation is *Parks & Schools*.
5. **Existing Zoning:** The subject property is zoned Single Family Residential - 6 dwelling units per acre (SFR-6). *See* Exhibit 9.
6. **Surrounding Area Land Uses**: The aerial/zoning map, Exhibit 9, accurately depicts the pattern of land partitioning and development in the surrounding area. The surrounding area is shown on Exhibits 4, 5, 6 and 9. The land uses which presently surround the property are:

   West: The proposed Fire Station site is located on approximately 1.5 acres at the easterly edge of a 23.12 acre parcel that includes Bear Creek Park. Amenities within the portion of Bear Creek Park immediately west and south of the proposed fire station are listed herein above under Existing Land Use. Beyond the subject property and approximately 1,000 feet to the west is Bear Creek and its associated wetlands and riparian corridor. Beyond Bear Creek to the west is another portion of Bear Creek Park that includes sports fields.

   South: Immediately south of the proposed project is the Bear Creek Park skateboard facility. Beyond the skateboard facilities is a parking area for the park, followed by a BMX bike riding facility and the dog park. Further to the south is Barnett Road and across Barnett Road is a motel and sit-down restaurant.

   East: To the east, across Highland Drive is an existing cemetery. South of the cemetery is Greenwood Street and south of Greenwood Street is the relatively large Four Seasons apartment complex.

   North: Directly north of the proposed facilities is the existing Fire Station 3. Beyond the existing fire station lies Siskiyou Boulevard. Beyond Siskiyou Boulevard is the Highland Center, a small commercial "strip" center that includes a convenience market, Jacks Board House, a Purple Parrot and other spaces that area presently vacant. Immediately behind the Highland Center is a commercial office. West of the office is a row of single family homes situated along Siskiyou Boulevard. Across the street from the Highland Center, northeast of the Siskiyou Boulevard and Highland Avenue round-about is a single family dwelling.
7. **Essential (Category 'A') Public Facilities:** The comprehensive plan defines Category 'A' public facilities to include sewer, water, storm drainage and transportation. The property fronts and takes access from Highland Drive, a city major collector street.

Municipal sewer, water and storm drainage facilities presently exist along the property frontage on Highland Drive.

8. **Police and Fire Protection:** Police protection is provided by the Medford Police Department, which is headquartered at Medford City Hall at 8th and Oakdale streets. Fire protection to this property will be supplied by the proposed fire station.

9. **Access and Circulation:** The property fronts upon both Siskiyou Boulevard and Highland Drive. The proposed fire station will takes access from Highland Drive. Because of the large size and manner in which fire apparatus are used, fire stations have unique requirements for ingress and egress. Two access points are proposed. A 30-foot wide driveway is proposed on the north side of the site to be used for all vehicles including fire trucks during non-emergency events and all other vehicular ingress and egress. An additional 81-foot wide driveway approach located directly in front of the three emergency apparatus bays has been designed to accommodate the rapid deployment of large fire apparatus during emergencies. Eleven visitor and staff parking spaces are located on the north side of the building and seven additional staff and facility-related parking spaces are located at the building's rear. A 30-foot wide paved corridor sufficient to accommodate bi-directional travel for fire apparatus, other emergency-type vehicles and non-emergency vehicles during non-emergency events provides access to the rear of the building. The rear of the buildings is separated from its sides and front by a fence and a gate. A large paved area approximately is situated at the rear of the building and will be fully fenced from surrounding lands. The paved area will include the 7 parking spaces above noted as well as a circulation and maneuvering area for fire apparatus.

10. **Architecture and Design:**

    a. **Design Constraints:** The site is relatively unconstrained by topography or other physical features. A few trees will require removal and the property slopes gently toward the rear. Existing land uses in the immediate vicinity consist of the existing fire station; portions of Bear Creek Park including a concrete skateboard facility, tennis courts and restroom; and memorial gardens across the street to the east. Nearby uses include a small commercial center at the northwest corner of Highland and Siskiyou. A row of single family dwellings are situated along the north side of Siskiyou, to the west of the fore-mentioned commercial center.

    b. **Massing:** The fire station has a footprint roughly twice the size of the existing fire station adjacent to the north, but only slightly wider as visible from the street and from the park to the rear. It is slightly larger in total square footage than the commercial center to the north, but with less area visible from the street frontage. The bulk of the memorial gardens across Highland Drive are obscured by a wall of cypress and other tall vegetation. The proposed fire station is larger than the memorial garden building situated across the street from the existing fire station. Said building is a converted 1933 residential structure. See, Exhibit 4.

c. **Architectural Style:** The fire station is of a contemporary style, similar to that of the nearby strip center, albeit with a clear story and flat roof. As an institutional structure its style is different from nearby residential and cemetery structures, all of which have sloped roofs. The existing fire station has a low sloped roof with fire apparatus bays not too dissimilar from those herewith proposed. As shown on the Exhibit 4 plans, the exterior materials of construction consist, predominantly of red brick with a band of polished CMU (concrete masonry unit) and glass. The dumpster enclosure will be of CMU. The color palette is provided on the materials board that was submitted during the public hearing on this matter.

d. **Building Height:** The plans in Exhibit 4 depict the height of the proposed fire station measured from grade. The building has a maximum height of 21 feet, 2 inches but ranges downward to only16 feet, well below the permissible height of buildings in the SFR-6 zoning district and less than other residential and commercial buildings that exist on nearby properties.

11. **Fire Station Operational Characteristics**: In preparing this application, Applicant's Agent, interviewed City of Medford Fire Department Operations Chief Justin Bates on November 13, 2014 for the purpose of ascertaining the operational characteristics of this Fire Station #3 and other Medford fire stations to be built or remodeled and was advised based upon Operations Chief Bates as follows:

- The Medford Fire Department receives approximately 10,000 emergency calls each year.
- When emergency calls are received and fire apparatus are deployed from this and other stations, no sirens are used until the apparatus are two or more blocks from the responding fire station, and then only as needed. During nighttime hours when traffic is comparatively light, sirens are only used when approaching intersections and then only as needed to alert motorists to oncoming fire apparatus.
- There will be no outdoor training conducted at this site. Any training or other operational matters are typically conducted indoors.
- No outdoor recreational facilities are planned for the Fire Station #3 site, although a basketball hoop might later be installed in the rear paved area for daytime use by Fire Department personnel when not responding to emergency calls, inspecting businesses or conducting public information services in the community.

12. **Potential Impacts: Proposed Fire Station** :

- **Noise**: Some of the activities anticipated at this fire station (and which in the past have occurred in conjunction with the existing station) will sometimes result in noise produced by vehicles entering and leaving the site, voices of staff and visitors heard when outside or when inside with windows open; sound from electronic devices such as televisions and radios when windows are open. There may also be periodic noise produced by fire apparatus leaving in response to emergencies. However, as

indicated in the above Findings of Fact, when emergency calls are received and fire apparatus are deployed from this and other stations, no sirens are used until the apparatus are two or more blocks from the responding fire station, and then only as needed. During nighttime hours when traffic is comparatively light, sirens are only used when approaching intersections and then only as needed to alert motorists to oncoming fire apparatus. Regardless from where emergency vehicles originate, they may be found throughout any portion of the public street network.

- **Personnel:** Occupants of the proposed fire station will typically include fire fighters, paramedics and other emergency and support personnel. Having a fire station with qualified emergency personnel and services can be a significant benefit to the safety of people who live or work in the nearby neighborhood.

- **Transportation:** The most current ITE trip generation manual does not include estimated trips specifically for fire stations. However, while the use is an institutional service facility, it is not one which the general public are expected to visit frequently. The typical number of employees at each shift is estimated at 3 or 4 with a maximum of 7. Other than for emergency responses, once on site, fire station personnel do not typically leave the site throughout their shift as they must be present to respond to emergency calls. Thus, the vehicle trips associated with employees are those related personnel coming to and leaving from shifts. Shift changes may but do not necessarily occur during morning or evening peak hours. Occasional visitors to station are most likely to occur during the daytime but not during peak hours. Emergency responses may occur at any time.

- **Visual Impacts/Lighting:** All proposed lighting is as evidenced on the attached plans. As explained in Applicant's Exhibit 3, all lighting can and will comply with the lighting/glare standards of the MLDC. A general description of the proposed architectural features of the new station is included in the findings of fact herein above and illustrations are included in Exhibit 4.

- **Off-Street Parking**: All off-street parking is as illustrated on the Exhibit 4 plans. Eleven spaces are provided at the east side of the building and 7 additional spaces are provided at the rear of the building within the enclosed and gated area.

13. Potential Impacts: Permitted Development Not Classified Conditional:

- **Noise:** Noise from residential development is variable. Typical daytime noise during the work-week is generally low based on most occupants being at work or school. Pets including dogs are common in single family development. Some dogs bark during the day when left alone. Other typical residential noises come in the form of vehicles coming to and from the residence, voices of residents when outside or from inside when windows are open, sound from electronic devices such as televisions and radios, sound from performing yard maintenance using power equipment such as lawn mowers, weed eaters, and the like. Residents would also observe noise

generating from Bear Creek Park. Bear Creek Park facilities are heavily used by residents from all over the city and is home to a number of events throughout the year from cross-country meets to concerts.

- **General Safety:** Typical residential development is relatively safe. Buildings must adhere to residential development codes to meet minimum fire life and safety standards. Children typically play in yards and in this circumstance being next to a park, they would likely travel to the park to play without having to cross a street. Despite being next to a park, residents may still play in driveways in and around the homes.

- **Transportation:** If the subject property were to be conventionally developed in accordance with zoning, it would support approximately nine homes which, according to Trip Generation (Institute of Transportation Engineers, 7th edition) would generate approximately 9 peak hour trips and roughly 90 average daily trips. Access to the potential 9 homes may come in the form of one or more access points, however based on the configuration of the property – they would likely share a single access.

- **Visual Impacts / Lighting:** Typical residential development includes lighting in and around the dwelling units. Residential light sources include porch lights, lights from windows with open blinds or curtains, lights from walkways and lights from vehicles entering and leaving driveways. Any local public or private access needed to accommodate the potential dwelling units would also likely include street lights.

- **Off-street parking:** Typical residential development will include a driveway and garage associated with each dwelling unit.

V

CONCLUSIONS OF LAW

REQUEST FOR CONDITIONAL USE PERMIT

Applicant, City of Medford Fire Department, seeks the approval of its plans in Exhibits 4 and 5 pursuant to the approval criteria for a conditional use permit as set forth in MLDC 10.248 and addressed herein below.

The Planning Commission reaches the following conclusions of law for each of the relevant substantive criteria with respect to this matter:

Conditional Use Permit Criterion 1

10.314 Permitted Uses in Residential Land Use Classification

The following table sets forth the uses allowed within the residential land use classification by zoning district. Uses not identified herein are not allowed. (See Article I, Section 10.012, for the definition of each listed use.)

These symbols indicate the status of each listed use:
P = Permitted Use. NNNNNN
C = Conditional Use; permitted subject to approval of a Conditional Use Permit. (See Article II, Sections 10.246 - 10.250.)

PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section
6. NONRESIDENTIAL SPECIAL USES									
(c)Institutional Uses (Schools, Churches, Government Facilities - Excluding Storage or Repair Yards or Warehouses, Cemeteries, etc.)	Cs	Cs	Cs	Cs	Cs	Cs	Cs	Cs	10.815-817

Compliance with Standards: MLDC 10.012 defines the term "institutional uses" as follows:

> "**Institutional uses**. Public and quasi-public uses such as government offices, **fire stations**, convention or community centers, auditoriums, post offices, public and private schools and colleges (not including business or commercial schools), libraries, museums, utilities, park-n-ride lots, churches, religious or charitable institutions, facilities for organizations and clubs, and cemeteries, mausoleums, columbariums, and crematories." (emphasis added)

Pursuant to the definition of "institutional uses," in MLDC 10.012, fire stations are expressly cited by example of permissible institutional uses and the same are conditional uses when — as in this instance — are located within an MFR-20 zone. While the table in MLDC 10.314 references a portion of the MLDC containing special standards for certain uses, there are no special standards that govern fire stations.

Therefore, the Planning Commission concludes that fire stations are among the specifically listed conditional uses in an SFR-6 zone (subject to the granting of a conditional use permit) but that no special standards apply specifically to fire stations.

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Conditional Use Permit Criterion 2

10.248 Conditional Use Permit Criteria
The approving authority (Planning Commission) must determine that the development proposal complies with either of the following criteria before approval can be granted.

(1) The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.

(2) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.

Conclusions of Law: The above MLDC 10.248 contains two options that operate as alternative criteria, the meeting of any one of which is sufficient to establish compliance and permit approval of a conditional use permit application. Nothing in the MLDC requires the selection of an alternative and applicants may proceed under either or both alternative criteria. The Planning Commission reaches the following conclusions of law and ultimate conclusions on both MLDC 10.248(1) and (2):

The Commission concludes that before it can properly address potential impacts to livability, value and appropriate development, it must first determine what constitutes the: "abutting properties and surrounding area," "appropriate development" and "permitted development that is not classified as conditional." The Commission reaches the following conclusions of law with respect to these terms:

Abutting Properties or Surrounding Area: Abutting[1] properties are those which touch or are located directly across the streets which adjoin subject property. The term "surrounding area" is undefined in the comprehensive plan or MLDC. The Planning Commission concludes that the proposed fire station will produce impacts as identified and considered below, but in no instance will the impacts exceed in geographic scope, an area which is equal to the extent of the area entitled to notice of the conditional use permit proceedings pursuant to ORS 197.763 and the MLDC — a distance of 200 feet from the exterior boundaries of the subject property. In this instance, with the subject property being in excess of 20 acres, the Commission believes and concludes that the proposed 1.5 acre project boundary is sufficient to base the surrounding area analysis from and accepts the analysis of all lands within 200-feet of the subject property as being conservative because many of those lands are more than 1,000 feet from the proposed project. Lands beyond 200 feet of the exterior of the subject property are not generally within sight or sound of the subject property. While the Commission also finds that it may be possible for people living or working beyond 200 feet of the property to see the fire station or to occasionally hear activities emanating therein, beyond this distance the Commission concludes that the potential impacts to liveability, value and appropriate development will be minor and not rise to the level of "significant." The Commission bases this conclusion on its belief that merely being able to see the fire station from distances beyond 200 feet of the subject property does not produce impacts of any kind.

Applicant's Section IV Findings of Fact Item 6 includes a description of uses in the surrounding area.

Permitted Development Not Classified As Conditional: The property is zoned SFR-6. While other uses are permitted in Medford's SFR-6 zone, development is typically single family residential housing at a permissible density of 6 units per acre. Based on the 1.5 acre project area, the site could accommodate 9 residential dwelling units.

[1] The MLDC defines the term *abutting* to mean: "Having a common border with, or being separated from such common border by, an alley, easement, or right-of-way."

Impacts from 9 single family dwellings may be characterized in terms of noise, general safety, transportation, visual impact/lighting and off-street parking.

Section IV Findings of Fact, Item 13 evaluates potential impacts from permitted development being 9 single family dwellings.

Based upon the foregoing conclusions of law with respect to what constitutes abutting properties and/or the surrounding area, and permitted development not classified as conditional, the Planning Commission now addresses below the issues of comparable livability, value and appropriate development with respect to MLDC 10.248(1).

MLDC 10.248(1): Pursuant to the first alternative criterion in MLDC 10.248(1), the Planning Commission concludes that in *McCoy v. Linn County*, 16 Or LUBA 295, 301-302 (1987), *aff'd* 90 Or App 271 (1988), it was held that a similar standard required the fact finder to identify the qualities and characteristics which constitute "livability" and determine whether the proposed use will cause more than a minimal adverse impact upon those. Therefore and pursuant to *McCoy*, the Commission reaches the following conclusions of law:

Liveability: Based upon the evidence, the Planning Commission concludes that the qualities and characteristics that constitute livability, in this instance, consist of noise, general safety, transportation, visual impact/lighting and off-street parking. The following constitutes the Commission's comparison of potential impacts on the livability of abutting and surrounding lands from both the proposed development and a maximum 9-unit single-family housing development. *See*, Section IV Findings of Fact, Items 12 and 13 for detailed relationship of the analyzed uses and their relationship to the qualities and characteristics that constitute livability.

- Cemetery to the East: A potential 9 unit single family dwelling development is likely to have little or no impact upon the livability of the nearby/adjacent cemetery because the nearest [to the proposed fire station] portions of the cemetery are generally obscured from view from the project site by a thick vegetative hedge wall along Highland Drive. Moreover, while burial services are conducted in the cemetery, the portions nearest Highland Drive and Siskiyou Boulevard are already occupied by existing graves. Although emergency fire station activities may periodically disturb people visiting gravesites, the disturbance would be relatively short in duration and would consist only of emergency lights and headlights and the general commotion surrounding apparatus deployment during emergency events. Even then lights of any kind are unlikely to disturb gravesite visitors as such visits occur almost exclusively during daylight hours when emergency lights might be observed. As such, the Commission concludes that impacts upon the cemetery will not rise to a level of significant impact.

- Commercial Center to the North: The Commission concludes that a potential 9 unit single family housing development is likely to have little or no impact upon the livability of the small commercial center to the north as the the potential housing

would be located approximately 150 feet from the commercial center and would not interfere with its access. The Commission also concludes that the proposed fire station would similarly produce few or no significant impacts upon the commercial center because it will not interfere with access to the commercial center (other than briefly during emergency events when the commercial center is open for business) and the same should not adversely impact commercial center revenues.

- Extended Bear Creek Park Facilities to West and South: A potential 9-unit housing development is likely to have little to no impact upon the livability of the existing municipal park and its improvements to the west, although diverse rear yard fencing would be less attractive than the consistent fencing proposed for the fire station. The Commission also concludes that housing adjacent to active park facilities would, itself, be subject to potential park-related noise and commotion in ways that would not adversely affect the fire station.

- Multi-Family Housing to the Southwest. Neither a nine unit single family housing development nor the proposed fire station is likely to have any impact whatsoever on the livability of the apartment complex owing to the appreciable distance separating the subject property from the apartments, and the Commission so concludes. The Commission also concludes that given the distance of separation, the deployment of emergency apparatus is unlikely to produce access impacts of a significant nature upon the apartment complex.

- Single Family Dwellings Along Highland and Siskiyou. If developed with nine single family housing units, the similar single family housing would experience little or no impact, and the Commission concludes that none would be significant. Potential impacts would amount to additional traffic loading which would imperceptibly increase travel times from additional traffic and access points onto Highland and/or Siskiyou Boulevard. The Commission further concludes that the proposed fire station would also produce few if any impacts upon the nearby existing single family housing because it is located either across Highland Drive or around the corner on Siskiyou Boulevard where in nearly all instances, a combination of distance, site obfuscation and general traffic noise in and around the nearby roundabout would make virtually all impacts imperceptible.

Based upon the foregoing findings of fact and conclusions of law the Planning Commission concludes that the proposed fire station will have no significant impacts and no impacts which are greater than single family housing which is a permitted use in the SFR-6 zoning district.

Appropriate Development: The Findings of Fact in Section IV, the Exhibit 9 Zoning Map and Exhibit 10 Surrounding Uses Map on Aerial, evidences existing land

parcelization and development which has occurred on abutting and surrounding lands demonstrating that most parcels in the surrounding area are fully developed.[2]

Summary Conclusion of Law for MLDC 10.248(1): Based upon the foregoing Findings of Fact and Conclusions of Law, the Planning Commission concludes that the application is consistent with the requirements of MLDC 10.248(1) because this proposal for the replacement of an existing Fire Station (and portions of the station to remain) will cause no significant adverse impact upon the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted single family development that is not classified as conditional.

MLDC 10.248(2): The Planning Commission understands MLDC 10.248(2) to require the Commission to first assess the potential impacts a proposed conditional use may produce in order to access the conflicting interests. The potential impacts have been properly assessed in the Commission's consideration of MLDC 10.248(1) above. This assessment leads the Commission to conclude that to the extent there are conflicting interests, the same are the interests of the owners of surrounding housing to have an environment relatively free from excessive and offensive noise, visual impacts, excessive traffic, off-street parking problems, the potential for property value impacts, and the potential for this (or any) conditional use to adversely affect the appropriate future development of surrounding lands. The Commission concludes that it has properly assessed the potential for the named categories of impact against the proposed fire station (and for otherwise appropriate multiple family housing) and concludes that while there may be some adverse impacts, none will rise to the level of significant. The Planning Commission also concludes that the fire station, including its buildings, facilities, appurtenances and associated operations (all as set forth in the Findings of Fact in Section IV) are in the public interest because the fire station will provide a needed and essential life/safety public service to the surrounding Medford community. Therefore, the Planning Commission concludes, in the alternative, that this proposed fire station facility is in the public interest, and the conditions imposed by the Commission (as contained in the Commission Report on this matter) are sufficient to produce a reasonable balance between the conflicting interests. Therefore, the Commission concludes that compliance with MLDC 10.248(2) has been properly established.

REQUEST FOR EXCEPTION RELIEF

Applicant City of Medford Fire Department seeks the approval of exception relief from the provisions of the MLDC which govern the width of driveways, their spacing and permissible locations. In particular, for commercial uses[3] driveways along streets with moderate traffic loading — like Highland Drive — must be no wider than 36 feet. In this instance, Applicant asserts that greater driveway width — in this instance, approximately 81 feet — is required to enable the rapid and proper egress and deployment of emergency apparatus from three

[2] The nearby cemetery while not developed in the conventional sense is occupied by gravesites which under Oregon law cannot be disturbed without significant difficulty.

[3] MLDC 10.550(1) provides that institutional uses shall be considered commercial uses for purposes of that subsection.

equipment bays proposed for this site. This exception is also intended to cover other provisions of MLDC 10.550 which may also apply to the proposed additional driveways intended to serve fire station personnel for non-emergency ingress and egress. These provisions include:

- MLDC 10.550(3)(a)(1) Driveways shall be placed adjacent to the property line of a contiguous parcel if possible to do so and meet driveway spacing requirements of this section.
- Table at MLDC 10.550-3 which requires the spacing of driveways further apart than is proposed in this application.
- MLDC 10.550(3)(a)(2) Number of Driveways for each Separately Owned Tract. Within the requirements set forth in a. (1) above, driveway access to an Arterial Street shall be limited to one driveway for each tract of property owned.
- MLDC 10.550(3)(a)(3) Cross-Access Easement Required. Any parcel or tract granted driveway access to an Arterial or Collector Street shall grant cross-access easements to all contiguous parcels or tracts that do not abut a street of a lower order than an Arterial or Collector Street. Site design must accommodate future use of such accesses.

  Use of shared driveways on multiple parcels or tracts and cross-access easements shall be required when site and traffic conditions, including projections of future traffic volumes and movements, indicate that such requirements will preserve the capacity and safety of the transportation system.

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Exception Criterion 1

MLDC 10.253 CRITERIA FOR AN EXCEPTION

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

(1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met.

Discussion; Conclusions of Law: Criterion 1 begins with a requirement to evaluate, "the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located." The subject property is zoned Urban Single Family Residential (SFR-6) and its purpose is set forth in MLDC 10.310:

> **"10.310 (-1) SFR-6 and SFR-10, Single-Family Residential - 6 or 10 dwelling units per gross acre**
>
> These two urban residential districts provide for standard and higher density single-family detached dwellings, duplexes, and mobile home parks. In SFR-6, the maximum number of dwelling units (DU) permitted per gross acre, or fraction thereof, shall fall within the following range: Minimum and Maximum Density Factor (df) . . . . . 4.0 to 6.0 DU/gross acre"

The stated purpose for the SFR- 6 zone references the delivery of higher density single family, duplexes and mobile home parks at an allowable density range of from 4 to 6 units per acre. MLDC 10.310 contains nothing relevant to the delivery of either emergency services facilities in general nor fire stations in particular. As such, the Planning Commission concludes that the proposed fire station is not inharmonious, and, therefore, the Commission concludes that it is in harmony with the general purpose and intent of the SFR-6 zone.

Criterion 1 also requires a conclusion that the exception shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. In context of this application the Planning Commission concludes that it need only show that the greater driveway width (and exceptions from other spacing/location standards in MLDC 10.550) will not injure or otherwise be detrimental to the health, safety, and general welfare or adjacent natural resources. With respect to natural resources, the Planning Commission concludes that this property is located within incorporated Medford and there are few undeveloped nearby parcels and none that contain natural resources which are protected under the Medford Comprehensive Plan. Within the larger surrounding area there is only one known natural resource — Bear Creek, including its wetlands and riparian area. However, Bear Creek is an appreciable distance and not adjacent to the subject property's project area and there is nothing to suggest that granting this exception will injure or otherwise threaten injury to Bear Creek or its protected attributes. There also are no protected natural resources located upon the subject property and there is no evidence to the contrary.

With respect to whether this exception to driveway width (and other spacing/location standards in MLDC 10.550) will be injurious to the general area, the Planning Commission concludes that it will not be injurious as the additional expanse of concrete, while perhaps to some unattractive, will nonetheless permit the proper and rapid deployment of emergency apparatus. In reaching this conclusion, the Planning Commission also concludes that unlike ordinary vehicles that traverse the municipal transportation system, emergency vehicles have the capacity to temporarily alter the traffic flow by use of lights and (when needed) sirens to ensure that fire station egress can and will be safe and not be injurious to the general area. Accordingly, the Planning Commission concludes that this fire station will serve the general surrounding area and to the extent that the additional expanse of concrete (and nonobservance of other municipal spacing/location standards) may not be as attractive as more narrow driveways (and those which observe otherwise required location and spacing standards) the health, safety, and general welfare of the surrounding area will, in balance, be enhanced by facilitating more rapid and proper deployment of emergency apparatus. Therefore, the Planning Commission further concludes that the granting of this exception will not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare.

For the reasons above explained, the Planning Commission concludes that this exception to driveway width is appropriately satisfied under the terms of Exception Criterion 1.

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Exception Criterion 2

(2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.

Discussion; Conclusions of Law: The Planning Commission concludes that the proposed exception is specific to driveway width and related access regulations and does not have the effect of permitting the establishment of any use which is not permitted in the Urban Single Family Residential (SFR-6) zone in which the property is located. As such, the Planning Commission concludes that this exception is consistent with and satisfies Exception Criterion 2.

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Exception Criterion 3

(3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.

Discussion; Conclusions of Law: The Planning Commission concludes that any site within incorporated Medford that is proposed to accommodate a new fire station (or to facilitate changes and access improvement to existing stations) will necessarily require an exception to driveway width (and other driveway location and spacing standards) especially for stations that feature multiple emergency apparatus bays. While it might be argued that there are some locations within incorporated Medford where standards related to driveway spacing and location might be attainable, these typically do not exist in developed portions of the city where the subject fire station is to be located. As a matter of emergency services delivery, the Planning Commission concludes that fire stations are best located where they are able to rapidly and efficiently serve buildings and other improvements within their existing or planned service areas. In this instance, the much larger surrounding area is almost completely occupied by existing urban development which presents no opportunity to locate this fire station where it might comply with the City's driveway spacing and location standards. As to driveway width, there are no potential sites that can accommodate the greater driveway width needed and herein proposed because such width is categorically precluded by the plain and unambiguous terms of the MLDC.

The second portion of Exception Criterion 3 requires a showing that strict application of the standards (in MLDC 10.550) will result in peculiar, exceptional, and undue hardship on the owner. The Planning Commission concludes that the owner of the subject property is the City of Medford, which in context of this application, operates on behalf of its citizens. If the standards in MLDC 10.550 were strictly applied, the Planning Commission concludes that the same would reduce the speed and efficiency of emergency apparatus deployment which would produce upon its citizens a peculiar, exceptional, and undue hardship by reducing emergency response times.

For the reasons established above, the Planning Commission concludes that this application satisfies the requirements of Exception Criterion 3.

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Exception Criterion 4

(4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

Discussion; Conclusions of Law: Based upon the evidence, the need for this exception does not result from any illegal act and there is no evidence to suggest otherwise. While Applicant City was aware of the standards from which exception relief is sought, it was with the knowledge that *any* fire station site would require similar relief from application of the standards in MLDC 10.550 and, if not approved, compromised emergency apparatus egress/deployment would be suffered directly [by the property in question], the City and its citizens. Therefore, the Planning Commission concludes that the requirements of Exception Criterion 4 have been satisfied.

VI

ULTIMATE CONCLUSIONS

Based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that these applications for Conditional Use Permit and for Exception relief, is consistent with all of the relevant substantive approval criteria of the City of Medford as set forth and addressed herein above. Therefore, the Planning Commission on behalf of the City orders that these applications be, and the same hereby are, approved and made subject to the conditions set forth in the Commission Report for this matter.

Respectfully submitted on behalf of applicant:

CSA PLANNING, LTD.

Craig Stone
Consulting Planner

Original Submittal November 21, 2014
Revised Submittal January 29, 2015

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DEMONSTRATION OF COMPLIANCE WITH DEVELOPMENT STANDARDS FIRE STATION 3

The proposed Fire Station is an institutional use allowed in the SFR-6 zone by manner of Conditional Use Permit. MLDC 10.709-720 include standards that apply to development in residential zones. The following analysis is provided to demonstrate conformance with site development standards of the underlying zone, for purposes of establishing compatibility under the Conditional Use provisions of MLDC 10.246 – 10.250, addressed in Applicant's Exhibit 2.

The Medford Land Development Code ("MLDC") standards are recited verbatim below:

10.550 Access Standards

(1) Driveway Throat Width Standards.

Driveways that connect to a public right-of-way shall be constructed according to the standards in Tables 10.550-1 and 10.550-2. See Figure 10.550-1 for driveway throat, flare and radius definitions.

For the purposes of this section, Minimum Access Easements and Alleys shall be considered driveways.

Street Classification	Land Use on Parcel to be Served by the Driveway*			
Local (All streets other than Collectors or Arterials.)	SFR	MFR	COMMERCIAL	INDUSTRIAL
Less than 500 ADT***	12 to 18 ft.****	18 to 24 ft.	24 to 30 ft.	24 to 30 ft.
500 to 1,000 ADT***			24 to 30* ft.	24 to 36 ft.
Greater than 1,000 ADT***			24 to 36* ft.	24 to 36 ft.
Collector	SFR	MFR	COMMERCIAL	INDUSTRIAL
Less than 500 ADT***	12 to 24 ft. (Shared Approach Only)	18 to 36 ft.	18 to 24 ft.	24 to 36 ft.**
500 to 1,000 ADT***			18 to 36 ft.**	24 to 36 ft.**
Greater than 1,000 ADT***			18 to 36 ft.**	24 to 36 ft.**
Arterial	SFR	MFR	COMMERCIAL	INDUSTRIAL
Less than 500 ADT***	No direct access unless no alternative exists, then 12 to 20 ft. (Shared Approach Only)	No direct access unless no alternative exists, then 18 to 36 ft.	18 to 24 ft.	24 to 30 ft.
500 to 1,000 ADT***			18 to 30 ft.	24 to 36 ft.
Greater than 1,000 ADT***			18 to 36 ft.	24 to 36 ft.

*Institutional uses shall be considered commercial uses for the purposes of this subsection.

**Driveway throat widths greater than 24 feet shall be granted only for full movement approaches that warrant a left turn lane.

***ADT = Average Daily Trips using the proposed driveway, determined from the latest version of the Institute of Transportation Engineering handbook based on the expected ultimate use of the site.

****May be up to 24' with approval of Public Works Director or Designee.

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Compliance with Standards: The subject property fronts on and takes access from Highland Drive, a major collector road with an ADT in excess of 1,000. The proposed use is a fire station that requires driveway widths wider than standard in order to accommodate fire apparatus movements. The proposed emergency-only approach to Highland Drive is 81 feet 6 inches in width. In addition, the project proposes a 30-foot access to Highland Drive at the north side of the building for all non-emergency related ingress and egress for passenger vehicles and fire apparatus alike. Based on a number of factors, one of which being the length of the fire trucks, the driveway throat width warrants a distance greater than 24 feet. See Applicant's Exhibit 2 Findings of Fact and Conclusions of Law including a request for exception to these driveway throat width provisions.

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10.550 Access Standards

(2) Driveway Radius Standards

Table 10.550-2 Driveway Radius Standards

Street Classification	Land Use on Parcel to be Served by the Driveway*			
	SFR	MFR	COMMERCIAL	INDUSTRIAL
Local	Curb Cut	<6 units: curb cut >6 units: 15 ft. radius	Curb cut or 20 ft. radius	Curb cut or 20 ft. radius
Collector	Shared Access Curb cut	20 ft. radius	20 ft. radius	25 ft. radius
Arterial	No direct access unless no alternative exists, then 15 ft. radius	25 ft. radius	25 ft. radius	25 ft. radius

Compliance with Standards: The subject property fronts on and takes access from Highland Drive, a collector road. As evidenced by Applicant's site plan, the driveway radiuses are in conformance with this standard.

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(3) Driveway Spacing and Locational Standards

a. Arterial and Collector Streets

(1) Driveway spacing and Location. No driveway access to an Arterial or Collector Street shall be allowed for any parcel that abuts the right-of-way of a lower order street or has legal right of access to any street via any abutting parcel(s).

No driveway access shall be allowed to an Arterial Street within 150 feet of the nearest right-of-way line of an intersection street.

Driveways shall be placed adjacent to the property line of a contiguous parcel if possible to do so and meet driveway spacing requirements of this section.

No driveway access to an Arterial or Collector Street shall be located closer than allowed by the standards in Table 10.550-3, measured from the center of driveway to center of driveway.

SPEED LIMIT (MPH)	25	30	35	40	45
DRIVEWAY SPACING	145 ft.	195 ft.	250 ft.	315 ft.	385 ft.

(2) Number of Driveways for each Separately Owned Tract. Within the requirements set forth in a. (1) above, driveway access to an Arterial Street shall be limited to one driveway for each tract of property owned.

For purposes of this section, parcels that are contiguous under the same ownership or part of the same application for development shall be considered to be one tract of property.

(3) Cross-Access Easement Required. Any parcel or tract granted driveway access to an Arterial or Collector Street shall grant cross-access easements to all contiguous parcels or tracts that do not abut a street of a lower order than an Arterial or Collector Street. Site design must accommodate future use of such accesses.

Use of shared driveways on multiple parcels or tracts and cross-access easements shall be required when site and traffic conditions, including projections of future traffic volumes and movements, indicate that such requirements will preserve the capacity and safety of the transportation system.

c. Alternative Access Spacing and Location

The standards set forth in Sections 10.550 (3) (a) and (b) above are the City's basic access standards. The City also recognizes the unique situations and/or complex projects may warrant alternative driveway spacing and locations.

(1) Approval of Alternative Access Locations: When part of a Class C Plan Authorization, the Public Works Director or designee shall forward a recommendation on alternative access spacing and locations to the approving authority. When not part of a Class C Plan Authorization, the Public Works Director or designee may authorize an administrative adjustment to the access spacing and location standards in 10.550 (3) (a) and/or (b) above under one or both of the following circumstances:

i. The adjustment will align the requested driveway with a driveway across the street and the Public Works Director's (or designee) professional opinion is that this configuration will improve safety and/or operations.

ii. Where no proposed access location can satisfy all the standards in Section 10.550 (3) (a) and/or (b), the driveway may be located in the location that best meets the City's access management standards in the professional opinion of Public Works Director (or designee).

Compliance with Standards: The subject property has frontage on Highland Drive and Siskiyou Boulevard, both are collector roadways. The property does not abut a lower order street. The proposed driveways are to Highland Drive, which has a speed limit of 35 mph at the subject site.

The northern-most proposed driveway to be used for all non-emergency ingress and egress. The southern-most access is to be used for emergency vehicle egress only. The two driveways are 131 feet apart. The northern-most driveway is approximately 100 feet from the exiting driveway providing access to the existing Fire Station 3.

The proposal includes a fire station. Fire stations have unique access requirements and this application is part of a Class C Plan Authorization. Therefore the proposal is eligible for alternative access and spacing under c above. Applicant requests the Public Works (or designee) recognize the proposed driveways including the separation of emergency egress only driveway from the primary access best meets the City's access management standards.

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10.721 Commercial and Industrial Site Development Standards

The following standards apply to commercial and industrial development. See Article III, Sections 10.326 through 10.332 for detailed descriptions of each zoning district, and Section 10.337 for conditional, special, and permitted uses

COMMERCIAL AND INDUSTRIAL DEVELOPMENT		
Standard		**Proposed / *Current Condition**
MINIMUM & MAXIMUM AREA FOR ZONING DISTRICT (ACRES)	None	-
MINIMUM LOT AREA (SQ. FEET)	7,000 SF	*23.12 acres (1,007,107 SF)
MAXIMUM COVERAGE FACTOR	40%	<10%
MINIMUM LOT WIDTH	70 feet	-
MINIMUM LOT DEPTH	100 feet	-
MINIMUM LOT FRONTAGE	30 feet	-
MINIMUM FRONT & STREET SIDE YARD BUILDING SETBACK	10 feet, EXCEPT 20 feet for vehicular entrances to garages or carports	14'11" front (70' to apparatus bay)
MINIMUM SIDE & REAR YARD BUILDING SET BACK	None, EXCEPT ½ foot for each foot in building height over 20 feet	203'7" north; 1000'+ west (rear); 576'7"+ south
MAXIMUM BUILDING HEIGHT	85 feet, EXCEPT 35 feet if within 150 feet of a residential GLUP or Special Area Plan designation.	22'
MAXIMUM GROSS FLOOR AREA PER BUSINESS (SQ. FEET)	None	11,620 SF
PERMITTED OUTDOOR USES	See Note 2	Storage of Emergency Vehicles to rear of buildings within secure fenced and gated area
Note 2: All uses, EXCEPT those customarily conducted outdoors, must be located completely within an enclosed building.		

Compliance with Standards: The proposed project complies with all Commercial and Industrial standards of MLDC 10.721 as indicated by the table above and as evidenced by Applicant's site plan.

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10.727 Excavation and Grading Permit
When an excavation and grading permit is required by this Chapter or by Chapter 9, the application for the permit shall be reviewed and approved by the City of Medford Building Safety Director or designee. When a permit is required, no grading or excavation shall occur prior to issuance. The permit shall not be issued until a grading plan pursuant to Section 10.728 has been reviewed and approved. Additional supporting data consisting of a soils engineering report and engineering geology report may also be required. The plans and specifications shall be signed and prepared by a registered engineer.

10.729 Stormwater Quality and Detention Facilities, Private Property
A. Purpose. It is the City's policy to maintain the natural hydrology and preserve water quality by mitigating the direct impacts of new development and preserving the environmental benefits of natural water bodies.

B. Applicability. Stormwater quality and detention facilities shall be required for development and building permits, with the exception of single-family residences and duplexes, which meet any one (1) of the following conditions

(1) Building permits for development that creates 5,000 square feet or more impervious surface; or...

Compliance with Standards: Applicant's Exhibit 4 includes a stormwater drainage plan demonstrating compliance with relevant stormwater and grading provisions. Should a separate grading permit be found to be required, Applicant will agree to stipulate to filing a grading plan pursuant to MLDC 10.728.

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10.732 Fencing of Lots

(1) Fencing located within the front yard setback area of all zones, except the MFR zone, shall not exceed three (3) feet in height when measured from the grade of the street centerline. When within a MFR zone, a fence shall not exceed three (3) feet in height when located within ten (10) feet of a street right-of-way unless otherwise approved by the approving authority. (Effective Dec. 1, 2013.)

(2) Fencing located in the side or rear yards (when not a through-lot) shall not exceed eight (8) feet in height. Height shall be measured as follows:

(a) In required yards abutting a street, it shall be the effective height measured from the finished grade on the side nearest the street.

(b) In other required yards, it shall be the total effective height above the finished grade measured on the side nearest the abutting property.

(3) No fencing shall conflict with the site distance requirements of Section 10.735, Clear View of Intersecting Streets.

(4) All fencing shall comply with Section 9.560, Hazardous Fences Prohibited, of the City Code.

(5) Gates on primary vehicle entrances adjacent to public streets shall be set back a minimum of 20 feet from the right of-way. Gates on secondary entrances (e.g., stored vehicles, etc.) may be set back less than 20 feet if approved by the Engineering Division. Gates provided with a remotely operated opening mechanism may be set back 20 feet from the nearest existing or planned vehicular travel lane as determined by the City Engineer.

Compliance with Standards: No fencing is proposed along the street frontages of the property. Applicant's site plan demonstrates compliance with all fencing and gating requirements under MLDC 10.732.

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10.735 Clear View of Intersecting Streets
(1) In order to provide a clear view of intersecting streets, there shall be a triangular area of clear vision formed where a street intersects with another street, driveway, or alley.

(2) The size of the triangular area is a function of traffic control, volume and speed. See Table 10.735-1 below for posted speeds and site distances.

(3) On any portion of a lot that lies within the triangular area described and illustrated in Figures 10.735-1 & 2, below, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of three (3) feet and ten (10) feet above the height of the top of the curb. Where there is no curb, the height shall be measured from the street center lines.

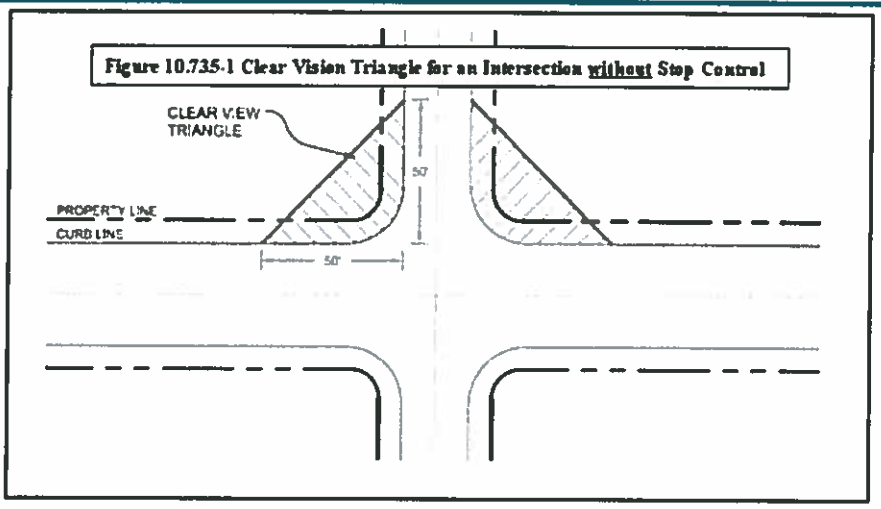
(4) The triangular area of clear vision shall be determined based upon the type of stop control used at the subject intersection.

(a) The clear vision triangular area for an intersection of a street without stop control is shown in Figure 10.735-1. See Table 10.735-2 below for determining all other curb line distances.

Figure 10.735-1 Clear Vision Triangle for an Intersection without Stop Control – SEE BELOW

Table 10.735-1 Intersection Site Distance

Posted Speed Limit	Intersection Sight Distance (ft.)
20	115
25	155
30	200
35	250
40	305
45	360
50	425
55	495



Compliance with Standards: Highland Drive is a 35 mph street in front of the subject property. The driveway intersections are not stop controlled and therefore require intersection sight distances of at least 250 feet. Highland Drive at the subject property is flat and straight. Based on the horizontal and vertical alignments of Highland Drive at the subject property, sight distance to the south at the proposed access points exceed the 250ft minimum required. The nearest intersection, being that of Siskiyou and Highland is a round-about intersection with a center point located approximately 230 feet from the center point of the closest proposed driveway approach, in conformance with these provisions. Applicant's attached site plan illustrates appropriate clear vision triangles for the proposed site. The proposal includes a 6-foot tall sign to be located in front of the fire station, outside the clear vision triangle. Vegetative plantings located at the front of the property, within the clear vision triangle will be low-growing not to exceed 3 feet in height.

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10.741 Parking and Loading, General Provisions

A. Off-Street Parking and Loading.

(1) A development permit shall not be issued until plans and evidence are presented to show how the parking and loading requirements are to be fulfilled and that property is and will be available for exclusive use as parking and loading space.

Off-street parking and loading spaces shall be provided and maintained as set forth in Sections 10.741 - 10.745 for all uses in all zoning districts.

C. Parking and Loading Plan.

A parking plan, drawn to scale, shall accompany development permit applications for all developments excluding those for single and two-family dwellings. The parking plan shall show all those elements necessary to indicate that the requirements of this Code will be fulfilled and shall include, but are not limited to:

(1) Delineation and typical dimensions of individual parking and loading spaces;
(2) Dimensions of the circulation and maneuvering areas necessary to serve parking and loading spaces;
(3) Access to streets, alleys and proper ties to be served;
(4) Curb cuts;
(5) Type of fencing or other screening materials;
(6) Abutting land uses;
(7) Grading, drainage, surfacing and subgrading details;
(8) Location, height, and candlepower of lighting fixtures;
(9) Delineations of all structures and other obstacles to parking and circulation on the site;
(10) Specifications as to signs and bumper guards, and
(11) Parking lot landscaping plan.

Compliance with Standards: Applicant's site plan accurately depicts items 1 through 5 and 7 through 10. Exhibits 9, 10 and 11 illustrate and Exhibit 2 characterizes abutting land uses (item 6); Exhibits 4 and 5 are plans consistent with item 11.

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10.743 Off-Street Parking Standards

(1) Vehicle Parking – Minimum and Maximum Standards by Use. The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 10.743-1.

Where a use is not specifically listed in table 10.743-1, parking requirements shall be determined by the Planning Director or designee finding that the use is similar to one of those listed in terms of parking needs.

Parking spaces that count toward the minimum requirement are parking spaces meeting minimum dimensional and access standards in garages, carports, parking lots, bays along driveways, and shared parking areas.

(2) Number of Required Parking Spaces. Off-street vehicle parking spaces shall be provided as follows:

(a) Parking Space Calculation. Parking space ratios are based on spaces per 1,000 square feet of gross floor area, unless otherwise noted.

(b) Parking Categories.

(i) Table 10.743-1 contains parking ratios for minimum required number of parking spaces and maximum permitted number of parking spaces for each land use.

A. Minimum Number of Required Parking Spaces. For each listed land use, the City shall not require more than the minimum number of parking spaces calculated for each use.

B. Maximum Number of Permitted Parking Spaces. The number of parking spaces provided shall not exceed the maximum number of parking spaces allowed for each listed land use.

(3) Exceptions to Required Off-Street Parking for Non-Residential Uses. The approving authority may allow exceptions to the number of parking spaces in Table 10.743-1 for specific uses without complying with Section 10.251 if they find that the applicant's detailed description of the proposed use demonstrates that the number of needed parking spaces is less than the minimum required or more than the maximum allowable based upon one or both of the following (effective Dec. 1, 2013):

(a) An explanation why the characteristics of the proposed use require a different off-street parking standard than what is otherwise required.

(b) An analysis providing parking data for the same business or a similar use within the city that demonstrates a need for a different off-street parking standard

Table 10.743-1 – City of Medford Minimum and Maximum Parking Standards			
Land Use Category	Parking Standards are based on number of spaces per 1,000 Square Feet of Gross Floor Area (unless otherwise noted)		
	Minimum Number of Required Parking Spaces		Maximum Permitted Parking Spaces
	Central Business District C-B Overlay (*outside of Downtown Parking District*)*[4]	All Other Zones	All Zones
Public Services (such as utility service yards)	1.0 space per 1.2 employees on the largest work shift, plus 1.0 space per company vehicle normally stored on the premises	1.0 space per 1.1 employees on the largest work shift, plus 1.0 space per company vehicle normally stored on the premises	1.0 space per .5 employees on the largest work shift, plus 1.0 space per company vehicle normally stored on the premises

Compliance with Standards: The proposed project complies with the parking standards of MLDC 10.743. Fire Stations are a public service type of use requiring 1 space per 1.2 employees on largest work shift plus 1.0 space per company vehicle normally stored on the premises. Applicant states there are likely to be 3-4 employees onsite during a typical work shift, with 7 being the maximum number of employees at the station. There are three dedicated bays for fire trucks within the fire apparatus bay. There are eleven 9' x 18' dedicated parking spaces for employees and visiting personnel at the north side of the building; one of which is hand-capped space. There is one 10'x18' dedicated car pool space and there are six 10' x 18' parking spaces for employees and visitors at the building rear (west) side. A concrete paved area 80 feet deep and 210 feet wide is located west of the proposed buildings. This area is to be used for fire apparatus circulation and occasional parking of other emergency related equipment from other stations and public facilities. The rear of the building is fenced / gated from access by the general public.

(4) Reductions in Required Parking Spaces.

The total number of required motor vehicle parking spaces for an existing or new industrial, commercial, or office development may be reduced by five percent (5%) for each of the activities listed below that are provided by the owners or operators in perpetuity, up to a maximum of ten percent (10%) reduction in the total number of motor vehicle spaces required per development.

(a) Providing showers and lockers for employees who commute by bicycle or foot;

(b) Providing twice as many covered, secured bicycle parking spaces as required by this code;

(c) Providing a public plaza as defined herein adjacent to a transit route with transit service currently available, which is within one quarter (¼) mile of a major transit stop on that route. If there is a bus stop along the site's frontage, the plaza must be adjacent to the bus stop. The plaza must be open to the public, and at least 300 square feet in size exclusive of connecting walkways.

(d) Providing a transit shelter with landscaping, and trash receptacle;

(e) Other incentives provided in an approved Transportation Demand Management Plan (TDM) approved by the Approving Authority.

Compliance with Standards: No reduction in parking spaces is being requested.

(5) Two-Wheeled Vehicle Parking.

When over twenty (20) spaces are required, a maximum of five percent (5%) of the required parking may be two-wheeled vehicle spaces (e.g. motorcycle/moped/scooter). Each two-wheeled vehicle space must be at least four (4) feet wide and eight (8) feet deep. The two-wheeled vehicle spaces shall be clearly designated by a sign posted or be marked on the pavement within the two-wheeled parking area. Two-wheeled spaces shall be grouped together in designated areas and need not be individually striped. Two-wheeled parking shall be closer to the building than fifty percent (50%) of the vehicle spaces.

Compliance with Standards: The project does not necessitate 20 or more parking space, therefore 2 wheeled spaces are not required and none are proposed.

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10.745 Location of Parking Facilities

All parking spaces shall be on the same lot as the main structure it serves or on an abutting lot. However, upon demonstration by the applicant that parking on the same lot or abutting lot is not available, the approving authority may authorize the parking spaces to be on any lot within 250 feet walking distance of the structure being served upon written findings of compliance with the following provisions:

(1) There is a safe, direct, attractive, lighted and convenient pedestrian route between the parking area and the use being served;

(2) There is assurance in the form of deed, lease, contract or other similarly recorded document that the required spaces will continue to be available for off-street parking use according to the required standards.

Compliance with Standards: All proposed parking spaces are located on the same parcel as the main structure. Applicant's site plan demonstrates compliance with safety and aesthetic standards required herein.

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10.748 Bicycle Parking Standards

Bicycle parking spaces shall be provided in accordance with the following:

Residential, retirement or congregate housing: .05 space per unit; 4 space minimum, regardless of number of units.

Compliance with Standards: Bicycle parking is not required per this provision and none are proposed.

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10.763 Particulate Matter (Windborne Dust)

The release of windborne dust across lot lines shall be considered a nuisance. Open storage piles, unpaved roads, open yards and the like shall be wetted, oiled, planted or covered to eliminate or minimize windborne dust. Fugitive sources of windborne dust, such as from windows, ventilators, conveyors and the like shall be controlled by closure, collection, or other acceptable methods of good practice.

Compliance with Standards: As evidenced by Applicant's site plan, the site is proposed to be paved and there are no open storage piles, open yards or unpaved roads. The proposed use is not one that is typically associated with generating high levels of windborne dust, however in the event potential sources are found to occur, Applicant will control windborne dust with closure, collection or other acceptable methods of good practice.

10.764 Glare

In all districts, any operation or activity producing glare shall be so conducted that direct or indirect light from the source shall not have a maximum permitted illumination in excess of 0.5 foot candles on any property in a residential district, other than the lot on which the glare is generated. This section is not intended to apply to public street lighting.

(1) Definitions.

Candlepower: The amount of light that will illuminate a surface one (1) foot distant from a light source to an intensity of one (1) footcandle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.

Footcandle: A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

Glare: The brightness of a light source which causes eye discomfort.

Maximum Permitted Illumination: The maximum illumination measured in footcandles at the interior buffer-yard line at ground level in accordance with the standards of Subsection 4 below.

Post Height: The distance measured from the grade at the base of the light post to the top of the light fixture.

(2) Exemption for Specified Outdoor Recreational Uses.

Because of their unique requirements for nighttime visibility and their limited hours of operation, lighting for ball diamonds, playing fields, and tennis courts is exempted from the exterior lighting standards of Subsection (4) below. Exterior lighting for outdoor recreational uses must meet all other applicable requirements of this section and of this code.

(3) Maximum Lighting Height for Specified Outdoor Recreational Uses.

Notwithstanding height limitations elsewhere in this code, exterior lighting for the outdoor recreational uses specified in (2) above shall be permitted a maximum post height of ninety (90) feet. When a Conditional Use Permit is required for the specified outdoor recreational uses, additional height limitations may be imposed to meet approval criteria.

(4) Additional Regulations: Notwithstanding any other provision of this section to the contrary:

(a) No flickering or flashing lights shall be permitted.

(b) Light sources or luminaires shall not be located within bufferyard areas except on pedestrian walkways.

(5) Measurement: When required, the measurement of lighting levels shall be conducted by the developer and certified by a licensed engineer that the measurements have been conducted as per the following:

(a) Metering Equipment. Lighting levels shall be measured in footcandles with a direct-reading, portable light meter. The meter shall have a color and cosine-corrected sensor with multiple scales and shall read within an accuracy of plus or

minus five (5) percent. It shall have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within one (1) year of the date of its use.

(b) Method of Measurement. The meter sensor shall be mounted not more than six (6) inches above ground level in a horizontal position. Readings shall be taken by qualified personnel only after the cell has been exposed long enough to provide a constant reading. Measurements shall be made after dark with the light sources in question on, then with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination and property line at ground level. This procedure eliminates the effects of moonlight and other ambient light.

(5) Exterior Lighting Plan. At the time any exterior lighting is installed or substantially modified an exterior lighting plan shall be submitted in order to determine whether the requirements of this section have been met. The lighting plan shall identify:

(a) Location of light fixtures

(b) Type of luminaire

(c) Height of luminaire

(d) Maximum illumination

(e) Cut-off angle

10.767 Oxidizing Materials

The manufacture of oxidizing materials is prohibited. The storage or utilization of oxidizing materials in excess of 500 pounds is prohibited.

10.768 Flammable Gases

The storage, utilization or manufacture of flammable gases shall not exceed 250,000 standard cubic feet, exclusive of finished products in sealed portable containers.

Compliance with Standards: Applicant agrees to stipulate to providing a lighting plan consistent with the standards herein.

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10.772 Pedestrian Walkway General Provisions

These walkway provisions are intended to provide safe, direct and convenient pedestrian access in new office and commercial developments.

Internal pedestrian circulation shall be provided in new office and commercial developments through clustering of buildings, construction of pedestrian ways, skywalks, where appropriate, and similar techniques.

10.773 Pedestrian Walkway Connections and Routing

A pedestrian walkway shall be provided:

(1) To each street abutting the property, and for every 300 feet of street frontage not including limited access freeways.

(2) To connect with walkways, sidewalks, bikepaths, and other bicycle or pedestrian connections on adjacent properties.

(3) To connect building entrances to one another, to existing or planned transit stops and to connect the pedestrian circulation system to other areas of the site such as parking lots, children's play areas, required outdoor areas and any pedestrian amenities such as plazas, resting areas and viewpoints.

Compliance with Standards: Walkways on the proposed site plan meet the above standards. See, Applicant's Exhibit 4.

* * * * * * * * * * * *

10.780 Landscape and Irrigation Requirements

B. General Provisions.

(1) Landscaping shall provide a variety of plant sizes, shapes, texture and color while being horticulturally compatible and minimizing irrigation reliance, thus conserving the public water supply.

(2) Landscaping shall be maintained in good health by the property owner in conformance with approved landscaping plans and shall not be reduced in area or number.

E. Landscape Plan and Irrigation Plan Review.

All development and building permit applications that include landscaping areas, as defined herein, with the exception of development types provided within Section 10.780 C.(1)a., shall include a Landscape Plan and Irrigation Plan in accordance with the provisions of this section. Landscaping and irrigation improvements shall be installed in accordance with approved plans.

...

Compliance with Standards: Applicant's detailed landscape plan (Exhibit 5) demonstrates consistency with MLDC 10.780.

* * * * * * * * * * * *

10.781 Concealment of Trash Receptacles

Trash receptacles shall be kept in enclosures made of solid wood, metal, brick, or masonry block which conceal them from view. Access doors shall be made of solid wood or metal. When possible, enclosures should be incorporated into the building (i.e., wing walls, alcoves). If free standing, the enclosures shall be constructed of materials which are compatible with other structures on the site. Chain link fencing, with or without slats, for this purpose is prohibited. [Added, Sec. 2, Ord. No. 1999-211, Dec. 16, 1999.]

Compliance with Standards: Applicant's site plan depicts the free standing trash enclosure consistent with this standard.

10.782 Concealment of Heating, Ventilation, Air Conditioning (HVAC) Equipment and Roof-Mounted Wireless Communication Facilities

All HVAC equipment and roof-mounted wireless communication facilities shall be concealed from view. Where possible, such concealment should be accomplished using the architectural elements of the buildings (i.e., roof forms, parapets, wing walls, alcoves, etc.). Free standing walls or fences may also serve as sight-obscuring concealment devices. Chain link fencing, with or without slats, for this purpose is prohibited.

10.783 Location of Wall Mounted Utility Services

Wall mounted utility devices, such as meters and television cable boxes, shall be mounted on the side of the building not facing a street unless they are concealed from view. Where possible, concealment should be accomplished using architectural elements of the building (i.e., wing walls, alcoves, etc.).

Compliance with Standards: The proposed trash receptacles, HVAC equipment, and Roof-Mounted Wireless Communication Facilities and all wall-mounted utility services can and will comply with this standard.

* * * * * * * * * * * *

10.797 Street Frontage Landscaping Requirements

A. This section establishes the minimum landscaping requirements along all street frontages outside of the public right-of-way. Plans submitted to comply with this section shall be approved by the approving authority.

(1) For land divisions with houses that do not face an arterial street, an arterial street frontage landscape plan shall be submitted showing a vertical separation feature that is a minimum of eight (8) feet in height. The separation feature shall create a solid visual screen. A fence or wall shall be engineered to stand straight. The separation feature shall be reduced in height where otherwise required in a front or side yard or clear vision triangle. The Planning Commission may allow adjustments to the above requirement in response to topography.

(2) For all other street frontages the number of plants required for distances above or below one hundred (100) feet shall be prorated with the resulting numbers of plants rounded so that one-half or more shall be deemed to require a full plant. All required planting shall be located in the required yard area adjacent to the street unless otherwise approved by the approving authority.

(3) Existing plant materials which meet the requirements of this code may be counted as contributing to the total landscaping required by this section. Interstate 5 and other highway frontages shall be treated the same as city street frontage.

(4) The following table specifies the type and number of plants required by this section.

***Table 797-1.* Frontage Landscaping - Materials and Quantities**

Zoning District	Number of plants required per 100 feet of street frontage less driveways	
	Trees	Shrubs
SFR (Nonresidential uses), MFR, C-N, C-S/P, C-C, C-R, C-H	4	25
I-L, I-G, I-H	3	15

10.798 General Exceptions to Yard Requirements

The following projections shall be permitted within the required yard area:
(1) Cornices, eaves, fireplaces, canopies, mechanical (heating and cooling equipment), or other similar architectural features may extend a maximum of one (1) foot into a required yard.
(2) Open uncovered accessory structures such as fire escapes, patios, porches, balconies, or outside stairways may extend a maximum of one (1) foot into the required side and rear yard and a maximum of six feet into a required front yard. Porches, decks or stoops which are open and uncovered and not exceeding 18 inches in height may be located

within 18 inches of any lot line.
(3) Within the commercial districts awnings shall be allowed to extend a maximum of six (6) feet into the required front yard.
(4) Established Neighborhoods: On a parcel where the abutting lots, adjoining the same street, contain legally constructed buildings whose setbacks are equal to or less than that required by the underlying zone, the front yard setback may be reduced to a distance equal to the average setback of the abutting parcels. If one of the adjoining lots is vacant, the minimum setback of the underlying zone shall be utilized to determine the average.

Compliance with Standards: See, Applicant's Exhibit 5 landscape plan demonstrating conformance with the standards provided herein above.

* * * * * * * * * * * *

10.808 New Commercial and Institutional Development

All new commercial, office and institutional buildings on parcels within 600 feet of an existing or planned major transit stop, as designated by the City of Medford Transportation System Plan (TSP), shall provide the following:

(1) Building entrances. All such uses shall provide a main entrance on the facade of a building nearest to and facing a street with a designated "transit route", hereinafter "transit street". A building may have more than one main entrance. If the lot has frontage on more than one transit street, the building need only have one main entrance oriented to a transit street or to the corner where two transit streets intersect.

(2) Setbacks. Buildings shall be set back no more than 20 feet from the designated transit stop or transit street. Where the site is adjacent to more than one designated transit street, a building is required to meet the maximum setback standard on only one of the streets.

(3) Parking lots. No automobile parking shall be permitted between the building and the designated transit street.

(4) An exception to one or more of the requirements in this section may be granted if the approving authority determines that:

(a) Strict compliance with the standard is not possible because of terrain or other physical conditions beyond the control of the applicant; or,

(b) Direct, convenient and safe access to transit is otherwise adequately provided for by other measures.

Compliance with Standards: There are no major transit stops within 600 feet of the site.

* * * * * * * * * * * *

10.809 Vanpool and Carpool Preferential Parking Requirements

All new industrial, commercial and institutional development shall provide preferential parking for vanpools and carpools as follows:

(1) Number: Industrial, commercial, institutional and office developments shall designate at least 10% of the employee parking spaces for vanpool or carpool parking.

(2) Marking: The vanpool/carpool spaces shall be clearly marked "Reserved - Vanpool/Carpool Only".

(3) Location: Designated vanpool/carpool spaces shall be the closest employee parking spaces to the building entrance normally used by employees except for any accessible spaces provided.

Compliance with Standards: Applicant's site plan provides a dedicated car pool space in conformance with these provisions.

* * * * * * * * * * *

10 Article 6 – Signage

10.1030 Application

Application for a permit shall be made to the Planning Department upon a form provided by the City and shall include the following:

(1) Two sets of drawings to scale, including the following information with regard to the signs:

(a) The written or graphic content.

(b) Location of the sign on the building or building site.

(c) Dimensions of the sign.

(d) Construction materials.

(e) Method of attachment and character of structural members to which attachment is to be made.

(f) Electrical wiring and components or U.L. approved number.

(g) If an electronic message sign, the frequency at which the text changes.

(2) The Building Safety Official may also require that a licensed engineer furnish information concerning structural design and proposed attachments.

10.1700 Signs in Community Commercial District (C-C) and Heavy Commercial District (C-H, and Regional Commercial District (C-R): Basic Regulations

Signs shall be permitted as follows in the C-C, C-R, and C-H districts:

(1) Ground Signs: Each parcel of land is permitted one ground sign per street frontage, subject to the following limitations:

(a) Maximum Height: 20 feet

(b) Maximum Square Footage: 150 square feet per sign

(c) Minimum Setback: Shall not project into public right-of-way.

(d) Electronic Message Signs are permitted as a ground sign subject to the following limitations:

(i) Each parcel of land is permitted one (1) electronic message sign if the sign is 150 feet or farther from any residential zoning district or GLUP Map designation.

(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.

(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.

(iv) The conversion of an existing, conforming ground sign to an electronic message sign is permitted.

(v) The conversion of an existing, nonconforming ground sign to an electronic message sign is prohibited.

(2) Wall Signs: Wall signs are permitted, subject to the following limitations:

(a) Principal Facade: The aggregate area of all signs shall not exceed one and one-half square feet for each linear foot of business frontage, except if the building is set back more than 20 feet from the right-of-way, in which case the aggregate area of all signs shall not exceed two square feet for each linear foot of business frontage. No part of any sign shall be higher than the building height as defined in Section 10.705.

(b) Secondary Facade: The aggregate area of all signs shall be limited in area to two square feet for each linear foot of business frontage and shall be placed flat against the building supporting the sign. No part of any sign shall be higher than the building height as defined in Section 10.705.

(c) Electronic Message Signs are permitted as a primary or secondary facade wall sign subject to the following limitations:

(i) The electronic message sign must be 150 feet, or farther, from any residential zoning district or GLUP Map designation.

(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.

(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.

(iv) The conversion of an existing, conforming wall sign to an electronic message sign is permitted.

(v) The conversion of an existing, nonconforming wall sign to an electronic message sign is prohibited.

(3) Projecting Signs: No sign shall project more than 18 inches into the public right-of-way except under the following conditions:

(a) The building is set back less than two feet from public right-of-way, and

(b) The sign is less than 25 square feet in area.

(c) No part of any sign shall be higher than the building height as defined in section 10.705.

(4) Awning/Canopy/Marquee Signs: All such signs shall be assessed against the aggregate wall signage for the facade.

Compliance with Standards: Applicant will adhere to all sign permit standards and permit application requirements. As evidenced by Applicant's Site Plan, the proposed free-standing sign will be 6 feet tall with a sign surface area of no greater than 150 square feet.

EXHIBIT 12

RECEIVED
NOV 25 2014
PLANNING DEPT.

MEDFORD FIRE-RESCUE
INTER-OFFICE MEMORANDUM

TO: Dave Straus

FROM: Justin Bates, Deputy Fire Chief

DATE: November 6, 2014

RE: Fire Department Information Request

Per your request, attached are some answers to questions regarding fire department activities within the new fire stations.

• Description/Explanation of practices and how we respond to emergencies:

Medford Fire-Rescue is a fully career department that has a minimum staffing of 3 firefighters on duty 24 hours a day, 365 days a year. Fire stations are staffed using a rotating 3 shift system (A shift, B shift, C shift) who work 24 hour days. We respond to a variety of emergency calls for service including fire, emergency medical, natural disasters, motor vehicle collisions, etc. Each year we respond to approximately 10,000 calls for service out of our 5 fire stations. We respond to calls for service in full size fire apparatus (fire engines).

• How/When do we use lights/siren:

When responding to calls for service, we typically utilize lights & siren. Normally, personnel are sensitive to siren use and will delay the use of the siren immediately adjacent to the fire station. They will delay the use of the siren until they have moved beyond the immediate area of the fire station.

• How many projected number of employees:

The minimum number of employees at a single fire station is 3 firefighters. The maximum number of employees at a single fire station is 7 firefighters. On average, the typical number of employees expected to be working at a fire station is 3-4 firefighters.

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File # CUP-14-127

- Typical vehicle types & numbers:

Typically we respond to emergencies in a full size fire engine. These apparatus are approximately 35 feet long and weigh 50,000 lbs. Each fire station typically has one primary fire engine responding to emergencies. Occasionally we will have 2 fire engines responding from a single station based on call volume. Each station will also contain one or two reserve fire engines housed in the apparatus bay for back up purposes. These pieces of equipment do not respond to calls for service out of these stations.

I hope this answers all your questions. Let me know if you need any further information.

Continuous Improvement Customer Service

RECEIVED
MAR 11 2015
PLANNING DEPT.

CITY OF MEDFORD

Date: 3/11/2015
File Number: CUP-14-127/E-15-026

PUBLIC WORKS DEPARTMENT STAFF REPORT
FIRE STATION #3

Project: **Consideration of plans for the construction of a City of Medford Fire Station and associated Exception request seeking relief to maximum driveway width requirements in Medford Land Development Code (MLDC) 10.550.**

Location: **West side of Highland Drive, 200 feet south of Siskiyou Boulevard on a 23.12 acre parcel. 371W29C TL2000.**

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

Applicant: **City of Medford: Fire-Rescue Department (Greg McKown)**

NOTE: The items listed here shall be completed and accepted prior to the respective issuances of permits and certificates:

Prior to issue of the first building permit, the following items shall be completed and accepted:

- Submittal and approval of plans for site grading and drainage, and detention.
- Completion of all public improvements, if applicable. The applicant may provide security for 100% of the improvements prior to issuance of building permits. Construction plans for the improvements would need to be approved by the Public Works Engineering Department prior to acceptance of security.

Prior to issue of Certificate-of-Occupancy for completed structures, the following items shall be completed and accepted:

- Paving of all on-site parking and vehicle maneuvering areas
- Certification by the design engineer that the stormwater quality and detention system was constructed per the approved plan.

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ENGINEERING & DEVELOPMENT DIVISION
200 S. IVY STREET
MEDFORD, OREGON 97501
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FAX (541) 774-2552

CITY OF MEDFORD
EXHIBIT # m
File # CUP-14-127/E-15-026

A. STREETS

1. Dedications

Highland Drive is classified as a major collector street. No additional right-of-way is required.

2. Public Improvements

a. Public Streets

Highland Drive is currently constructed in close conformance to major collector standards with pavement, curb, gutter, sidewalk and street lights. If the Developer elects to construct new curb, gutter and sidewalk along the entire street frontage, then a 5 ft. wide pedestrian sidewalk with a 10 foot planter strip is required in accordance to MLDC 10.428. Public improvement plans for this work shall be submitted directly to the Public Works Engineering Department separately from plans submitted for the private improvements to the Building Department. See General Conditions Section 'D' for additional information.

The Preliminary Utility Plan and Site Plan shows the elimination of the bike lane ramp near the north driveway. This ramp will need to be replaced in like kind and shown on the public improvement plans.

b. Street Lights and Signing

The Developer shall install a single 250 Watt high pressure sodium street light with one base mounted (BMC) cabinet along the project frontage, along with 1 ¼" conduit installed to the south or the proposed driveway. There is an existing BMC that can provide power at the southwest corner of the roundabout. If the Developer chooses to excavate from the existing BMC to the new light at the development, then the new BMC can be eliminated. Public improvement plans for this work shall be submitted directly to the Public Works Engineering Department.

The street light is required to be completed and turned on prior to first building permit, or provide security for 100% of construction costs and sign a Land Development Agreement, if a building permit is desired prior to constructing the light. Since the street light is located on a higher order street, Street System Development Charge Credits will be available once the street light is constructed and accepted by the City in accordance with the Medford Code, Section, 3.815.

The Developer shall be responsible for the preservation and re-installation of all signs removed during demolition and site preparation work. The Developer shall re-install new signs provided by Medford Public Works Department and paid for by Developer.

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c. Pavement Moratoriums

There is a pavement cutting moratorium currently in effect on this section of Highland Drive until July 18, 2017.

3. Access and Circulation

Driveway access to the proposed development site shall be limited to two proposed driveways on Highland Drive. Public Works supports an Exception for a 48-56 foot wide driveway at the south end of the site. The extra wide driveway is needed to accommodate the three doors, which are in close proximity to each other. The driveway approaches shall have 20 foot curb radii and concrete valley gutters at the throat of each driveway.

If the Developer wants to consider constructing an emergency pre-emption signal at this location, Public Works Department would be supportive. Please coordinate with the Traffic Division.

B. SANITARY SEWERS

This site lies within the City of Medford sanitary sewer service area. The Developer shall connect to the existing main with a separate lateral.

C. STORM DRAINAGE

1. Drainage Plan

A comprehensive drainage plan showing the entire project site with sufficient spot elevations to determine direction of runoff to the proposed drainage system, and also showing elevations on the proposed drainage system, shall be submitted with the first building permit application for approval. All area catch basins shall meet Department of Environmental Quality (DEQ) requirements, which include a down-turned elbow and sump.

The Developer shall provide copies of either a Joint Use Maintenance Agreement or a private stormdrain easement for any stormwater draining onto or from adjacent private property.

2. Grading

A comprehensive grading plan showing the relationship between adjacent property and the proposed development shall be submitted with the building permit application for approval. Grading on this development shall not block drainage from an adjacent property or concentrate drainage onto an adjacent property without an easement. The developer shall be responsible that the final grading of the development shall be in compliance with the approved grading plan.

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3. Detention and Water Quality

Stormwater quality and detention facilities shall be required in accordance with MLDC Section 10.481 and 10.729.

4. Certification

Upon completion of the project, and prior to certificate of occupancy of the building, the developer's design engineer shall certify that the construction of the stormwater quality and detention system was constructed per plan. Certification shall be in writing and submitted to the Engineering Division of Public Works. Reference Rogue Valley Stormwater Quality Design Manual, Appendix I, Technical Requirements.

5. Erosion Prevention and Sediment Control

All development that disturbs 5,000 square feet or greater shall require an Erosion Prevention and Sediment Control Plan. Developments that disturb one acre and greater shall require a 1200C permit from the Department of Environmental Quality (DEQ). Erosion Prevention and Sediment Control Plans shall be submitted to the Building Department with the project plans for development. All disturbed areas shall be covered with vegetation or properly stabilized prior to certificate of occupancy.

D. General Conditions

1. Design Requirements and Construction Drawings

All public improvements shall be constructed in accordance with the "Engineering Design Standards for Public Improvements", adopted by the Medford City Council. Copies of this document are available in the Public Works Engineering office.

2. Construction Plans

Construction drawings for any public improvements 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 Site Plan and Architectural 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

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Public Works within 60 days of the billing date or will be automatically turned over for collections.

3. Construction and Inspection

The Developer or Developer's contractor shall obtain appropriate right-of-way permits from the Department of Public Works prior to commencing any work within the public right-of-way that is not included within the scope of work described within approved public improvement plans. Pre-qualification is required of all contractors prior to application for any permit to work in the public right-of-way.

4. Site Improvements

All on-site parking and vehicle maneuvering areas related to this development shall be paved in accordance with MLDC, Section 10.746, prior to issuance of certificate of occupancy for any structures on the site. Curbs shall be constructed around the perimeter of all parking and maneuvering areas that are adjacent to landscaping or unpaved areas related to this site. Curbs may be deleted or curb cuts provided wherever pavement drains to a water quality facility.

5. System Development Charges

Buildings in this development are subject to street, storm drain, sanitary sewer collection and treatment system development charges (SDC). All SDC fees shall be paid at the time individual building permits are issued.

Prepared by: Doug Burroughs

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SUMMARY CONDITIONS OF APPROVAL
City of Medford, Fire Station #3
CUP-14-157/E-15-026

A. Streets

1. Street Dedications to the Public:

No street dedication is required.

2. Improvements:

No additional street improvements are required for this development.
If frontage improvements are elected, public improvement plans for this work shall be submitted directly to the Public Works Engineering Department.

Street light installation requires public improvement plans submittal.

Pavement moratorium is currently in effect.

Access driveway approach Exception allowed up to 56 feet wide.

B. Sanitary Sewer:

The Developer shall connect to the existing main with a separate lateral.

C. Storm Drainage:

Provide a comprehensive grading and drainage plan.

Provide water quality and detention facilities, calculations and O&M Manual.

Provide engineers certification of stormwater facility construction.

Provide copy of an approved Erosion Control Permit (1200C) from DEQ for this project.

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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Medford Fire Department

200 S. Ivy Street, Room #180
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
www.medfordfirerescue.org

RECEIVED
MAR 11 2015
PLANNING DEPT.

LAND DEVELOPMENT REPORT - PLANNING

To: Sarah Sousa

LD Meeting Date: 03/11/2015

From: Greg Kleinberg

Report Prepared: 02/27/2015

Applicant: Medford Fire-Rescue, Parks & Rec, Applicants (Ogden Roemer Wilkerson

File #: CUP - 14 - 127

Associated File #'s: E - 15 - 26
ZC - -

Site Name/Description: Replacement of Fire Station 3

Consideration of a request for a Conditional Use Permit to allow for the construction of the eplacement of Fire Station #3 and an Exception to driveway width standards on a 23.12 acre parcel located on the west side of Highland Drive near the intersection of Highland Drive and Siskiyou Boulevard, within a SFR-6 (Single Family Residential - 6 dwelling units per gross acre) zoning district; City of Medford Fire-Rescue Department/Parks & Recreation Department, Applicants (Ogden Roemer Wilkerson Architecture, Agent). Sarah Sousa, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE	
Requirement FIRE HYDRANTS	OFC	508.5

Fire hydrants with reflectors will be required for this project.

Hydrant locations shall be as follows: One fire hydrant at the South corner of the property on Highland Drive.

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 PARKING RESTRICT.-COMMERCIAL AREAS (PAINTED CURBS)	OFC	D103.6

At the North driveway area the curbs shall be painted red along the entire distance of the fire department access. Minimum 4" white letters stating "NO PARKING-FIRE LANE" shall be stenciled on the curb at 25-foot intervals.

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.

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EXHIBIT # n
File # CUP-14-127/E-15-026

Memo

RECEIVED
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To: Sarah Sousa, Planner, Planning Department

From: Tanner Fairrington, Building Department

CC: City of Medford Fire-Rescue Department / Parks & Recreation Department, Applicant

Ogden Roemer Wilkerson Architecture, Agent

Date: March 11, 2015

Re: March 11, 2015 LDC Meeting: CUP-14-127/E-15-026

Please Note:

This is not a plan review. These are general notes based on general information provided. Plans need to be submitted and will be reviewed by a commercial plans examiner to determine if there are any other requirements for this occupancy type.

Fees are based on valuation. Please contact the front counter for estimated fees.

1. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Code and Design Information" on left side of screen; click on "Design Criteria"; and select the appropriate design criteria.

2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" on left side of screen for information.

General Comments:

3. The comments below are based on the site plans and elevations submitted. When final plans are submitted, and building information is provided, a more thorough review can be provided.

Site Plan

4. Accessible parking spaces to be per section 1106.7 of the 2014 OSSC, including figures referenced (see Building Codes Division for 2014 OSSC Errata which included these figures, dated October 16, 2014). Locations appear to be acceptable.

5. Please provide sufficient curb and sidewalk spot elevations, and sidewalk slopes, to review accessible route from accessible parking locations to main entrance.

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EXHIBIT # O
File # CUP-14-127/E-15-026

MEDFORD PARKS & RECREATION

HEALTHY LIVES. HAPPY PEOPLE. STRONG COMMUNITY.

TO: Planning Department

FROM: Pete Young, Parks & Recreation Planner

SUBJECT: LANDSCAPE / IRRIGATION REVIEW OF CUP-14-127

DATE: March 30, 2015

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I have reviewed the applicant's landscape plan and have one comment regarding the proposed street tree Cotinus coggygria 'Royal Purple. This tree is not on the selected street tree list and the City Arborist asks that it be replaced with a tree that is on the list.

CITY OF MEDFORD
EXHIBIT # P
File # CUP-14-127/E-15-026

BOARD OF WATER COMMISSIONERS

Staff Memo

MEDFORD WATER COMMISSION

RECEIVED
MAR 11 2015
PLANNING DEPT.

TO: Planning Department, City of Medford

FROM: Rodney Grehn P.E., Water Commission Staff Engineer

SUBJECT: CUP-14-127 & E-15-026

PARCEL ID: 371W29C TL 2000

PROJECT: Consideration of a request for a Conditional Use Permit to allow for the construction of the replacement of Fire Station #3 and an Exception to driveway width standards on a 23.12 acre parcel located on the west side of Highland Drive near the intersection of Highland Drive and Siskiyou Boulevard, within a SFR-6 (Single Family Residential – 6 dwelling units per gross acre) zoning district; City of Medford Fire-Rescue Department/Parks & Recreation Department, Applicants (Ogden Roemer Wilkerson Architecture, Agent). Sarah Sousa, Planner.

DATE: March 9, 2015

I have reviewed the above plan authorization application as requested. Conditions for approval and comments are as follows:

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. Applicants' civil engineer shall coordinate with MWC Engineering Department for required engineered plans for the proposed fire service vault and domestic water meter locations.
4. Installation of an MWC approved backflow device is required for all commercial, industrial, municipal, and multi-family developments. New backflow devices shall be tested by an Oregon certified backflow tester. See MWC website for list of certified testers at the following web link http://www.medfordwater.org/Page.asp?NavID=35 .

COMMENTS

1. Off-site water line installation is not required.
2. On-site water facility construction is not required. (See Condition 3)
3. MWC-metered water service does exist to this property. There is an existing 1.5-inch water meter located along Highland Drive that serves the existing station. (This meter to remain in place and continue serving domestic water to this existing building which is being handed over to the Medford Parks Department) (See Condition 3)
4. Static water pressure is approximately 76 psi.
5. Access to MWC water lines is available. A 16-inch water line on west side of Highland Drive.

CITY OF MEDFORD
EXHIBIT # Q
File # CUP-14-127 / E-15-026

Water Facility Map
for
CUP-14-127 &
E-15-026

"New Fire Dist. No.3
Station"

Legend

- Air Valve
- Sample Station
- Fire Service
- Hydrant
- Reducer
- Blow Off
- Plugs-Caps

Water Meters:

- Active Meter
- On Well
- Unknown
- Vacant

Water Valves:

- Butterfly Valve
- Gate Valve
- Tapping Valve

Water Mains:

- Active Main
- Abandoned Main
- Reservoir Drain Pipe
- Pressure Zone Line

Boundaries:

- Urban Growth Boundary
- City Limits
- Tax Lots

MWC Facilities:

- C Control Station
- P Pump Station
- R Reservoir

MEDFORD WATER COMMISSION

Sarah K. Sousa

From: MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>
Sent: Tuesday, March 17, 2015 12:33 PM
To: Sarah K. Sousa
Subject: CUP-14-127/E-15-026

RECEIVED
MAR 17 2015
PLANNING DEPT.

Sarah,

Thank you for sending agency notice of an application for a Conditional Use Permit to allow for the construction of the replacement of Fire Station #3 and an Exception to driveway width standards on a 23.12 acre parcel located on the west side of Highland Drive near the intersection of Highland Drive and Siskiyou Boulevard, within a SFR-6 (Single Family Residential – 6 dwelling units per gross acre) zoning district. We reviewed this and determined that it would not significantly affect state transportation facilities under the State Transportation Planning Rule (OAR 660-012-0060) or State Access Management Rule (OAR 734-051-000). We have no further comments at this time.

Don Morehouse
Senior Transportation Planner
ODOT Region 3, District 8 (Rogue Valley Tech Center)
Ph: (541) 774-6399
Fax: (541) 774-6349
Donald.Morehouse@odot.state.or.us

CITY OF MEDFORD
EXHIBIT # R
File # CUP-14-127/E-15-026

RECEIVED
NOV 25 2014
PLANNING DEPT.

CSX2 LED
LED Area Luminaire

Catalog Number	
Notes	Medford Fire - Rescue
Type	SD - Option

Specifications

EPA:	1.2 ft² (0.11 m²)
Length:	35-3/8" (89.7 cm)
Width:	18-1/2" (46.9 cm)
Height:	5-7/8" (14.9 cm)
Weight (max):	59 lbs (26.8 kg)

Introduction

The Contour® Series luminaires offer traditional square dayforms with softened edges for a versatile look that complements many applications.

The CSX2 combines the latest in LED technology with the familiar aesthetic of the Contour® Series for stylish, high-performance illumination that lasts. It is ideal for replacing traditional metal halide in area lighting applications with typical energy savings of 65% and expected service life of over 100,000 hours.

Ordering Information

EXAMPLE: CSX2 LED 120C 1000 40K T5M MVOLT SPA DDBXD

CSX2 LED 120C

Series	LEDs	Drive current	Color temperature	Distribution	Voltage	Mounting	Options	Finish
CSX2 LED	120C 120 LEDs	700 700 mA 1000 1000 mA (1 A)	40K 4000K 50K 5000K	T2M Type II T3M Type III T4M Type IV T5M Type V TFTM Forward throw	MVOLT [1] 120 [1] 208 [1] 240 [1] 277 [1] 347 480	**Shipped included** SPA Square pole mounting RPA Round pole mounting **Shipped Separately [2]** SPUMBA Square pole universal mounting adaptor RPUMBA Round pole universal mounting adaptor	**Shipped installed** PER NEMA twist-lock receptacle only (no controls) DCR Dimmable and controllable via ROAM® (no controls) [3] DMG 0-10V dimming driver (no controls) [4] HS House-side shield [2] SF Single fuse (120, 277, 347V) [5] DF Double fuse (208, 240, 480V) [5] DS Dual switching [5,7] WTB Utility terminal block [8] UT Utility terminal block and closing screws [8] BL30 Bi-level switched dimming, 30% [7,9] BL50 Bi-level switched dimming, 50% [7,9] **Shipped separately [2]** VG Vandal guard BS Bird-deterrant spikes	DDBXD Dark bronze DBLXD Black DNAXD Natural aluminum DWHXD White DDBTXD Textured dark bronze DBLBXD Textured black DNATXD Textured natural aluminum DWHGXD Textured white

Accessories

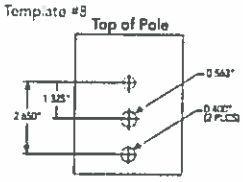
Ordered and shipped separately.

DLL127F 1.5 JU	Photocell - SSL twist-lock (120-277V) [10]
DLL347F 1.5 CUL JU	Photocell - SSL twist-lock (347V) [10]
DLL480F 1.5 CUL JU	Photocell - SSL twist-lock (480V) [10]
SC U	Shorting cap [10]
SPUMBA DDBXD U	Square pole universal mounting bracket adaptor (specify finish)
RPUMBA DDBXD U*	Round pole universal mounting bracket adaptor (specify finish)
CSX2HS U	House-side shields (includes 4 shields)
CSX2VG U	Vandal guard accessory
CSX2BS U	Bird-deterrent spikes accessory

For more control options, visit DTL and ROAM

Drilling

Template #8



CSX2 shares a unique drilling pattern with the AERIS™ family. Specify this drilling pattern when specifying poles.

DM19AS	Single unit
DM28AS	2 at 90° *
DM29AS	2 at 180°
DM39AS	3 at 90° *
DM49AS	4 at 90° *
DM32AS	3 at 120° **

Example: SSA 20 4C DM19AS DDBXD

** Round pole requires 3.25" O.D. minimum.*
*** For round pole mounting (RPA) only*

Tenon Mounting Slipfitter **

Tenon O.D.	Single Unit	2 at 180°	2 at 90°	3 at 120°	3 at 90°	4 at 90°
2-3/8"	AST20-190	AST20-280	N/A	N/A	N/A	N/A
2-7/8"	AST25-190	AST25-280	N/A	AST25-320	N/A	N/A
4"	AST35-190	AST35-280	AST35-290	AST35-320	AST35-390	AST35-490

NOTES

1. MVOLT driver operates on any line voltage from 120-277V (50/60 Hz). Specify 120, 208, 240 or 277 options only when ordering with fusing (SF, DF options).
2. Also available as a separate accessory; see Accessories information at left.
3. Specifies a ROAM® enabled luminaire with 0-10V dimming capability; PER option required. Not available with 347 or 480V. Additional hardware and services required for ROAM® deployment; must be purchased separately. Call 1-800-442-6745 or email: sales@roamservices.net.
4. Not available with 347 or 480V.
5. Single fuse (SF) requires 120, 277 or 347 voltage option. Double fuse (DF) requires 208, 240 or 480 voltage option.
6. Provides 50% dimming capability via two independent drivers, each operating half the luminaire. N/A with PER, DCR, DMG, WTB or UT.
7. Requires an additional switched line.
8. Not available with BL30 or BL50.
9. Dimming driver standard. MVOLT only. Not available with WTB, UT or DCR
10. Requires luminaire to be specified with PER option. Ordered and shipped as a separate line item. For 1000mA 347V or 480V PER, must order DLL127F 1.5 JU Photocell - SSL twist-lock (120-277V) as the receptacle is wired after the stepdown transformer.

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CITY OF MEDFORD
EXHIBIT # S
File # CUP-14-122

13

Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Actual performance may differ as a result of end-user environment and application. Actual wattage may differ by +/- 8% when operating between 120-480V +/- 10%. Contact factory for performance data on any configurations not shown here.

LEDs	Drive Current (mA)	Performance Package	System Watts	Dist Type	40K (4000K, 70 CRI)					50K (5000K, 67 CRI)				
					Lumens	B	U	G	LPW	Lumens	B	U	G	LPW
120C (120 LEDs)	700 mA	120C 700 –K	268W	T2M	26,094	3	0	4	97	28,107	3	0	4	105
				T3M	27,757	3	0	4	104	29,897	3	0	4	112
				T4M	27,658	3	0	4	103	29,792	3	0	5	111
				T5M	28,025	5	0	4	105	30,186	5	0	4	113
				TFTM	28,304	3	0	4	106	30,487	3	0	4	114
	1000 mA	120C 1000 –K	416W	T2M	34,700	4	0	4	83	37,406	4	0	5	90
				T3M	36,910	4	0	5	89	39,789	4	0	5	96
				T4M	36,780	3	0	5	88	39,649	4	0	5	95
				T5M	37,267	5	0	4	90	40,174	5	0	5	97
				TFTM	37,638	3	0	5	90	40,574	3	0	5	98

Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

Ambient		Lumen Multiplier
0°C	32°F	1.02
10°C	50°F	1.01
20°C	68°F	1.00
25°C	77°F	1.00
30°C	86°F	1.00
40°C	104°F	0.99

Projected LED Lumen Maintenance

Data references the extrapolated performance projections for the **CSX2 LED 120C** platform in a **25°C ambient**, based on 10,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11).

To calculate LLF, use the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

Operating Hours	0	25,000	50,000	100,000
Lumen Maintenance Factor	1.0	0.94	0.90	0.83

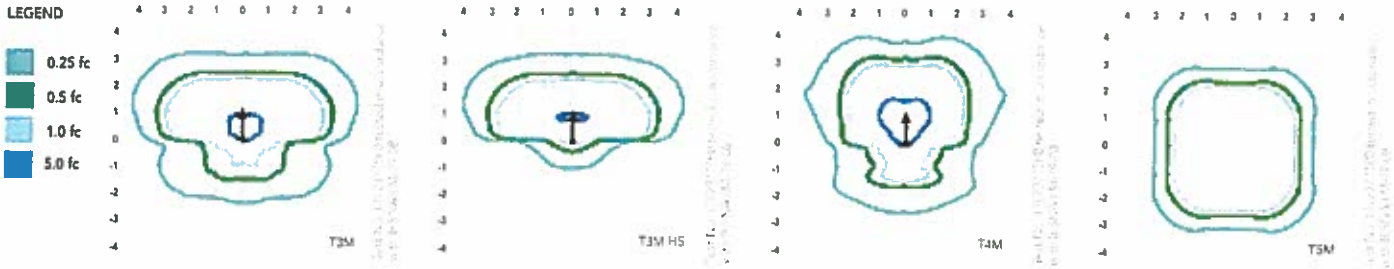
Electrical Load

Number of LEDs	Drive Current (mA)	System Watts	Current (A)					
			120	208	240	277	347	480
120C	700	268W	2.643	1.511	1.318	1.159	0.923	0.674
	1000	416W	4.135	2.397	2.111	1.886	1.527	1.210

Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit Lithonia Lighting's CSX2 homepage.

Isofootcandle plots for the CSX2 LED 120C 1000 40K. Distances are in units of mounting height (30').



FEATURES & SPECIFICATIONS

INTENDED USE
The Contour Series LED area luminaire is ideal for streets, walkways, parking lots, and surrounding areas that call for high-performance LED lighting in a transitional dayform

CONSTRUCTION
Single-piece die cast housing has a unique flow-through design that allows for optimized thermal management through convective cooling. A metallic screen covers the top of the housing, preventing debris build-up while allowing natural cleaning of the heat sinks. Modular design allows for ease of maintenance and future light engine upgrades. The LED driver(s) and electronics are thermally isolated from the light engines, ensuring long life. Housing is completely sealed against moisture and environmental contaminants

FINISH
Exterior parts are protected by a zinc-infused Super Durable TGIC thermoset powder coat finish that provides superior resistance to corrosion and weathering. A tightly controlled multi-stage process ensures a minimum 3 mils thickness for a finish that can withstand extreme climate changes without cracking or peeling

OPTICS
Precision-molded acrylic lenses provide optimal luminaire spacing and improved uniformity. Lenses are indexed to the circuit board to ensure consistent optical alignment and delivering repeatable photometric performance. Light engines are available in standard 4000K (70 CRI) or optional 5000K (67 CRI) configurations. The CSX2 has zero uplight and qualifies as a Nighttime Friendly™ product, meaning it is consistent with the LEED® and Green Globes™ criteria for eliminating wasteful uplight.

ELECTRICAL
Light engines consist of 120 high-efficacy LEDs mounted to metal-core circuit boards to maximize heat dissipation and promote long life (100,000 hrs at 40°C, L70). Class 1 electronic driver designed to have a power factor >90%, THD <20%, with an expected life of 100,000 hours with <1% failure rate. Easily-serviceable surge protection device meets a minimum Category C Low operation (per ANSI/IEEE C62.41.2)

INSTALLATION
Integral arm provides easy installation to a pole and assists in alignment and leveling. Secure connection withstands up to 2.0 G vibration load rating per ANSI C136.31. The CSX2 utilizes the AERIS™ series pole drilling pattern for SPA and RPA options

LISTINGS
CSA Certified to U.S. and Canadian standards. Light engines are IP66 rated. Luminaire is IP65 rated. **U.S. Patent No. D632830. U.S. Patent No. D653,382 S.**

DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org to confirm which versions are qualified

WARRANTY
Five year limited warranty. Full warranty terms located at www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx

Note: Specifications subject to change without notice.

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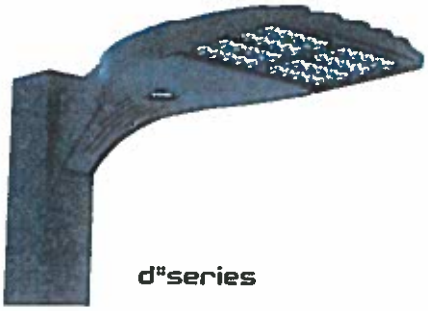


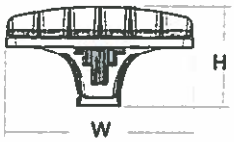
D-Series Size 0

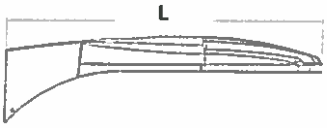
LED Area Luminaire

Catalog Number	
Notes	Medford Fire - Rescue
Type	SD - w/ Motion Sensor

Specifications

EPA:	0.8 ft² (.07 m²)
Length:	26" (65.0 cm)
Width:	13" (33.0 cm)
Height:	7" (17.8 cm)
Weight (max):	16 lbs (7.25 kg)





Introduction

The modern styling of the D-Series is striking yet unobtrusive - making a bold, progressive statement even as it blends seamlessly with its environment.

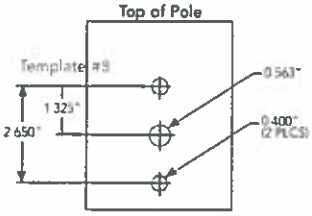
The D-Series distills the benefits of the latest in LED technology into a high performance, high efficacy, long-life luminaire. The outstanding photometric performance results in sites with excellent uniformity, greater pole spacing and lower power density. It is ideal for replacing up to 400W metal halide with typical energy savings of 65% and expected service life of over 100,000 hours.

Ordering Information

EXAMPLE: DSX0 LED 40C 1000 40K T3M MVOLT SPA DDBXD

DSX0 LED	40C	1000	4000K		MV				DDBXD
Series	**LEDs**	**Drive current**	**Color temperature**	**Distribution**	**Voltage**	**Mounting**	**Control options**	**Other options**	**Finish**
DSX0 LED	**Forward optics** 20C 20 LEDs (one engine) 40C 40 LEDs (two engines) **Rotated optics**[1] 30C 30 LEDs (one engine)	530 530 mA 700 700 mA 1000 1000 mA (1 A)[2]	30K 3000 K 80 CRI min.) 40K 4000 K (70 CRI min.) 50K 5000 K (70 CRI) AMBPC Amber phosphor converted[3]	T1S Type I short T2S Type II short T2M Type II medium T3S Type III short T3M Type III medium T4M Type IV medium TFTM Forward throw medium T5VS Type V very short T5S Type V short T5M Type V medium T5W Type V wide	MVOLT[4] 120[4] 208[4] 240[4] 277[4] 347[5] 480[5]	**Shipped included** SPA Square pole mounting RPA Round pole mounting WBA Wall bracket SPUMBA Square pole universal mounting adaptor[6] RPUMBA Round pole universal mounting adaptor[6] **Shipped separately**[7] KMA8 DDBXD U Mast arm mounting bracket adaptor (specify finish)	**Shipped installed** PER NEMA twist-lock receptacle only (no controls)[8] DMG 0-10V dimming driver (no controls)[9] DCR Dimmable and controllable via ROAM® (no controls)[10] PIR Motion sensor, 8-15' mounting height[11] PIRH Motion sensor, 15-30' mounting height[11] BL30 Bi-level switched dimming, 30%[12] BL50 Bi-level switched dimming, 50%[12]	**Shipped installed** HS House-side shield[13] SF Single fuse (120, 277, 347V)[14] DF Double fuse (208, 240, 480V)[14] L90 Left rotated optics[1] R90 Right rotated optics[1] DDL Diffused drop lens[13]	DDBXD Dark bronze DBLXD Black DNAXD Natural aluminum DWHXD White DDBTXD Textured dark bronze DBLBXD Textured black DNATXD Textured natural aluminum DWHGXD Textured white

Drilling



DSX0 shares a unique drilling pattern with the AERIS™ family. Specify this drilling pattern when specifying poles, per the table below.

DM19AS	Single unit	DM29AS	2 at 90° *
DM28AS	2 at 180°	DM39AS	3 at 90° *
DM49AS	4 at 90° *	DM32AS	3 at 120° **

Example: SSA 20 4C DM19AS DDBXD

Visit Lithonia Lighting's POLES CENTRAL to see our wide selection of poles, accessories and educational tools.

*Round pole top must be 3.25" O.D. minimum.

**For round pole mounting (WBA) only

Accessories

Ordered and shipped separately.

DLL127F 1.5 JU	Photocell - SSL twist-lock (120-277V)[15]
DLL347F 1.5 CUL JU	Photocell - SSL twist-lock (347V)[15]
DLL480F 1.5 CUL JU	Photocell - SSL twist-lock (480V)[15]
SC U	Shorting cap[16]
DSXOHS 20C U	House-side shield for 20 LED unit[13]
DSXOHS 30C U	House-side shield for 30 LED unit[13]
DSXOHS 40C U	House-side shield for 40 LED unit[13]
DSXODDL U	Diffused drop lens (polycarbonate)[13]
PUMBA DDBXD U*	Square and round pole universal mounting bracket adaptor (specify finish)[7]
KMA8 DDBXD U	Mast arm mounting bracket adaptor (specify finish)[7]

For more control options, visit DTL and ROAM online.

Tenon Mounting Slipfitter**

Tenon O.D.	Single Unit	2 at 180°	2 at 90°	3 at 120°	3 at 90°	4 at 90°
2-3/8"	AST20-190	AST20-280	AST20-290	AST20-320	AST20-390	AST20-490
2-7/8"	AST25-190	AST25-280	AST25-290	AST25-320	AST25-390	AST25-490
4"	AST35-190	AST35-280	AST35-290	AST35-320	AST35-390	AST35-490

NOTES

1. 30 LEDs (30C option) and rotated options (L90 or R90) only available together.
2. 1000mA is not available with AMBPC.
3. AMBPC only available with 530mA or 700mA.
4. MVOLT driver operates on any line voltage from 120-277V (50/60 Hz). Specify 120, 208, 240 or 277 options only when ordering with fusing (SF, DF options).
5. Not available with single-board, 530 mA product (20C 530 or 30C 530). Not available with DCR, BL30, or BL50.
6. Available as a separate combination accessory: PUMBA (finish) U.
7. Must be ordered as a separate accessory; see Accessories information. For use with 2-3/8" mast arm (not included).
8. Photocell ordered and shipped as a separate line item from Acuity Brands Controls. See accessories.
9. DMG option for 347v or 480v requires 1000mA.
10. Specifies a ROAM® enabled luminaire with 0-10V dimming capability. PER option required. Not available with 347 or 480V. Additional hardware and services required for ROAM® deployment; must be purchased separately. Call 1-800-442-6745 or email: sales@roamservices.net. N/A BL30, BL50, PIR, or PIRH.
11. PIR specifies the SensorSwitch SBGR-10-ODP control; PIRH specifies the SensorSwitch SBGR-6-ODP control; see Motion Sensor Guide for details. Dimming driver standard. Not available with DCR.
12. Requires an additional switched circuit. Dimming driver standard. MVOLT only. Not available with DCR.
13. Also available as a separate accessory; see Accessories information. HS and DDL are not available together.
14. Single fuse (SF) requires 120, 277 or 347 voltage option. Double fuse (DF) requires 208, 240 or 480 voltage option.
15. Requires luminaire to be specified with PER option. Ordered and shipped as a separate line item from Acuity Brands Controls.

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Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Actual performance may differ as a result of end-user environment and application. Actual wattage may differ by +/- 8% when operating between 120-480V +/-10%. Contact factory for performance data on any configurations not shown here.

LEDs	Drive Current (mA)	System Watts	Dist. Type	30K (3000 K, 85 CRI)					40K (4000 K, 70 CRI)					50K (5000 K, 70 CRI)				
				Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW
20C (20 LEDs)	530 mA	35W	T1S	2,904	1	0	1	83	3,655	1	0	1	104	3,941	1	0	1	113
			T2M	2,902	1	0	1	83	3,652	1	0	1	104	3,937	1	0	1	112
			T2S	2,959	1	0	1	85	3,723	1	0	1	106	4,014	1	0	1	115
			T3M	2,952	1	0	1	84	3,715	1	0	1	106	4,005	1	0	1	114
			T3S	2,923	1	0	1	84	3,679	1	0	1	105	3,966	1	0	1	113
			T4M	2,937	1	0	1	84	3,696	1	0	1	106	3,984	1	0	1	114
			T5M	3,037	2	0	1	87	3,823	2	0	1	109	4,121	3	0	1	118
			T5S	3,074	2	0	0	88	3,869	2	0	0	111	4,171	2	0	0	119
			T5VS	3,028	2	0	0	87	3,811	2	0	0	109	4,109	2	0	0	117
			T5W	3,044	2	0	1	87	3,831	3	0	1	109	4,130	3	0	1	118
			TFTM	2,903	1	0	1	83	3,653	1	0	1	104	3,939	1	0	2	113
	700 mA	45 W	T1S	3,599	1	0	1	80	4,524	1	0	1	101	4,902	1	0	1	109
			T2M	3,596	1	0	1	80	4,520	1	0	1	100	4,898	1	0	1	109
			T2S	3,667	1	0	1	81	4,608	1	0	1	102	4,994	1	0	1	111
			T3M	3,658	1	0	1	81	4,598	1	0	1	102	4,983	1	0	2	111
			T3S	3,623	1	0	1	81	4,554	1	0	1	101	4,935	1	0	1	110
			T4M	3,639	1	0	1	81	4,574	1	0	2	102	4,957	1	0	2	110
			T5M	3,764	2	0	1	84	4,731	3	0	1	105	5,127	3	0	1	114
			T5S	3,810	2	0	0	85	4,788	2	0	0	106	5,189	2	0	0	115
			T5VS	3,753	2	0	0	83	4,717	2	0	0	105	5,112	2	0	0	114
			T5W	3,772	3	0	1	84	4,741	3	0	1	105	5,138	3	0	1	114
			TFTM	3,598	1	0	1	80	4,522	1	0	2	100	4,900	1	0	2	109
	1000 mA	72 W	T1S	4,654	1	0	1	65	6,206	2	0	2	86	6,640	2	0	2	92
			T2M	4,650	1	0	1	65	6,200	2	0	2	86	6,634	2	0	2	92
			T2S	4,741	1	0	1	66	6,322	2	0	2	88	6,764	2	0	2	94
			T3M	4,730	1	0	2	66	6,307	2	0	2	88	6,749	2	0	2	94
			T3S	4,685	1	0	1	65	6,246	1	0	2	87	6,684	2	0	2	93
			T4M	4,706	1	0	2	65	6,275	1	0	2	87	6,714	2	0	2	93
			T5M	4,868	3	0	1	68	6,490	3	0	1	90	6,945	3	0	1	96
			T5S	4,926	2	0	0	68	6,568	2	0	0	91	7,028	2	0	0	98
			T5VS	4,853	2	0	0	67	6,471	2	0	0	90	6,924	3	0	0	96
			T5W	4,878	3	0	1	68	6,504	3	0	2	90	6,959	3	0	2	97
			TFTM	4,652	1	0	2	65	6,203	1	0	2	86	6,637	1	0	2	92
40C (40 LEDs)	530 mA	68W	T1S	5,579	1	0	1	82	7,019	2	0	2	103	7,565	2	0	2	111
			T2M	5,574	2	0	2	82	7,012	2	0	2	103	7,558	2	0	2	111
			T2S	5,683	1	0	1	84	7,150	2	0	2	105	7,706	2	0	2	113
			T3M	5,670	1	0	2	83	7,133	2	0	2	105	7,688	2	0	2	113
			T3S	5,615	1	0	2	83	7,065	2	0	2	104	7,614	2	0	2	112
			T4M	5,641	1	0	2	83	7,097	2	0	2	104	7,649	2	0	2	112
			T5M	5,835	3	0	1	86	7,340	3	0	1	108	7,912	3	0	2	116
			T5S	5,905	2	0	0	87	7,429	3	0	0	109	8,007	3	0	1	118
			T5VS	5,817	2	0	0	86	7,318	3	0	0	108	7,888	1	0	2	116
			T5W	5,847	3	0	1	86	7,355	3	0	2	108	7,928	3	0	2	117
			TFTM	5,576	1	0	2	82	7,015	1	0	2	103	7,561	2	0	2	111
	700 mA	91 W	T1S	7,074	2	0	2	78	8,930	2	0	2	98	9,619	2	0	2	106
			T2M	7,068	2	0	2	78	8,922	2	0	2	98	9,610	2	0	2	106
			T2S	7,207	2	0	2	79	9,097	2	0	2	100	9,798	2	0	2	108
			T3M	7,190	2	0	2	79	9,076	2	0	2	100	9,776	2	0	2	107
			T3S	7,121	2	0	2	78	8,988	2	0	2	99	9,682	2	0	2	106
			T4M	7,153	2	0	2	79	9,029	2	0	2	99	9,726	2	0	2	107
			T5M	7,399	3	0	2	81	9,339	3	0	2	103	10,060	3	0	2	111
			T5S	7,488	3	0	0	82	9,452	3	0	1	104	10,181	3	0	1	112
			T5VS	7,377	3	0	0	81	9,311	3	0	1	102	10,030	3	0	1	110
			T5W	7,414	3	0	2	81	9,359	4	0	2	103	10,080	4	0	2	111
			TFTM	7,071	1	0	2	78	8,926	2	0	3	98	9,614	2	0	3	106
	1000 mA	138W	T1S	9,557	2	0	2	69	12,020	2	0	2	87	12,957	3	0	3	94
			T2M	9,548	2	0	2	69	12,009	3	0	3	87	12,946	3	0	3	94
			T2S	9,735	2	0	2	71	12,245	3	0	3	89	13,199	3	0	3	96
			T3M	9,713	2	0	2	70	12,217	2	0	3	89	13,169	3	0	3	95
			T3S	9,619	2	0	2	70	12,099	2	0	2	88	13,042	2	0	2	95
			T4M	9,663	2	0	2	70	12,154	2	0	3	88	13,102	2	0	3	95
			T5M	9,995	3	0	2	72	12,571	4	0	2	91	13,552	4	0	2	98
			T5S	10,115	3	0	1	73	12,723	3	0	1	92	13,715	3	0	1	99
			T5VS	9,965	3	0	1	72	12,534	3	0	1	91	13,511	3	0	1	98
			T5W	10,015	4	0	2	73	12,597	4	0	2	91	13,579	4	0	2	98
			TFTM	9,552	2	0	3	69	12,015	2	0	3	87	12,951	1	0	2	94

Note: Available with phosphor-converted amber LED's (nomenclature AMBPC). These LED's produce light with 97+% >530 nm. Output can be calculated by applying a 0.7 factor to 4000 K lumen values and photometric files.

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Performance Data

Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

Ambient		Lumen Multiplier
0°C	32°F	1.02
10°C	50°F	1.01
20°C	68°F	1.00
25°C	**77°F**	**1.00**
30°C	86°F	1.00
40°C	104°F	0.99

Electrical Load

Number of LEDs	Drive Current (mA)	System Watts	Current (A) 120	208	240	277	347	480
20C	530	35	0.34	0.22	0.21	0.20	--	--
	700	45	0.47	0.28	0.24	0.22	0.18	0.14
	1000	72	0.76	0.45	0.39	0.36	0.36	0.26
30C	530	52	0.51	0.31	0.28	0.25	--	--
	700	70	0.72	0.43	0.37	0.34	0.25	0.19
	1000	104	1.11	0.64	0.56	0.49	0.47	0.34
40C	530	68	0.71	0.41	0.36	0.33	0.25	0.19
	700	91	0.94	0.55	0.48	0.42	0.33	0.24
	1000	138	1.45	0.84	0.73	0.64	0.69	0.50

Projected LED Lumen Maintenance

Data references the extrapolated performance projections for the platforms noted in a **25°C ambient**, based on 10,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11).

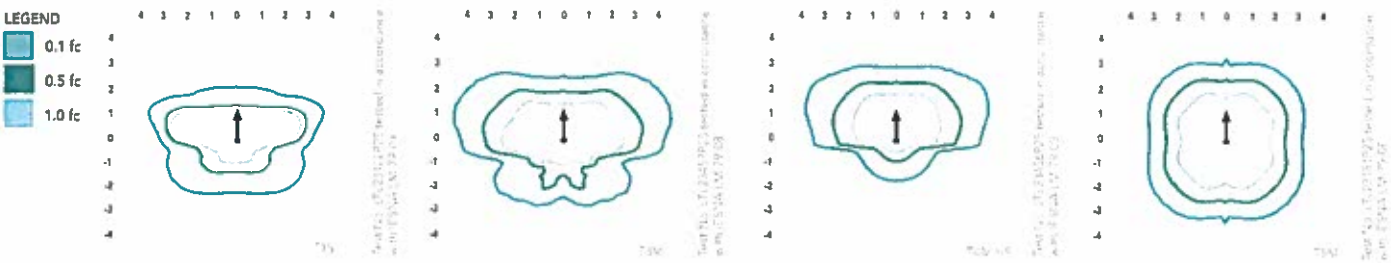
To calculate LLF, use the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

Operating Hours	0	25,000	50,000	100,000
Lumen Maintenance Factor	DSX0 LED 20C 1000			
	1	0.97	0.94	0.90
	DSX0 LED 40C 1000			
	1	0.94	0.90	0.84
	DSX0 LED 40C 700			
	1	0.99	0.98	0.96

Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit Lithonia Lighting's D-Series Area homepage.

Isofootcandle plots for the DSX0 LED 40C 1000 40K. Distances are in units of mounting height (20').



FEATURES & SPECIFICATIONS

INTENDED USE
The sleek design of the D-Series Size 0 reflects the embedded high performance LED technology. It is ideal for many commercial and municipal applications, such as parking lots, plazas, campuses, and streetscapes.

CONSTRUCTION
Single-piece die-cast aluminum housing has integral heat sink fins to optimize thermal management through conductive and convective cooling. Modular design allows for ease of maintenance and future light engine upgrades. The LED driver is mounted in direct contact with the casting to promote low operating temperature and long life. Housing is completely sealed against moisture and environmental contaminants (IP65). Low EPA (0.8 ft²) for optimized pole wind loading.

FINISH
Exterior parts are protected by a zinc-infused Super Durable TGIC thermoset powder coat finish that provides superior resistance to corrosion and weathering. A tightly controlled multi-stage process ensures a minimum 3 mils thickness for a finish that can withstand extreme climate changes without cracking or peeling. Available in both textured and non-textured finishes.

OPTICS
Precision-molded proprietary acrylic lenses are engineered for superior area lighting distribution, uniformity, and pole spacing. Light engines are available in standard 4000 K (70 minimum CRI) or optional 3000 K (80 minimum CRI) or 5000 K (70 CRI) configurations. The D-Series Size 0 has zero uplight and qualifies as a Nighttime Friendly™ product, meaning it is consistent with the LEED® and Green Globes™ criteria for eliminating wasteful uplight.

ELECTRICAL
Light engine(s) configurations consist of high-efficacy LEDs mounted to metal-core circuit boards to maximize heat dissipation and promote long life (up to L96/100,000 hours at 25°C). Class 1 electronic drivers are designed to have a power factor >90%, THD <20%, and an expected life of 100,000 hours with <1% failure rate. Easily serviceable 10kV or 6kV surge protection device meets a minimum Category C Low operation (per ANSI/IEEE C62.41.2).

INSTALLATION
Included mounting block and integral arm facilitate quick and easy installation. Stainless steel bolts fasten the mounting block securely to poles and walls, enabling the D-Series Size 0 to withstand up to a 3.0 G vibration load rating per ANSI C136.31. The D-Series Size 0 utilizes the AERIS™ series pole drilling pattern. Optional terminal block, tool-less entry, and NEMA photocontrol receptacle are also available.

LISTINGS
UL Listed for wet locations. Light engines are IP66 rated, luminaire is IP65 rated. Rated for -40°C minimum ambient. U.S. Patent No. D672,492 S. International patent pending.

DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org to confirm which versions are qualified.

WARRANTY
Five-year limited warranty. Full warranty terms located at:
www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx

Note: Specifications subject to change without notice.

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EXHIBIT 9

Subject FS 3

Tax Lots

Medford Zoning

Zoning

Fire Station 3
37-1W-29C-2000

CSA Planning, Ltd.

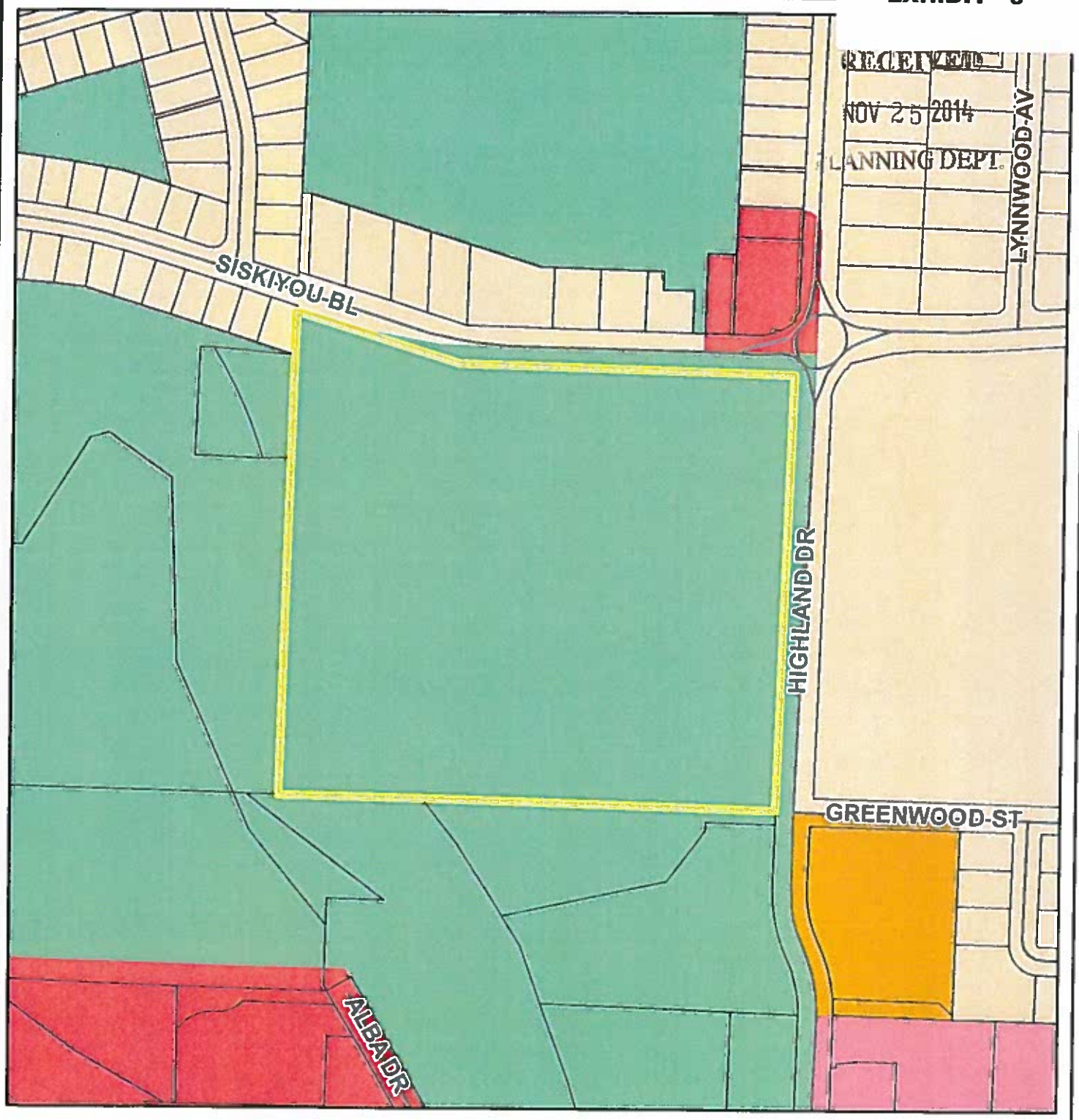
CITY OF MEDFORD
EXHIBIT # T
File # CUP-14-127

N
W E
S

1 inch = 300 feet

07-30-2014 Source: CSA Planning, Ltd. Jackson County GIS

EXHIBIT 8



RECEIVED
NOV 25 2014
PLANNING DEPT.

Subject Property
Tax Lots

Medford GLUP

- CM
- PS
- SC
- UH
- UR

General Land Use Plan (GLUP)

Fire Station 3
37-1W-29C-2000

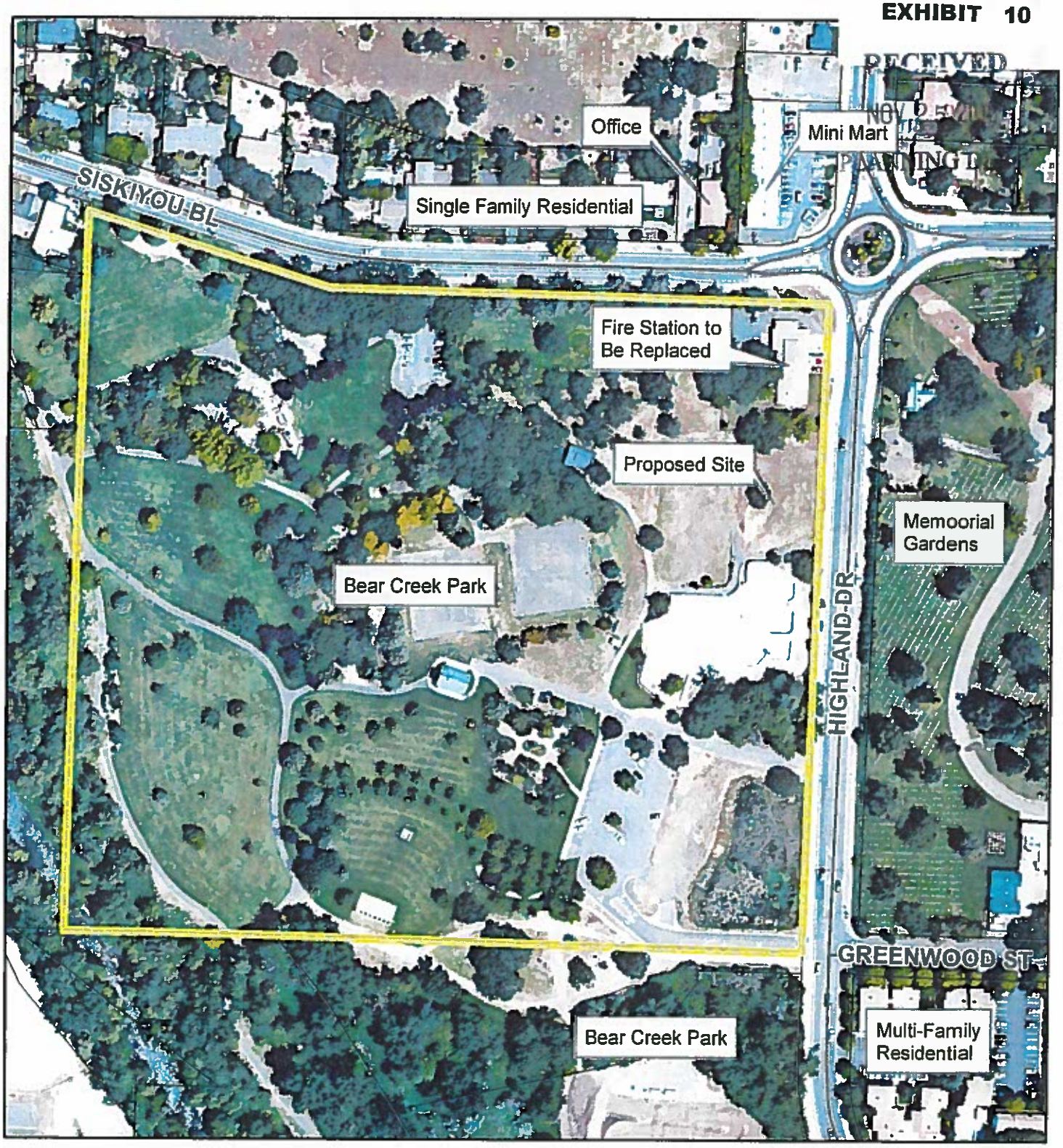
CSA Planning, Ltd.

CITY OF MEDFORD
EXHIBIT # 4
File # CUP-14-127

1 inch = 300 feet

07-30-2014 Source: CSA Planning, Ltd. Jackson County GIS

EXHIBIT 10



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PLANNING

Legend

- Subject Property
- Tax Lots

2012 Aerial

Surrounding Uses

City of Medford
Proposed Fire Station 3
37-1W-29C-2000

CITY OF MEDFORD
EXHIBIT # ✓
File # CUP-14-127

CSA Planning, Ltd.

200 100 0 200 Feet

Site Photographs Proposed Fire Station 3

EXHIBIT 11

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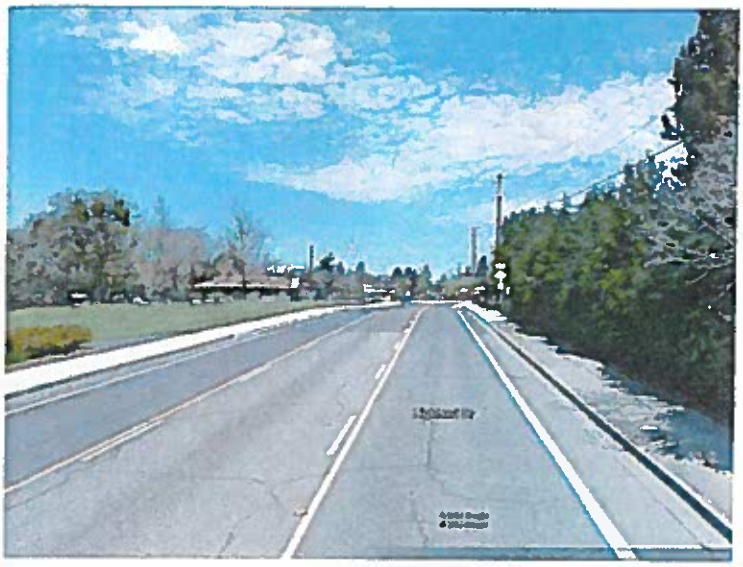
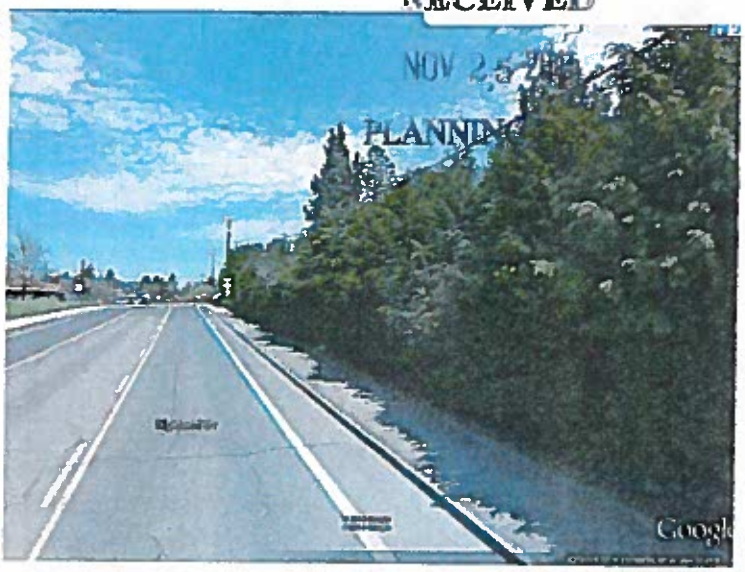
PLANNING



01 Looking North Along Highland Dr.; Subject on Left



02 Looking Northeast Along Highland Dr.; Subject on Left

03 From Highland Dr. Looking Northwest to Site

04 Looking Southeast Along Highland; Subject on Right

05 Looking Southwest to Site From Highland Dr.

king West to Site From Highland Dr.

CITY OF MEDFORD
EXHIBIT 11
CUP-21-127

FOR ASSESSMENT AND TAXATION ONLY

S.W.1/4, SEC.29, T.37S., R.1W., W.M.
JACKSON COUNTY

37 1W 29C
MEDFORD

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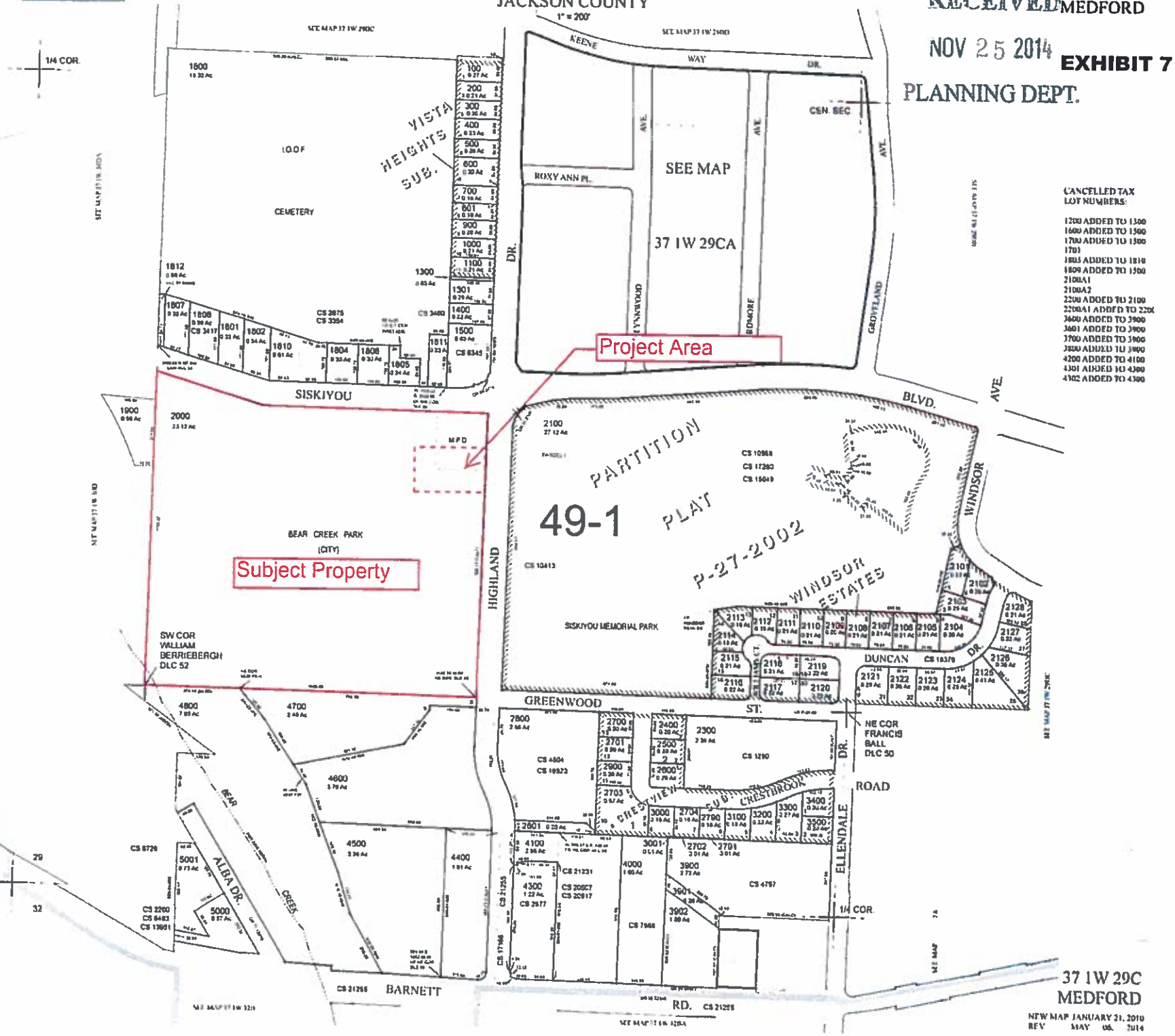
EXHIBIT 7

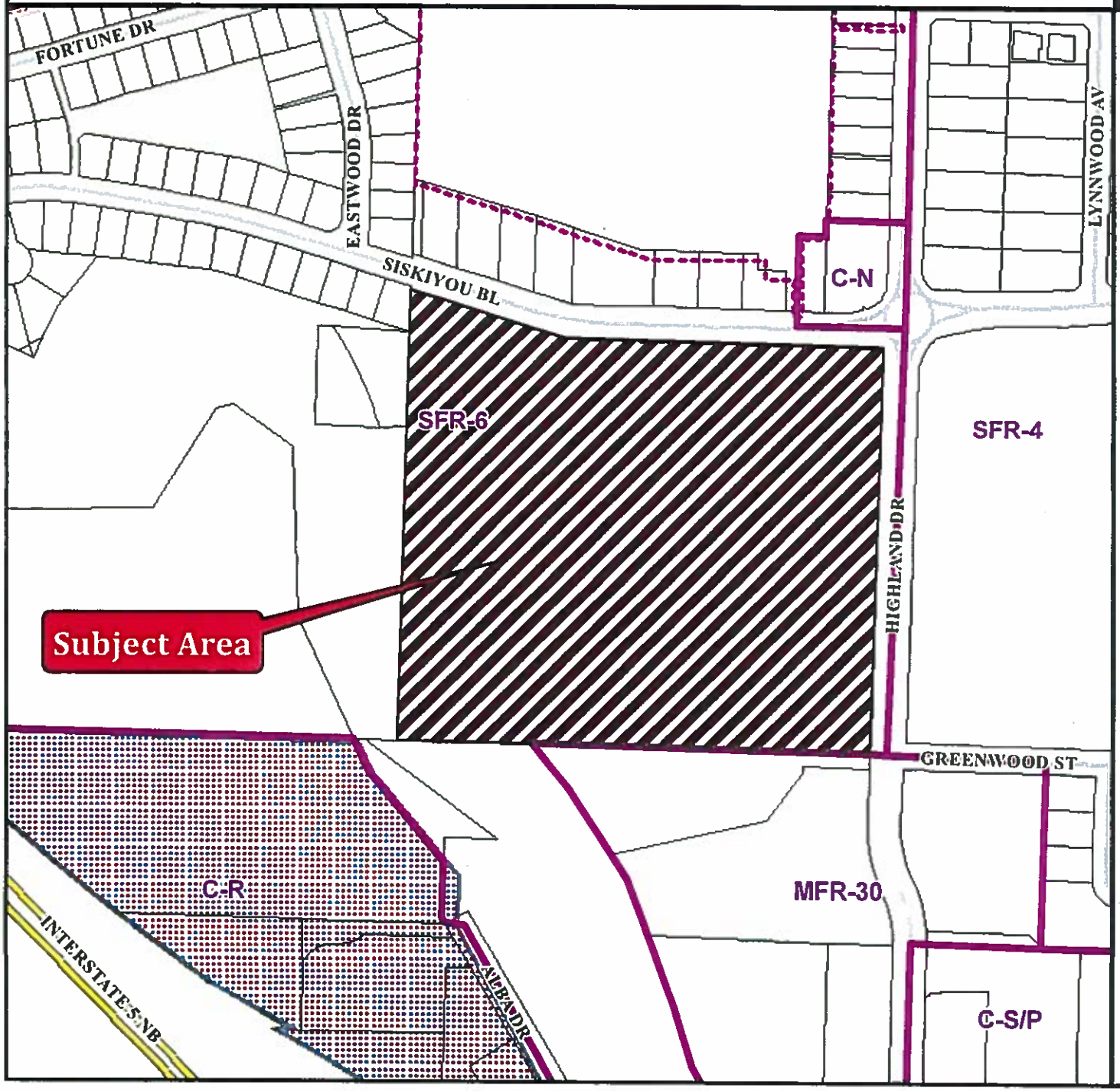
1" = 200'



CITY OF MEDFORD
EXHIBIT # X
File # CUP-14-127/E-15-036

CITY OF MEDFORD ✦ PLANNING DEPARTMENT

Vicinity Map



Application Name/Description:
Fire Station 3

Proposal:
Fire station & exception to driveway standards

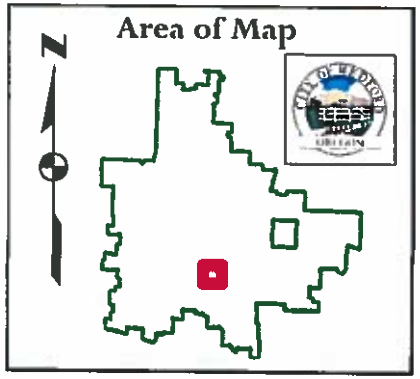
File Numbers:
CUP-14-127 & E-15-026

Applicant:
City of Medford: Fire-Rescue Department

Map/Taxlot:
371W29C TL 2000

- Subject Area
- Medford Zoning
- UGB
- Tax Lots
- Historic
- PUD

Area of Map



02/19/2015

CITY OF MEDFORD
PLANNING DEPARTMENT

STAFF REPORT

Date: April 2, 2015, for meeting of April 9, 2015

To: Planning Commission

From: Jennifer Jones, AICP, Planner II

Reviewed By: Kelly Akin, Principal Planner

Subject: Fire Station #4 CUP (CUP-14-128/E-15-027)
Greg McKown, City of Medford, Applicant
David Wilkerson, Ogden Roemer Wilkerson Architecture, Agent

BACKGROUND

Proposal

Consideration of a request for a Conditional Use Permit to allow for the construction of a replacement of Fire Station #4 and Exceptions to driveway width standards and required right-of-way dedication on a 3.54 acre parcel, located on the south side of Berrydale Avenue, approximately 500-feet east of Table Rock Road and west of the Railroad Park, within an MFR-20 (Multiple-Family Residential – 20 dwelling units per gross acre) zoning district.

Subject Site Zoning, GLUP Designation and Existing Uses

Subject Site Zoning: MFR-20
GLUP Designation: UH (Urban High Density Residential)
Existing Uses: Fire Station #4

Surrounding Property Zoning and Uses

North Zone: MFR-20
Use: Mobile Home Park

West Zone: MFR-30 (Multiple-Family Residential – 30 dwelling units per gross acre)
Use: Multiple Family Residential

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

South Zone: MFR-20
Use: Railroad Park

East Zone: MFR-20
Use: Railroad Park

Applicable Criteria

CONDITIONAL USE PERMIT APPROVAL CRITERIA
Section 10.248 of the Medford Land Development Code

The approving authority (Planning Commission) must determine that the development proposal complies with either of the following criteria before approval can be granted.

(1) The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.
(2) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.

In authorizing a conditional use permit the approving authority (Planning Commission) may impose any of the following conditions:

(1) Limit the manner in which the use is conducted, including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
(2) Establish a special yard or other open space or lot area or dimension requirement.
(3) Limit the height, size, or location of a building or other structure.
(4) Designate the size, number, location, or nature of vehicle access points.
(5) Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.
(6) Designate the size, location, screening, drainage, surfacing, or other improvement of parking or truck loading area.
(7) Limit or otherwise designate the number, size, location, height, or lighting of signs.
(8) Limit the location and intensity of outdoor lighting, or require its shielding.
(9) Require screening, landscaping, or other facilities to protect adjacent or nearby property, and designate standards for installation or maintenance thereof.
(10) Designate the size, height, location, or materials for a fence.
(11) Protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.

EXCEPTION APPROVAL CRITERIA
Section 10.253 of the Medford Land Development Code

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority (Planning Commission/Site Plan and Architectural Commission) having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

(1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The Planning Commission/Site Plan and Architectural Commission shall have the authority to impose conditions to assure that this criterion is met.

(2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.

(3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.

(4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

Related Projects

CUP-74-153 Conditional Use Permit for expansions to Fire Stations #3 & #4

ISSUES/ANALYSIS

Project Summary

Medford Fire Station #4 is located east of Table Rock Road on Berrydale Avenue, a private street, which extends east to provide access to the Railroad Park. The station is situated on 3.54 acres, which includes a 4-story training tower, storage buildings, and other related improvements. The new development is limited to the 1.25 acres at the north portion of the site.

In 2014, the Medford City Council voted to rebuild three of Medford's oldest fire stations in need of modernization. In regards to Fire Station #4, the proposal is to rebuild a new

11,811 square foot building, in approximately the same location as the existing station, as well as a construct a 1,600 square foot accessory building (to be used as a temporary apparatus bay during construction). A manufactured home will also be placed on the property for use as temporary bunk houses only while the fire station is under construction, and will be removed upon completion of the new station.

As the subject property is zoned residential, a Conditional Use Permit is required for institutional uses, such as fire stations, in all residential zones per Medford Land Development Code Section 10.314(6). Together with this Conditional Use Permit, the applicants are seeking relief from the standards for drive way widths and right-of-way dedication, due to the specific nature of fire stations and rebuilding in the same location.

There are no significant changes proposed that will impact the surrounding properties in any way differently than the operation of the existing station.

Consolidated Review

Medford Land Development Code Section 10.247(a) states that Conditional Use Permits shall be exempt from Site Plan & Architectural Commission review. However, often the Planning Commission has delegated authority to the Site Plan & Architectural Commission, per Medford Land Development Code Section 10.247(a)(1), for the review of the architecture and landscaping.

Fire Station #2 is located on commercially zoned property and not subject to a Conditional Use Permit, but does require Site Plan & Architectural Commission approval. The Site Plan & Architectural Commission will evaluate the architecture of Fire Station #2, which is identical to Fire Station #4, on April 6, 2015. Staff can provide the Planning Commission with the results of that meeting at the public hearing on April 9, 2015. Since the architectural is the same, staff recommends that the Planning Commission approve the Conditional Use Permit without delegation to the Site Plan & Architectural Commission for this application of Fire Station #4.

Fire Station Operation

The Deputy Fire Chief supplied information related to the operation of fire stations, which is referenced in the applicant's Findings (Exhibit H). Staffing for each station is three to seven firefighters on duty 24 hours a day, 365 days a year. Fire personnel respond to emergency calls related to fire, medical, natural disasters, and motor vehicle collisions. Approximately 10,000 calls for service are handled between five fire stations. Response is handled at any time during a 24-hour period. Generally, one full size fire engine responds per emergency. Each station contains one or two fire engines as backup within the apparatus bay.

Fire Stations are places for firefighters to live and work. The new Fire Station #4 has been designed to accommodate bunk rooms for personnel to sleep in, full bathrooms with showers, a laundry area, kitchen and dining space, an outdoor patio, a physical training room, a multi-purpose room, offices, storage, and an apparatus bay. No outdoor

recreational facilities are planned for Fire Station #4 other than possibly a basketball hoop in the rear paved area for daytime use.

Exceptions

In conjunction with the CUP, the applicant submitted Exception applications for relief of driveway width requirements and to required right-of-way dedication.

Medford Land Development Code section 10.550 restricts the width of driveways to 36-feet. Fire Station #4 is requesting an exception from this standard in order to allow a drive way with a width of approximately 98-feet. This extra wide driveway is requested in order to accommodate the specific needs of Fire Stations, particularly the large trucks, the presence of three apparatus bays, and the rapid nature of vehicular access from the site. Several fire engine maneuvering diagrams have been provided by the applicant to aid in demonstrating the necessity of this exception request (Exhibit J).

The applicant is also requesting an exception to the required right-of-way dedication in order to eliminate the dedication normally required for a planter strip. This will allow the existing sidewalk at Fire Station #4 to continue to serve the facility. The exception is necessary to effectively integrate the existing conditions with planned improvements and continues to meet the intent of the Land Development Code.

Vehicular Parking

In regards to parking, there is no standard specified for fire stations. The closest category listed in Medford Land Development Code Section 10.743-1 is public services. Based upon this use, 1.0 space per 1.1 employees on the largest work shift plus one space per company vehicle stored on the premises is required. A total of three to seven firefighters are typically on duty at one time and seven spaces are provided at the back of the building. The apparatus bay serves as parking for the station's trucks. The additional parking shown for visitors (ten spaces) is based upon the need the station has experienced over the years. Staff recommends approval of the parking as proposed.

Bike Parking

The Medford Land Development Code requires institutional uses to provide bicycle parking in a ratio that is 10% of the vehicular parking provided. The applicant submitted a Demonstration of Compliance with Development Standards that listed the use as residential/congregate housing, which is exempt from bicycle parking (Exhibit G). However, the use is actually institutional, and a total of two bicycle parking spaces will be required in accordance with Medford Land Development Code Section 10.748-10.750. A condition is included requiring the bicycle parking to be shown on a revised site plan as well as the submittal of a bike rack design consistent with an inverted "U" or staple design prior to issuance of the building permit for vertical construction.

Building Elevations

The building elevations show a modern style building with a flat roof (Exhibit C). The exterior materials include red brick with a band of concrete masonry (CMU) towards the top that wraps around the entire structure. The front and most prominent elevation provides interest with a floor to ceiling glass window panel, large red colored bay doors with windows, and a large station number. There are varied roof heights with a black metal coping that help to break up the mass of the building.

Landscaping

The landscape plan shows the site enhanced with trees and shrubs around the perimeter of the site (Exhibit E). The majority of the landscaping is shown along the north and eastern sides of the fire station, along the frontage and surrounding the visitor parking area. Additional plantings are provided to the east of the subject site in a drainage area. All required landscaping has been met. The Parks Department recommends approval of the landscape plan as submitted (Exhibit O).

Concealments

A trash enclosure is proposed on the eastern side of the site. It will be constructed just behind the main project area, near an existing propane tank, and around an existing generator. This location should be minimally visible from Berrydale Avenue.

Heating and air equipment (HVAC) is proposed as roof mounted behind a visual screen. No other issues were identified by staff.

Criteria Compliance

The applicant submitted Findings of Fact addressing CUP criterion 10.248(1) and (2) of Medford Land Development Code, compliance with only one of which must be satisfied for approval.

Ultimately, the applicant provides findings for both of the approval criteria, finding that either could be used to approve this request (Exhibit H). To summarize, the applicant examines the impacts of permitted uses in this zoning district – multiple-family dwellings, and concludes that the continued presence of Fire Station #4 *"will cause no significant adverse impact on the livability, value or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional"*. Furthermore, Exhibit H explains that the rebuilding of Fire Station #4 and it associated facilities are *"in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed…to product a balance between the conflicting interests.*

FINDINGS OF FACT

Staff has reviewed the applicant's Findings of Fact (Exhibit H) that address both the CUP criterion 10.248(1) and the Exception criterion 10.253 and recommends that the Commission adopt the Findings as presented.

RECOMMENDED ACTION

Direct staff to prepare a Final Order for approval of CUP-14-128/E-15-027 per the Staff Report dated April 2, 2015, including Exhibits A through Q.

EXHIBITS

A Conditions of Approval dated April 2, 2015
B Site Plan received February 5, 2015
C Typical Building Elevations and Color Renderings received February 5, 2015
D Preliminary Utility/Grading Plan received February 20, 2015
E Landscape Plan received February 5, 2015
F Temporary Apparatus Bay Site Plan received February 5, 2015
G Applicant's Narrative / Demonstration of Compliance received February 5, 2015
H Applicant's Findings of Fact received February 5, 2015
I Applicant's Findings of Fact Exception Addendum received March 17, 2015
J Fire Engine Maneuvering Diagrams received March 31, 2015
K Public Works Report received March 11, 2015
L Medford Fire Department Report received March 11, 2015
M Medford Building Department Memo received March 11, 2015
N Medford Water Commission Memo received March 11, 2015
O Parks Department Memo received March 31, 2015
P Oregon Department of Transportation email received March 17, 2015
Q Address Technician Memo received March 16, 2015
Vicinity Map

PLANNING COMMISSION AGENDA: APRIL 9, 2015

EXHIBIT A
Conditions of Approval

CUP-14-128 / E-15-027
Fire Station #4
April 02, 2015

DISCRETIONARY CONDITIONS

1. Prior to issuance of the first building permit for vertical construction, the applicant shall submit a bike rack detail of an inverted U or staple style rack.

CODE-REQUIRED CONDITIONS

3. Prior to issuance of the first building permit the applicant shall:

    a. Comply with the report from the Public Works Department received March 11, 2015 (Exhibit K);

    b. Comply with the Medford Water Commission memo received March 11, 2015 (Exhibit N);

    c. Submit a revised site plan showing the location of 2 bicycle parking spaces consistent with Medford Land Development Code Section 10.748-10.750.

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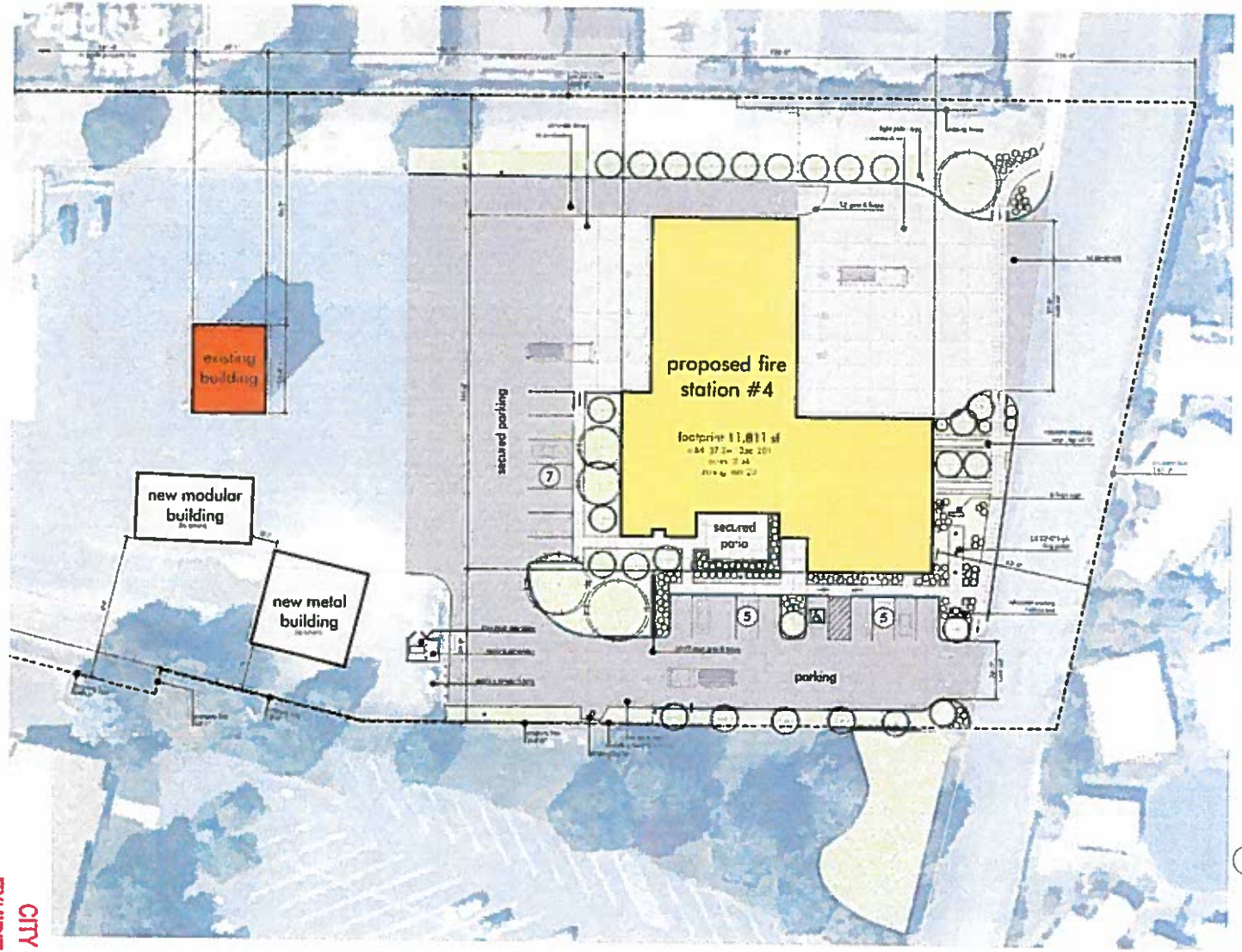
ORW ARCHITECTURE



project summary:

statistics:

building area calculations

setbacks

materials

building height

parking (10,743)

legend

general notes

1 site plan

f medford fire station #4
ble rock road medford, oregon 97504
2015

CITY OF MEDFORD
EXHIBIT # B
File # CUP-14-128
E-15-027

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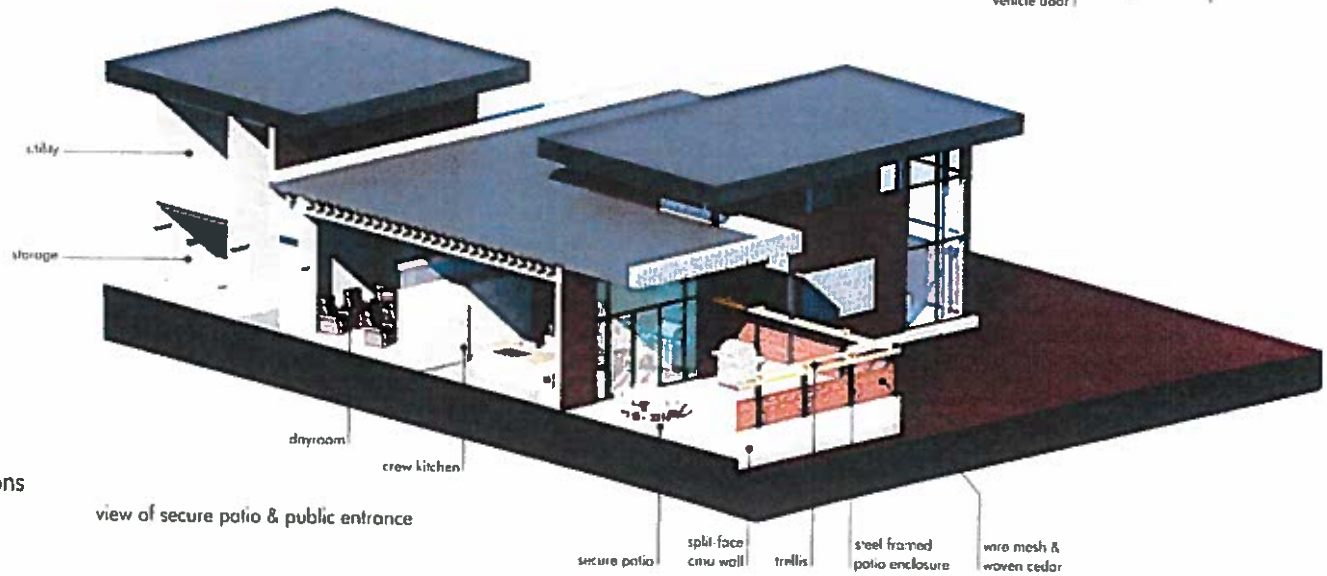
ORW ARCHITECTURE

view from street, north-east

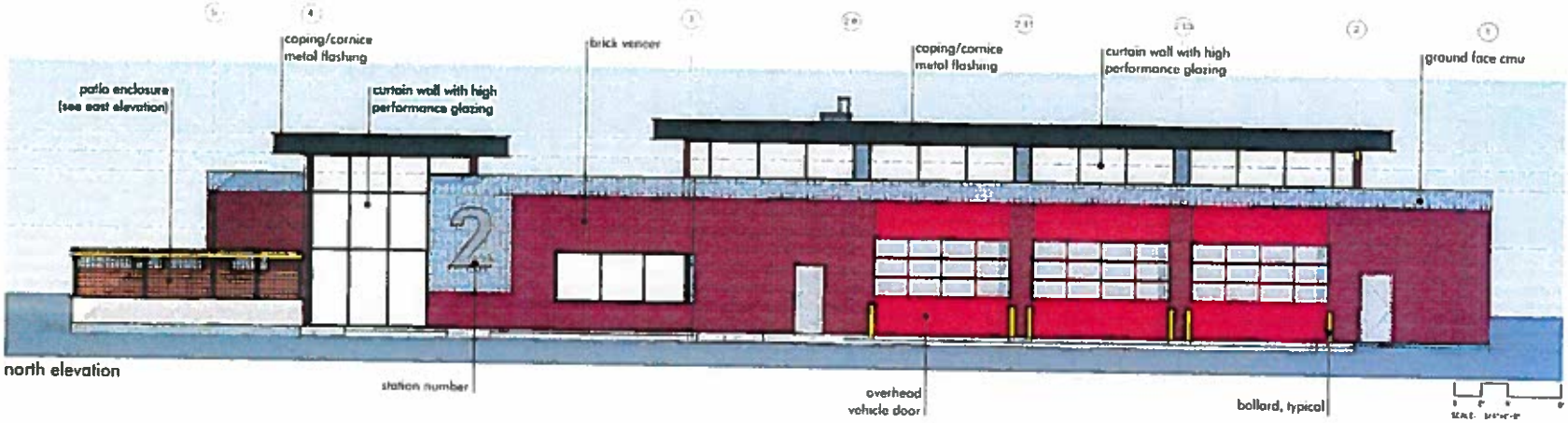


view of secure patio & public entrance

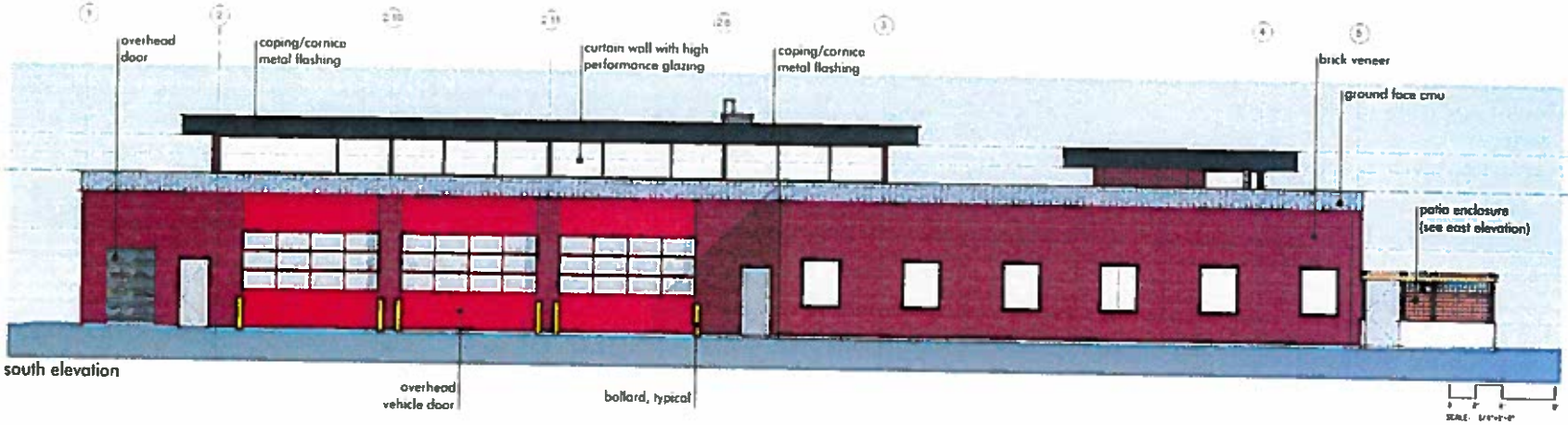
medford fire station, typical elevations

615

CITY OF MEDFORD
EXHIBIT # C
File # CUP-14-128
E-15-027



north elevation

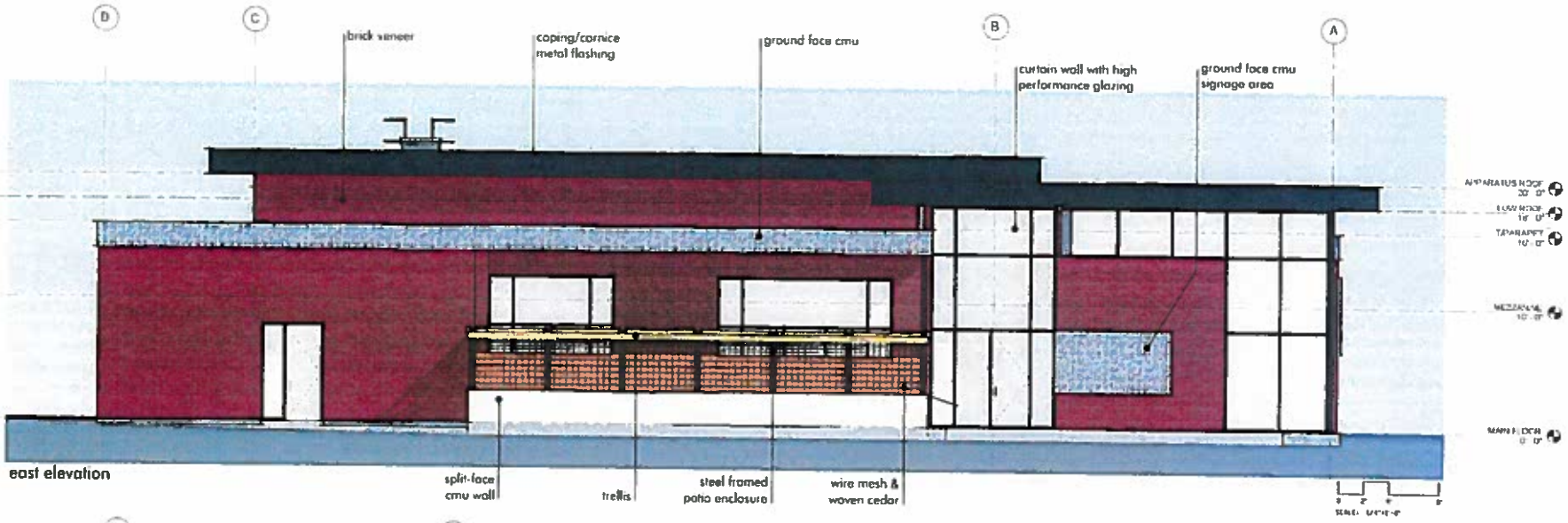


south elevation

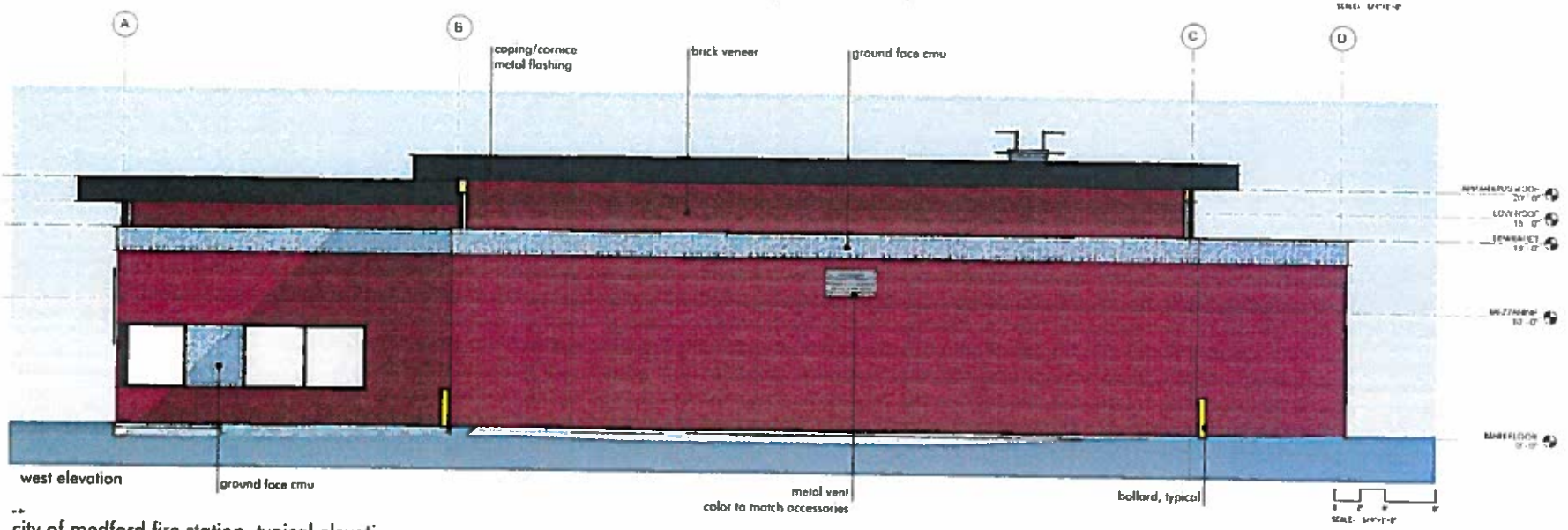
city of medford fire station, typical elevations

30 january 2015

© 2015 [illegible]



east elevation



west elevation

city of medford fire station, typical elevations

30 january 2015

ORW ARCHITECTURE

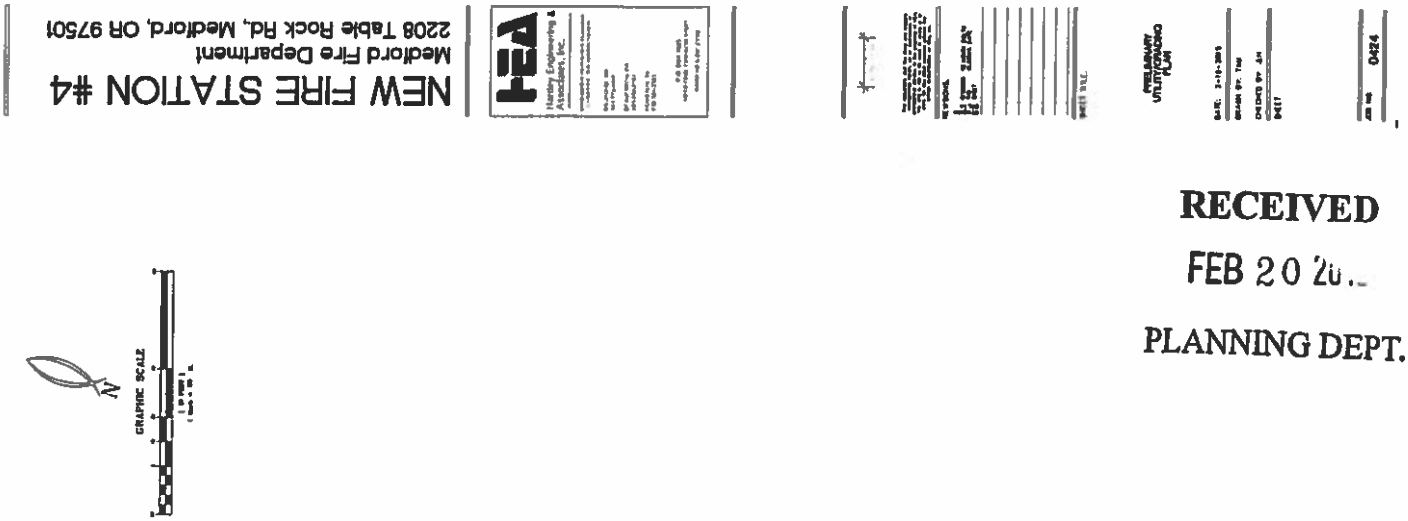


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EXHIBIT # D
File # CUP-14-128
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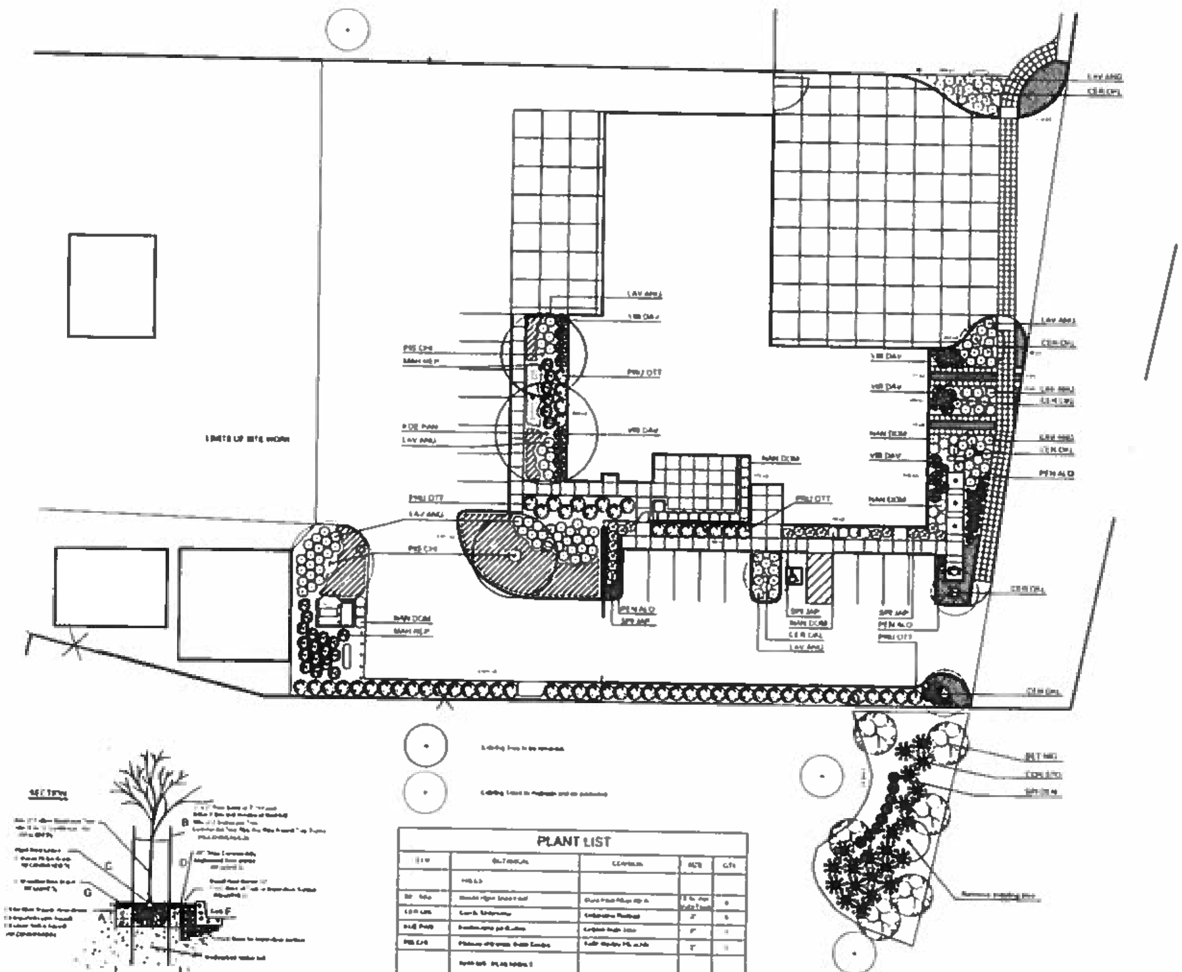

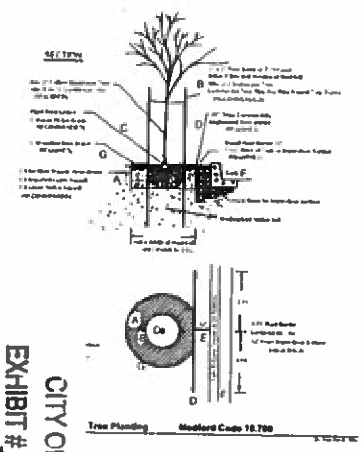

PLANT LIST

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

LANDSCAPE NOTES

1. The irrigation system shall be automatic and have a top loading double check valve installed at the Irrigation Point of Connection. The system shall provide irrigation to 100% of the public and community landscaped area.
2. 1/2"-3/4" bark mulch shall be applied in all shrub planting areas to a depth of 3 inches. Place clean 1-1/2" round river rock in swale and pond area to a depth of 3". Prior to placing bark and river rock, pre-emergent herbicide shall be applied to all planting areas.
3. Imported Topsoil Mix: Minimum of 18" depth of Topsoil Mix will be imported to the site and applied in all shrub areas.
4. Per the City of Medford code 10.780 G.10.a "Soil Volume", each new tree will have a minimum (2) cubic feet of soil volume for each sq. ft. of tree canopy at the anticipated mature canopy. Structural Soil will be used in parking areas where topsoil volume is not sufficient.
5. Finish topsoil grades at paved surfaces shall be 2" below top of paving. Parking islands shall be slightly crowned to match height of adjacent curbs. Swale and basin finish grades are to relate to Civil Engineer's drawings.
6. Soil Quality Restoration Preparation
   a. Required Organic Content:
      Mature compost, as defined herein, shall be added to the soil of landscaping areas at a rate of three cubic yards of compost per 1,000 square feet of landscaping area to be planted. This requirement is not applicable in the following circumstances:
      1. In areas fully secured by fencing for the purpose of protecting undisturbed soil from damage and compaction during construction.
      2. In stormwater quality and detention facilities constructed in accordance with the current adopted version of the Rogue Valley Stormwater Quality Design Manual.
      3. In landscaped areas where a soil test demonstrates an organic content of at least three percent based upon core samples taken at one test per 20,000 square feet, with a minimum of three samples per test. Samples shall be taken at least 40 feet apart to a depth of six (6) inches following completion of rough grading.
   b. Required Soil Preparation Procedures:
      1. Assure that soil is suitably dry before beginning.
      2. Spread desired topsoil. (Optional)
      3. Open/rip soil to a depth of eight (8) inches.
      4. Assure organic content as required by Subsection 10.780 G.(9)a.
      5. Cultivate soil and amendment(s) to a depth of four (4) to six (6) inches.

PLANT MATERIAL AND INSTALLATION

1. All plant material shall be number 1 grade stock and typical of their species and variety. They shall have well-developed branches, be densely foliated when in leaf, and have a well-developed root system. Submit to Owner's Representative, certification of confirmed plant order prior to shipment of plant material. Submit substitution requests to Landscape Architect. Botanical names take precedence over common names.
2. The numerical plant quantities shown on the drawing are for the Contractor's convenience only. The Contractor is responsible for the quantity of plant material as is graphically shown. Quantities and sizes of plants shall not be altered without written permission from the Owner's Representative.
3. Shrub and tree fertilizer shall be a complete, slow release fertilizer with a nitrogen content between 10 and 15; a phosphorus content between 8 and 13; and a potassium content between 8 and 13. Pre-emergent herbicide shall be applied at the manufacturer's recommended rate in all shrub planting areas.
4. Each plant shall receive Mycorrhizae inoculum of diverse fungi such as "Endo Plus" which is available at: Mycorrhizal Applications, Inc. (541) 476-3985. Apply at manufacturer's recommended rates.
5. Planting holes shall be twice as wide as rootball size and as deep as the rootball. Set plants with top of rootball no lower than finish grade after planted. Do not pull burlap from under plants, but cut twine and loosen burlap from around top of earth.
6. All public street trees within 3' of public impervious surface shall have "linear" tree root control barriers installed per city standard.

PLANT MATERIAL WARRANTY

1. All plant material and workmanship shall be warranted for one year (12 months) from the date of project final acceptance.
2. Plant materials under warranty shall be in healthy condition at the end of the warranty period. Any dead or dying plant material within that warranty period shall be replaced by plants of the same species and size.
3. The Contractor shall not be responsible for any plant material damaged by vandalism or theft during the warranty period.

galbraith

LANDSCAPE ARCHITECTURE & SITE PLANNING

REGISTERED LANDSCAPE ARCHITECT

FIRE STATION #4

2208 Table R
Medford,

Planting Plan - Fire Station 4

SCALE: 1"=20'-0"

0 20' 40'

L

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File # CUP-14-128
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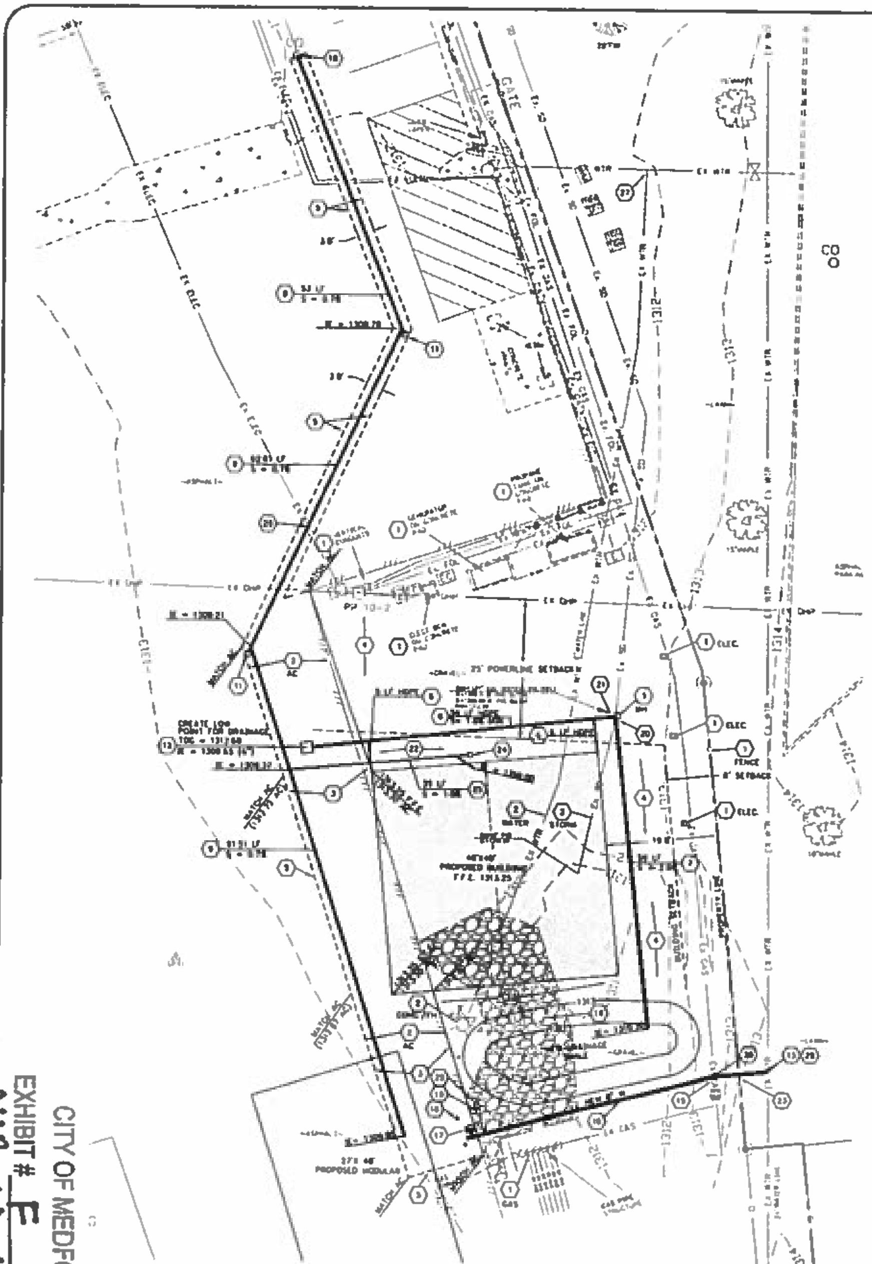
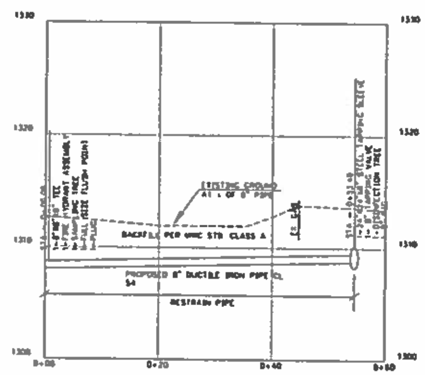


GENERAL NOTES

1. WORK AND MATERIALS SHALL CONFORM TO THE 2008 ODOT/ APWA OREGON STANDARD SPECIFICATIONS FOR CONSTRUCTION, UNLESS OTHERWISE COVERED BY THE OREGON SPECIALTY PLUMBING CODE, THE SPECIFICATIONS WRITTEN FOR THIS PROJECT OR THE STANDARDS AND SPECIFICATIONS OF THE PA.
2. ALL REFERENCE TO ENGINEER MEANS, MARQUESS & ASSOCIATES, INC., CONSULTING ENGINEERS, 1120 EAST JACKSON STREET, P.O. BOX 490, MEDFORD, OREGON 97501, TELEPHONE (541) 772-7115, FAX (541) 779-4079
3. APPROVED PLANS AND SPECIFICATIONS SHALL BE AVAILABLE AT SITE OF CONSTRUCTION AT ALL TIMES DURING CONSTRUCTION.
4. THE CONTRACTOR SHALL CALL FOR UTILITY LOCATES (1-800-332-2344) A MINIMUM OF 48 HOURS PRIOR TO BEGINNING CONSTRUCTION.
5. EVERY REASONABLE EFFORT HAS BEEN MADE TO LOCATE THE EXISTING UTILITIES ON THE PLANS BUT NO GUARANTEE IS MADE AS TO THE COMPLETENESS OR ACCURACY OF THESE LOCATIONS. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO LOCATE AND PROTECT THESE AND OTHER EXISTING UTILITIES AND STRUCTURES IN THE FIELD. THE CONTRACTOR SHALL POTHOLE EXISTING UTILITIES AND NOTIFY THE ENGINEER OF ANY CONFLICTS PRIOR TO ANY TRENCHING ACTIVITIES.
6. THE CONTRACTOR SHALL ADJUST ALL MANHOLES, CLEANOUTS, METER BOXES MOVED THROUGH CONSTRUCTION, AND ALL OTHER APPURTENANCES TO FINISHED GRADE. PATCHING AROUND ALL APPURTENANCES IN STREETS SHALL BE WITH ASPHALTIC PAVEMENT MATERIAL.
7. STORM DRAIN PIPE SHALL BE PVC PIPE CONFORMING TO ASTM D-3034, ADS N-12 PIPE CONFORMING TO ASTM D-1248, OR HANCOR HI-Q CONFORMING TO ASTM D-1248, UNLESS OTHERWISE NOTED ON PLANS OR SPECIFICATIONS.
8. SANITARY SEWER LATERALS, STORM ROOF DRAINS OUTSIDE THE STREET RIGHT OF WAY, AND INDIVIDUAL WATER SERVICES BEHIND THE WATER METER TO BE CONSTRUCTED IN CONFORMANCE TO THE CURRENT EDITION OF THE OREGON SPECIALTY PLUMBING CODE.

GENERAL NOTES

1. ALL WATER WORKS SHALL BE DONE IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE MEDFORD WATER COMMISSION'S STANDARD SPECIFICATIONS.
2. COVER OVER EXISTING MAINS SHALL NOT BE CHANGED WITHOUT WRITTEN AUTHORIZATION OF MWC.
3. NEW MAINS ARE TO BE PRESSURE TESTED, DISINFECTED AND PROVEN TO BE BACTERIOLOGICALLY SAFE PRIOR TO PLACING NEW MAINS IN SERVICE BY THE MWC. PRESSURE TESTING SHALL NOT BE DONE UNTIL ALL EXCAVATION AND BACKFILL UP TO SUBGRADE HAS BEEN ESTABLISHED.
4. INITIAL BACKFILL TO TOP OF WATER MAIN AND FIRE HYDRANT RUNS SHALL BE COMPACTED IN ACCORDANCE WITH MWC STANDARD SPECIFICATIONS FOR TRENCH EXCAVATION AND BACKFILL, OR BACKFILL MATERIAL AND COMPACTION SHALL MEET THE REQUIREMENTS OF THE CONTROLLING AGENCY.
5. WATER MAINS ARE TO BE INSTALLED AFTER SEWERS.
6. FIRE HYDRANT RUNS ARE TO BE INSTALLED BEFORE CURB AND GUTTERS. IN THE EVENT A WATER MAIN IS INSTALLED LARGER THAN EIGHT (8) INCHES, OR IF THE MAIN HAS MORE THAN THREE (3) FEET OF COVER, THE CONTRACTOR WILL BE REQUIRED TO INSTALL AN OFFSET SIMILAR TO STANDARD DETAIL 105 TO PERMIT USE OF A STANDARD 3-6' BURY FIRE HYDRANT.
7. APPROVED PLANS AND SPECIFICATIONS SHALL BE AVAILABLE AT SITE OF CONSTRUCTION AT ALL TIMES DURING CONSTRUCTION OF WATER FACILITIES.
8. COPIES OF THE MWC'S STANDARD SPECIFICATIONS CAN BE OBTAINED AT THE OFFICE OF MWC.
9. SEPARATION OF WATER MAIN, INCLUDING SERVICE LINES AND SANITARY SEWER, SHALL BE IN ACCORDANCE WITH CURRENT OREGON STATE HEALTH DIVISION RULES AND/OR AS MODIFIED IN SECTION IV, ITEM II, C-8 OF THE MWC STANDARDS EXCEPT IN ALL CASES RUNNING PARALLEL WITH EACH OTHER, THERE SHALL BE A 10 FOOT SEPARATION CENTER LINE TO CENTER LINE.
10. NO ABOVE-GROUND APPURTENANCES OR PHYSICAL STRUCTURES OF ANY KIND SHALL BE WITHIN FIVE (5) FEET (HORIZONTALLY) OF ANY WATER FACILITY WHETHER THAT WATER FACILITY IS ABOVE OR BELOW GROUND. THIS DISTANCE SHALL BE TEN (10) FEET (HORIZONTALLY) WHEN WATER AND SANITARY SEWER FACILITIES ARE CONCERNED.
11. NO BELOW-GROUND UTILITY LINES OR OTHER SERVICE OF ANY KIND SHALL BE WITHIN FIVE (5) FEET (HORIZONTALLY) OF ANY WATER FACILITY WHEN RUNNING PARALLEL TO THE WATER FACILITY.
12. NO BELOW-GROUND UTILITY LINES OR OTHER SERVICE OF ANY KIND SHALL BE WITHIN SIX (6) INCHES (VERTICALLY) OF ANY WATER FACILITY WHEN RUNNING APPROXIMATELY PERPENDICULAR TO THE WATER FACILITY. THIS DISTANCE SHALL BE EIGHTEEN (18) INCHES (VERTICALLY) WHEN WATER AND SANITARY SEWER FACILITIES ARE CONCERNED.
13. BLASTING OR EXPLOSIVE WORK WILL NOT BE ALLOWED WITHIN 30 FEET OF EXISTING WATER FACILITIES AND ONLY THEN USING PROPER INDUSTRY STANDARDS AND THROUGH A PERMIT PROCESS WITH THE FIRE DEPARTMENT OR OTHER AGENCY JURISDICTION.
14. MWC REQUIRES "POLY PIGS" TO BE USED ON ALL NEWLY LAID WATER LINES.
15. CONTRACTOR SHALL PROVIDE NO DISTURBANCE TO EXISTING FENCES. CONTRACTOR SHALL CAREFULLY TRENCH UNDER EXISTING FENCES AS PRACTICAL. ANY DAMAGE TO EXISTING FENCES SHALL BE REPAIRED BY A LICENSED FENCING COMPANY AND PAID FOR BY THE CONTRACTOR.
16. ALL PRODUCTS USED FOR THIS PROJECT MUST BE MADE IN THE UNITED STATES OF AMERICA.
17. CONTRACTOR SHALL BE RESPONSIBLE TO CLEAN AND/OR MAINTAIN EXISTING PUBLIC STREETS OF SOIL OR OTHER DEBRIS DEPOSITED BY CONSTRUCTION OPERATIONS AND REPAIR ALL STREETS DAMAGED BY CONSTRUCTION OPERATIONS IN A TIMELY MANNER TO AVOID INCONVENIENCES OR HAZARDS TO THE PUBLIC.
18. ALL DRIVEWAYS AND PROPERTY ACCESS POINTS ARE TO REMAIN OPEN DURING CONSTRUCTION.

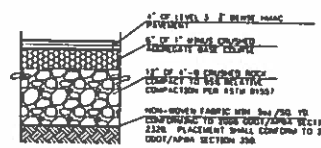


CONSTRUCTION NOTES

1. PROTECT EXISTING ITEM IN PLACE.
2. ITEM TO BE REMOVED
3. CONSTRUCT STANDARD PAVING SECTION (SEE THIS SHEET)
4. GRADE AREA TO OBTAIN A SMOOTH TRANSITION (MAXIMUM SLOPE 3H:1V)
5. SAWCUT EXISTING EDGE OF PAVEMENT TO PROVIDE A CLEAN EDGE TO PAVE TO. TACK COAT NEW CUT EDGE PRIOR TO PAVING.
6. CONSTRUCT 4" ROOF DRAIN PIPE @ 1.0% (MINIMUM), TIE INTO PROPOSED STORM DRAIN PIPE.
7. CONSTRUCT 8" STORM DRAIN PIPE PER CITY OF MEDFORD STANDARD TRENCH DETAIL.
8. CONSTRUCT 6" STORM DRAIN PIPE PER CITY OF MEDFORD STANDARD TRENCH DETAIL.
9. CONSTRUCT STANDARD 6" PVC SEWER PIPE (0.75 SLOPE MIN) PER RVSS AND MEDFORD STD.
10. TIE INTO EXISTING SEWER LINE PER RVSS STANDARD DETAILS.
11. CONSTRUCT STANDARD CLEANOUT ON 6" PIPE WITH CAST IRON COVER IN PAVED OR CONCRETE AREAS.
12. INSTALL STANDARD AREA CATCH BASIN.
13. CONTRACTOR TO POTHOLE EXISTING WATERLINE TO VERIFY HORIZONTAL LOCATION AND ELEVATION FOR TIE-IN PURPOSES PRIOR TO CONSTRUCTION. NOTIFY MEDFORD WATER COMMISSION BEFORE ANY EXCAVATION.
14. CONTRACTOR TO REMOVE EXISTING SWALE AND USE IT TO LINE NEW DRAINAGE SWALE.
15. CAUTION EXISTING UTILITY CROSSING, CONTRACTOR TO POT HOLE EX. GAS LINE PRIOR TO CONSTRUCTION OF WATERLINE.
16. CONSTRUCT 8" DUCTILE IRON CL 54 WATERLINE PER MWC STD.
17. CONSTRUCT FIRE HYDRANT ASSEMBLY PER MWC STD.
18. CONSTRUCT CONCRETE BOLLARDS PER MWC STD.
19. CONSTRUCT 5/8" WATER METER PER MWC STD.
20. CORE DRILL EXISTING 27" VERTICAL PVC MANHOLE, INSTALL 8" INSERTA TEE FOR 8" STORM PIPE. (CONTRACTOR MAY BE ABLE TO USE EX. HOLE FROM EX. 8" PIPE.)
21. CORE DRILL EXISTING 27" VERTICAL PVC MANHOLE, INSTALL 8" INSERTA TEE FOR CONSTRUCTION OF 6" STORM PIPE.
22. CONTRACTOR TO GRADE AND INSTALL A 4' WIDE, 2% MAX. CROSS SLOPE GRAVEL WALKWAY TO THE MAN DOOR ON THE NORTH AND SOUTH SIDES OF THE BUILDING. GRAVEL DEPTH SHOULD BE 6" MIN.
23. CONTRACTOR TO TEMPORARY REMOVE EX. FENCE TO CONSTRUCT WATERLINE. AFTER WATERLINE IS ACCEPTED BY MWC CONTRACTOR TO PUT FENCE BACK UP AND REPAIR ANY DAMAGE TO THE LANDSCAPING. REPLACE IN KIND.
24. CONSTRUCT STANDARD CLEANOUT ON 4" PIPE WITH CAST IRON COVER.
25. CONSTRUCT STANDARD 4" PVC SEWER PIPE (1.0% SLOPE MIN.) PER RVSS AND MEDFORD STD.
26. CAUTION EXISTING UTILITY CROSSING, CONTRACTOR TO POT HOLE EX. ELEC. LINE PRIOR TO CONSTRUCTION OF SEWER LINE.
27. CONTRACTOR TO PROVIDE EXCAVATION, BACKFILL, SHORING, DEWATERING AND ALL MATERIALS, ETC. MWC FORCES TO REMOVE PIPE AND PLUG TEE.
28. CONTRACTOR TO PROVIDE EXCAVATION, BACKFILL, SHORING, SURFACING, ETC. MWC FORCES TO TAP MAIN.
29. INSTALL AN APPROVED STATE OF OREGON BACKFLOW DEVICE.
30. INSTALL AN 11 1/4 ° BEND PER MWC STD.

LEGEND - NEW CONSTRUCTION

AC	ASPHALT	RD	ROOF DRAIN
CB	CATCH BASIN	SD	STORM DRAIN
DI	DUCTILE IRON	SDCO	STORM DRAIN CLEAN OUT
DW	DOMESTIC WATER	SDMH	STORM DRAIN MANHOLE
FFE	FINISHED FLOOR	SS	SANITARY SEWER, PVC ASTM D-3034
FG	FINISHED GRADE	SSCO	SANITARY SEWER CLEAN OUT
FS	FINISH SURFACE	TB	TOP OF BANK
GRT	GRATE	WM	WATER METER
INV	INVERT	(00.00)	EXISTING GRADE



STRIP ALL VEGETATION FROM AREAS TO BE PAVED. COMPACT SUBGRADE TO 95 PERCENT RELATIVE COMPACTION ACCORDING TO ASTM D698 AT OPTIMUM MOISTURE CONTENT. SUBGRADE MUST BE HARD AND UNYIELDING.

(1) PAVEMENT SECTION
SCALE: NONE

CALL BEFORE YOU DIG
1-800-332-2344

PRELIMINARY

MARQUESS & ASSOCIATES

MEDFORD FIRE STATION #4
TEMPORARY APPARATUS BAY
220 TABLE ROCK ROAD
MEDFORD OREGON

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APPLICANT'S EXHIBIT 3

DEMONSTRATION OF COMPLIANCE WITH DEVELOPMENT STANDARDS FIRE STATION 4

The proposed Fire Station is an institutional use allowed in the MFR-20 zone by manner of Conditional Use Permit. MLDC 10.709-720 include standards that apply to development in residential zones. The following analysis is provided to demonstrate conformance with site development standards of the underlying zone, for purposes of establishing compatibility under the Conditional Use provisions of MLDC 10.246 – 10.250, addressed in Applicant's Exhibit 2.

The Medford Land Development Code ("MLDC") standards are recited verbatim below:

10.550 Access Standards

(1) Driveway Throat Width Standards.

Driveways that connect to a public right-of-way shall be constructed according to the standards in Tables 10.550-1 and 10.550-2. See Figure 10.550-1 for driveway throat, flare and radius definitions.

For the purposes of this section, Minimum Access Easements and Alleys shall be considered driveways.

Street Classification	Land Use on Parcel to be Served by the Driveway*			
Local (All streets other than Collectors or Arterials.)	SFR	MFR	COMMERCIAL	INDUSTRIAL
Less than 500 ADT***	12 to 18 ft.****	18 to 24 ft.	24 to 30 ft.	24 to 30 ft.
500 to 1,000 ADT***			24 to 30* ft.	24 to 36 ft.
Greater than 1,000 ADT***			24 to 36* ft.	24 to 36 ft.
Collector	SFR	MFR	COMMERCIAL	INDUSTRIAL
Less than 500 ADT***	12 to 24 ft. (Shared Approach Only)	18 to 36 ft.	18 to 24 ft.	24 to 36 ft.**
500 to 1,000 ADT***			18 to 36 ft.**	24 to 36 ft.**
Greater than 1,000 ADT***			18 to 36 ft.**	24 to 36 ft.**
Arterial	SFR	MFR	COMMERCIAL	INDUSTRIAL
Less than 500 ADT***	No direct access unless no alternative exists, then 12 to 20 ft. (Shared Approach Only)	No direct access unless no alternative exists, then 18 to 36 ft.	18 to 24 ft.	24 to 30 ft.
500 to 1,000 ADT***			18 to 30 ft.	24 to 36 ft.
Greater than 1,000 ADT***			18 to 36 ft.	24 to 36 ft.

*Institutional uses shall be considered commercial uses for the purposes of this subsection.

**Driveway throat widths greater than 24 feet shall be granted only for full movement approaches that warrant a left turn lane.

***ADT = Average Daily Trips using the proposed driveway, determined from the latest version of the Institute of Transportation Engineering handbook based on the expected ultimate use of the site.

****May be up to 24' with approval of Public Works Director or Designee.

CITY OF MEDFORD
EXHIBIT # G
File # CUP-14-128
E-15-027

Compliance with Standards: Berrydale Avenue extends from Table Rock Road to the subject property by way of city-owned property. Berrydale Avenue also extends through the northerly portion of the subject property to the city owned property to the east that includes the railroad park. Berrydale Avenue functions as a bi-directional local street. Average daily trips on Berrydale Avenue are unknown, however for purposes of this analysis only a worst-case scenario of greater than 1,000 adt was assumed despite actual counts are very likely to be much less.

The proposed use is a fire station that requires driveway widths wider than standard in order to accommodate fire apparatus movements. The proposed approach to Berrydale Avenue is 70 feet in width in order to accommodate the new fire station's three emergency apparatus bays. An additional 24-foot wide access on the east side of the property is proposed to accommodate all other access for station employees and visitors. Based on a number of factors, one of which being the length of the fire trucks, the driveway throat width warrants a distance greater than 36 feet. See Applicant's Exhibit 2 Findings of Fact and Conclusions of Law including a request for exception to these driveway throat width provisions.

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10.550 Access Standards

(2) Driveway Radius Standards

Table 10.550-2 Driveway Radius Standards

Street Classification	Land Use on Parcel to be Served by the Driveway*			
	SFR	MFR	COMMERCIAL	INDUSTRIAL
Local	Curb Cut	<6 units: curb cut >6 units: 15 ft. radius	Curb cut or 20 ft. radius	Curb cut or 20 ft. radius
Collector	Shared Access Curb cut	20 ft. radius	20 ft. radius	25 ft. radius
Arterial	No direct access unless no alternative exists, then 15 ft. radius	25 ft. radius	25 ft. radius	25 ft. radius

Compliance with Standards: As evidenced by Applicant's site plan, the driveway access to Berrydale Ave. is at the same level as the access. There are no curb cuts.

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(3) Driveway Spacing and Locational Standards

b. Local Streets

A minimum distance of three (3) feet shall be maintained between the closest portions of adjacent driveway flares as measured along the curb on local streets, except where existing conditions dictate otherwise. Cul-de-sacs are exempt from these standards.

The closest edge of a driveway shall be a minimum of 35 feet from any intersecting local streets measured along the curb to the nearest right-of-way line of the intersecting street. If the parcel does not have sufficient width to meet this requirement, the driveway shall be located adjacent to the property line farthest from the intersecting street, and no authorization for larger driveway width shall be granted.

c. Alternative Access Spacing and Location

The standards set forth in Sections 10.550 (3) (a) and (b) above are the City's basic access standards. The City also recognizes the unique situations and/or complex projects may warrant alternative driveway spacing and locations.

(1) Approval of Alternative Access Locations: When part of a Class C Plan Authorization, the Public Works Director or designee shall forward a recommendation on alternative access spacing and locations to the approving authority. When not part of a Class C Plan Authorization, the Public Works Director or designee may authorize an administrative adjustment to the access spacing and location standards in 10.550 (3) (a) and/or (b) above under one or both of the following circumstances:

i. The adjustment will align the requested driveway with a driveway across the street and the Public Works Director's (or designee) professional opinion is that this configuration will improve safety and/or operations.

ii. Where no proposed access location can satisfy all the standards in Section 10.550 (3) (a) and/or (b), the driveway may be located in the location that best meets the City's access management standards in the professional opinion of Public Works Director (or designee).

Compliance with Standards: Berrydale Avenue extends from Table Rock Road to the subject property by way of city-owned property. Berrydale Avenue also extends through the northerly portion of the subject property to the city owned property to the east that includes the railroad park. Berrydale Avenue is not public right of way, but is paved with a width of approximately 27 feet and functions as a bi-directional access. The driveway into the fire station facilities from Berrydale will remain unchanged. The nearest driveway is approximately 240 feet to the west.

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10.721 Commercial and Industrial Site Development Standards

The following standards apply to commercial and industrial development. See Article III, Sections 10.326 through 10.332 for detailed descriptions of each zoning district, and Section 10.337 for conditional, special, and permitted uses

COMMERCIAL AND INDUSTRIAL DEVELOPMENT		
Standard		**Proposed / *Current Condition**
MINIMUM & MAXIMUM AREA FOR ZONING DISTRICT (ACRES)	None	-
MINIMUM LOT AREA (SQ. FEET)	7,000 SF	*3.54 acres (154,202 SF)
MAXIMUM COVERAGE FACTOR	40%	<10% (Approximately 14,100 sq ft)
MINIMUM LOT WIDTH	70 feet	-
MINIMUM LOT DEPTH	100 feet	-
MINIMUM LOT FRONTAGE	30 feet	-
MINIMUM FRONT & STREET SIDE YARD BUILDING SETBACK	10 feet, EXCEPT 20 feet for vehicular entrances to garages or carports	27' to Berrydale Ave; 65' to front p/l

COMMERCIAL AND INDUSTRIAL DEVELOPMENT		
Standard		**Proposed / *Current Condition**
MINIMUM SIDE & REAR YARD BUILDING SET BACK	None, EXCEPT ½ foot for each foot in building height over 20 feet	49'10" west; 63'9" east; 430'+ south (rear) [40'x40' metal building is 19'9" from east line] [modular is 60 from east line]
MAXIMUM BUILDING HEIGHT	85 feet, EXCEPT 35 feet if within 150 feet of a residential GLUP or Special Area Plan designation.	22'
MAXIMUM GROSS FLOOR AREA PER BUSINESS (SQ. FEET)	None	11,811 fire station; 1600 accessory bldng; Approximately 1680 modular bldng
PERMITTED OUTDOOR USES	See Note 2	Storage of Emergency Vehicles to rear of buildings within secure fenced and gated area
Note 2: All uses, EXCEPT those customarily conducted outdoors, must be located completely within an enclosed building.		

Compliance with Standards: The proposed project complies with all Commercial and Industrial standards of MLDC 10.721 as indicated by the table above and as evidenced by Applicant's site plan.

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10.727 Excavation and Grading Permit
When an excavation and grading permit is required by this Chapter or by Chapter 9, the application for the permit shall be reviewed and approved by the City of Medford Building Safety Director or designee. When a permit is required, no grading or excavation shall occur prior to issuance. The permit shall not be issued until a grading plan pursuant to Section 10.728 has been reviewed and approved. Additional supporting data consisting of a soils engineering report and engineering geology report may also be required. The plans and specifications shall be signed and prepared by a registered engineer.

10.729 Stormwater Quality and Detention Facilities, Private Property
A. Purpose. It is the City's policy to maintain the natural hydrology and preserve water quality by mitigating the direct impacts of new development and preserving the environmental benefits of natural water bodies.

B. Applicability. Stormwater quality and detention facilities shall be required for development and building permits, with the exception of single-family residences and duplexes, which meet any one (1) of the following conditions

(1) Building permits for development that creates 5,000 square feet or more impervious surface; or...

Compliance with Standards: Applicant's Exhibit 4 includes a stormwater drainage plan demonstrating compliance with relevant stormwater and grading provisions. Should a separate grading permit be found to be required, Applicant will agree to stipulate to filing a grading plan pursuant to MLDC 10.728.

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10.732 Fencing of Lots

(1) Fencing located within the front yard setback area of all zones, except the MFR zone, shall not exceed three (3) feet in height when measured from the grade of the street centerline. When within a MFR zone, a fence shall not exceed three (3) feet in height when located within ten (10) feet of a street right-of-way unless otherwise approved by the approving authority. (Effective Dec. 1, 2013.)

(2) Fencing located in the side or rear yards (when not a through-lot) shall not exceed eight (8) feet in height. Height shall be measured as follows:

(a) In required yards abutting a street, it shall be the effective height measured from the finished grade on the side nearest the street.

(b) In other required yards, it shall be the total effective height above the finished grade measured on the side nearest the abutting property.

(3) No fencing shall conflict with the site distance requirements of Section 10.735, Clear View of Intersecting Streets.

(4) All fencing shall comply with Section 9.560, Hazardous Fences Prohibited, of the City Code.

(5) Gates on primary vehicle entrances adjacent to public streets shall be set back a minimum of 20 feet from the right of-way. Gates on secondary entrances (e.g., stored vehicles, etc.) may be set back less than 20 feet if approved by the Engineering Division. Gates provided with a remotely operated opening mechanism may be set back 20 feet from the nearest existing or planned vehicular travel lane as determined by the City Engineer.

Compliance with Standards: No fencing is proposed along the street frontages of the property. Applicant's site plan demonstrates compliance with all fencing and gating requirements under MLDC 10.732.

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10.735 Clear View of Intersecting Streets
(1) In order to provide a clear view of intersecting streets, there shall be a triangular area of clear vision formed where a street intersects with another street, driveway, or alley.

(2) The size of the triangular area is a function of traffic control, volume and speed. See Table 10.735-1 below for posted speeds and site distances.

(3) On any portion of a lot that lies within the triangular area described and illustrated in Figures 10.735-1 & 2, below, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of three (3) feet and ten (10) feet above the height of the top of the curb. Where there is no curb, the height shall be measured from the street center lines.

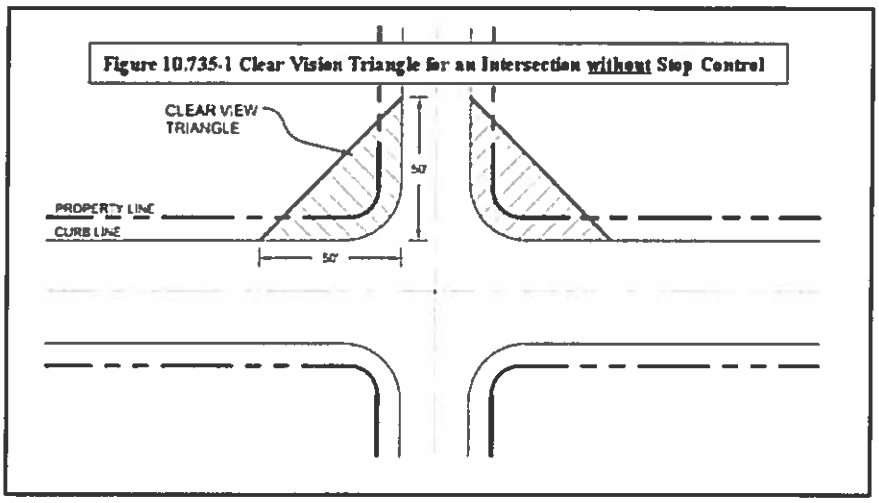
(4) The triangular area of clear vision shall be determined based upon the type of stop control used at the subject intersection.

(a) The clear vision triangular area for an intersection of a street without stop control is shown in Figure 10.735-1. See Table 10.735-2 below for determining all other curb line distances.

Figure 10.735-1 Clear Vision Triangle for an Intersection without Stop Control – SEE BELOW

Table 10.735-1 Intersection Site Distance

Posted Speed Limit	Intersection Sight Distance (ft.)
20	115
25	155
30	200
35	250
40	305
45	360
50	425
55	495



Compliance with Standards: Berrydale Avenue is not public right of way. However, applicant's site plan demonstrates compliance with the clear vision triangle for intersections without stop control.

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10.741 Parking and Loading, General Provisions

A. Off-Street Parking and Loading.

(1) A development permit shall not be issued until plans and evidence are presented to show how the parking and loading requirements are to be fulfilled and that property is and will be available for exclusive use as parking and loading space.

Off-street parking and loading spaces shall be provided and maintained as set forth in Sections 10.741 - 10.745 for all uses in all zoning districts.

C. Parking and Loading Plan.

A parking plan, drawn to scale, shall accompany development permit applications for all developments excluding those for single and two-family dwellings. The parking plan shall show all those elements necessary to indicate that the requirements of this Code will be fulfilled and shall include, but are not limited to:

(1) Delineation and typical dimensions of individual parking and loading spaces;
(2) Dimensions of the circulation and maneuvering areas necessary to serve parking and loading spaces;
(3) Access to streets, alleys and proper ties to be served;
(4) Curb cuts;
(5) Type of fencing or other screening materials;
(6) Abutting land uses;
(7) Grading, drainage, surfacing and subgrading details;
(8) Location, height, and candlepower of lighting fixtures;
(9) Delineations of all structures and other obstacles to parking and circulation on the site;
(10) Specifications as to signs and bumper guards, and
(11) Parking lot landscaping plan.

Compliance with Standards: Applicant's site plan accurately depict items 1through 5 and 7 through 10. Exhibits 9, 10 and 11 illustrate and Exhibit 2 characterizes abutting land uses (item 6); Exhibits 4 and 5 are plans consistent with item 11.

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10.743 Off-Street Parking Standards

(1) Vehicle Parking – Minimum and Maximum Standards by Use. The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 10.743-1.

Where a use is not specifically listed in table 10.743-1, parking requirements shall be determined by the Planning Director or designee finding that the use is similar to one of those listed in terms of parking needs.

Parking spaces that count toward the minimum requirement are parking spaces meeting minimum dimensional and access standards in garages, carports, parking lots, bays along driveways, and shared parking areas.

(2) Number of Required Parking Spaces. Off-street vehicle parking spaces shall be provided as follows:

(a) Parking Space Calculation. Parking space ratios are based on spaces per 1,000 square feet of gross floor area, unless otherwise noted.

(b) Parking Categories.

(i) Table 10.743-1 contains parking ratios for minimum required number of parking spaces and maximum permitted number of parking spaces for each land use.

A. Minimum Number of Required Parking Spaces. For each listed land use, the City shall not require more than the minimum number of parking spaces calculated for each use.

B. Maximum Number of Permitted Parking Spaces. The number of parking spaces provided shall not exceed the maximum number of parking spaces allowed for each listed land use.

(3) Exceptions to Required Off-Street Parking for Non-Residential Uses. The approving authority may allow exceptions to the number of parking spaces in Table 10.743-1 for specific uses without complying with Section 10.251 if they find that the applicant's detailed description of the proposed use demonstrates that the number of needed parking spaces is less than the minimum required or more than the maximum allowable based upon one or both of the following (effective Dec. 1, 2013):

(a) An explanation why the characteristics of the proposed use require a different off-street parking standard than what is otherwise required.

(b) An analysis providing parking data for the same business or a similar use within the city that demonstrates a need for a different off-street parking standard

Table 10.743-1 – City of Medford Minimum and Maximum Parking Standards			
Land Use Category	Parking Standards are based on number of spaces per 1,000 Square Feet of Gross Floor Area (unless otherwise noted)		
	Minimum Number of Required Parking Spaces		Maximum Permitted Parking Spaces
	Central Business District C-B Overlay (*outside of Downtown Parking District*)**	All Other Zones	All Zones
Public Services (such as utility service yards)	1.0 space per 1.2 employees on the largest work shift, plus 1.0 space per company vehicle normally stored on the premises	1.0 space per 1.1 employees on the largest work shift, plus 1.0 space per company vehicle normally stored on the premises	1.0 space per .8 employees on the largest work shift, plus 1.0 space per company vehicle normally stored on the premises

Compliance with Standards: The proposed project complies with the parking standards of MLDC 10.743. Fire Stations are a public service type of use requiring 1 space per 1.2 employees on largest work shift plus 1.0 space per company vehicle normally stored on the premises. Applicant states there are likely to be 3-4 employees onsite during a typical work shift, with 7 being the maximum number of employees at the station. There are three dedicated bays for fire trucks within the fire apparatus bay. There are ten 9' x 18' dedicated parking spaces for employees and visiting personnel at the east side of the building; one of which is hand-capped space. There is one 10'x18' dedicated car pool space and there are six 10' x 18' parking spaces for employees and visitors at the building rear (south) side. A concrete paved area 60 feet deep and 215 feet wide is located south of the proposed buildings. This area is to be used for fire apparatus circulation and occasional parking of other emergency related equipment from other stations and public facilities. The rear of the building is fenced / gated from access by the general public.

(4) Reductions in Required Parking Spaces.

The total number of required motor vehicle parking spaces for an existing or new industrial, commercial, or office development may be reduced by five percent (5%) for each of the activities listed below that are provided by the owners or operators in perpetuity, up to a maximum of ten percent (10%) reduction in the total number of motor vehicle spaces required per development.

(a) Providing showers and lockers for employees who commute by bicycle or foot;

(b) Providing twice as many covered, secured bicycle parking spaces as required by this code;

(c) Providing a public plaza as defined herein adjacent to a transit route with transit service currently available, which is within one quarter (¼) mile of a major transit stop on that route. If there is a bus stop along the site's frontage, the plaza must be adjacent to the bus stop. The plaza must be open to the public, and at least 300 square feet in size exclusive of connecting walkways.

(d) Providing a transit shelter with landscaping, and trash receptacle;

(e) Other incentives provided in an approved Transportation Demand Management Plan (TDM) approved by the Approving Authority.

Compliance with Standards: No reduction in parking spaces is being requested.

(5) Two-Wheeled Vehicle Parking.

When over twenty (20) spaces are required, a maximum of five percent (5%) of the required parking may be two-wheeled vehicle spaces (e.g. motorcycle/moped/scooter). Each two-wheeled vehicle space must be at least four (4) feet wide and eight (8) feet deep. The two-wheeled vehicle spaces shall be clearly designated by a sign posted or be marked on the pavement within the two-wheeled parking area. Two-wheeled spaces shall be grouped together in

designated areas and need not be individually striped. Two-wheeled parking shall be closer to the building than fifty percent (50%) of the vehicle spaces.

Compliance with Standards: The project does not necessitate 20 or more parking space, therefore 2 wheeled spaces are not required and none are proposed.

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10.745 Location of Parking Facilities

All parking spaces shall be on the same lot as the main structure it serves or on an abutting lot. However, upon demonstration by the applicant that parking on the same lot or abutting lot is not available, the approving authority may authorize the parking spaces to be on any lot within 250 feet walking distance of the structure being served upon written findings of compliance with the following provisions:

(1) There is a safe, direct, attractive, lighted and convenient pedestrian route between the parking area and the use being served;

(2) There is assurance in the form of deed, lease, contract or other similarly recorded document that the required spaces will continue to be available for off-street parking use according to the required standards.

Compliance with Standards: All proposed parking spaces are located on the same parcel as the main structure. Applicant's site plan demonstrates compliance with safety and aesthetic standards required herein.

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10.748 Bicycle Parking Standards

Bicycle parking spaces shall be provided in accordance with the following:

Residential, retirement or congregate housing: .05 space per unit; 4 space minimum, regardless of number of units.

Compliance with Standards: Bicycle parking is not required per this provision and none are proposed.

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10.763 Particulate Matter (Windborne Dust)

The release of windborne dust across lot lines shall be considered a nuisance. Open storage piles, unpaved roads, open yards and the like shall be wetted, oiled, planted or covered to eliminate or minimize windborne dust. Fugitive sources of windborne dust, such as from windows, ventilators, conveyors and the like shall be controlled by closure, collection, or other acceptable methods of good practice.

Compliance with Standards: As evidenced by Applicant's site plan, the site is proposed to be paved and there are no open storage piles, open yards or unpaved roads. The proposed use is not one that is typically associated with generating high levels of windborne dust, however in the event potential sources are found to occur, Applicant will control windborne dust with closure, collection or other acceptable methods of good practice.

10.764 Glare

In all districts, any operation or activity producing glare shall be so conducted that direct or indirect light from the source shall not have a maximum permitted illumination in excess of 0.5 foot candles on any property in a residential district, other than the lot on which the glare is generated. This section is not intended to apply to public street lighting.

(1) Definitions.

Candlepower: The amount of light that will illuminate a surface one (1) foot distant from a light source to an intensity of one (1) footcandle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.

Footcandle: A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

Glare: The brightness of a light source which causes eye discomfort.

Maximum Permitted Illumination: The maximum illumination measured in footcandles at the interior buffer-yard line at ground level in accordance with the standards of Subsection 4 below.

Post Height: The distance measured from the grade at the base of the light post to the top of the light fixture.

(2) Exemption for Specified Outdoor Recreational Uses.

Because of their unique requirements for nighttime visibility and their limited hours of operation, lighting for ball diamonds, playing fields, and tennis courts is exempted from the exterior lighting standards of Subsection (4) below. Exterior lighting for outdoor recreational uses must meet all other applicable requirements of this section and of this code.

(3) Maximum Lighting Height for Specified Outdoor Recreational Uses.

Notwithstanding height limitations elsewhere in this code, exterior lighting for the outdoor recreational uses specified in (2) above shall be permitted a maximum post height of ninety (90) feet. When a Conditional Use Permit is required for the specified outdoor recreational uses, additional height limitations may be imposed to meet approval criteria.

(4) Additional Regulations: Notwithstanding any other provision of this section to the contrary:

(a) No flickering or flashing lights shall be permitted.

(b) Light sources or luminaires shall not be located within bufferyard areas except on pedestrian walkways.

(5) Measurement: When required, the measurement of lighting levels shall be conducted by the developer and certified by a licensed engineer that the measurements have been conducted as per the following:

(a) Metering Equipment. Lighting levels shall be measured in footcandles with a direct-reading, portable light meter. The meter shall have a color and cosine-corrected sensor with multiple scales and shall read within an accuracy of plus or minus five (5) percent. It shall have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within one (1) year of the date of its use.

(b) Method of Measurement. The meter sensor shall be mounted not more than six (6) inches above ground level in a horizontal position. Readings shall be taken by qualified personnel only after the cell has been exposed long enough to provide a constant reading. Measurements shall be made after dark with the light sources in question on, then with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination and property line at ground level. This procedure eliminates the effects of moonlight and other ambient light.

(5) Exterior Lighting Plan. At the time any exterior lighting is installed or substantially modified an exterior lighting plan shall be submitted in order to determine whether the requirements of this section have been met. The lighting plan shall identify:

(a) Location of light fixtures

(b) Type of luminaire

(c) Height of luminaire

(d) Maximum illumination

(e) Cut-off angle

10.767 Oxidizing Materials

The manufacture of oxidizing materials is prohibited. The storage or utilization of oxidizing materials in excess of 500 pounds is prohibited.

10.768 Flammable Gases

The storage, utilization or manufacture of flammable gases shall not exceed 250,000 standard cubic feet, exclusive of finished products in sealed portable containers.

Compliance with Standards: Applicant's site plan includes all necessary lighting information.

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10.772 Pedestrian Walkway General Provisions

These walkway provisions are intended to provide safe, direct and convenient pedestrian access in new office and commercial developments.

Internal pedestrian circulation shall be provided in new office and commercial developments through clustering of buildings, construction of pedestrian ways, skywalks, where appropriate, and similar techniques.

10.773 Pedestrian Walkway Connections and Routing

A pedestrian walkway shall be provided:

(1) To each street abutting the property, and for every 300 feet of street frontage not including limited access freeways.

(2) To connect with walkways, sidewalks, bikepaths, and other bicycle or pedestrian connections on adjacent properties.

(3) To connect building entrances to one another, to existing or planned transit stops and to connect the pedestrian circulation system to other areas of the site such as parking lots, children's play areas, required outdoor areas and any pedestrian amenities such as plazas, resting areas and viewpoints.

Compliance with Standards: Walkways on the proposed site plan meet the above standards. See, Applicant's Exhibit 4.

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10.780 Landscape and Irrigation Requirements

B. General Provisions.

(1) Landscaping shall provide a variety of plant sizes, shapes, texture and color while being horticulturally compatible and minimizing irrigation reliance, thus conserving the public water supply.

(2) Landscaping shall be maintained in good health by the property owner in conformance with approved landscaping plans and shall not be reduced in area or number.

E. Landscape Plan and Irrigation Plan Review.

All development and building permit applications that include landscaping areas, as defined herein, with the exception of development types provided within Section 10.780 C.(1)a., shall include a Landscape Plan and Irrigation Plan in accordance with the provisions of this section. Landscaping and irrigation improvements shall be installed in accordance with approved plans.

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Compliance with Standards: Applicant's detailed landscape plan (Exhibit 5) demonstrates consistency with MLDC 10.780.

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10.781 Concealment of Trash Receptacles

Trash receptacles shall be kept in enclosures made of solid wood, metal, brick, or masonry block which conceal them from view. Access doors shall be made of solid wood or metal. When possible, enclosures should be incorporated into the building (i.e., wing walls, alcoves). If free standing, the enclosures shall be constructed of materials which are compatible with other structures on the site. Chain link fencing, with or without slats, for this purpose is prohibited. [Added, Sec. 2, Ord. No. 1999-211, Dec. 16, 1999.]

Compliance with Standards: Applicant's site plan depicts the free standing trash enclosure consistent with this standard.

10.782 Concealment of Heating, Ventilation, Air Conditioning (HVAC) Equipment and Roof-Mounted Wireless Communication Facilities

All HVAC equipment and roof-mounted wireless communication facilities shall be concealed from view. Where possible, such concealment should be accomplished using the architectural elements of the buildings (i.e., roof forms, parapets, wing walls, alcoves, etc.). Free standing walls or fences may also serve as sight-obscuring concealment devices. Chain link fencing, with or without slats, for this purpose is prohibited.

10.783 Location of Wall Mounted Utility Services

Wall mounted utility devices, such as meters and television cable boxes, shall be mounted on the side of the building not facing a street unless they are concealed from view. Where possible, concealment should be accomplished using architectural elements of the building (i.e., wing walls, alcoves, etc.).

Compliance with Standards: The proposed trash receptacles, HVAC equipment, and Roof-Mounted Wireless Communication Facilities and all wall-mounted utility services can and will comply with this standard.

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10.797 Street Frontage Landscaping Requirements

A. This section establishes the minimum landscaping requirements along all street frontages outside of the public right-of-way. Plans submitted to comply with this section shall be approved by the approving authority.

(1) For land divisions with houses that do not face an arterial street, an arterial street frontage landscape plan shall be submitted showing a vertical separation feature that is a minimum of eight (8) feet in height. The separation feature shall create a solid visual screen. A fence or wall shall be engineered to stand straight. The separation feature shall be reduced in height where otherwise required in a front or side yard or clear vision triangle. The Planning Commission may allow adjustments to the above requirement in response to topography.

(2) For all other street frontages the number of plants required for distances above or below one hundred (100) feet shall be prorated with the resulting numbers of plants rounded so that one-half or more shall be deemed to require a full plant. All required planting shall be located in the required yard area adjacent to the street unless otherwise approved by the approving authority.

(3) Existing plant materials which meet the requirements of this code may be counted as contributing to the total landscaping required by this section. Interstate 5 and other highway frontages shall be treated the same as city street frontage.

(4) The following table specifies the type and number of plants required by this section.

***Table 797-1.* Frontage Landscaping - Materials and Quantities**

Zoning District	Number of plants required per 100 feet of street frontage less driveways	
	Trees	Shrubs
SFR (Nonresidential uses), MFR, C-N, C-S/P, C-C, C-R, C-H	4	25
I-L, I-G, I-H	3	15

10.798 General Exceptions to Yard Requirements

The following projections shall be permitted within the required yard area:
(1) Cornices, eaves, fireplaces, canopies, mechanical (heating and cooling equipment), or other similar architectural features may extend a maximum of one (1) foot into a required yard.
(2) Open uncovered accessory structures such as fire escapes, patios, porches, balconies, or outside stairways may extend a maximum of one (1) foot into the required side and rear yard and a maximum of six feet into a required front yard. Porches, decks or stoops which are open and uncovered and not exceeding 18 inches in height may be located within 18 inches of any lot line.
(3) Within the commercial districts awnings shall be allowed to extend a maximum of six (6) feet into the required front yard.
(4) Established Neighborhoods: On a parcel where the abutting lots, adjoining the same street, contain legally constructed buildings whose setbacks are equal to or less than that required by the underlying zone, the front yard setback may be reduced to a distance equal to the average setback of the abutting parcels. If one of the adjoining lots is vacant, the minimum setback of the underlying zone shall be utilized to determine the average.

Compliance with Standards: See, Applicant's Exhibit 5 landscape plan demonstrating conformance with the standards provided herein above.

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10.808 New Commercial and Institutional Development

All new commercial, office and institutional buildings on parcels within 600 feet of an existing or planned major transit stop, as designated by the City of Medford Transportation System Plan (TSP), shall provide the following:

(1) Building entrances. All such uses shall provide a main entrance on the facade of a building nearest to and facing a street with a designated "transit route", hereinafter "transit street". A building may have more than one main entrance. If the lot has frontage on more than one transit street, the building need only have one main entrance oriented to a transit street or to the corner where two transit streets intersect.

(2) Setbacks. Buildings shall be set back no more than 20 feet from the designated transit stop or transit street. Where the site is adjacent to more than one designated transit street, a building is required to meet the maximum setback standard on only one of the streets.

(3) Parking lots. No automobile parking shall be permitted between the building and the designated transit street.

(4) An exception to one or more of the requirements in this section may be granted if the approving authority determines that:

(a) Strict compliance with the standard is not possible because of terrain or other physical conditions beyond the control of the applicant; or,

(b) Direct, convenient and safe access to transit is otherwise adequately provided for by other measures.

Compliance with Standards: There are no major transit stops within 600 feet of the site.

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10.809 Vanpool and Carpool Preferential Parking Requirements

All new industrial, commercial and institutional development shall provide preferential parking for vanpools and carpools as follows:

(1) Number: Industrial, commercial, institutional and office developments shall designate at least 10% of the employee parking spaces for vanpool or carpool parking.

(2) Marking: The vanpool/carpool spaces shall be clearly marked "Reserved - Vanpool/Carpool Only".

(3) Location: Designated vanpool/carpool spaces shall be the closest employee parking spaces to the building entrance normally used by employees except for any accessible spaces provided.

Compliance with Standards: Applicant's site plan provides a dedicated car pool space in conformance with these provisions.

* * * * * * * * * *

10 Article 6 – Signage

10.1030 Application

Application for a permit shall be made to the Planning Department upon a form provided by the City and shall include the following:

(1) Two sets of drawings to scale, including the following information with regard to the signs:

(a) The written or graphic content.

(b) Location of the sign on the building or building site.

(c) Dimensions of the sign.

(d) Construction materials.

(e) Method of attachment and character of structural members to which attachment is to be made.

(f) Electrical wiring and components or U.L. approved number.

(g) If an electronic message sign, the frequency at which the text changes.

(2) The Building Safety Official may also require that a licensed engineer furnish information concerning structural design and proposed attachments.

10.1700 Signs in Community Commercial District (C-C) and Heavy Commercial District (C-H, and Regional Commercial District (C-R): Basic Regulations

Signs shall be permitted as follows in the C-C, C-R, and C-H districts:

(1) Ground Signs: Each parcel of land is permitted one ground sign per street frontage, subject to the following limitations:

(a) Maximum Height: 20 feet

(b) Maximum Square Footage: 150 square feet per sign

(c) Minimum Setback: Shall not project into public right-of-way.

(d) Electronic Message Signs are permitted as a ground sign subject to the following limitations:

(i) Each parcel of land is permitted one (1) electronic message sign if the sign is 150 feet or farther from any residential zoning district or GLUP Map designation.

(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.

(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.

(iv) The conversion of an existing, conforming ground sign to an electronic message sign is permitted.

(v) The conversion of an existing, nonconforming ground sign to an electronic message sign is prohibited.

(2) Wall Signs: Wall signs are permitted, subject to the following limitations:

(a) Principal Facade: The aggregate area of all signs shall not exceed one and one-half square feet for each linear foot of business frontage, except if the building is set back more than 20 feet from the right-of-way, in which case the aggregate area of all signs shall not exceed two square feet for each linear foot of business frontage. No part of any sign shall be higher than the building height as defined in Section 10.705.

(b) Secondary Facade: The aggregate area of all signs shall be limited in area to two square feet for each linear foot of business frontage and shall be placed flat against the building supporting the sign. No part of any sign shall be higher than the building height as defined in Section 10.705.

(c) Electronic Message Signs are permitted as a primary or secondary facade wall sign subject to the following limitations:

(i) The electronic message sign must be 150 feet, or farther, from any residential zoning district or GLUP Map designation.

(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.

(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.

(iv) The conversion of an existing, conforming wall sign to an electronic message sign is permitted.

(v) The conversion of an existing, nonconforming wall sign to an electronic message sign is prohibited.

(3) Projecting Signs: No sign shall project more than 18 inches into the public right-of-way except under the following conditions:

(a) The building is set back less than two feet from public right-of-way, and

(b) The sign is less than 25 square feet in area.

(c) No part of any sign shall be higher than the building height as defined in section 10.705.

(4) Awning/Canopy/Marquee Signs: All such signs shall be assessed against the aggregate wall signage for the facade.

Compliance with Standards: Applicant will adhere to all sign permit standards and permit application requirements. As evidenced by Applicant's Site Plan, the proposed free-standing sign will be 6 feet tall with a sign surface area of no greater than 150 square feet.

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PLANNING DEPT.

BEFORE THE PLANNING COMMISSION

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

IN THE MATTER OF A CONDITIONAL USE PERMIT FOR A MUNICIPAL FIRE STATION BUILDING ON A 3.54 ACRE PARCEL OF LAND ZONED MFR-20 AND LOCATED NEAR THE INTERSECTION OF BERRYDALE AVENUE AND TABLE ROCK ROAD WITHIN THE CORPORATE LIMITS OF THE CITY OF MEDFORD, OREGON.	)	**FINDINGS OF FACT AND CONCLUSIONS OF LAW Applicant's Exhibit 2**
Applicant: City of Medford	)	
Agent of Record: CSA Planning, Ltd.	)	

I

SCOPE AND NATURE OF THE APPLICATION

The City of Medford ("Applicant") has submitted an application for a Conditional Use Permit, the approval of which will enable construction of a new 11,811 square foot fire station, an accessory prefabricated structure comprising approximately 1,600 square feet and appurtenances. The proposed fire station will replace the existing station in roughly the same location. This application also authorizes the temporary placement and use of a manufactured dwelling which will be used only during project construction and will be removed thereafter. The subject property is located near the intersection of Table Rock Road and Berrydale Avenue on a parcel comprising 3.54 acres. New fire station development is limited to the northerly 1.25-acre portion of the property as shown on Applicant's plans. However, existing fire/rescue development also exists on the southerly portion of the site and consists of surface improvements, storage buildings and a 4-story concrete tower used periodically for personnel training. Applicant was unable to uncover records of earlier permit approvals related to the subject property. Therefore, this conditional use permit has as its scope the entire 3.54-acre property, including both 1.25-acre area encompassing the new development *and* the residual portions of the site where there is existing development that is to remain.

Filed contemporaneously is an application that seeks exception relief from the provisions of MLDC 10.550 (Table 10.550-1) to permit a driveway width greater than 36 feet. In this instance, a driveway approximately 98 feet wide is required to accommodate the new fire station's three emergency apparatus bays and other access for station employees.

CITY OF MEDFORD
EXHIBIT # H
File # CUP-14-128
E-15-027

II
EVIDENCE SUBMITTED WITH APPLICATION

The following evidence was submitted in support of the applications and was before the Planning Commission:

Exhibit 1. Signed and Completed Application Forms

Exhibit 2. The proposed findings of fact and conclusions of law (this document) which demonstrates how these applications comply with the relevant substantive criteria of the City of Medford

Exhibit 3. *Demonstration of Compliance with Applicant Standards* — an analysis of the relevant development standards established in the Medford Land Development Code ("MLDC")

Exhibit 4. Site Plan, Architectural Profile and Elevations, Lighting Plan, Floor Plan, Storm Drainage Plan

Exhibit 5. Landscape Plan

Exhibit 6. Vicinity Map

Exhibit 7. Jackson County Assessor plat map 37-2W-13DC which contains and depicts the subject property

Exhibit 8. Current City of Medford General Land Use Plan ("GLUP") on which the subject property is denoted

Exhibit 9. Current City of Medford Zoning Map on Aerial on which the subject property is denoted

Exhibit 10. Map depicting the surrounding land uses

Exhibit 11. Photos depicting the subject and surrounding properties and the development thereon

Exhibit 12. Memorandum from Justin Bates, Deputy Fire Chief

III
APPLICABLE SUBSTANTIVE CRITERIA

The criteria under which a conditional use must be considered are in Section 10.246 – 10.250 of the Medford Land Development Code ("MLDC"). The relevant approval criteria are recited verbatim below:

MLDC 10.314 Permitted Uses in Residential Land Use Classification

PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section
6. NONRESIDENTIAL SPECIAL USES									
(c)Institutional Uses (Schools, Churches, Government Facilities - Excluding Storage or Repair Yards or Warehouses, Cemeteries, etc.)	Cs	Cs	Cs	Cs	Cs	Cs	Cs	Cs	10.815-817

10.248 Conditional Use Permit Criteria

The approving authority (Planning Commission) must determine that the development proposal complies with either of the following criteria before approval can be granted.

(1) The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.

(2) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.

10.253 Criteria for an Exception

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

(1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met. (Effective Dec. 1, 2013).

(2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.

(3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.

(4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

IV

FINDINGS OF FACT

The Medford Planning Commission ("Commission") reaches the following facts and finds them to be true with respect to this matter:

1. **Property Location and Description**: The subject property is comprised of a 3.54 acre parcel located on the south side of Berrydale Avenue approximately 450 feet east of its intersection with Table Rock Road, which is located approximately 1800 feet north of the intersection of Highway 62 and Highway 99. The portion of the property proposed to include the new Fire Station 4, identified on the Exhibit 4 site plan as the "project boundary," is comprised of approximately 1.25 acres. All new development is intended to occur within the 1.25-acre project area, although existing fire station improvements are located elsewhere on the southerly portion of the property. The existing improvements include storage buildings, a concrete pad, and 4-story concrete training tower. The project is within the corporate limits of the City of Medford and its urban growth boundary. The property is identified on the Tax Assessor's Map of Jackson County as Tax Lot 2000 on assessor's plat 37-1W-29C.
2. **Ownership:** The subject property is owned in fee simple by the City of Medford.
3. **Existing Land Use:** The property is presently developed with existing Fire Station 4, a 4-story concrete training tower, off-street parking areas, three small storage buildings, a large paved area used for circulation, staging and the occasional parking of city equipment and vehicles. The subject property and adjacent lands to the east, including the Railroad Park, were formerly used for city waste treatment facilities.
4. **Comprehensive Plan (GLUP)**: The subject property's GLUP map designation is Urban High Density Residential; a small portion of the property in its southeast corner is designated Parks & Schools.
5. **Existing Zoning:** The subject property is zoned Multi-Family Residential - 20 dwelling units per acre (MFR-20). *See,* Exhibit 9.
6. **Surrounding Land Uses**: See, Exhibits 9, 10 and 11which accurately depict the pattern of land partitioning and development in the surrounding area. The land uses which presently surround the property are:

   West: There are multiple parcels of land directly to the west between the subject property and Table Rock Road which are being used for multi-family housing.

   South: The subject property extends approximately 380 feet south beyond the project area. Included within that 380 feet are the following improvements: large paved areas used for city-related equipment and vehicles; a 4-story concrete tower/building used for training; and a 270 square-foot shed. To the southwest and beyond the subject property is a building and parking area for the Fraternal Order of Eagles. A portion of City Railroad Park is located south and southeast. Beyond the

Railroad Park is Hope Village, a transitional living housing complex operated by The Salvation Army.

East: The City of Medford/Southern Oregon Chapter of the National Railway Historical Society (SO Rail) Railroad Park is located immediately to the east, between the subject property and Bear Creek and Interstate 5 to the east.

North: Berrydale Avenue is situated within and at the northerly extent of the subject property. To the north of Berrydale Avenue is the *Aspens on the Creek Community*, a Manufactured Dwelling Park.

7. **Essential (Category 'A') Public Facilities:** The comprehensive plan defines Category 'A' public facilities to include sewer, water, storm drainage and transportation. The property takes access from Berrydale Avenue, a City owned property. Berrydale Avenue connects to Table Rock Road, an arterial street. The subject property and existing fire station are presently served by sewer, water, storm drainage and access. Additional levels of public facilities and services are not anticipated to be needed to support the new fire station.

8. **Police and Fire Protection:** Police protection is provided by the Medford Police Department, which is headquartered at Medford City Hall at 8th and Oakdale streets. Fire protection to this property will be supplied by the proposed fire station.

9. **Access and Circulation:** Berrydale Avenue extends from Table Rock Road to the subject property by way of city-owned property. Berrydale Avenue also extends through the northerly portion of the subject property to the city owned property to the east that includes the railroad park. Berrydale Avenue is paved with a width of approximately 27 feet and functions as a bi-directional access.

   Three fire apparatus bays are located on the northwest side of the building, facing north and with direct unimpeded access to Berrydale Avenue during emergency deployments. Visitor and staff parking is provided on the east side of the building. The rear of the building is fenced with gates on the east and west sides of the building. Additional visitor and staff parking is provided at the rear (south) side of the building. The parking and circulation is configured to accommodate fire apparatus entering the site on either the east or west side of the building, maneuvering at the south side of the building in a fairly large paved area, then entering the south side of the fire apparatus bays in a pull-through fashion.

10. **Architecture and Design:**

    a. **Design Constraints:** The existing fire station is to be replaced with the proposed building in the same general location, requiring the demolition and removal of the existing structural improvements. Otherwise, the site is unconstrained by topography or other physical features.

    b. **Massing:** The location of the fire station is such that it has very limited view from the public. It is visible only by visitors going to and from the railroad park to the

east; by some of the residents of the multi-family housing complex to the west — those which overlook the site; and by some residents within the manufactured dwelling park located to the north. The views from nearby residential development to the north are substantially obscured by existing site-obscuring fencing and vegetation. The fire station has a building footprint roughly twice that of the building being replaced, but is smaller than the multi-family complexes to the west. *See*, Exhibits 4, 10 and 11.

c. **Architectural Style:** The fire station is of a contemporary style, similar to that of the building it will replace, albeit with a clerestory and flat roof. As an institutional structure its style is different from nearby residential structures, all of which have sloped roofs. As shown on the Exhibit 4 plans, the exterior materials of construction consist predominantly of red brick with a band of polished CMU (concrete masonry unit) and glass. The dumpster enclosure will be of CMU. The color palette is provided on the materials board that was submitted during the public hearing on this matter.

d. **Building Height:** The plans in Exhibit 4 depict the height of the proposed fire station measured from grade. The building has a maximum height of 21 feet, 2 inches but ranges downward to only16 feet, well below the permissible height of buildings in the MFR-20 zoning district and less than other residential and commercial buildings that exist on abutting properties and those in the surrounding area.

11. **Fire Station Operational Characteristics**: In preparing this application, Applicant's Agent interviewed City of Medford Fire Department Deputy Chief Justin Bates on November 13, 2014 for the purpose of ascertaining the operational characteristics of this Fire Station #4 and other Medford fire stations to be built or remodeled and Chief Bates followed up with a memorandum (Exhibit 12). Exhibit 12 and the earlier interview yielded the following facts:

- The Medford Fire Department receives approximately 10,000 emergency calls each year.
- When emergency calls are received and fire apparatus are deployed from this and other stations, no sirens are used until the apparatus are two or more blocks from the responding fire station, and then only as needed. During nighttime hours when traffic is comparatively light, sirens are only used when approaching intersections and then only as needed to alert motorists to oncoming fire apparatus.
- Training or other operational matters are typically conducted indoors. However, portions of the property, including the concrete structure immediately to the south and tower have been and will continue to be used for occasional outdoor training. This is an established use that will continue.
- No outdoor recreational facilities are planned for the Fire Station #4 site, although a basketball hoop might later be installed in the rear paved area for daytime use by Fire

Department personnel when not responding to emergency calls, inspecting businesses or conducting public information services in the community.

12. Potential Impacts: Proposed Fire Station:

- **Noise:** Some of the activities anticipated at this fire station (and which in the past have occurred in conjunction with the existing station) will sometimes result in noise produced by vehicles entering and leaving the site, voices of staff and visitors heard when outside or when inside with windows open; sound from electronic devices such as televisions and radios when windows are open. There may also be periodic noise produced by fire apparatus leaving in response to emergencies. However, as indicated in the above Findings of Fact, when emergency calls are received and fire apparatus are deployed from this and other stations, no sirens are used until the apparatus are two or more blocks from the responding fire station, and then only as needed. During nighttime hours when traffic is comparatively light, sirens are only used when approaching intersections and then only as needed to alert motorists to oncoming fire apparatus. Regardless from where emergency vehicles originate, they may be found throughout any portion of the public street network.

- **Personnel:** Occupants of the proposed fire station will typically include fire fighters, paramedics and other emergency and support personnel. Having a fire station with qualified emergency personnel and services can be a significant benefit to the safety of nearby railroad park users and the neighborhood alike.

- **Transportation:** The most current ITE trip generation manual does not include estimated trips specifically for fire stations. However, while the use is an institutional service facility, it is not one which the general public are expected to visit frequently. The typical number of employees at each shift is estimated at 3 or 4 with a maximum of 7. Other than for emergency responses, once on site, fire station personnel do not typically leave the site throughout their shift as they must be present to respond to emergency calls. Thus, the vehicle trips associated with employees are those related personnel coming to and leaving from shifts. Shift changes may but do not necessarily occur during morning or evening peak hours. Occasional visitors to station are most likely to occur during the daytime but not during peak hours. Emergency responses may occur at any time.

- **Visual Impacts/Lighting:** All proposed lighting is as evidenced on the attached plans. As explained in Applicant's Exhibit 3, all lighting can and will comply with the lighting/glare standards of the MLDC. A general description of the proposed architectural features of the new station is included in the findings of fact herein above and illustrations are included in Exhibit 4.

- **Off-Street Parking:** All off-street parking is as illustrated on the Exhibit 4 plans. Eleven spaces are provided at the east side of the building and 7 additional spaces are provided at the rear of the building within the enclosed and gated area.

13. Potential Impacts: Permitted Development Not Classified Conditional:

The subject property is zoned MFR-20. Development in and MFR-20 zone would typically consist of attached multiple family housing. For a 1.25-acre parcel (in this instance, the area of the property to be redeveloped as a new fire station) approximately 25 attached residential units could be accommodated and the following impacts might be expected if this site were so developed and 70 attached units if the entire property were so developed:

- **Noise:** Noise from residential development is variable. Typical daytime noise during the work-week is generally low when most occupants are at work or school. Typical residential noises come in the form of vehicles coming to and exiting from a site, the voices of residents when outside, on balconies or from inside when windows are open, sound from electronic devices such as televisions and radios, sound from performing yard maintenance using power yard maintenance equipment. Residents would also observe noise emanating from nearby Railroad Park, the facilities for which are used generally on a seasonal basis.

- **General Safety:** Typical residential development is relatively safe. Buildings must adhere to residential development codes to meet minimum fire life and safety standards. The site, being setback an appreciable distance from the nearest busy street, offers pedestrians a relatively safe walking environment.

- **Transportation:** According to the source reference, *Trip Generation*, Institute of Transportation Engineers, 7th edition, 25 multiple family residential units would generate approximately 16 p.m. peak hour trips and approximately 165 average daily trips.[1] Access to the potential housing would likely come by way of one or more access points from Berrydale Avenue. However, given the configuration of the property, there would likely be only a single access point.

- **Visual Impacts/Lighting:** Typical multi-family residential development includes lighting in and around the dwelling units, including its parking areas. Residential light sources include building lights, lights from windows with open blinds or curtains, lights from walkways, lights from stairways and balconies, parking lot lighting (sometimes mounted on poles) and lights from vehicles entering and leaving the parking areas.

- **Off-street parking:** An average 25-unit multiple family residential development would require approximately 38 parking stalls while an average 70-unit development would require 105 stalls.

[1] If the entire 3.54-acre property were to be developed for multiple family housing, the number of permissible units would increase to 70 units with a proportional increase in the amount of average daily and p.m. peak hour traffic.

V

CONCLUSIONS OF LAW

REQUEST FOR CONDITIONAL USE PERMIT

Applicant, City of Medford Fire Department, seeks the approval of its plans in Exhibits 4 and 5 pursuant to the approval criteria for a conditional use permit as set forth in MLDC 10.248 and addressed herein below:

Conditional Use Permit Criterion 1

10.314 Permitted Uses in Residential Land Use Classification

The following table sets forth the uses allowed within the residential land use classification by zoning district. Uses not identified herein are not allowed. (See Article I, Section 10.012, for the definition of each listed use.)

These symbols indicate the status of each listed use:
P = Permitted Use. NNNNNN
C = Conditional Use; permitted subject to approval of a Conditional Use Permit. (See Article II, Sections 10.246 - 10.250.)

PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section
6. NONRESIDENTIAL SPECIAL USES									
(c)Institutional Uses (Schools, Churches, Government Facilities - Excluding Storage or Repair Yards or Warehouses, Cemeteries, etc.)	Cs	Cs	Cs	Cs	Cs	Cs	Cs	Cs	10.815-817

Compliance with Standards: MLDC 10.012 defines the term "institutional uses" as follows:

> "**Institutional uses**. Public and quasi-public uses such as government offices, **fire stations**, convention or community centers, auditoriums, post offices, public and private schools and colleges (not including business or commercial schools), libraries, museums, utilities, park-n-ride lots, churches, religious or charitable institutions, facilities for organizations and clubs, and cemeteries, mausoleums, columbariums, and crematories." (emphasis added)

Pursuant to the definition of "institutional uses," in MLDC 10.012, fire stations are expressly cited by example of permissible institutional uses and the same are conditional uses when — as in this instance — are located within an MFR-20 zone. While the table in MLDC 10.314 references a portion of the MLDC containing special standards for certain uses, there are no special standards that govern fire stations.

Therefore, the Planning Commission concludes that fire stations are among the specifically listed conditional uses in an MFR-20 zone (subject to the granting of a conditional use permit) but that no special standards apply specifically to fire stations.

* * * * * * * * * * * * * * *

Conditional Use Permit Criterion 2

10.248 Conditional Use Permit Criteria
The approving authority (Planning Commission) must determine that the development proposal complies with either of the following criteria before approval can be granted.

(1) The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.

(2) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.

Conclusions of Law: The above MLDC 10.248 contains two options that operate as alternative criteria, the meeting of any one of which is sufficient to establish compliance and permit approval of a conditional use permit application. Nothing in the MLDC requires the selection of an alternative and applicants are free to proceed under either or both alternative criteria. The Planning Commission reaches the following conclusions of law and ultimate conclusions for both MLDC 10.248(1) and (2):

The Commission concludes that before it can properly address potential impacts to livability, value and appropriate development, it must first determine what constitutes the: "abutting properties and surrounding area," "appropriate development" and "permitted development that is not classified as conditional." The Commission reaches the following conclusions of law with respect to these terms:

> **Abutting Properties or Surrounding Area**: Abutting[2] properties are those which touch or are located directly across the streets which adjoin subject property. The term "surrounding area" is undefined in the comprehensive plan or MLDC. The Planning Commission concludes that the proposed fire station will produce the impacts identified and considered below, but in no instance will the impacts exceed in geographic scope, an area which is equal to the extent of the area entitled to notice of this conditional use permit proceedings pursuant to ORS 197.763 and the MLDC — a distance of 200 feet measured from the exterior boundaries of the whole subject property.
>
> While the Commission also finds that it may be possible for people living or working beyond 200 feet of the property to see the fire station or existing improvements (such as the training tower) or to occasionally hear the activities emanating from the property, beyond a 200-foot distance the Commission concludes that the potential impacts to

[2] The MLDC defines the term *abutting* to mean: "Having a common border with, or being separated from such common border by, an alley, easement, or right-of-way."

livability, value and appropriate development will be minor and not rise to the level of "significant." The Commission bases this conclusion on its belief that merely being able to see the fire station (or appurtenant development) from distances beyond 200 feet of the subject property does not produce impacts of any kind.

Applicant's Section IV Findings of Fact Item 6 includes a description of uses in the surrounding area.

Permitted Development Not Classified As Conditional: The property is zoned MFR-20. While other uses are permitted in Medford's MFR-20 zone, development is typically multiple family residential housing at a permissible density of 20 units per acre. Based on the 1.25 acre project area, the site could accommodate 25 residential dwelling units; the entire 3.54-acre property could support 70 such housing units. Impacts from a 25 to 70 unit multiple family development can be characterized in terms of noise, general safety, transportation, visual impact/lighting and off-street parking.

Section IV Findings of Fact, Item 13 evaluates potential impacts from permitted development of the 1.25 new development portion of the property and for the entire 3.54-acre parcel.

Based upon the foregoing conclusions of law with respect to what constitutes abutting properties and/or the surrounding area, and permitted development not classified as conditional, the Planning Commission addresses below the issues of comparable livability, value and appropriate development with respect to MLDC 10.248(1).

MLDC 10.248(1): Pursuant to the first alternative criterion in MLDC 10.248(1), the Planning Commission concludes that in *McCoy v. Linn County*, 16 Or LUBA 295, 301-302 (1987), *aff'd* 90 Or App 271 (1988), it was held that a similar standard required the fact finder to identify the qualities and characteristics which constitute "livability" and determine whether the proposed use will cause more than a minimal adverse impact upon those. Therefore and pursuant to *McCoy*, the Commission reaches the following conclusions of law:

Liveability: Based upon the evidence, the Planning Commission concludes that the qualities and characteristics that constitute livability, in this instance, consist of noise, general safety, transportation, visual impact/lighting and off-street parking. The following constitutes the Commission's comparison of potential impacts on the livability of abutting and surrounding lands from both the proposed development and a maximum 70-unit multi-family housing development. *See*, Section IV Findings of Fact, Items 12 and 13 for detailed relationship of the analyzed uses and their relationship to the qualities and characteristics that constitute livability.

- Railroad Park to the East: A potential 25 to 70-unit multi-family complex is likely to have little or no impact upon the livability of the Railroad Park, although the park might see a slight increase in the number of users as a result of the proximal residential development, but the overall impact on the park as a whole is likely to

be insignificant. The park generally operates seasonally during daylight hours. While noise and traffic from the park may generate some complaints from adjacent residents, said potential conflicts are likely to be minimal and not rise to the level of affecting the park attendance. The area already has a number of existing multiple family complexes. An additional housing complex nearby on the route to the park is likely to have no effect on the manner in which the park is perceived by visitors. Similarly, the proposed fire station will have little to no effect on the livability of the park, because the proposed fire station replaces an existing station and proposed operations are to generally remain the same. Notwithstanding, there is nothing in the architecture, location or operations of this fire station that would produce impacts upon Railroad Park that rise to a level of significant and the Commission concludes the same. The Commission also concludes that mere visibility of the training tower from Railroad Park would not be an impact that would rise to a level of significant.

- Manufactured Dwelling Park to the North: A potential multiple family housing complex is likely to have little to no impact upon the livability of the manufactured dwelling park to the north. Existing park residents may experience a slight increase in the level of noise and ambient light from residential development, but the overall impact upon livability of the residents as a whole is not likely to be significant. The proposed fire station will similarly produce no significant impact upon the livability of the park residents because, in the first instance, the proposed fire station is a replacement of an existing station and proposed operations are to generally remain the same. In the second instance, even if there were not an existing station, based upon the operational characteristics and protocols of Medford fire stations, as established in Exhibit 12 and the findings of fact, any potential impacts will not be significant even though park residents might be able to see the training tower from the boundaries of the manufactured dwelling park.

- Multi-Family Developments to the West: A potential multi-family complex is likely to have little to no impact upon the livability of the existing multi-family development to the west because such development would simply be a continuation of the existing development pattern. Although potential residential development may produce a slight increase in the level of noise and ambient lighting beyond current levels, the Commission concludes that such impacts would be of the same nature and magnitude of the existing multiple family development itself, notwithstanding that tenants with rooms or balconies that overlook the subject property may be able to view residents within the subject property and vice versa, resulting in somewhat compromised privacy. However, absolute privacy within or from beyond multiple family housing areas is seldom assured and would not be in this instance; view upon and from multiple-story living environments upon ground level activities is a typical and common occurrence and one that is largely acknowledged and accepted within an urban environment and area not deemed to be significant impacts . The proposed fire station will likely have little to no impact (and no significant impact) upon the livability of the existing multi-family

development because, in the first instance, the proposed fire station replaces an existing one. In the second instance, and based on the discussion and analysis herein above, a consideration of the proposed fire station and appurtenant facilities as a stand-alone new use are not expected to generate impacts that rise to the level of being significant.

- Fraternal Order of the Eagles to the Southwest. Neither a multiple family housing complex nor the proposed fire station is likely to have any impact on livability of the Fraternal Order of the Eagles facilities nearby because, firstly, nobody resides on the Eagles property. Moreover, the subject property is largely obscured from view by intervening development, fencing and vegetation and is separated by a distance of at least 400 feet. While the training tower may be visible from the Eagles property, its mere visibility will not produce impacts that rise to the level of significant. Furthermore, access to the Eagles property is directly from Table Rock Road and does not use the same access (from Berrydale) as do other surrounding properties.

- Transitional Housing to the South: Neither a multiple family housing complex nor the proposed fire station is likely to have any impact upon the livability of the temporary housing located to the south because the uses/properties are separated by a distance of at least 600 feet. While there may be some ability to see portions of the subject property (including the training tower) the visual separation is appreciable and will not in any event produce impacts that rise to a level of significant. Additionally, access to the transitional housing property is directly from Table Rock Road by way of Virginia Street and does not use the same access (from Berrydale) as do other surrounding properties.

Value: The comparative potential impact upon the value of abutting properties and those in the surrounding area, from a fire station versus a 25 to 70-unit multiple family housing complex, is difficult to ascertain in specific monetary terms, although one salient point probably trumps all others. That is that a fire station has existed on the subject property for many years and likely predates much of the development that now exists in the surrounding area. To the extent that the mere presence of a fire station produces an influence of diminishing value, such diminution has long since occurred. And, whether or not a new station is approved, a fire station does and will continue to exist on the subject property, albeit one that is architecturally dated and functionally inadequate. The Planning Commission observes that plans for the new station suggest that it will be a substantial improvement over the existing physical facilities, landscaping and other physical improvements. The Planning Commission also concludes from the Exhibit 4 plans that the new station will be clean and attractive and may result in value enhancement but if not, it will not produce any diminution of value. For these, and the same reasons established above for liveability, the Planning Commission concludes that impacts to the value of abutting properties and those in the surrounding area will not be significant if a new fire station is approved as here proposed.

Appropriate Development: The Findings of Fact in Section IV, the Exhibit 9 Zoning Map and Exhibit 10 Surrounding Uses Map on Aerial, evidences existing land parcelization and development which has occurred on abutting and surrounding lands demonstrating that most parcels in the surrounding area are fully developed. However, there is one undeveloped parcel located at the northeast corner of the Berrydale/Table Rock Road intersection. The vacant parcel is zoned MFR-20. There is nothing to suggest that either a potential 25 to 70-unit multiple family housing complex on the subject property (or the proposed fire station in the configuration proposed) will in a significant way, impact the appropriate future development of either of the nearby parcel, and the Commission concludes that neither form of potential development would produce significant impacts to said vacant parcel.

Summary Conclusion of Law for MLDC 10.248(1): Based upon the foregoing Findings of Fact and Conclusions of Law, the Planning Commission concludes that the application is consistent with the requirements of MLDC 10.248(1) because this proposal for the replacement of an existing Fire Station (and portions of the station to remain) will cause no significant adverse impact upon the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.

MLDC 10.248(2): The Planning Commission understands MLDC 10.248(2) to require the Commission to first assess the potential impacts a proposed conditional use may produce in order to access the conflicting interests. The potential impacts have been properly assessed in the Commission's consideration of MLDC 10.248(1) above. This assessment leads the Commission to conclude that to the extent there are conflicting interests, the same are the interests of the owners of surrounding housing to have an environment relatively free from excessive and offensive noise, visual impacts, excessive traffic, off-street parking problems, the potential for property value impacts, and the potential for this (or any) conditional use to adversely affect the appropriate future development of surrounding lands. The Commission concludes that it has properly assessed the potential for the named categories of impact against the proposed fire station (and for otherwise appropriate multiple family housing) and concludes that while there may be some adverse impacts, none will rise to the level of significant. The Planning Commission also concludes that the fire station, including its buildings, facilities, appurtenances and associated operations (all as set forth in the Findings of Fact in Section IV) are in the public interest because the fire station will provide a needed and essential life/safety public service to the surrounding Medford community. Therefore, the Planning Commission concludes, in the alternative, that this proposed fire station facility is in the public interest, and the conditions imposed by the Commission (as contained in the Commission Report on this matter) are sufficient to produce a reasonable balance between the conflicting interests. Therefore, the Commission concludes that compliance with MLDC 10.248(2) has been properly established.

* * * * * * * * * * * * * * * *

REQUEST FOR EXCEPTION RELIEF

Applicant City of Medford Fire Department seeks the approval of exception relief from the provisions of the MLDC which govern the width of driveways, their spacing and permissible locations. In particular, for commercial uses[3] driveways along streets with relatively light traffic loading — like Berrydale Avenue — must be no wider than 36 feet. In this instance, Applicant asserts that greater driveway width — in this instance, approximately 98 feet — is required to enable the rapid and proper egress and deployment of emergency apparatus from three equipment bays proposed for this site. This exception is also intended to cover other provisions of MLDC 10.550 which may also apply to the proposed additional driveways intended to serve fire station personnel for non-emergency ingress and egress. These provisions include:

- MLDC 10.550(3)(a)(1) Driveways shall be placed adjacent to the property line of a contiguous parcel if possible to do so and meet driveway spacing requirements of this section.
- Table at MLDC 10.550-3 which requires the spacing of driveways further apart than is proposed in this application.
- MLDC 10.550(3)(a)(2) Number of Driveways for each Separately Owned Tract. Within the requirements set forth in a. (1) above, driveway access to an Arterial Street shall be limited to one driveway for each tract of property owned.
- MLDC 10.550(3)(a)(3) Cross-Access Easement Required. Any parcel or tract granted driveway access to an Arterial or Collector Street shall grant cross-access easements to all contiguous parcels or tracts that do not abut a street of a lower order than an Arterial or Collector Street. Site design must accommodate future use of such accesses.

  Use of shared driveways on multiple parcels or tracts and cross-access easements shall be required when site and traffic conditions, including projections of future traffic volumes and movements, indicate that such requirements will preserve the capacity and safety of the transportation system.

In making this exception request, it is worthwhile to point out that the existing station has no "driveway(s)" whatsoever; the entire frontage on Berrydale Avenue has open access that is not constrained by curbing, landscaping or other means to define travel areas. The proposed site improvements for the proposed fire station will have concrete curbing and landscaping used to distinguish travel areas.

* * * * * * * * * * * * * * * * *

Exception Criterion 1

MLDC 10.253 CRITERIA FOR AN EXCEPTION

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

(1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be

[3] MLDC 10.550(1) provides that institutional uses shall be considered commercial uses for purposes of that subsection.

> injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met.

Discussion; Conclusions of Law: Criterion 1 begins with a requirement to evaluate, "the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located." The subject property is zoned Urban Multiple Family Residential (MFR-20) and its purpose is set forth in MLDC 10.311:

> **"10.311 MFR-20, Multiple-Family Residential - 20 dwelling units per gross acre**
>
> "This urban residential district provides for higher density townhouses and multiple-family dwellings, including duplexes and apartments, and group quarters. It is suitable and desirable for locations near neighborhood activity centers or mass transit.
>
> In MFR-20, the maximum number of dwelling units (DU) permitted per gross acre, or fraction thereof, shall fall within the following range: Minimum and Maximum Density Factor (df) . . . . . 15.0 to 20.0 DU/gross acre"

The stated purpose for the MFR-20 zone references the delivery of higher density housing near neighborhood activity centers and transit, going on to state the allowable density range of from 15 to 20 housing units per acre. MLDC 10.311 contains nothing relevant to the delivery of either emergency services facilities in general nor fire stations in particular. As such, the Planning Commission concludes that the proposed fire station is not inharmonious, and, therefore, the Commission concludes that it is in harmony with the general purpose and intent of the MFR-20 zone.

Criterion 1 also requires a conclusion that the exception shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. In context of this application the Planning Commission concludes that it need only show that the greater driveway width (and exceptions from other spacing/location standards in MLDC 10.550) will not injure or otherwise be detrimental to the health, safety, and general welfare or adjacent natural resources. With respect to natural resources, the Planning Commission concludes that this property is located within incorporated Medford and there are few undeveloped nearby parcels and none that contain natural resources which are protected under the Medford Comprehensive Plan. Within the larger surrounding area there is only one known natural resource — Bear Creek, including its wetlands and riparian area. However, Bear Creek is an appreciable distance and not adjacent to the subject property and there is nothing to suggest that granting this exception will injure or otherwise threaten injury to Bear Creek or its protected attributes. There also are no protected natural resources located upon the subject property and there is no evidence to the contrary.

With respect to whether this exception to driveway width (and other spacing/location standards in MLDC 10.550) will be injurious to the general area, the Planning Commission concludes that it will not be injurious as the additional expanse of concrete, while perhaps to some unattractive, will nonetheless permit the proper and rapid deployment of emergency apparatus. In reaching this conclusion, the Planning Commission also concludes that unlike ordinary vehicles that traverse the municipal transportation system, emergency vehicles have the capacity to temporarily alter the traffic flow by use of lights and (when needed) sirens to

ensure that fire station egress can and will be safe and not be injurious to the general area. Accordingly, the Planning Commission concludes that this fire station will serve the general surrounding area and to the extent that the additional expanse of concrete (and nonobservance of other municipal spacing/location standards) may not be as attractive as more narrow driveways (and those which observe otherwise required location and spacing standards) the health, safety, and general welfare of the surrounding area will, in balance, be enhanced by facilitating more rapid and proper deployment of emergency apparatus. Therefore, the Planning Commission further concludes that the granting of this exception will not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare.

For the reasons above explained, the Planning Commission concludes that this exception to driveway width is appropriately satisfied under the terms of Exception Criterion 1.

* * * * * * * * * * * * * * * *

Exception Criterion 2

(2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.

Discussion; Conclusions of Law: The Planning Commission concludes that the proposed exception is specific to driveway width and related access regulations and does not have the effect of permitting the establishment of any use which is not permitted in the Urban Multiple Family Residential (MFR-20) zone in which the property is located. As such, the Planning Commission concludes that this exception is consistent with and satisfies Exception Criterion 2.

* * * * * * * * * * * * * * * *

Exception Criterion 3

(3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.

Discussion; Conclusions of Law: The Planning Commission concludes that any site within incorporated Medford that is proposed to accommodate a new fire station (or to facilitate changes and access improvement to existing stations) will necessarily require an exception to driveway width (and other driveway location and spacing standards) especially for stations that feature multiple emergency apparatus bays. While it might be argued that there are some locations within incorporated Medford where standards related to driveway spacing and location might be attainable, these typically do not exist in developed portions of the city where the subject fire station is to be located. As a matter of emergency services delivery, the Planning Commission concludes that fire stations are best located where they are able to rapidly and efficiently serve buildings and other improvements within their existing or planned service areas. In this instance, the much larger surrounding area is almost

completely occupied by existing urban development which presents no opportunity to locate this fire station where it might comply with the City's driveway spacing and location standards. As to driveway width, there are no potential sites that can accommodate the greater driveway width needed and herein proposed because such width is categorically precluded by the plain and unambiguous terms of the MLDC.

The second portion of Exception Criterion 3 requires a showing that strict application of the standards (in MLDC 10.550) will result in peculiar, exceptional, and undue hardship on the owner. The Planning Commission concludes that the owner of the subject property is the City of Medford, which in context of this application, operates on behalf of its citizens. If the standards in MLDC 10.550 were strictly applied, the Planning Commission concludes that the same would reduce the speed and efficiency of emergency apparatus deployment which would produce upon its citizens a peculiar, exceptional, and undue hardship by reducing emergency response times.

For the reasons established above, the Planning Commission concludes that this application satisfies the requirements of Exception Criterion 3.

* * * * * * * * * * * * * * * * *

Exception Criterion 4

(4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

Discussion; Conclusions of Law: Based upon the evidence, the need for this exception does not result from any illegal act and there is no evidence to suggest otherwise. While Applicant City was aware of the standards from which exception relief is sought, it was with the knowledge that *any* fire station site would require similar relief from application of the standards in MLDC 10.550 and, if not approved, compromised emergency apparatus egress/deployment would be suffered directly [by the property in question], the City and its citizens. Therefore, the Planning Commission concludes that the requirements of Exception Criterion 4 have been satisfied.

VI

ULTIMATE CONCLUSIONS

Based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that these applications for Conditional Use Permit and for Exception relief, is consistent with all of the relevant substantive approval criteria of the City of Medford as set forth and addressed herein above. Therefore, the Planning Commission on behalf of the City orders that these applications be, and the same hereby are, approved and made subject to the conditions set forth in the Commission Report for this matter.

Respectfully submitted on behalf of applicant:

CSA PLANNING, LTD.

Craig Stone
Consulting Planner

Original Submittal November 21, 2014
Revised Submittal January 29, 2015

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Exception Application addendum #1, Medford Fire Station #4 (CUP-14-128 & E-15-027).

This addendum (#1) adds the following exception request to the existing exception application for Medford Fire Station #4

Project Description:

Project Name:	Fire Station 4	# Proposed Lots: 1
Project Address:	2208 Table Rock Road	
Map #:	37 2W 13DC	Tax Lot #(s): 201
Existing Zoning:	MFR-20	GLUP Map Designation: UH

Consideration of a request for a Conditional Use Permit to allow for the construction of a replacement of Fire Station #4 and an Exception to driveway width standards on a 3.54 acre parcel located east of Table Rock Road on the south side of Berrydale Avenue west of the Railroad Park, within a MFR-20 (Multiple-Family Residential - 20 dwelling units per gross acre) zoning district.

Exception Request:

In coordination with City of Medford, the project team requests a variance to the right of way dedication outlined in the City of Medford Land Use Code. Granting this exception will exclude the requirement to dedicate a parkway strip as part of the right of way, and allow the existing sidewalk at Medford Fire Station #4 to continue to service the facility. The existing sidewalk is indicated on the drawings provided with CUP-14-128.

CITY OF MEDFORD
EXHIBIT # I
File # CUP-14-128
E-15-027

Section 10.253, Criteria for an Exception.
No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

(1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met.

This variance addresses existing conditions, and effectively integrating them with planned improvements. The City of Medford has assisted in coordinating this variance aligns with the intent and regulations of the Land Development Code, and is NOT injurious or detrimental.

(2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.

No change in use

(3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.

As stated above; this variance has been coordinated with the City of Medford as part of plan to provide the highest quality public improvements at the existing fire station.

(4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

Not applicable

Regards,

Nathan Elliott

OgdenRoemerWilkerson
Architecture

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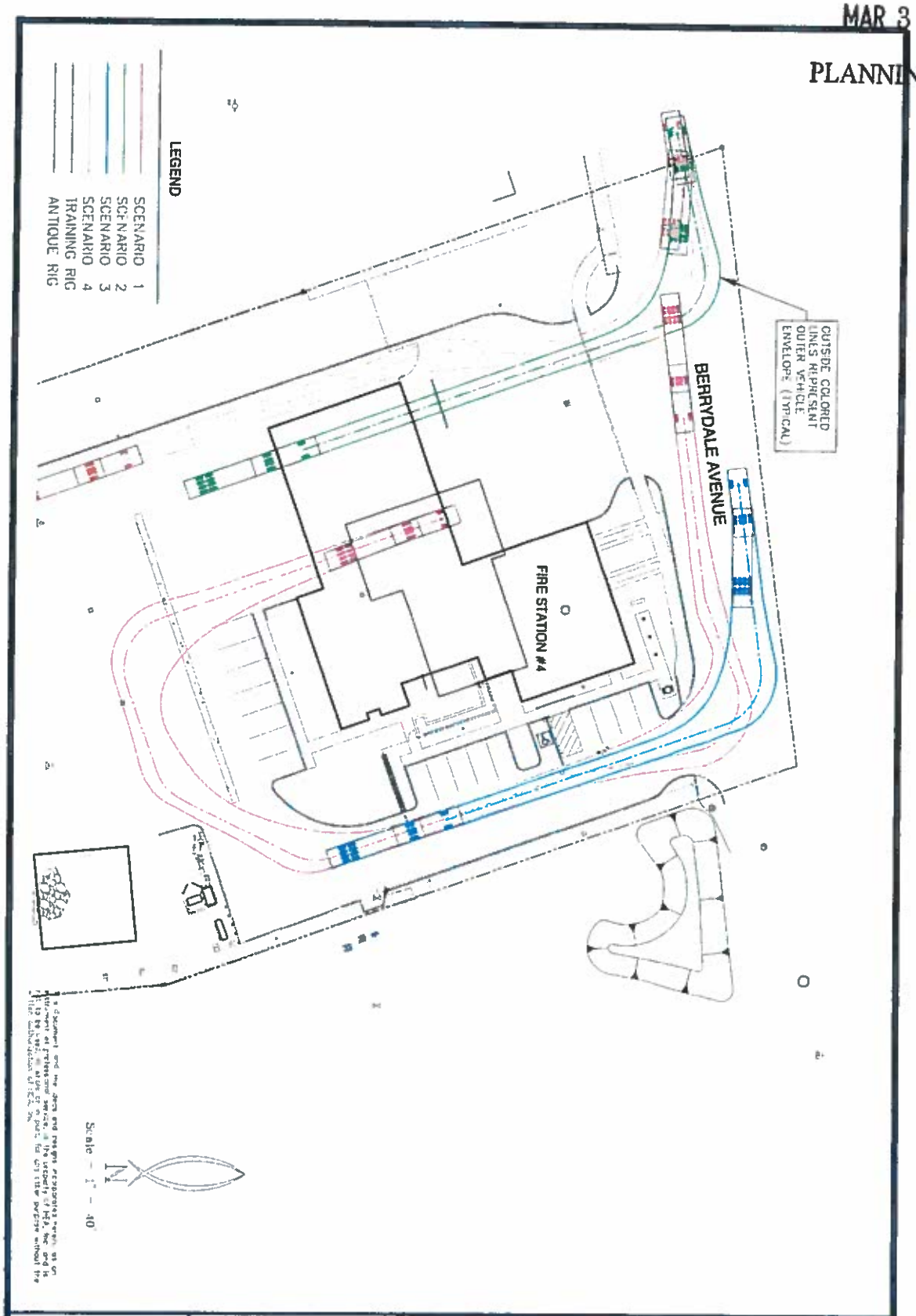
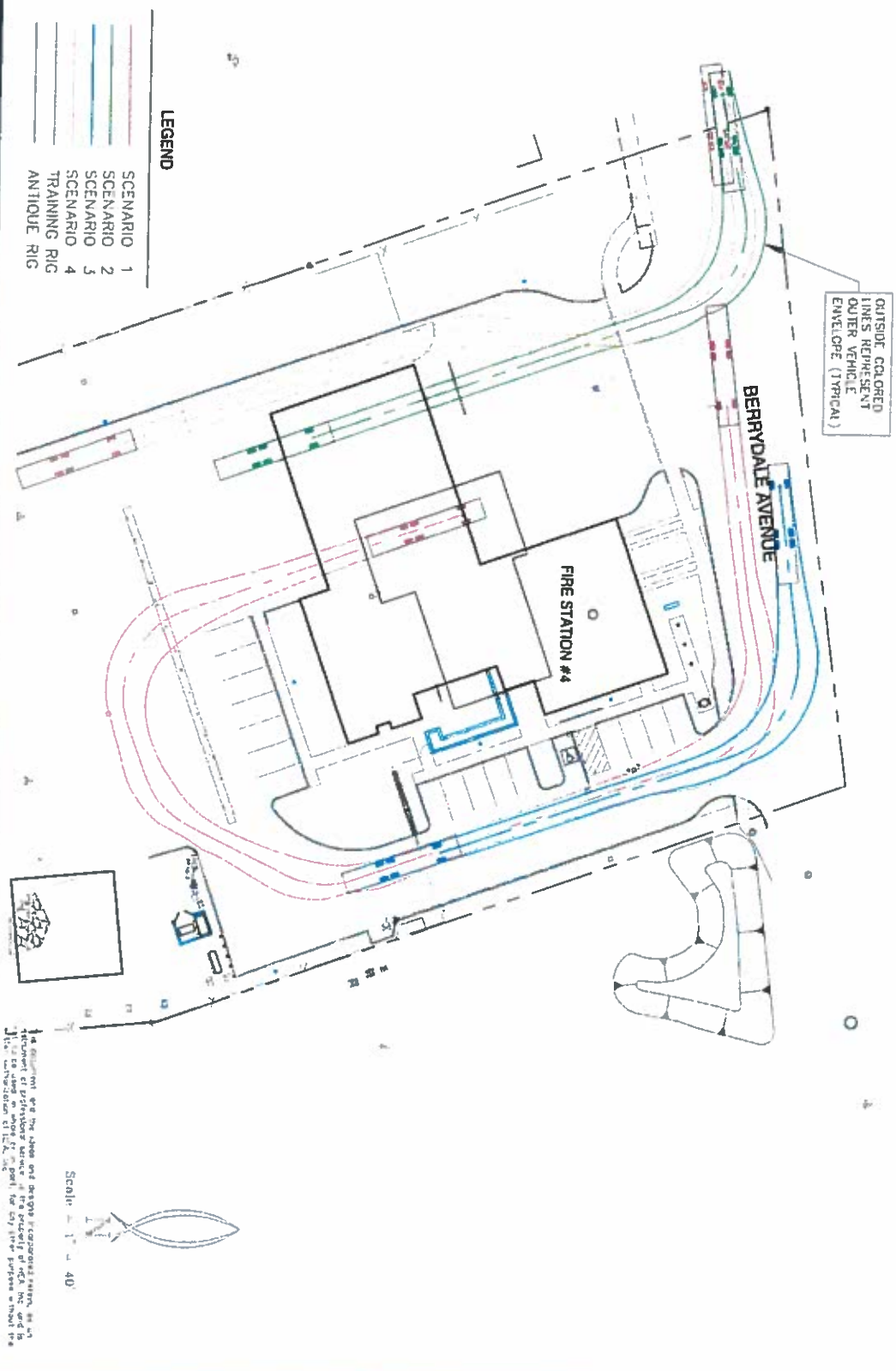


PROJECT INFO	PROJECT	EXHIBIT
HEA Project No: 013-03 14-2 Drawing File: AutoTRUN 5ft.dwg Drawing Status: 100%	FIRE STATION #4 FIRE ENGINE MANEUVERING 60' - 100' AERIAL 500# TIP TILLER AND BODY ASSEMBLY	
SHEET 5 OF 6		

CITY OF MEDFORD
EXHIBIT # J
File # CUP-14-128
E-15-027



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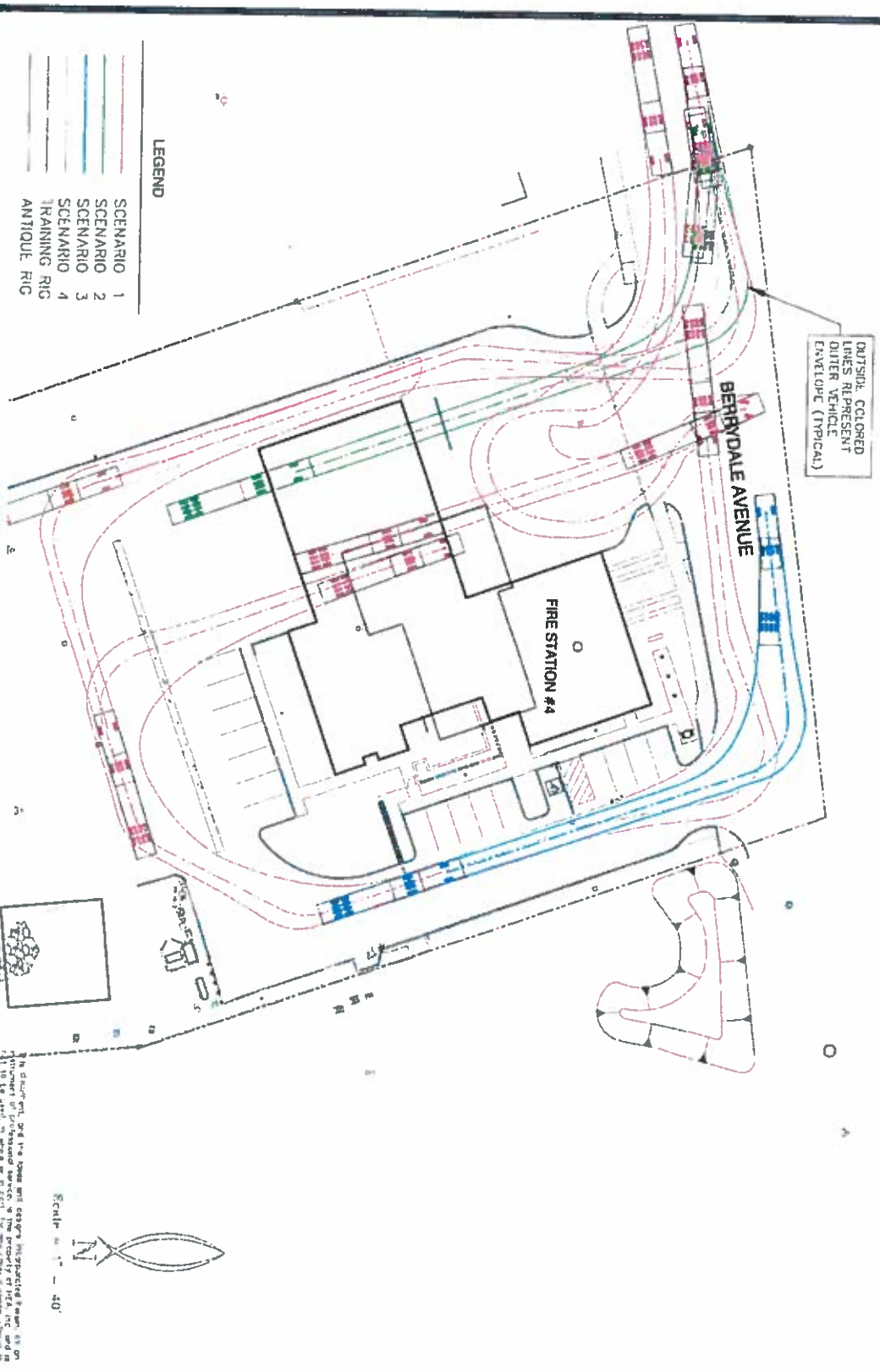
SHEET 6 OF 6		



PROJECT INFO	PROJECT	EXHIBIT
HEA Project No: 013-03-14-2 Drawing File: AutoTRUN 60ft.dwg Drawing Status: 100%	FIRE STATION #4 FIRE ENGINE MANEUVERING 60' - 100' AERIAL 500# TIP TILLER AND BODY ASSEMBLY	Hardey Engineering & Associates, Inc. P.O. BOX 1625 MEDFORD, OREGON 97501 VOICE: 541-772-6580 WWW.HEA-INC.COM
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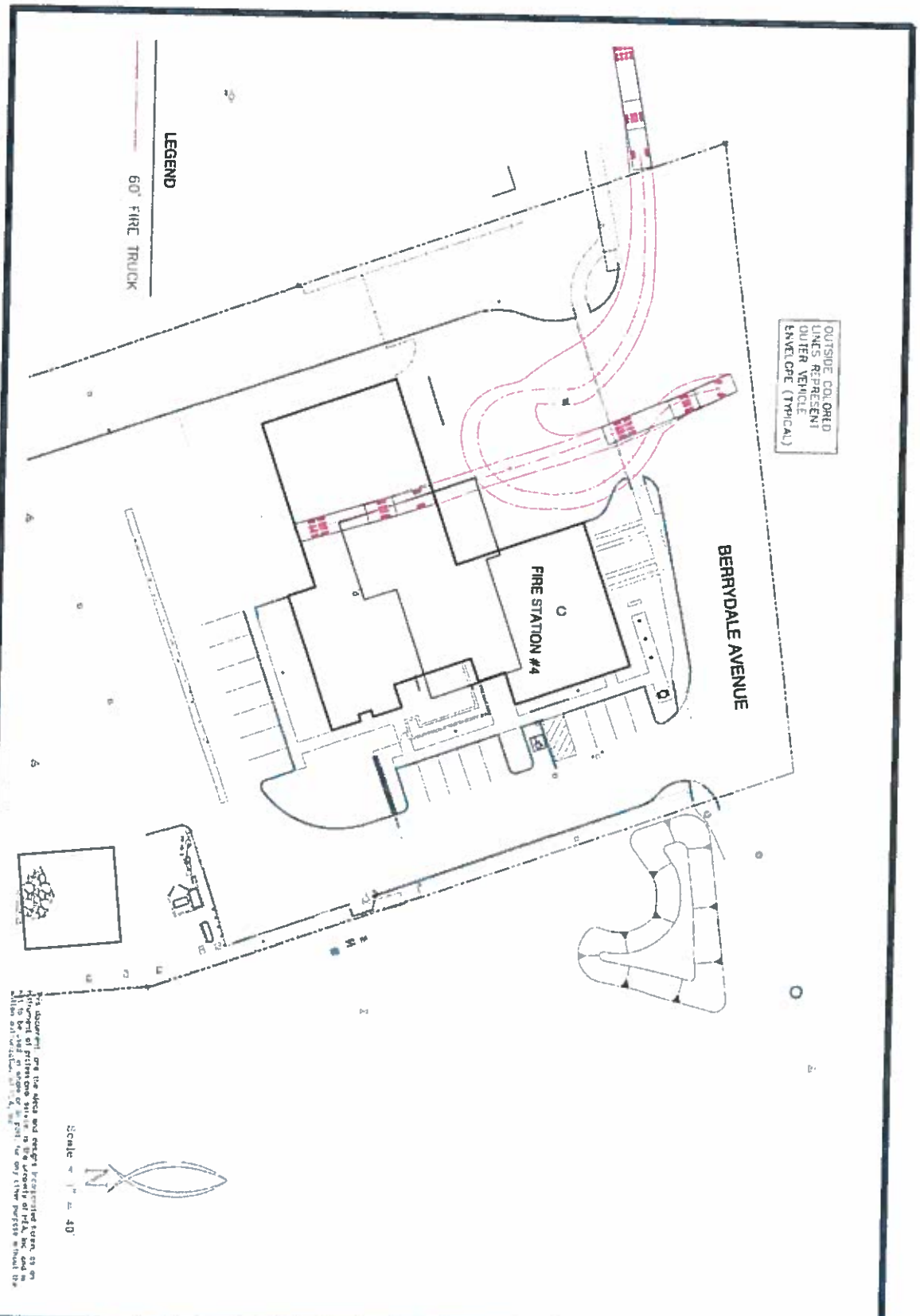

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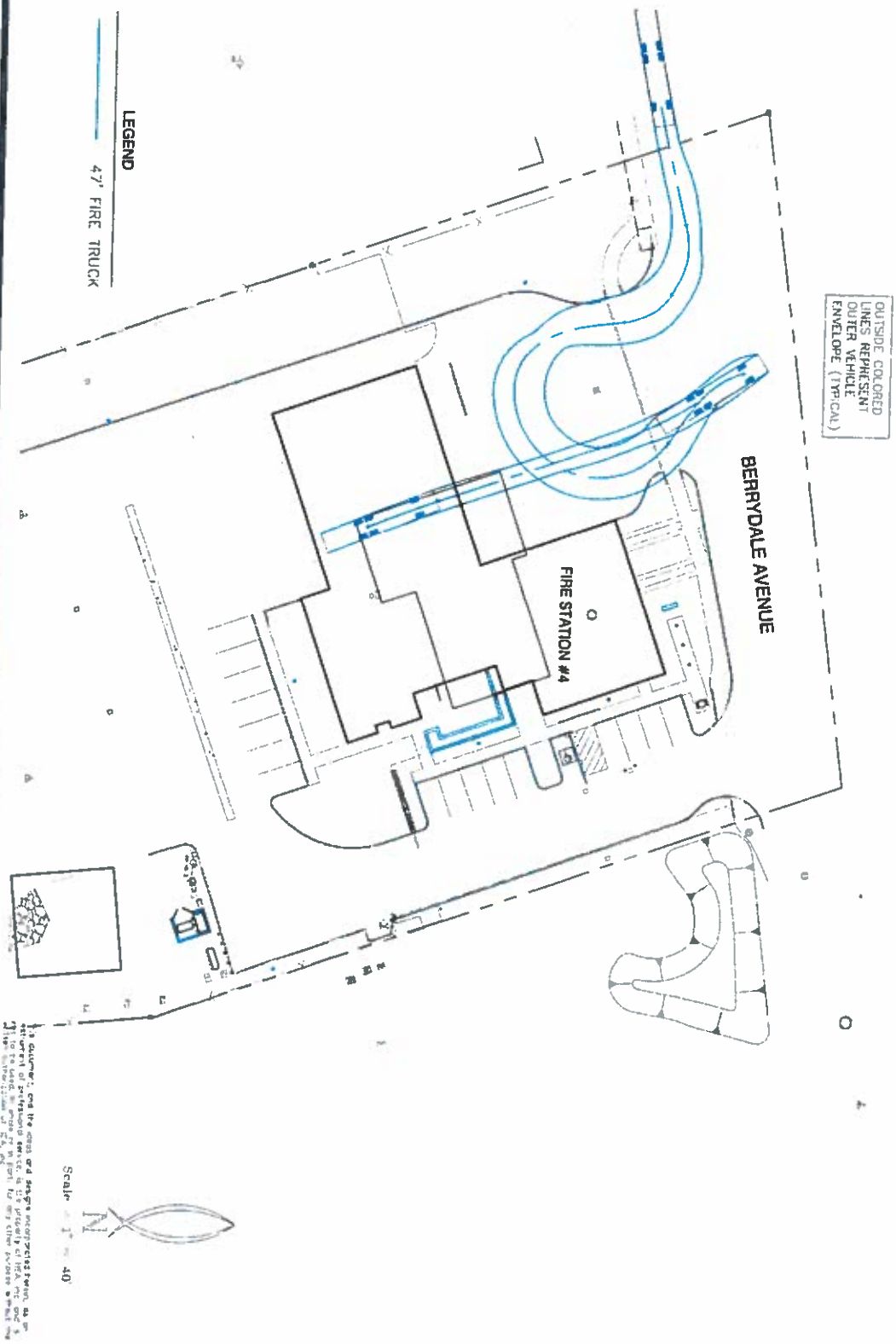

PROJECT INFO	PROJECT	EXHIBIT
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CITY OF MEDFORD

Date: 3/11/2015
File Number: CUP-14-128/E-15-027

PUBLIC WORKS DEPARTMENT STAFF REPORT
FIRE STATION #4

Project: **Consideration of plans for the construction of a City of Medford Fire Station and associated Exception request seeking relief to maximum driveway width requirements in Medford Land Development Code (MLDC) 10.550.**

Location: **East of Table Rock Road on the south side of Berrydale Avenue west of the Railroad Park on a 3.54 acre parcel. 372W13DC TL201, also known as 2208 Table Rock Road.**

Zoning: **MFR-20 District**

Applicant: **City of Medford: Fire-Rescue Department (Greg McKown)**

NOTE: The items listed here shall be completed and accepted prior to the respective issuances of permits and certificates:

Prior to issue of the first building permit, the following items shall be completed and accepted:

- Submittal and approval of plans for site grading and drainage, and detention.
- Completion of all public improvements. The applicant may provide security for 100% of the improvements prior to issuance of building permits. Construction plans for the improvements would need to be approved by the Public Works Engineering Department prior to acceptance of security.

Prior to issue of Certificate-of-Occupancy for completed structures, the following items shall be completed and accepted:

- Paving of all on-site parking and vehicle maneuvering areas
- Certification by the design engineer that the stormwater quality and detention system was constructed per the approved plan.

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CITY OF MEDFORD
EXHIBIT # K
File # CUP-14-128

A. STREETS

1. Dedications

Berrydale Avenue is classified as a standard residential street, and in accordance with Medford Land Development Code (MLDC) Section 10.430, it requires a total right-of-way width of 63 feet. Prior to issuance of any permit for construction, the developer shall dedicate for public right-of-way, sufficient width of land along the northern portion of this development to allow for the extension of Berrydale Avenue from the east terminus of the existing curb and gutter. Based on the Developers Site Plan and other records, it appears that the dedication width to meet this requirement will vary from 69 feet on the west end to 49 feet on the east end. The Developer may file an exception to eliminate the 8 foot planter strip requirement. In which case, the right-of-way dedication would then vary from 61 feet on the west end to 41 feet on the east end. (MLDC 10.451).

In accordance with MLDC, Section 10.471, the property owner shall dedicate a 10 foot Public Utility Easement (PUE) adjacent to the right-of-way line of the Berrydale Avenue extension.

The right-of-way and easement dedication shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: the right-of-way and easement dedication; a copy of a current Lot Book Report, Preliminary Title Report, or Title Policy; a mathematical closure report (if applicable), and the Planning Department File Number; for review and City Engineer acceptance signature prior to recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or mortgages on the right-of-way and PUE area.

2. Public Improvements

a. Public Streets

Berrydale Avenue along the frontage of this subdivision shall be improved to Standard Residential Street Standards with a 36 foot wide paved section, (designed to the City of Medford Standards), complete with curbs, gutters, 5-foot wide sidewalks and 8-foot wide planter strips. The Developer shall improve the north half plus 12 feet south of the centerline.
The Developer may file an exception to eliminate the 8 foot planter strip requirement and construct the 5 foot sidewalk adjacent to the curb. Public improvement plans for this work shall be submitted directly to the Public Works Engineering Department separately from plans submitted for the private improvements to the Building Department. See General Conditions Section 'D' for additional information.

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b. Street Lights

The Developer shall install two (2) new 150 watt HPS street lights and Base Mounted Cabinet (BMC) behind the sidewalk along the frontage of this Parcel. Public improvement plans for this work shall be submitted directly to the Public Works Engineering Department.

The street light is required to be completed and turned on prior to first building permit, or provide security for 100% of construction costs and sign a Land Development Agreement, if a building permit is desired prior to constructing the light.

c. Pavement Moratoriums

There is no pavement cutting moratorium currently in effect along this frontage.

3. Access and Circulation

Driveway access to the proposed development site shall be limited to two proposed driveways on Berrydale Avenue. Public Works supports an Exception for a 48-56 foot wide driveway at the west end of the site on Berrydale Avenue. The extra wide driveway is needed to accommodate the three doors, which are in close proximity to each other. The driveway approaches on Berrydale Avenue shall have 20 foot curb radii and concrete valley gutters at the throat of each driveway.

B. SANITARY SEWERS

This site lies within the Medford sewer service area. It is unclear where the sanitary sewer lateral is connected to the main. The Developer shall ensure that this connection is to an existing main as a separate individual lateral or make a new connection to an existing main with a separate lateral.

C. STORM DRAINAGE

1. Drainage Plan

A comprehensive drainage plan showing the entire project site with sufficient spot elevations to determine direction of runoff to the proposed drainage system, and also showing elevations on the proposed drainage system, shall be submitted with the first building permit application for approval. All area catch basins shall meet Department of Environmental Quality (DEQ) requirements, which include a down-turned elbow and sump.

The Developer shall provide copies of either a Joint Use Maintenance Agreement or a private stormdrain easement for any stormwater draining onto or from adjacent private property.

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2. Grading

A comprehensive grading plan showing the relationship between adjacent property and the proposed development shall be submitted with the building permit application for approval. Grading on this development shall not block drainage from an adjacent property or concentrate drainage onto an adjacent property without an easement. The developer shall be responsible that the final grading of the development shall be in compliance with the approved grading plan.

3. Detention and Water Quality

Stormwater quality and detention facilities shall be required in accordance with MLDC Section 10.481 and 10.729.

4. Certification

Upon completion of the project, and prior to certificate of occupancy of the building, the developer's design engineer shall certify that the construction of the stormwater quality and detention system was constructed per plan. Certification shall be in writing and submitted to the Engineering Division of Public Works. Reference Rogue Valley Stormwater Quality Design Manual, Appendix I, Technical Requirements.

5. Erosion Prevention and Sediment Control

All development that disturbs 5,000 square feet or greater shall require an Erosion Prevention and Sediment Control Plan. Developments that disturb one acre and greater shall require a 1200C permit from the Department of Environmental Quality (DEQ). Erosion Prevention and Sediment Control Plans shall be submitted to the Building Department with the project plans for development. All disturbed areas shall be covered with vegetation or properly stabilized prior to certificate of occupancy.

D. General Conditions

1. Design Requirements and Construction Drawings

All public improvements shall be constructed in accordance with the "Engineering Design Standards for Public Improvements", adopted by the Medford City Council. Copies of this document are available in the Public Works Engineering office.

2. Construction Plans

Construction drawings for any public improvements 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

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ENGINEERING & DEVELOPMENT DIVISION
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MEDFORD, OREGON 97501
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FAX (541) 774-2552

(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 Site Plan and Architectural 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.

3. Construction and Inspection

The Developer or Developer's contractor shall obtain appropriate right-of-way permits from the Department of Public Works prior to commencing any work within the public right-of-way that is not included within the scope of work described within approved public improvement plans. Pre-qualification is required of all contractors prior to application for any permit to work in the public right-of-way.

4. Site Improvements

All on-site parking and vehicle maneuvering areas related to this development shall be paved in accordance with MLDC, Section 10.746, prior to issuance of certificate of occupancy for any structures on the site. Curbs shall be constructed around the perimeter of all parking and maneuvering areas that are adjacent to landscaping or unpaved areas related to this site. Curbs may be deleted or curb cuts provided wherever pavement drains to a water quality facility.

5. System Development Charges

Buildings in this development are subject to street, storm drain, sanitary sewer collection and treatment system development charges (SDC). All SDC fees shall be paid at the time individual building permits are issued.

Prepared by: Doug Burroughs

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SUMMARY CONDITIONS OF APPROVAL
City of Medford, Fire Station #2
CUP-14-128/E-15-027

A. Streets

1. Street Dedications to the Public:

Dedicate varying width from 69 feet on the west end to 49 feet on the east end for the extension of Berrydale Avenue.

2. Improvements:

Construct half plus 12 feet of Standard Residential street along northern portion of this development. Public improvement plans for this work shall be submitted directly to the Public Works Engineering Department.

Construct two (2) 150 watt HPS street lights along frontage. Requires public improvement plan submittal.

Access driveway approach Exception allowed up to 56 feet wide.

B. Sanitary Sewer:

Ensure or construct separate individual sanitary sewer connection.

C. Storm Drainage:

Provide a comprehensive grading and drainage plan.

Provide water quality and detention facilities, calculations and O&M Manual.

Provide engineers certification of stormwater facility construction.

Provide copy of an approved Erosion Control Permit (1200C) from DEQ for this project.

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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FAX (541) 774-2552

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

RECEIVED
MAR 11 2015
PLANNING DEPT.

LAND DEVELOPMENT REPORT - PLANNING

To: Jennifer Jones

LD Meeting Date: 03/11/2015

From: Fire Marshal Kleinberg

Report Prepared: 02/27/2015

File #: CUP - 14 - 128

Associated File #'s: E - 15 - 27

Site Name/Description: Replacement of Fire Station 4

Consideration of a request for a Conditional Use Permit to allow for the construction of a replacement of Fire Station #4 and an Exception to driveway width standards on a 3.54 acre parcel located east of Table Rock Road on the south side of Berrydale Avenue west of the Railroad Park, within a MFR-20 (Multiple-Family Residential - 20 dwelling units per gross acre) zoning district; City of Medford Fire-Rescue Department/Parks & Recreation Department, Applicants (Ogden Roemer Wilkerson Architecture, Agent). Jennifer Jones, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE
Approved as Submitted	
Meets Requirement: No Additional Requirements	

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.

CITY OF MEDFORD
EXHIBIT # L
File # CUP-14-128
E-15-027

RECEIVED
MAR 11 2015
PLANNING DEPT.

Memo

To: Jennifer Jones, Planner, Planning Department

From: Tanner Fairrington, Building Department

CC: City of Medford Fire-Rescue Department / Parks & Recreation Department, Applicant
Ogden Roemer Wilkerson Architecture, Agent

Date: March 11, 2015

Re: March 11, 2015 LDC Meeting: CUP-14-128/E-15-027

Please Note:

This is not a plan review. These are general notes based on general information provided. Plans need to be submitted and will be reviewed by a commercial plans examiner to determine if there are any other requirements for this occupancy type.

Fees are based on valuation. Please contact the front counter for estimated fees.

1. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Code and Design Information" on left side of screen; click on "Design Criteria"; and select the appropriate design criteria.

2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" on left side of screen for information.

General Comments:

3. The comments below are based on the site plans and elevations submitted. When final plans are submitted, and building information is provided, a more thorough review can be provided.

Site Plan

4. Accessible parking spaces to be per section 1106.7 of the 2014 OSSC, including figures referenced (see Building Codes Division for 2014 OSSC Errata which included these figures, dated October 16, 2014). Locations appear to be acceptable.

5. Please provide sufficient curb and sidewalk spot elevations, and sidewalk slopes, to review accessible route from accessible parking locations to main entrance.

CITY OF MEDFORD
EXHIBIT # M
File # CUP-14-128
E-15-027

RECEIVED
MAR 11 2015
PLANNING DEPT.

MEDFORD WATER COMMISSION

BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

FROM: Rodney Grehn P.E., Water Commission Staff Engineer

SUBJECT: CUP-14-128 & E-15-027

PARCEL ID: 372W13DC TL 201

PROJECT: *Consideration of a request for a Conditional Use Permit to allow for the construction of a replacement of Fire Station #4 and an Exception to driveway width standards on a 3.54 acre parcel located east of Table Rock Road on the south side of Berrydale Avenue west of the Railroad Park, within a MFR-20 (Multiple-Family Residential – 20 dwelling units per gross acre) zoning district; City of Medford Fire-Rescue Department/Parks & Recreation Department, Applicants (Ogden Roemer Wilkerson Architecture, Agent). Jennifer Jones, Planner.*

DATE: March 9, 2015

I have reviewed the above plan authorization application as requested. Conditions for approval and comments are as follows:

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. Applicants' civil engineer shall coordinate with MWC Engineering Department for required engineered plans for the proposed fire service vault and domestic water meter locations.
4. Installation of an MWC approved backflow device is required for all commercial, industrial, municipal, and multi-family developments. New backflow devices shall be tested by an Oregon certified backflow tester. See MWC website for list of certified testers at the following web link http://www.medfordwater.org/Page.asp?NavID=35 .

COMMENTS

1. Off-site water line installation is required, adjoining parcel to east is owned by the City of Medford.
2. On-site water facility construction is required. (See Condition 3)
3. MWC-metered water service does exist to this property. A 2-inch water meter serves the existing Fire Station buildings. (See Condition 3 above)
4. Static water pressure is approximately 80 psi.
5. Access to MWC water lines is available. There is a 24-inch water line near the east property line. The neighboring parcel to the east is owned by the City of Medford.

CITY OF MEDFORD
EXHIBIT # N
File # CUP-14-128
E-15-027

RECEIVED
MAR 31 2015
PLANNING DEPT.

MEDFORD PARKS & RECREATION

HEALTHY LIVES. HAPPY PEOPLE. STRONG COMMUNITY.

TO: Planning Department

FROM: Pete Young, Parks & Recreation Planner

SUBJECT: LANDSCAPE / IRRIGATION REVIEW OF CUP-14-128/E-15-027

DATE: March 30, 2015

I have reviewed the applicant's landscape plan and recommend it be approved as submitted.

CITY OF MEDFORD
EXHIBIT # O
File # CUP-14-128
E-15-027

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RECEIVED
MAR 17 2015
PLANNING DEPT.

Jennifer M. Jones

From: MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>
Sent: Tuesday, March 17, 2015 12:36 PM
To: Jennifer M. Jones
Subject: CUP-14-128/E-15-027

Jennifer,

Thank you for sending agency notice of an application for a Conditional Use Permit to allow for the construction of a replacement of Fire Station #4 and an Exception to driveway width standards on a 3.54 acre parcel located east of Table Rock Road on the south side of Berrydale Avenue west of the Railroad Park, within a MFR-20 (Multiple-Family Residential – 20 dwelling units per gross acre) zoning district. We reviewed this and determined that it would not significantly affect state transportation facilities under the State Transportation Planning Rule (OAR 660-012-0060) or State Access Management Rule (OAR 734-051-000). We have no further comments at this time.

Don Morehouse
Senior Transportation Planner
ODOT Region 3, District 8 (Rogue Valley Tech Center)
Ph: (541) 774-6399
Fax: (541) 774-6349
Donald.Morehouse@odot.state.or.us

CITY OF MEDFORD
EXHIBIT # P
File # CUP-14-128
E-15-027

RECEIVED
MAR 11 2015
PLANNING DEPT.

STAFF MEMO

To: Jennifer Jones

From: Jennifer Ingram, Address Technician

Date: 3/16/2015

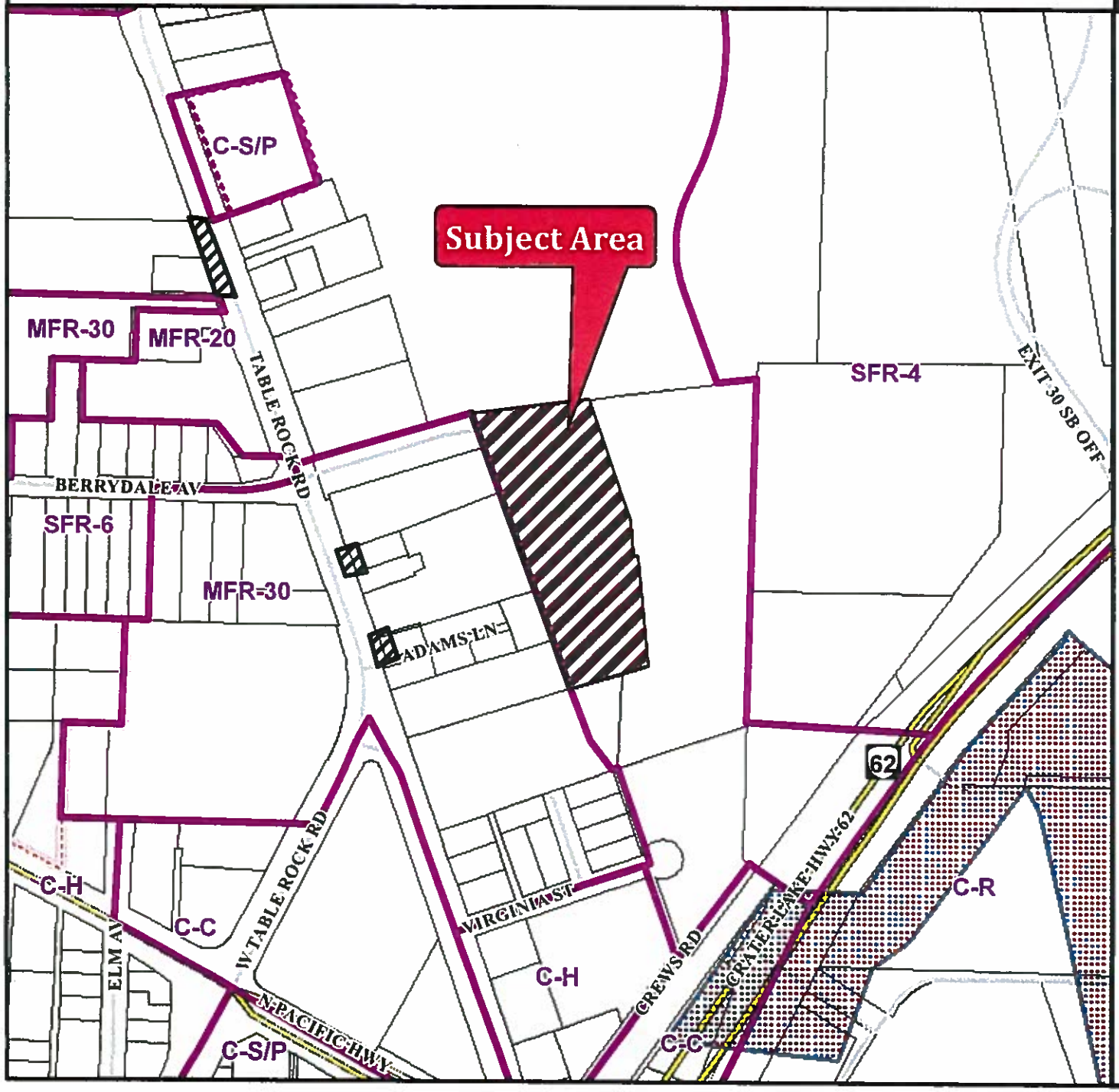
Subject: CUP-14-128/E-15-027

Due to the proposed dedication of Berrydale Ave east of Table Rock Rd, the new Fire Station #4 building will be more closely associated with Berrydale Ave rather than Table Rock Rd. Therefore, at the time of application for building permits, the address will be changed from 2208 Table Rock Rd to 750 Berrydale Ave.

CITY OF MEDFORD
EXHIBIT # Q
File # CUP-14-128
E-15-027

CITY OF MEDFORD PLANNING DEPARTMENT

Vicinity Map



Application Name/Description:
Fire Station 4

Proposal:
Build new fire station- in MFR-20 zoning

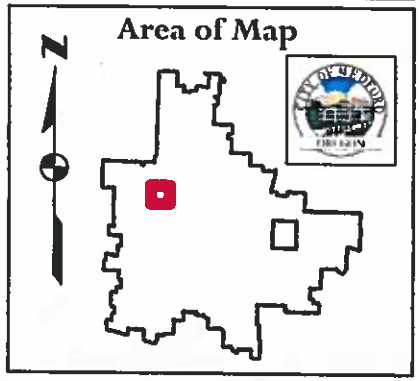
File Numbers:
CUP-14-128

Applicant:
City of Medford: Fire-Rescue Department

Map/Taxlot:
372W13DC TL 201

- Subject Area
- Medford Zoning
- UGB
- Tax Lots
- Historic
- Freeway Overlay

Area of Map



12/01/2014

CITY OF MEDFORD
PLANNING DEPARTMENT

STAFF REPORT

Date: April 2, 2015, for meeting of April 9, 2015

To: Planning Commission

From: Desmond McGeough, Planner II

Reviewed By: Kelly Akin, Principal Planner

Subject Delta Estates Subdivision Phase I, Zone Change, Tentative Plat, Exception (LDS-15-015, E-15-016, ZC-15-017)
HH Medford One, LLC (CSA Planning Ltd., Jay Harland, Agent)

BACKGROUND

Proposal

Consideration of a request for a consolidated application consisting of a Zone Change from SFR-10 (Single Family Residential, 10 dwelling units per gross acre) to SFR-6 (Single Family Residential, 6 dwelling units per gross acre) on one parcel totaling 11.36 acres, a tentative plat for a 57 lot residential subdivision, and an associated Exception request seeking relief to side yard setbacks on particular lots within the subdivision. The subject site is located east of the terminus of Ford Drive and north of the terminus of Cheltenham Way, within corporate limits of the City of Medford; HH Medford One, LLC., Applicant (CSA Planning Ltd., Agent).

Subject Site Zoning, GLUP Designation and Existing Uses

Zoning: SFR-10
GLUP: Urban Residential
Existing Use: Agricultural Use

Surrounding Property Zoning and Uses

North Zone: SFR-10
Use: Agriculture

South Zone: SFR-4 (Single Family Residential, 4 units dwelling per gross acre)
Use: Single Family Residential

East	Zone:	SFR-10
	Use:	Agriculture
West	Zone:	SFR-6 (Single Family Residential, 6 dwelling units per gross acre)
	Use:	Single Family Residential

Related Projects

ANNX-97-084 Root Annexation (65.27 ac.)
ZC-10-078 SFR-00/EA (Single Family Residential, one dwelling unit per parcel/Exclusive Agricultural Overlay) to SFR-10 on 65.27 acres
LDP-13-086 Delta Waters Properties, three lot partition

Applicable Criteria

ZONE CHANGE APPROVAL CRITERIA
MEDFORD LAND DEVELOPMENT CODE SECTION 10.227

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 Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.

(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 (1) 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 (1) 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 (1) 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 (2) 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 or 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.

LAND DIVISION APPROVAL CRITERIA
MEDFORD LAND DEVELOPMENT CODE 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.

EXCEPTION APPROVAL CRITERIA
MEDFORD LAND DEVELOPMENT CODE SECTION 10.253

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority (Planning Commission/Site Plan and Architectural Commission) having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

(1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The Planning Commission/Site Plan and Architectural Commission shall have the authority to impose conditions to assure that this criterion is met.

(2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.

(3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.

(4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

ISSUES/ANALYSIS

Prior Approvals

The subject property was annexed to the City of Medford in 1998 (Ordinance 1998-126, file ANNX-97-084). The Planning Commission adopted a final order of approval for the Delta Waters Properties LLC zone change on February 10, 2011, which changed the zoning of the property from SFR-00 to SFR-10, subject to conditions (ZC-10-078). The SFR-10 zone district requires a density range of 6 to 10 dwelling units per gross acre.

On November 14, 2013, the Planning Commission adopted a final order dividing the original 65.27 acre parcel into three parcels for the purposes of estate planning. A condition of approval of was included specifying that no residential development would occur on any of the three parcels unit a subsequent final plat was approved for that particular parcel. Under the current SFR-10 zoning, the number of units required for Phase I ranges from a minimum of 68 to a maximum of 113; the number required for the overall 65.27 acres is a minimum of 392 and a maximum of 652 units.

Project Summary

The subject request is a consolidated application for zone change, land division and exception. The 11.36 acre site approximately extends 900 feet east to west and 530 feet north to south and is located at the terminus of Ford Drive on the west and the terminus of Cheltenham Way on the south. The zone change application proposes the rezoning of the subject property to SFR-6 from the current SFR-10 designation. Under

the current SFR-10 zoning, the density required for Phase I is a minimum of 68 units and a maximum of 113 units. Under the proposed SFR-6 designation, the minimum number of units that could be built on the parcel ranges from 45 to 68 units.

The applicant also seeks approval of a 57-lot tentative plat for the proposed SFR-6 zoned property. The overall gross density of the proposed development is five units per acre, which is the midpoint of the required density range for the SFR-6 zoning district. The proposed subdivision consists of two blocks of single family residential development with units generally orientated in a north or south direction to the fronting street, though a few units are oriented east to west on north to south running streets.

Development standards contained in Medford Land Development Code (MLDC) Section 10.710 for the SFR-6 zoning district require a 50-foot minimum interior lot width and 60-foot corner lot width. Minimum lot depth is 90 feet. Lot area requirements for the SFR-6 zone range in size from a minimum of 4,500 square feet to a maximum of 12,500 square feet. The subject plat submitted is consistent with all development standards of the MLDC.

The third component to this application is an exception request, where the applicant seeks relief to side yard setback standards for single-family dwellings (MLDC 10.710). The subject request pertains to particular lots within the development and only in particular circumstances where a third car garage is proposed to be constructed. Further discussion regarding the exception will be addressed in the exception criteria compliance section.

Density

As noted in the project description, based on the 11.36 acre gross acreage of the project area, the minimum number of units that could be built on the parcel is 45 and the maximum number permitted is 68. The applicant has proposed a total of 57 units for Delta Estates Phase I. The overall density calculates to five dwelling units per gross acre, which is the midpoint of the density range of the proposed SFR-6 zone district.

Street Dedication and Improvements

Ford Drive and Cheltenham Way are extensions of existing streets that run through adjoining subdivisions. Both roads are designated as standard residential streets. The tentative plat indicates the proposed right-of-way dedication of 63 feet in total width for each of the streets consistent with the MLDC 10.430. Both the proposed subject streets are fully located within the project boundaries; therefore, the applicant shall dedicate the entire full 63-feet of right-of-way width and construct streets in accordance with MLDC 10.430(2).

Cascara Street and Torrent Street are new streets street running south to north, located on the east and west boundaries of the property. The Public Works Report identifies these streets as minor residential streets, each with a 55-foot right-of-way dedicated to the public. Both of these proposed streets are also fully located within the project boundaries; therefore, the applicant shall dedicate the entire 55-feet of right-of-way width

and construct streets in accordance with MLDC 10.430(2). A condition of approval has been included requiring the developer to comply with the Public Works Report dated March 31, 2015 (Exhibit C).

Stormwater Quality and Detention Facilities

The applicant proposes one of three potential storm drain options depicted as Option A, B and C on the Conceptual Grading and Drainage Plan. Option A extends a storm drain outlet via an easement directly to the north at the outlet of the stormwater pond to the north. Option B would extend a stormwater connection to Garrett Creek to the northwest via an easement to Garrett Creek. If neither Option A nor B easement can be obtained, Option C includes a storm drain outlet to the existing Garrett Creek Box Culvert, located approximately 1,000 feet from the intersection of Owen Drive and Springbrook Road.

The Public Works Report notes that most of the storm water runoff from this site does not naturally flow to Garrett Creek. If Option A or B is elected, the Engineer of Record shall prepare a flood study showing no adverse impacts to downstream properties. If Option C is elected, a flood study will not be required.

This development shall provide storm water detention in accordance with MLDC 10.486 and water quality treatment in accordance with the Rogue Valley Stormwater Quality Manual. Since the development is more than five acres, a minimum of 2% of the gross area to be developed shall be set aside as an open pond for storm water detention and treatment purposes. The applicant has proposed a storm water facility detention pond on the north side of the future Owen Drive alignment that will accommodate storm drainage for each of the three parcels created by the three-lot partition plat approved in 2013.

Upon project completion, the design engineer shall provide written certification to the Engineering Division that the storm water system was constructed per plan. A condition of approval has been included requiring the developer to comply with the Public Works Report (Exhibit C).

Sanitary Sewer

The site lies within the Medford sewer service area. Based on the Public Works Report, the existing sanitary sewer collection system has capacity of a total of 380 residences for the overall 65.27 acre original parcel. As such, if the zone change and subdivision are approved, the same condition is still applicable to the overall 65.27 acres. The 57 units of this subdivision will reduce the available capacity to the total number of units that can be served on the other two parcels to 323 units. The original stipulation provided in ZC-10-078 will remain in effect until the City upgrades the Terminal Spur Sanitary Sewer Trunk Line, which will provide additional capacity.

The developer shall construct the necessary sanitary sewer facilities consistent with City of Medford standards. A sanitary sewer lateral shall be constructed to each new lot prior to the approval of the final plat for each phase. A condition of approval has been included requiring the developer to comply with the Public Works Report dated March 31, 2015 (Exhibit C).

Water Facilities

The Medford Water Commission (MWC) has provided comments (Exhibit G) regarding the application request and indicates the MWC system has capacity to serve the property. Off-site water line installation is not required. Water facility planning, design and construction will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service", and "Standards for Water Facilities, Fire Protection Systems, and Backflow Prevention Devices". All created parcels of property will be required to have metered water services prior to final plat approval, unless otherwise arranged with MWC. A condition of approval has been included requiring the developer to comply with the MWC Memo dated March 16, 2015 (Exhibit D).

Zone Change Criteria Compliance

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.

***

The preamble to the Public Works report notes that the Public Works Department's conditions of Approval for LDP13-086 and ZC-10-078 shall remain in full force, including trip cap conditions, as originally adopted unless amended or added by this Public Works Report. The table below provides required transportation improvements conditioned by ZC-10-078.

Intersection Improvements Per ZC-10-078	
CATEGORY "A" FACILITIES *Proposed Mitigation*	**CAPACITY LIMITS** *(SFR units or daily vehicle trips)*
Crater Lake Avenue & Owen Drive *Install mitigation to the satisfaction of City of Medford*	*Over 50 SFR units or 479 trips*
Delta Waters Road & Springbrook Road *Realign Springbrook and install signal*	*Over 69 SFR units or 661 trips*

Intersection Improvements Per ZC-10-078 (continued)	
CATEGORY "A" FACILITIES *Proposed Mitigation*	**CAPACITY LIMITS** *(SFR units or daily vehicle trips)*
Crater Lake Avenue & Delta Waters Road *East & westbound left turn lanes, eastbound right turn lane*	*Over 76 SFR units or 728 trips*
Delta Waters Rd. & Foothill Rd. *All-way stop & advanced flashing beacons*	*Over 246 SFR units or 2,355 trips*
Springbrook Rd. & Cedar Links Dr. *All-way stop control*	*Over 320 SFR units or 3,063 trips*
Springbrook Rd. & Lone Pine Rd. *Northbound right turn lane*	*Over 470 SFR units or 4,498 trips*
Crater Lake Highway (Hwy 62) & Delta Waters Rd. *Additional westbound left turn lane, or otherwise demonstrate facility adequacy.*	*Over 346 dwelling units or equivalent p.m. peak hour trips*

The applicant's Findings of Fact and Conclusions of Law (Exhibit B) note that the zone change reduces trip generation when compared to the current SFR-10 zoning and is fully consistent with the City's Transportation System Plan (TSP). Staff concurs with the applicant's Findings and recommends the Commission adopt the applicant's Findings pertaining to TSP compliance as submitted. The underlying General Land Use Plan (GLUP) Map designation on the subject property is UR (Urban Residential). The SFR-6 zone district is a permitted zone under this classification.

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

(b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one (1) of the following conditions must exist:

The applicant's Findings note that locational criterion 1(b) is applicable. While the proposed zone change does meet the criterion, it is not applicable to the subject application because the permitted density is proposed to decrease.

(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 Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.

Category "A" Facilities

Storm Drainage Facilities

Hopkins Canal traverses the west end of the project site, and the storm water from future development will not be allowed to drain into the canal. Instead, storm water from this site will be required to ultimately drain into Garrett Creek, a natural drainage course just north of the site. The applicant has prepared a Conceptual Drainage Plan that demonstrates three potential options for storm drainage for the proposed subdivision and area proposed for zone change. Subject to conditions of approval specified in the Public Works Report, storm drainage facilities for the zone change have been adequately addressed. The applicant's Findings identify that the proposed drainage will be constructed consistent with the Conceptual Grading and Drainage Plan prepared by their consultant. The Planning Commission can find that storm drainage facilities are adequate for the proposed change of zone.

Sanitary Sewer Facilities

Per the report from the Public Works Department, the existing sanitary sewer collection system has the capacity for the development of 380 single family units. A condition of approval for the original zone change of this property (ZC-10-078) limits future construction to 380 single family units until the City upgrades the Terminal Spur Trunk Line. At that time, the developer could add an additional 60 single family units before additional upgrades become necessary. Staff has reviewed the applicant's Findings of Fact and Conclusions of Law (Exhibit B) and recommends that the Planning Commission adopt the Findings as submitted by the applicant.

Water System

Based on the report provide by MWC, there is adequate capacity to serve the subject property for the zone change. As noted above, the maximum number of units that could be built under the proposed SFR-6 zone will decrease overall by 45 dwelling units. The Planning Commission can conclude the water system is sufficient to provide the property with a permanent water supply with adequate pressure and volume to serve both domestic needs and fire control requirements.

Streets and Street Capacity

As required by Section 10.461 of the Land Development Code, the applicant submitted a Traffic Impact Analysis (TIA) to the Public Works Department with the zone change application in 2010 (ZC-10-078). The total impact of the proposed development will require mitigation per the Public Works Report provided for the zone change application with the future development of the properties as addressed in the table above. Fifty units of the proposed subdivision will not require any off-site street improvements. The

Public Works Report pertaining to the land division component clearly addresses this issue. As the previous conditions of approval for off-site mitigation for the property are still in effect, and the proposed overall number of units will decrease upon the 65.27 acres as a whole, the Planning Commission can find that the adequate facilities exist for the proposed change of zone. Staff has reviewed the applicant's Findings and recommends that the Commission adopt the Findings as submitted.

Oregon Department of Transportation

The Oregon Department of Transportation issued a report and conditions of approval of the Zone Change application in 2010 (ZC-10-078) which addressed mitigation of traffic impacts at the intersection of Crater Lake Highway (Highway 62) and Delta Waters Road. The mitigation includes a second west-bound left turn lane on Delta Waters Road at the Crater Lake Highway intersection. The applicant proposed, and ODOT concurred, that site development upon the 65.27 acre site shall be limited to 346 dwellings (or the equivalent p.m. peak hour trip generation). Prior to the construction of more than 346 dwellings, the applicant shall install the proposed mitigation or otherwise demonstrate the intersection is adequate according to the facility adequacy requirements then in effect.

Based on applicant's Findings of Fact and Conclusions of Law and the information above, the Planning Commission can find each of the "Category A" facilities are adequately provided, and the request for zone change is consistent with both the City TSP and Comprehensive Plan GLUP Designation. Staff recommends the Commission adopt the applicant's Findings as submitted. The request for zone change to SFR-6 fully complies with Criteria 1 and 2.

<u>Land Division Criteria Compliance</u>

Staff recommends that the Planning Commission adopt the applicant's findings regarding the land division criteria as submitted.

If the Planning Commission contends that Section 10.708 pertaining to density and lot standards apply to this application, the Commission should direct the applicant to submit an application for Exception. The applicant has prepared precautionary exception findings for the consideration of the Commission (Page 12 of Exhibit C). However, it should be noted that an Exception application was not filed and the Class C application procedures required in the Land Development Code have not been followed for an Exception application. The Commission cannot decide on an exception at this time

(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;

The subject partition is consistent with the North Medford Circulation Plan. Local streets are not identified on the North Medford Circulation Plan; however, higher order streets such as Owen Drive to the north of the subject parcel and McLoughlin Avenue to the east are shown. While these streets are not located

upon the subject parcel, they are located upon future phases of the development. Both higher order streets were recognized by exhibit within the application for 3-lot partition approved in 2013.

The subject partition is consistent with the North Medford Circulation Plan. Local streets are not identified on the North Medford Circulation Plan. However, higher order streets such as Owen Drive to the north of the subject parcel and McLaughlin Avenue to the east are shown. While these streets are not located upon the subject parcel they are located upon future phases of the development. Both higher order streets were recognized by exhibit within the application for 3-lot partition approved in 2013.

The subject tentative plat meets all design standards set forth in the MLDC. With regard to the exceeding the block length standard, the location of existing streets dictates this and it is substantially less than the 20 % excess allowance that is permitted when the standard would trigger the implementation of an additional street. The applicant had initially submitted a tentative plat where parcel one did not meet the lot depth requirements. The applicant has since submitted a revised plat consistent with the development standard. Commission can find that the subdivision meets Criterion 1.

(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;*

This application meets this criterion, and will not prevent future development of the remainder of this property or of adjoining lands. The Commission can find that Criterion 2 is met.

(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;*

The applicant's findings of fact and conclusions of law provide that there is no other land division with this name, or similar name, according to Jackson County Records. The Commission can find Criterion 3 is met.

(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;*

The subject land division lies at the existing termini of Ford Drive and Cheltenham Way. The proposed development proposes the continuation of these residential streets. The Commission can find Criterion 4 is met.

(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;*

No private streets or alleys are proposed by this application. The Commission can find that Criterion 5 is not applicable.

(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.*

There are no adjoining agricultural lands within the EFU zone district. The Commission can find Criterion 6 is not applicable.

Exception Approval Criteria Compliance

Findings must indicate that:

(1) *The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The Planning Commission/Site Plan and Architectural Commission shall have the authority to impose conditions to assure that this criterion is met.*

The exception is clearly in harmony with the general purpose and intent of the regulations imposed by this Code for the zoning district in which the exception request is located. Approval of this exception will not be injurious to the general area, or detrimental to the health, safety, general welfare and natural resources in the area. The subject request only is applicable to certain lots within the development when the purchaser of a unit opts for a three car garage unit.

Staff notes that one story units, having a side-yard setback of four feet are permitted outright in the SFR-6 zoning district. The exception sought by the applicant only pertains to the encroachment of the one-story garage extension from a two-story dwelling unit and to allow that particular garage portion to be built four feet away from the side property line (See Applicant Exhibit 10 of Findings of Fact and Conclusions of Law – Exhibit B).

Approval of this exception will have no bearing on the required setback of a standard two-story unit structure with two-car garage option. The setback for such units will still need to be a minimum of almost eight feet. As shown in the applicant's Three-Car Garage Elevation exhibit setback comparisons, it becomes clear that the required

distance from property line to the two-story living area doubles in distance from property line when compared to a typical unit with a two car garage since the third car garage is eight feet in width. In other words, the two-story living portion of a structure must be located eight feet away, or more, from the side property line when a three-car garage option is not chosen. This is what is already required by the Land Development Code. However, if a three-car garage option would be selected, even when allowing a four foot setback to the one story garage component, the primary two-story living portion of the structure must be located 16 feet away from the property line, which is eight feet further than the standard placement per the MLDC standards.

Though the rationale for requirements for minimum side yard requirements are not expressly identified in the MLDC, staff notes that the primary purpose is to provide sufficient light, air, separation massing from an aesthetic standpoint, and to provide buffering and visual separation between adjoining owners. Seemingly, the allowance of a four-foot encroachment for a one story-portion of a two-story unit appears as to be an infringement to such objectives. However, when looked at with concurrently with consideration of what is possible in the SFR-6 zone district with regard to setbacks, this particular design and configuration will actually enhance the objectives associated with the established minimum side yard requirements.

As noted above, one-story units may be placed four feet away from the property line. The primary basis for requiring a ½ foot increase in building setback for each foot above 15 feet, which applies to two-story units, pertains to both aesthetic and buffering concerns of a two-story unit. A two-story unit, especially when placed adjacent to another two-story unit, will cause the dwellings to appear crammed together when the walls extend upward two floors without any change in the exterior wall plane. The small amount of negative space between units will cause a narrow, canyon-like effect from the street. From a streetscape perspective, this is generally considered undesirable under traditional conventions for single family subdivision development. This standard will usually create a seven to eight foot side yard setback for a typical two story unit.

Additionally, the ½ foot increase in the side (and rear) yard setback also ensures that a large, imposing structure is not placed four feet away from the property line on an adjoining lot, which can block solar access and potentially allow a higher degree of visual access of the outdoor living space, particularly in the rear of the home. Such a large mass close to the property line can also make an adjoining lot feel boxed-in and uncomfortable. The seven to eight foot separation not only provides sufficient room to place vegetation but provides additional buffering distance so the adjoining lot does not feel boxed in to the extent a two-story structure placed four feet away from the property line would.

One story units may be placed four feet away from the property line. A two story structure can be placed eight feet away from the property line. If approved, this exception would allow a one-story component to be placed four feet from the property line. Due to the garage's eight-foot width, the two-story portion of the home is placed eight feet further away from the property line than what would otherwise be permitted. Based on the applicant's exhibits is it clear that the unit massing does not appear too

close and that a two-story unit with third car garage will be less imposing on an adjoining owner than the standard two-story unit placed eight feet away from the property line.

In terms of the calculation of building height of a structure having multiple roof structure elements, the Code is not clear. Is there only one building height, or can there be there several roof elements if clearly separate? MLDC 10.705 provides the following regarding the calculation of building height.

> "*Calculation. Building height shall be determined by measuring the vertical distance from the average contact ground level at the front wall of the building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip and gambrel roofs.*"

There are several issues pertaining to a solid interpretation of this language. The first is that the third standard for measurement speaks to the "average height between eaves and ridge for gable, hip and ramble roofs". The code does not contemplate how to measure if there are multiple roof element structures. Is the measurement taken from the highest roof structure element? Or, if taken literally, it seems to suggest each roof structure surface peak and eave element would be averaged, and a combination of those averages would need to be averaged to provide one roof height for the overall structure. However, there are significant issues if considered in this light since a small first floor area, alcove projection, bay window or similar feature with very low roof height could be added to a structure in order to significantly reduce the calculated roof height. Another problem with this calculation definition is that it directs that the height be measured from the front wall. This would seem to imply that the front wall of the structure is of one solid plane, that there are no undulations in the building. Is the front wall the wall closest to the street frontage, or are there multiple front walls on a structure? Additionally, exhibits in the Code provide no direction with regard to multiple roof lines or wall issues as all illustrations appear as monolithic structures. Therefore, the exhibits provide no further clarification to this particular issue.

As such, in the past year, staff has used the content of the Code and has sought to apply the language when considering two-story structures with multiple, separate roof elements in a manner that is consistent with common sense objectives as ensuring adequate spacing and that the building does not overshadow an adjoining property to the extent further than a permitted one story unit could when placed four feet from the property line. As such, staff has reviewed and approved residential building permits similar to the buildings presented in the applicant's exhibits with a four-foot building setback to the one-story component garage or living area. Staff recommends that the Commission adopt the applicant's findings as submitted. The Commission can find that Criterion 1 is met.

(2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.

The requested exception pertains to physical improvements to allow a side yard setback encroachment of a a one-story portion of a structure, whereas the required setback of

approximately eight feet is established through the two-story living area component of the structure. In no way does the granting of exception establish a use that is not permitted in the SFR-6 zone district. Staff recommends that the Commission adopt the Applicant's findings as submitted. The Commission can find that Criterion 2 is met.

(3) *There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.*

The applicant's Findings note there are unusual circumstances in this instance relating to the design of the housing product line. There are alternatives, such as separating the garage from the dwelling unit. Typically, lots in the SFR-4 zone district can be wide enough that a third car garage can be accommodated; the narrow width of the SFR-10 lots generally precludes the establishment of a three-car garage. Staff concurs that it is difficult to provide a third car garage in the SFR-6 zone district without either changing the elevations in a manner that would reduce the street side appeal of the unit or widening the lots to accommodate the structure. The applicant also cites strict compliance would cause a hardship on the homebuilder that seeks to provide a better value to potential home buyers. Staff also concurs that this is a good objective. While there are general positive outcomes an approval of exception, staff notes the following regarding this criterion.

There must be unique or unusual circumstances which apply to the site that do not apply elsewhere in the City. Staff finds that there is nothing unusual about the physical site that results in a hardship to the owner. The proposed lots could be widened to accommodate the third car option. From a zoning district density perspective, this is absolutely achievable. Lots can be widened as the project proposes 12 more lots than what is the minimum permitted by the SFR-6 zone district. However, this would cause a reduction in units and generally contrasts and moves the project further away from the Comprehensive Plan "Regional Plan Element" expressed intent of achieving 6.6 dwelling units per gross acre for the City overall. While a third car is a good option to provide a home buyer, only two off-street parking spaces are required by Code. The extra garage can be removed or the elevations changed to accommodate a third garage. Staff finds there is no unusual circumstance related to the property and development standards can be met. As such staff recommends that the Commission not adopt the findings submitted for Criterion 3 and recommends Commission conclude that Criterion 3 of the exception criteria is not is met.

(4) *The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.*

The need for the Exception is not the result of an illegal act and is suffered by the particular property in question given the specific use. The need for the exception results

only from the applicant's desire to provide an option for additional garage space without further reducing density of the project or negatively impact City objectives to meet density targets listed in the Regional Plan Element. Staff recommends that the Commission adopt the Applicant's findings as submitted. The Commission can find that Criterion 4 is met.

FINDINGS OF FACT

Staff has reviewed the applicant's Findings of Fact and Conclusions of Law (Exhibit B) and recommends that the Planning Commission adopt the Findings for the Zone Change and Land Division as presented.

The code identifies that no exception shall be granted by the Planning Commission unless it finds that all of the approval criteria are satisfied. Based on the evidence provided in the Applicant's Findings of Fact and Conclusions of Law, the Commission can conclude that exception criterion 3 is not adequately met. As all criteria of an exception must be met, the exception request is not supportable.

Per Section 10.135, the Planning Director is responsible for the administration and enforcement of the MLDC, including application of lot development standard setbacks. While in staff's view the exception request does not meet the approval criteria expressed in MLDC 10.253, there is a substantial amount of ambiguity in the calculation of required setbacks based on height under particular circumstances. Staff recommends that Planning Commission consider this ambiguity concurrently with the Director's authority to administer the Code and provide endorsement to the Planning Director to continue to administer the code as expressed in Criterion 1 of the staff exception findings.

RECOMMENDED ACTION

Adopt the Findings for the Zone Change and Land Division and direct staff to prepare a Final Order for approval of LDP-15-015 and ZC-15-017 and for denial of E-15-016, per the Staff Report dated April 2, 2015, including Exhibits A through F.

EXHIBITS

A Conditions of Approval dated April 9, 2015

B Applicant's Findings of Fact and Conclusions of Law, including Applicant Exhibits, received January 30, 2015

- Exhibit 2 Findings of Fact and Conclusions of Law
- Exhibit 3 Demonstration of Compliance with Applicable Standards
- Exhibit 4 Jackson County Assessor Plat Map
- Exhibit 5 City of Medford Zoning Map on Aerial
- Exhibit 6 City of Medford GLUP Map
- Exhibit 7 Conditions of Approval from Planning File ZC-10-078
- Exhibit 8 Tentative Partition Plat
- Exhibit 9 Tentative Grading and Storm Water Facility Plan
- Exhibit 10 Setback Exception diagrams
- Exhibit 11 Parcel Legal Description

Exhibit 12 Hopkins Canal at Owen Drive Realignment & Piping Improvement
Exhibit 13 Piping Easement
Exhibit 14 Strom Drain and Access Easement

C Public Works Department Staff Report, dated March 31, 2015
D Medford Water Commission Memo, dated March 16, 2015
E Medford Fire Department Report, prepared March 10, 2015
F Medford Building Department Memo, dated March 18, 2015

PLANNING COMMISSION AGENDA: April 9, 2014

EXHIBIT A
Conditions of Approval
April 2, 2015

ZC-15-017 / LDS-15-015
Delta Water Estates Phase I Zone Change & Subdivision

Code Conditions

1. The property owner shall comply with the report from the Public Works Department dated March 31, 2015 (Exhibit C).

2. The property owner shall comply with the report from the Medford Water Commission dated March 16, 2015 (Exhibit D).

CITY OF MEDFORD /
EXHIBIT # "A"
File # ZC-15-017 / LDS-15-015 / E-15-016
1 of 1

BEFORE THE PLANNING COMMISSION

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

RECEIVED
JAN 30 2015
PLANNING DEPT.

IN THE MATTER OF AN APPLICATION FOR A ZONE CHANGE FROM SFR-10 TO SFR-6, FOR A TENTATIVE SUBDIVISION PLAT APPROVAL, AND SEEKING SETBACK EXCEPTION RELIEF FOR SPECIFIC LOTS ON A TRACT OF LAND HAVING 11.36 ACRES LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF MEDFORD, OREGON	**FINDINGS OF FACT AND CONCLUSIONS OF LAW**
Applicant: Hayden Homes, LLC: **Owner:** HH Medford One, LLC **Agent:** CSA Planning, Ltd.	***Applicant's Exhibit 2***

I

SUMMARY AND SCOPE OF APPLICATION

Applicant Hayden Homes, LLC seeks approval for a Zone Change from SFR-10 to SFR-6 of an 11.36 acre parcel and a Land Division to create a 57-lot residential subdivision. Accompanying this application for land division, Applicant also tenders an application seeking an exception to the side yard setback standards for specific lots to site future two-story houses with one-story garages adjacent to side property lines.

II

EVIDENCE SUBMITTED WITH APPLICATION

Applicant herewith submits the following evidence with its application for Land Division and Exception:

Exhibit 1. Signed and Completed Zone Change, Land Division and Exception Application Forms with Authorization from the current property owner, HH Medford One, LLC and additional Authorization provided by Delta Waters Properties LLC.

Exhibit 2. The proposed Findings of Fact and Conclusions of Law (this document) demonstrating how the land division application complies with the applicable

CITY OF MEDFORD
EXHIBIT # B11
LDS-15-015/E-15-016/ZC-15-017

substantive criteria of the MLDC

Exhibit 3. Demonstration of Compliance with Applicable Standards

Exhibit 4. Jackson County Assessor plat map 37-1W-08, which contains and depicts the subject property

Exhibit 5. Current City of Medford Zoning Map on Aerial

Exhibit 6. City of Medford GLUP Map

Exhibit 7. Conditions of Approval from Planning File No. ZC-10-078.

Exhibit 8. Tentative Partition Plat

Exhibit 9. Tentative Grading and Storm Water Facility Plan

Exhibit 10. Setback Exception diagrams

Exhibit 11. Parcel Legal Description

Exhibit 12. Hopkins Canal At Owen Drive Realignment/Piping Improvements

Exhibit 13. Piping Easement

Exhibit 14. Storm Drain and Access Easement

III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The criteria under which the application for Land Division must be approved are in Section 10.270, of the Medford Land Development Code (MLDC). The approval criteria are recited verbatim below and again in Section V, where each are followed by the conclusions of law:

City of Medford Approval Criteria

ZONE CHANGE

MLDC 10.227 ZONE CHANGE CRITERIA (Inapplicable provisions omitted)

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.

(b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one (1) of the following conditions must exist:

(i) At least one (1) parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or

(ii) The area to be rezoned is five (5) acres or larger; or

(iii) The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five (5) acres.

(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 Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.

(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 (1) 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 (1) 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 (1) 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 (2) 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 or 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.

OREGON TRANSPORTATION PLANNING RULE
Oregon Administrative Rules Chapter 660, Division 12

SECTION 660-012-0060

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

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

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

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

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

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

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

LAND DIVISION – Tentative Subdivision Plat

"B"

10.270 Land Division Criteria

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

(1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;

(2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;

(3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;

(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.

EXCEPTION

10.253 Criteria for an Exception

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

(1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met. (Effective Dec. 1, 2013).

(2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.

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(3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.

(4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

IV

FINDINGS OF FACT

The Planning Commission reaches the following facts and finds them to be true with respect to this land use application:

1. **Property Location**: The property is located at the northern terminus of Cheltenham Way and at the eastern terminus Ford Street. The property is within the corporate limits of the City of Medford and its adopted and acknowledged urban growth boundary.

2. **Property Description and Acreage**: The property is identified in the records of the Jackson County Assessor as Tax Lot 1100 in Township 37 South Range 1 West in Section 08. Tax Lot 1100 was partitioned in 2013 into three parcels. The subject property is identified as Parcel 1 and has approximately 11.36 acres.

3. **Subject Property Ownership:** The subject property is owned by HH Medford One LLC which has provided a limited power of attorney and consented in writing to this zone change, subdivision and exception application. Delta Waters Properties LLC has also provided a limited power of attorney to authorize the application because storm drainage facilities will cross the Delta Waters Properties LLC properties to the north and because transportation facility adequacy issues related to the zone change for the balance of the Delta Waters Properties has been coordinated between the parties. *See*, Exhibit 1 which includes a power of attorney from the Delta Waters Properties LLC and HH Medford One, LLC.

4. **Comprehensive Plan Map Designation**: The property is designated Urban Residential on the Medford Comprehensive Plan Map.[1]

5. **Zoning Map Designation**: The property is zoned City SFR-10. Proposed zoning is SFR-6.

[1] Medford often refers to its comprehensive plan map as the Generalized Land Use Plan or GLUP map.

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6. **Existing Land Use**: The property contains an old barn and some small agriculturally related outbuildings. The property is currently used for low intensity agricultural uses including bee-keeping and some limited field farming.

7. **Intended Land Use**: Property is to be developed as a single-family residential subdivision.

8. **Topography**: The property slopes gently from the west up to the east at one to two percent grade. There is a small ridge that runs along the eastern edge of the property. Topography does not represent a significant constraint for urban utilization of the property.

9. **Wetlands; Floodplain**: According to Medford and Jackson County Geographical Information System (GIS) data bases taken from the U.S. National Wetland Inventory, the subject property contains irrigation ditches, including the Hopkins Canal. There is no identified floodplain and the Applicant has provided plans to pipe the Hopkins Canal. The Hopkins Canal piping project is a "separate but related" project. The canal piping is not dependent on the subdivision land use approval but the subdivision design does rely on the completion of the piping project substantially as proposed.

10. **Surrounding Land Uses**: The GLUP map (Exhibit 6) and Zoning Map which is overlaid on an aerial photo (Exhibit 5) accurately depict the pattern of land partitioning and development in the surrounding area. The land uses that surround the subject property and which are further described as follows:

    A. **Surrounding Area Characteristics**: The property is located within Medford's urban growth boundary with urban uses to the south and west and agricultural uses to the east and north.

    B. **East**: Lands to the east contains some low intensity agricultural and rural uses. The land immediately adjacent is zoned SFR-10 and is planned for future residential development. The land includes an irrigation pond. Beyond this parcel are agricultural properties that are outside the urban growth boundary but within an Urban Reserve.

    C. **South**: To the south and southwest are Urban Residential lands zoned SFR-4. These lands are developed with single-family dwellings constructed in the early 1980s through the mid-1990s.

    D. **West**: To the west are Urban Residential lands zoned SFR-6. These lands are developed with single-family dwellings constructed in the early 1980s through the mid-1990s. The residential lands to the west constitute a fairly narrow strip between the subject property (~1/4 mile) and commercial and industrial lands along Highway 62.

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E. **North:** Land immediately north of this parcel is zoned SFR-10 and is planned for future residential development. Lands to the northwest also contain an extension of Owen Drive which is an urban arterial west of Crater Lake Avenue and a major collector east of Crater Lake Avenue; it is planned to cross the Delta Waters Properties LLC land immediately to the north. Lands beyond to the north are outside the Medford Urban Growth Boundary and are planned by Jackson County as Agricultural and zoned Exclusive Farm Use (EFU). The properties are owned by Rocky Knoll LLC and are within an Urban Reserve. The lands contain some low intensity agricultural and rural uses and a small orchard.

11. **Essential (Category "A") Public Facilities**: The comprehensive plan defines Category "A" public facilities as: (1) Sanitary sewage collection and treatment; (2) Storm Drainage; (3) Water Service; (4) Transportation Facilities. The Planning Commission finds the following facts with respect to each of the Category "A" public facilities:

A. **Sanitary Sewer Service (Collection):** The property is in the area served by City of Medford. Existing 8-inch sanitary sewer lines are adjacent to the property in several locations. Based the findings adopted for the SFR-10 zone change, there exist some downstream deficiencies for full development of the originally zoned SFR-10 area but the zone change established adequate sewer capacity for up to 380 dwelling units without the need for additional mitigation. Consequently, the proposed 57 units will still provide for up to 323 dwelling units on the remaining Delta Waters Properties LLC lands prior to the need for any sanitary sewer mitigation improvements. The proposed zone change to SFR-6 will reduce the amount of sanitary sewer demand when compared to the existing SFR-10 zoning.

B. **Sanitary Sewer Service (Treatment):** According to representatives of the Medford Engineering Department, sewage wastewater collected and transported by the Bear Creek Interceptor is treated at the Medford Regional Water Reclamation Plant, which is located near Bybee Bridge where Table Rock Road crosses the Rogue River. The plant serves the Rogue Valley Sewer Services (RVSS)[2] and the cities of Central Point, Jacksonville, Medford, Phoenix and Eagle Point. A portion of the service charges levied on customers is allocated to treatment costs. The Regional Rate Committee as established in the September 23, 1985 Regional Sewer Agreement is authorized to set treatment charges and rates for the regional system. The Regional Rate Committee reviews the charges and rate structures annually, and rate adjustments are made as necessary. Systems development charges are allocated to plant expansion. Monthly service charges levied on customers are allocated to treatment costs, equipment repair and replacement, and plant upgrades to meet changing regulations.

- The Vern Thorpe Regional Water Reclamation Facility, more commonly known as the Medford Regional Water Reclamation Facility (RWRF), was

[2] Formerly Bear Creek Valley Sanitary Authority (BCVSA)

built in 1970 by the City of Medford as a regional facility to treat sewage from the cities of Central Point, Jacksonville, Medford, Phoenix, Talent and rural areas of Jackson County served by Rogue Valley Sewer Service (RVSS). The original RWRF capacity was 10 million gallons per day (MGD) average dry weather flow

- RWRF capacity was doubled between 1980 and 1990 through several incremental expansions. In 1992 the RWRF was permitted for a 20 MGD average dry weather flow, and 60 MGD wet weather flow. Subsequent to 1992 several more projects have been constructed to improve plant operating reliability, energy efficiency, and bio-solids handling capabilities, as well as increase the reliable wet weather flow handling capacity to 80 MGD.
- The average daily influent flow for 2004 was 15.7 mgd, an increase from 13.2 mgd in 1988 and 14.1 mgd in 1994.
- In 2012, West Yost Associates updated the Medford Regional Water Reclamation Facility Master Plan. Table 4-8 states that the Peak Wet Weather Flow (PWWF) at the plant is currently 91 MGD. The plan lays forth the capital improvements to the plant that are planned over the next ten years specifically and subsequent 10 years more generally. The planned improvements are funded by rate payers and systems development charges and will increase the capacity of the plan to handle a PWWF of 118 MGD by 2030 to serve a future 2030 City of Medford population of 115,286.
- The proposed zone change from SFR-10 to SFR-6 will reduce the demand for sewer treatment.

C. **Water Distribution Lines**: Water is available to the property via multiple water lines that are gravity served by the Capital Hill water reservoir. An 8-inch water line is available at the terminus of Cheltenham Way. A 12-inch water line is available at the terminus of Ford Drive. The zone change from SFR-10 to SFR-6 will reduce the demand for water.

D. **Water Supply**: According to the Medford Water Commission Manager, the Medford water system presently serves a population of ±80,000. The present maximum daily use is 45 million gallons per day, (MGD). The present source and distribution system has an existing capacity of 56.5 MGD. There is an additional water source capability of 35 MGD available. The Water Commission expects present facilities will be adequate to accommodate growth until around the Year 2050. The zone change from SFR-10 to SFR-6 will reduce the demand for water.

E. **Storm Drainage**: The property has available storm drainage that can feasibly be connected at one of three locations, depicted as Options A, B and C on the Exhibit 9 Conceptual Grading and Drainage Plan. Option A would extend an storm drain outlet via easement directly to the north at the outlet of the stormwater pond to the north. Option B would extend stormwater connection to Garret Creek to the northwest via easement. If neither easement can be obtained, the other option utilizes public right-

of-way throughout on Owen Drive to connect to Garret Creek. Most all of the project will drain to the northwest to the proposed storm facility pond and then out one of the three drainage connection options.

F. Streets and Traffic: The following facts pertain to streets and traffic as proposed in this project:

- **Project Access and Street Functional Classification**: Local residential streets Ford Drive and Cheltenham Way, provide access to this property. Cheltenham Way connects to Delta Waters Road, a major arterial to the south. Ford Drive connects to the west to Springbrook Drive, a major collector street which connects to Owen Drive to the north and to Delta Waters Road to the south. Owen Drive connects to the west to Crater Lake Avenue, a major collector and Highway 62 (Crater Lake Highway) is classified as a State of Oregon Highway.

- **Trip Generation and Restrictions**: The proposed zone change from SFR-10 to SFR-6 will reduce the potential trip generation of the subject property by approximately 44 PM Peak Hour trips. The zone change to SFR-10 for the entire Delta Waters Properties LLC property included trip generation restrictions, see Exhibit 7. Nothing in this application will alter and change those restrictions. Applicant, Hayden Homes LLC, is aware of these restrictions and understands that vertical construction cannot take place on seven lots unless and until mitigation at the intersection of Crater Lake Avenue and Owen Drive occurs. Hayden understands and accepts that infrastructure will be constructed to certain lots that cannot be developed until this facility adequacy issue has been addressed. However, Hayden seeks full approval of the subdivision because it is more cost effective to actually construct the project in its entirety notwithstanding that 7 lots are *"at-risk"* until the facility adequacy issue at the intersection of Crater Lake Avenue and Owen Drive is resolved. Hayden requests flexibility to determine which 7 lots remain undeveloped until the time of building permit to provide maximum flexibility in the product offerings available to the future homeowners. Before issuance of the 50th building permit or the sale of a 50th lot to any entity other than HH Medford One LLC within the project, Hayden will stipulate to recording a restrictive covenant against the remaining seven lots stating that they cannot be developed until the facility adequacy restriction at the intersection of Crater Lake Avenue and Owen Drive has been resolved to the satisfaction of the City of Medford.

  Furthermore, CSA Planning Ltd. has represented Delta Waters Properties LLC on this property for many years. CSA Planning Ltd. is currently engaged by Delta Waters Properties LLC to work with the City to develop a solution to address the facility adequacy issues at both intersections Crater Lake Avenue and Owen Drive and Crater Lake Avenue and Delta Waters Road. Delta Waters Properties LLC management is fully aware that the remainder of its property cannot be developed unless and until resolution of the facility capacity issues at these intersections is resolved.

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- **New streets**: Two new minor residential streets are proposed as part of this subdivision.
- **Subdivision Lot Access:** Each resulting individual lot will have frontage and access from a City street.
- **Future Access**: Three street stubs are created as part of this subdivision that will allow the streets that are part of this project to be extended when the adjacent properties build-out.

G. **Police and Fire Protection:** The property is served by the Medford Fire Department from its Fire Station 5. Emergency fire response is estimated to be approximately 3 minutes. Police protection is from the City of Medford Police Department.

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CONCLUSIONS OF LAW
LAND DIVISION

Based upon the evidence in enumerated in Section II and summarized in the Section IV Findings of Fact, the Planning Commission reaches the following Conclusions of Law with respect to this matter:

City of Medford Approval Criteria
Medford Land Development Code (MLDC) 10.227

MLDC 10.227 ZONE CHANGE CRITERIA

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:

Zone Change Criterion 1

ZONE CHANGE

MLDC 10.227 ZONE CHANGE CRITERIA (Inapplicable provisions omitted)

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.

(a) For zone changes to SFR-2, the zoning shall be approved under either of the following circumstances:

(i) if at least seventy percent (70%) of the area proposed to be rezoned exceeds a slope of fifteen percent (15%),

(ii) if other environmental constraints, such as soils, geology, wetlands, and flooding, restrict the capacity of the land to support higher densities.

(b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one (1) of the following conditions must exist:

(i) At least one (1) parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or

(ii) The area to be rezoned is five (5) acres or larger; or

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(iii) The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five (5) acres.

Conclusions of Law: Criterion 1 is threefold: consistency with the TSP, consistency with the General Land Use Plan Map and consistency with the locational standards in MLDC 10.227 (1) (a) through (d).

Regarding the TSP, the Planning Commission concludes the proposed zone change will reduce the trip generation potential of the site when compared to the current SFR-10 zoning and is consistent in all ways with the City's TSP.

Regarding consistency with the General Land Use Plan (GLUP) Map, the Planning Commission concludes from Exhibit 6 that the property is designated Urban Residential on the GLUP Map. The proposed SFR-6 zone is consistent in all respects with the portion of the subject property's Urban Residential GLUP Map designation.

Regarding consistency with the relevant locational standards in MLDC 10.227 (1) (a) through (d), section (b) applies to SFR-6 and SFR-10 zone changes, and therefore applies. The Applicant seeks to change the zone of the subject property from SFR-10 to SFR-6. Zoning to the west of the subject property is SFR-6 and so at least one property adjacent to the proposed zone change area is already zoned SFR-6. Also, the proposed SFR-6 zoning area is much larger than five acres and therefore the locational criteria of SFR-6 are satisfied

Based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that the application is consistent with the requirements of Criterion 1.

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Zone Change Criterion 2

(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 Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.

(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.

Discussion; Conclusions of Law: The Planning Commission concludes that Goal 1 of the Comprehensive Plan Public Facilities Element is aspirational in language and context and the actual criteria for determining the adequacy of Category A public facilities, consistent with

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the Public Facilities Element, reside solely in MLDC 10.227(2). The Planning Commission reaches the following conclusions of law with respect to each of the Category "A" infrastructure components:

Wastewater Collection and Treatment: Based upon the findings of fact in Section IV, the Planning Commission concludes that wastewater collection and treatment facilities are sufficient to serve up to 380 units. The proposed development of the 57 residential lots is therefore substantially below the maximum allowed number of units. The related projected peak flows from these units within the proposed SFR-6 zoning district can therefore be accommodated for that specific gravity flow service area as determined by the city engineer, and, the Commission find that facilities are available to adequately serve the property.

Storm Drainage System: Based upon the findings of fact in Section IV, the Planning Commission concludes storm drainage facilities are available for connection to the subject property. The anticipated development of the subject property under the SFR-6 zoning will cause no more than nominal impacts to projected peak flows for that specific service area as determined by the *Comprehensive Medford Area Drainage Master Plan* (1996). The Planning Commission concludes that Garret Creek will not be negatively impacted by development of the subject property through compliance with the City's adopted storm water management requirements and construction of the plans for storm drainage prepared by CEC Engineering and the proposed drainage can feasibly and will be constructed consistent with the plans prepared by CEC Engineering.

Water System: Based upon the findings of fact in Section IV, the Planning Commission concludes that the water system is sufficient to provide the subject property with a permanent water supply having adequate water pressure and volume for projected commercial fire control needs expected from development under the SFR-6 zoning district as determined by the water utility manager, and that these facilities are available to adequately serve the property under the proposed SFR-6 zone.

(b) Adequate streets and street capacity must be provided in one (1) 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 (1) 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 (1) 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 (2) years of the State's current STIP (State

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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.

Discussion and Conclusions of Law Continued: The Planning Commission concludes that adequate facilities exist for up to fifty lots by operation of the zone change in Planning File ZC-10-078 and that nothing in the zone change to SFR-6 changes the prior conclusions of the Planning Commission in this regard.

(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 or 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.

Discussion and Conclusions of Law Continued: The Planning Commission further concludes that special development conditions are imposed on the last 7 lots to be developed that will not allow vertical construction until such time as the facility adequacy issue at the intersection of Crater Lake Avenue and Owen Drive is resolved.

Based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that the application is consistent with the requirements of Zone Change Criterion 2.

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State of Oregon Approval Criteria
Oregon Transportation Planning Rule
OAR Chapter 660, Division 012

The following provisions of the Oregon Transportation Planning Rule (OAR 660-012-0060) operate as approval criteria for zone changes:

Zone Change Criterion 3

SECTION 660-012-0060

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

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

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

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

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

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

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

Discussion; Conclusions of Law: In reaching the foregoing conclusions of law addressing OAR 660-012-0060(1), the Planning Commission concludes the proposal will change the zoning from SFR-10 to SFR-6. This change will not change any functional classification of any transportation facility nor will it change the standards implementing a functional classification system. The Planning Commission further concludes that the zone change from SFR-10 to SFR-6 will not allow land uses or level of development that would result in types or levels of travel or access that are inconsistent with the functional classification of any transportation facility and that the downzoning will not cause the performance of an existing or planned transportation facility to be reduced below the minimum acceptable standard in the TSP.

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LAND DIVISION – Tentative Subdivision Plat

MLDC 10.270 Land Division Criteria.

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

Land Division Criterion 1

(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;

Conclusions of Law; Consistency with the Comprehensive Plan: In *Bennett vs. City of Dallas* 17 Or LUBA 450, aff'd 96 Or App 645 (1989), the Oregon Court of Appeals held that quasi-judicial land use criteria that require compliance with a comprehensive plan do not automatically transform all plan Goals, Policies and Implementation Strategies into decisional criteria; only the Goals, Policies and Implementation Strategies that contain language that, read in context, were intended to function as decisional criteria are in fact criteria. Based upon its review of the Comprehensive Plan, the Planning Commission holds that the Comprehensive Plan contains no goals nor policies that by their language and context were intended to function as approval standards for the subject land division application.

Conclusions of Law; Applicable Specific Plans: The subject property is covered by a Neighborhood Circulation Plan — the adopted and acknowledged *North Medford Circulation Plan* which contemplates the extension of Owen Drive west along the north boundary of the adjacent property (except in the property's northwest corner where Owen Drive is contemplated to dip to the south before connecting with the existing right-of-way along the subject property's west boundary.) A copy of the Adopted North Medford Circulation Plan is shown at Exhibit 11. Nothing in the proposal will prevent the future extension of Owen Drive.

Conclusion of Law; Consistency with MLDC Articles IV and V: MLDC Article IV governs public improvements by establishing standards for their construction. See Exhibit 3 for demonstration of the project's compliance with these standards.

MLDC Article V establishes standards for site development, including standards for lot size and density. MLDC 10.702 prescribes the Lot Area and Dimension Requirements, as follows:

> **10.702 Lot Area and Dimensions**
>
> Each lot shall have an area, width, frontage, and depth consistent with that prescribed in this Article for the housing type, or commercial or industrial district in which the development, or the portion thereof, is situated, except in the following situations:

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(1) Within a planned unit development, a condominium project, as defined by ORS 100.005, or a pad lot development, as defined herein, the approving authority (Planning Commission) may permit tax lots and common areas to be of an area, width, frontage, or depth different from such prescribed minimum or maximum lot area or dimensions.

(2) For a condominium project, as defined by ORS 100.005, the minimum lot area and dimensions shall apply to the parent parcel only.

(3) A new residential lot may exceed the maximum lot area only under the following circumstances:

(a) When an existing residence and associated yard area, containing improvements and established landscaping, occupy a larger area; or,

(b) When a portion of the lot is unbuildable for a reason beyond the control of the developer (i.e., due to creeks, oversized easements, etc.), the additional acreage, or fraction thereof, may not exceed the amount of unbuildable area.

In MLDC 10.710 the minimum and maximum density factor for single family dwellings in an SFR-10 zone is 4 to 6 units per acre. With 57 lots proposed on 11.36 acres the proposed subdivision has a density of 5 units per acre. Based upon Exhibit 3 and the proposed lot dimensions shown in Exhibit 8 and the Findings of Fact in Section IV, the Planning Commission concludes the application contemplates the creation of lots that are sufficiently sized and consistent with the proposed SFR-6 zoning district and thus Land Division Criterion 1.

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Land Division Criterion 2

(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;

Conclusions of Law: Based upon Exhibit 8 and the Findings of Fact in Section IV, the Planning Commission concludes the Applicant owns no other adjacent or nearby lands. This land division will also not prevent the development of any other adjoining land or of access thereto as this land division includes extending existing streets and the creation of new streets, all of which will be terminated with reserve strips to support future development of the undeveloped properties to the north and east. As such, this application is therefore consistent with the requirements of Land Division Criterion 2.

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Land Division Criterion 3

(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;

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Conclusions of Law: The Planning Commission concludes that this tentative plat is proposed to bear the name of Delta Estates which has been submitted for approval to the Jackson County surveyor. Records show no other land division with this name. Therefore, this application is deemed to be consistent with Land Division Criterion 3.

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Land Division Criterion 4

(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;

Conclusions of Law: The Planning Commission concludes that this land division includes the creation of two public streets. Both new streets are laid out to conform to the plats of the existing adjoining subdivisions. No unbuilt plats have been approved adjoining this parcel. Therefore, this application is consistent with Land Division Criterion 4.

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Land Division Criterion 5

(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;

Conclusions of Law: This application does to involve the extension or creation of any private street. Therefore, the Planning Commission concludes that this criterion is met by reason of inapplicability.

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Land Division Criterion 6

(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.

Conclusions of Law: The evidence shows that surrounding lands are all within the Medford corporate boundary and that none are within an EFU zoning district. Therefore, the Planning Commission concludes that this criterion is met by reason of inapplicability.

VI

EXCEPTION CONCLUSIONS OF LAW

10.253 Criteria for an Exception

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority (Planning Commission/Site Plan and Architectural Commission) having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

* * * * * * * * * * * * * * * *

Exception Criterion 1

(1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The Planning Commission/Site Plan and Architectural Commission shall have the authority to impose conditions to assure that this criterion is met.

Discussion: The Applicant is requesting that for certain interior lots in the subdivision (Lots 1-2, 6-7, 9-11, 15-18, 32-38, 40-41, 44, 46, 48, 50, and 52) that if a 2-story house is proposed that includes a 1-story third garage (no part of the dwelling extends beyond the location of "start" of the third garage) see Exhibit 10, that the setback along the abutting lot line be determined by the height of the garage, not by the height of the main house structure. In laying out the subdivision it became apparent that the standard setbacks adjacent to the one story garages required lots that were so wide that the minimum density under SFR-6 became challenging and the additional setback was not needed to meet the intended reason for the setback increase associated with additional building height. The setback requirements become wider when taller structures are adjacent to the property line in order to allow for adequate light and air, and to limit the amount of shading caused by a structure onto the adjacent lot. Medford's regulations however impose a consistent setback on both sideyards based upon the tallest portion of the structure without regard to how far the tallest portion of the structure is from the property line.

In this case, for instance, *see* Exhibit 10, the 2-story house is the required setback plus the width of the 12 foot garage. A 23 feet tall house would then require a setback of eight feet on each side, despite the fact that the portion of the structure that causes this setback is then pushed 20 feet away from the property line. If one looks at Exhibit 10, Sheet 2, it is apparent that the two-garage, two-story dwellings actually have less separation of the actual living space than the two-story houses that include the third garage because the single story garage serves as a separation feature in and of itself. If it was a 1-story house under 15 feet in height, it would only require a 4 foot setback. Alternately, if the garage was a separate structure, it could be built to the minimum structural setbacks with 3-foot separation from the house. Under a strict application of the code this configuration can be sited such that four dwellings would consume 3 foot less land than the attached configuration. . The Applicant asserts that a 12-foot wide garage that is less than 15 feet high that is attached to a 2-story house, no more imposes upon the adjacent property than a 1-story house.By allowing this exception within the proposed subdivision, it allows the Applicant to provide a more dense

development as is desired in the urbanized areas of Medford, and at the same time provide for greater amenities to the future owners. It also allows for greater variation of product types within the constraints of the SFR-6 zoning.

Conclusions of Law: The Planning Commission concludes that approval of an alternate setback for lots within the interior portions of the subdivision is in no way unharmonious with the general purpose and intent of the regulations imposed by the MLDC for the SFR-6 zoning district in which this exception request is located based upon the specific building elevation types proposed by the Applicant. The Commission further concludes that this exception will not in any way be injurious to the general area in which the subject property is located, nor detrimental to the general purpose and intent of the regulations imposed by the MLDC for the SFR-6 zoning district because the exception is limited to the interior of the proposed subdivision. Therefore, the Planning Commission concludes that this exception to the setback where adjacent to 1-story garages attached to 2-story houses is consistent with Exception Criterion 1.

* * * * * * * * * * * * * * * *

Exception Criterion 2

(2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.

Conclusions of Law: The Planning Commission concludes that the Applicant is aware this exception does not permit or establish a use that is not permitted within the SFR-6 zoning district. Therefore, the Planning Commission concludes that this exception to the side yard setback is consistent with Exception Criterion 2.

* * * * * * * * * * * * * * * *

Exception Criterion 3

(3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.

Conclusions of Law: The Planning Commission concludes that the unusual circumstances in this instance relates to actual design of the Applicant housing product line when a third garage desired by the owner. After the subdivision has been approved and the lot lines established, this places Hayden Homes in the position of either reconfiguring lots that otherwise comply with the City Standards and building a detached garage to meet the desires of the customer or encouraging more ungaraged outdoor storage in side yards. The solution to the strict application of the code is an absurd one – construct the third garage in a detached configuration or encourage additional ungaraged outdoor storage. This configuration is less attractive and less cost effective and while imposing separation of actual living spaces at

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adjoining property lines where the additional garages are located that far exceed the minimum setbacks of the zone.

There are several unique circumstances that apply to this site and situation – first the SFR-6 is really the only zone where this issue arises. SFR-4 lots tend to be wide enough such that a third single-story garage can be accommodated on most all lots that meet the SFR-4 lot size standards without issue. Whereas, the SFR-10 lots tend to be sufficiently narrow that a third garage is not physically practicable regardless of setbacks. The next unusual circumstance is Hayden's product line itself. The third garage is set-up as an "add-on" for the homeowner to the base configuration of the home. Thus, it is a single story and has no effect on the rest of the footprint and no effect on the roofline of the rest of the two-story house. Even with the setback of the garage applied according to the height of the garage rather than the height of the whole structure, the actual occupied space of the house is much further away than would be expected if the third garage is not added (32 feet versus 16 feet) and the garage itself is no closer than a single story house is permitted to be to that side property line. It is also unique because of the dimensions of the property to be developed and adjacent street connections. The "solution" to this design issue would be to make the lots shallower and wider to still meet middle of the density range for SFR-6. The challenge is that the existing street pattern and adjacent development patterns set the street pattern up in a predetermined arrangement and the streets cannot be laid out to make the lots shallower but wider.

This is a peculiar and undue hardship on a homebuilder who seeks to provide a better quality product for its customers- City of Medford residents. The post-subdivision property line adjustment with a detached third garage is an absurd and inferior design solution. So too, is the practical effect to encourage ungaraged side-yard storage. The lots proposed where this exception would be allowed are entirely internal to the project; the only entities affected by the exception are Hayden Homes and the future homeowners who are their customers. Hayden Homes will stipulate to a condition of approval that requires a deed declaration that notifies homeowners within this project of this exception so that a homeowner who buys a house next to a lot that can avail itself of the exception has been forewarned prior to closing. For these reasons, the Planning Commission concludes that this application is consistent with the requirements of Exception Criterion 3.

* * * * * * * * * * * * * * * *

Exception Criterion 4

(4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

Conclusions of Law: The Planning Commission concludes that the need for this exception results from the nature of the setback code which varies with the average height of the building. The nature of the setback code is not the result of an illegal act and results from the direct application of the MLDC. Compliance with the code language, as written, will be

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suffered directly by Hayden Homes which is the entity marketing and constructing homes within the subdivision. The Planning Commission further distinguishes here between profit motives and quality design. The attached single-story third car garage solution versus the detached solution is beneficial as a matter of design - regardless of any corollary outcome in the form of project returns. Therefore, the Planning Commission concludes that this application is consistent with Exception Criterion 4.

VII

STIPULATIONS OFFERED BY APPLICANTS

If made a condition attached to the approval of these land use applications, Applicant herewith agrees to stipulate:

1. Prior to sale to any third party or vertical construction of more than 50 lots, a restrictive covenant on the remaining seven lots shall be recorded that states those lots cannot have vertical construction until the transportation facility adequacy issue identified in ZC-10-078 at the intersection of Crater Lake Avenue and Owen Drive has been addressed to the satisfaction of the City of Medford.

2. At the time of final plat, a deed declaration will be recorded against all the newly created lots stating that an exception to the standard side yard setback has been granted for this subdivision project and that the side-yard setback for single-story garages shall be based upon the height of the garage and not the average height of the rest of the structure.

VIII

ULTIMATE CONCLUSIONS

Based upon the evidence in Section II and the Findings of Fact in Section IV, the Planning Commission concludes that the case for Land Division is consistent with all of the relevant criteria in the Medford Land Development Code (MLDC) 10.270 as hereinabove enumerated and addressed.

Respectfully submitted on behalf of Applicant Hayden Homes, LLC:

CSA PLANNING, LTD.

Jay Harland
Consulting Planner

Dated January 20, 2015

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APPLICANT'S EXHIBIT 3

DEMONSTRATION OF COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

Medford Land Development Code ("MLDC"). The relevant approval standards are recited verbatim below:

10.310 (-1) SFR-6 and SFR-10, Single-Family Residential - 6 or 10 dwelling units per gross acre

These two urban residential districts provide for standard and higher density single-family detached dwellings, duplexes, and mobile home parks.

In SFR-6, the maximum number of dwelling units (DU) permitted per gross acre, or fraction thereof, shall fall within the following range: Minimum and Maximum Density Factor (df) . . . . . 4.0 to 6.0 DU/gross acre

Compliance with Standards: The proposed single-family home subdivision is a permitted use in the SFR-6 zone. With 57 lots proposed on the 11.36 acre parcel calculates to a density of 5 dwelling units per acre. Therefore, the project complies with the standard.

* * * * * * * * * * * *

10.426 Street Circulation Design and Connectivity

B. Street Connectivity and Formation of Blocks Required.

1. Block layouts shall substantially conform to adopted neighborhood circulation plans for the project area if applicable. Street arrangement and location may depart from the adopted plan if the project will result in a comparable level of overall connectivity. Projects that depart from the neighborhood circulation plan shall conform to planned higher order streets adopted in the City of Medford Transportation System Plan.
2. Proposed streets, alleys and access ways shall connect to other streets within a development and to existing and planned streets outside the development, when not precluded by factors in Section 10.426 C.2 below. When a development proposes a cul-de-sac, minimum access easement or flag lot to address such factors, the provisions of Section 10.450 apply.
3. Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops and other neighborhood activity centers such as schools, office parks, shopping areas, and parks.
4. Streets shall be constructed or extended in projections that maintain their function, provide accessibility, and continue an orderly pattern of streets and blocks.

C. Maximum Block Length and Block Perimeter Length.

1. Block lengths and block perimeter lengths shall not exceed the following dimensions as measured from centerline to centerline of through intersecting streets, except as provided in Subsections 10.426 C.2.

MAXIMUM BLOCK LENGTH AND PERIMETER LENGTH Table 10.426-1		
Zone or District	**Block Length**	**Block Perimeter Length**
a. Residential Zones	660'	2,100'

2. The approving authority may find that proposed blocks that exceed the maximum block and/or perimeter standards are acceptable when it is demonstrated by the findings that one or more of the constraints, conditions or uses listed below exists on, or adjacent to the site:

   d. Proximity to state highways, interstate freeways, railroads, airports, significant unbuildable areas or similar barriers that make street extensions in one or more directions impractical,

   j. When strict compliance with other provisions of the Medford Land Development Code produce conflict with provisions in this section.

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3. Block lengths are permitted to exceed the maximum by up to 20% where the maximum block or perimeter standards would require one or more additional street connections in order to comply with both the block length or perimeter standards while satisfying the street and block layout requirements of 10.426 A or B or D,
4. When block perimeters exceed the standards in accordance with the10.426 C.2. above, or due to City or State access management plans, the land division plat or site plan shall provide blocks divided by one or more public accessways, in conformance with Sections 10.464 through 10.466.

D. Minimum Distance Between Intersections.
Streets intersecting other streets shall be directly opposite each other, or offset by at least 200 feet, except when the approving authority finds that utilizing an offset of less than 200 feet is necessary to economically develop the property with the use for which it is zoned, or an existing offset of less than 200 feet is not practical to correct.

Compliance with Standards: The new blocks being formed by this project exceed the maximum block length standard by 20 feet which is substantially less than the 20% exceedance allowed by subsection 3 above (132 feet) where an additional street would be required. The existing street patterns and SFR-6 lot sizes dictate this configuration.

* * * * * * * * * * * *

10.550 Access Standards

(1) Driveway Throat Width Standards.

Driveways that connect to a public right-of-way shall be constructed according to the standards in Tables 10.550-1 and 10.550-2. See Figure 10.550-1 for driveway throat, flare and radius definitions.

For the purposes of this section, Minimum Access Easements and Alleys shall be considered driveways.

Table 10.550-1 - Driveway Throat Widths	
Street Classification	**Land Use on Parcel to be served by Driveway**
Local	**SFR**
Less than 500 ADT***	12 to 18 ft.****

*** ADT = Average Daily Trips using the proposed driveway, determined from the latest version of the Institute of Transportation Engineering handbook based on the expected ultimate use of the site.

****May be up to 24' with approval of Public Works Director or Designee.

Compliance with Standards: Driveways of all proposed lots can and will comply with the standards.

(3) Driveway Spacing and Locational Standards

b. Local Streets

A minimum distance of three (3) feet shall be maintained between the closest portions of adjacent driveway flares as measured along the curb on local streets, except where existing conditions dictate otherwise. Cul-de-sacs are exempt from these standards.

The closest edge of a driveway shall be a minimum of 35 feet from any intersecting local streets measured along the curb to the nearest right-of-way line of the intersecting street. If the parcel does not have sufficient width to meet this requirement, the driveway shall be located adjacent to the property line farthest from the intersecting street, and no authorization for larger driveway width shall be granted.

Compliance with Standards: Driveways of all proposed lots can and will comply with the standards.

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10.710 Detached Single-Family Dwellings

The following standards apply to the development of detached single-family dwellings within the various residential districts.

DETACHED SINGLE-FAMILY DWELLINGS		
Standard	**SFR-6**	**Compliance**
MINIMUM & MAXIMUM AREA FOR ZONING DISTRICT (ACRES)	4.0 to 6.0 dwelling units per gross acre	Proposed density complies- 5 dwelling units per gross acre
MINIMUM LOT AREA (SQ. FEET)	4,500 to 12,500 SF	All lots comply
MAXIMUM COVERAGE FACTOR	40%. Can exceed 40% when the building footprint is not more than 2,000 sq. ft.	All lots can and will comply
MINIMUM INTERIOR LOT WIDTH	50 feet	All lots comply
MINIMUM CORNER LOT WIDTH	60 feet	All lots comply
MINIMUM LOT DEPTH	90 feet Can count only half of an adjoin alley toward the lot depth	All lots comply, except for Lot 001 due to the rear line configuration. Lot 001 is configured wider to offset this, and thus the resulting lot size is more than 1,000 sf larger than the minimum lot area for SFR-6
MINIMUM LOT FRONTAGE	30 feet, EXCEPT Flag Lots which shall be 20 feet	All lots comply
MINIMUM FRONT & STREET SIDE YARD BUILDING SETBACK	10 feet, EXCEPT 20 feet for vehicular entrances to garages or carports	All lots comply
MINIMUM SIDE & REAR YARD BUILDING SET BACK	4 feet, PLUS ½ foot for each foot in building height over 15 feet	All lots can and will comply; except for lots with 2 story homes with 1 story garages. An exception to the side setback standard is being requested for these lots.
MAXIMUM BUILDING HEIGHT	35 feet	All lots can and will comply
BUFFERYARD SETBACK	8 feet from bufferyard to any doors on a dwelling unit	All lots can and will comply

Compliance with Standards: The proposed project complies with all standards, except as noted. See Exhibit 1, Findings of Fact and Conclusions of Law regarding building compliance with Side Yard Setback standards.

* * * * * * * * * * * *

10.732 Fencing of Lots

(1) Fencing located within the front yard setback area of all zones, except the MFR zone, shall not exceed three (3) feet in height when measured from the grade of the street centerline. When within a MFR zone, a fence shall not exceed three (3) feet in height when located within ten (10) feet of a street right-of-way unless otherwise approved by the approving authority. (Effective Dec. 1, 2013.)

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(2) Fencing located in the side or rear yards (when not a through-lot) shall not exceed eight (8) feet in height. Height shall be measured as follows:

(a) In required yards abutting a street, it shall be the effective height measured from the finished grade on the side nearest the street.

(b) In other required yards, it shall be the total effective height above the finished grade measured on the side nearest the abutting property.

(3) No fencing shall conflict with the site distance requirements of Section 10.735, Clear View of Intersecting Streets.

Compliance with Standards: No fencing is proposed at this time. Hayden Homes expects to install perimeter fencing, but interior fencing will depend on the desire of the future homebuyers. Standard fencing for Hayden Homes is 6 foot cedar fencing. Fences for this subdivision can and will comply.

* * * * * * * * * * * * *

10.735 Clear View of Intersecting Streets

(1) In order to provide a clear view of intersecting streets, there shall be a triangular area of clear vision formed where a street intersects with another street, driveway, or alley.

(2) The size of the triangular area is a function of traffic control, volume and speed. See Table 10.735-1 below for posted speeds and site distances.

(3) On any portion of a lot that lies within the triangular area described and illustrated in Figures 10.735-1 & 2, below, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of three (3) feet and ten (10) feet above the height of the top of the curb. Where there is no curb, the height shall be measured from the street center lines.

(4) The triangular area of clear vision shall be determined based upon the type of stop control used at the subject intersection.

(a) The clear vision triangular area for an intersection of a street <u>without</u> stop control is shown in Figure 10.735-1. See Table 10.735-2 below for determining all other curb line distances

Compliance with Standards: All proposed intersections comply with the standards. See Exhibit 8.

* * * * * * * * * * * * *

10.743 Off-Street Parking Standards

(1) Vehicle Parking – Minimum and Maximum Standards by Use. The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 10.743-1.

Where a use is not specifically listed in table 10.743-1, parking requirements shall be determined by the Planning Director or designee finding that the use is similar to one of those listed in terms of parking needs.

Parking spaces that count toward the minimum requirement are parking spaces meeting minimum dimensional and access standards in garages, carports, parking lots, bays along driveways, and shared parking areas.

(2) Number of Required Parking Spaces. Off-street vehicle parking spaces shall be provided as follows:

(a) Parking Space Calculation. Parking space ratios are based on spaces per 1,000 square feet of gross floor area, unless otherwise noted.

(b) Parking Categories.

(i) Table 10.743-1 contains parking ratios for minimum required number of parking spaces and maximum permitted number of parking spaces for each land use.

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A. Minimum Number of Required Parking Spaces. For each listed land use, the City shall not require more than the minimum number of parking spaces calculated for each use.

B. Maximum Number of Permitted Parking Spaces. The number of parking spaces provided shall not exceed the maximum number of parking spaces allowed for each listed land use.

Table 10.743-1 – City of Medford Minimum and Maximum Parking Standards		
Land Use Category	Minimum Number of Required Parking Spaces	Maximum Permitted Parking Spaces
Residential, Single Family	2 spaces per dwelling unit	n/a

Compliance with Standards: All dwelling units are planned to have a minimum of a two-car garage, plus the driveway that will provide space for 2 cars to park between the garage and the sidewalk. All lots can and will comply with the standard.

* * * * * * * * * * * * *

10.790 Bufferyards

C. Determination of Bufferyard Requirements.

(1) To determine the type of bufferyard required between two adjacent lots, the following procedure shall be followed:

(a) Identify the zoning district within which the subject lot with its proposed use is located.

(b) Identify the zoning district(s) or, absent city zoning, the GLUP designation(s) within which the abutting lot(s) are located.

(c) Determine the bufferyard required along each boundary, or segment thereof, of the subject lot by referring to Subsection D, Tables of Bufferyard Standards, which specify the bufferyard types required between zones or GLUP designations.

***Table 10.790-1.* Bufferyard Standards-Zone to Zone**

Table 10.790-1. Bufferyard Standards-Zone to Zone	
	Zoning on Abutting Land
Subject Site Zoning	SFR
SFR	-

Compliance with Standards: As the project is in the SFR zone and the surrounding lands are also SFR, no bufferyards are required. Therefore, the project complies.

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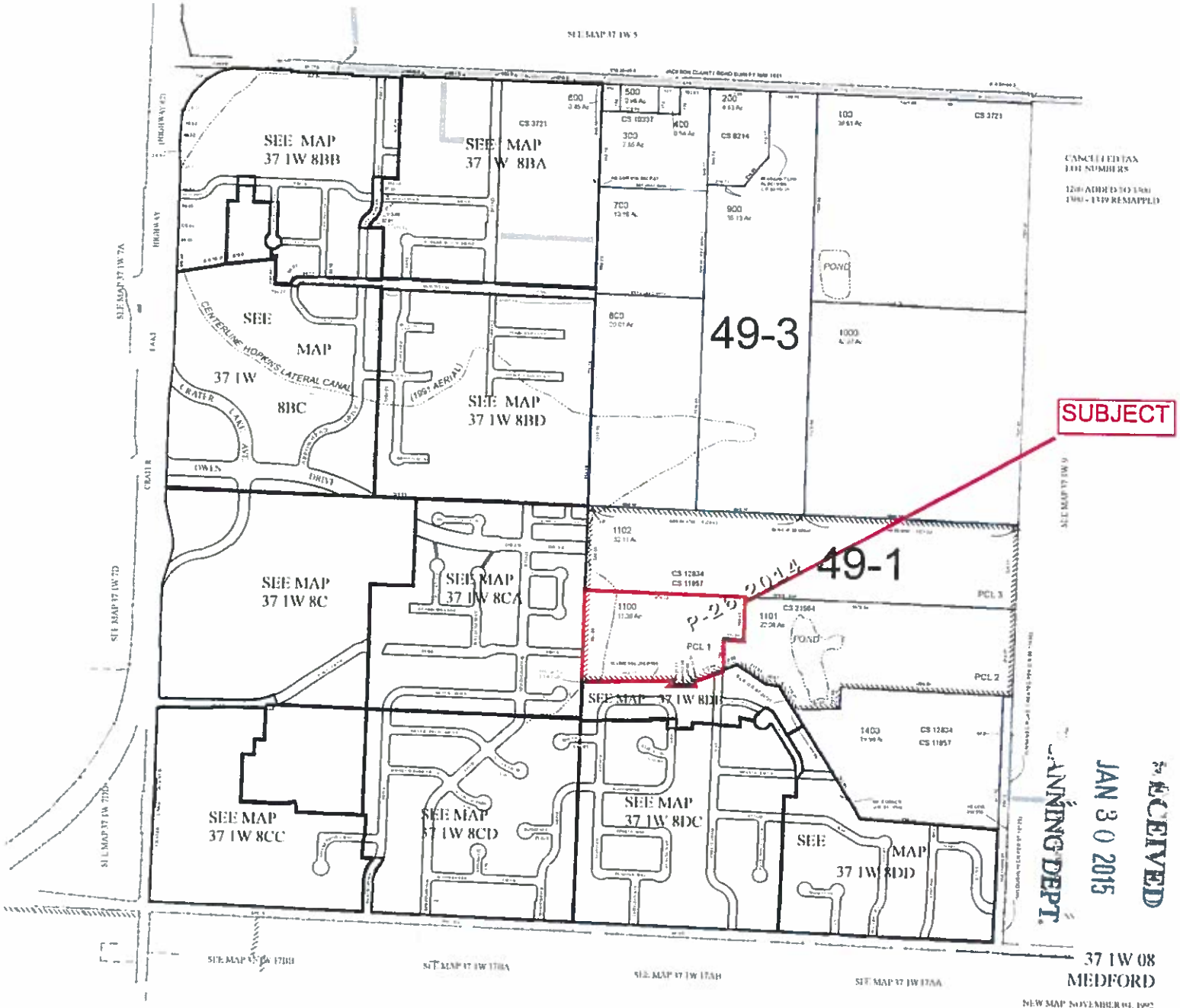
FOR ASSESSMENT AND TAXATION ONLY

SECTION 8, T.37S., R.1W., W.M.
JACKSON COUNTY
1" = 400'

EXHIBIT 4

37 1W 08
MEDFORD



37 1W 08
MEDFORD

NEW MAP NOVEMBER 04, 1992
REV JANUARY 23, 2015

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GIS DATA
01/23/2015 9:35:23 AM

Legend

- Subject *
- Tax Lots
- Medford Zoning

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* Parcel 1 of P-26-2014 (Survey 21564)
Part of 37-1W-08-1100

Zoning Map

Delta Waters Subdivision
Hayden Homes, LLC

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EXHIBIT # "B"
File # LDS-15-005/E-15-016
ZC-15-017

2012 Aerial

N W E S

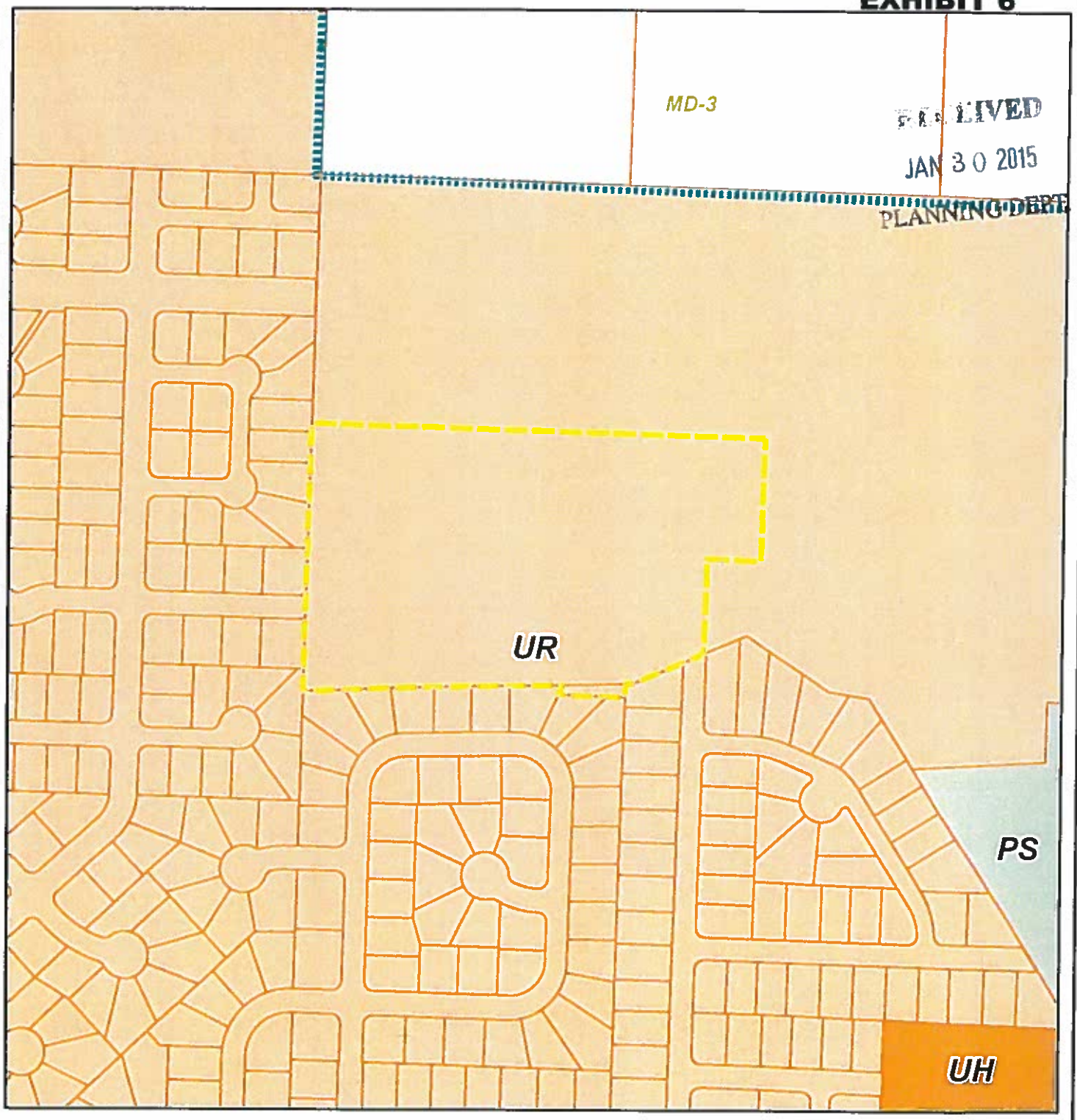
300 150 0 300 Feet

CSA Planning, Ltd.

1-21-2015 Source: CSA Planning, Ltd. City of Medford GIS

13

EXHIBIT 6



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Subject *

Tax Lots

Urban Reserves

Urban Growth Boundary

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* Parcel 1 of P-26-2014 (Survey 21564)
Part of 37-1W-08-1100

GLUP Map

Delta Waters Subdivision
Hayden Homes, LLC

CITY OF MEDFORD
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File # LDS-15-015/E-15-06/ZC-15-017

N W E S

300 150 0 300 Feet

CSA Planning, Ltd.

1-21-2015 Source: CSA Planning, Ltd. City of Medford GIS

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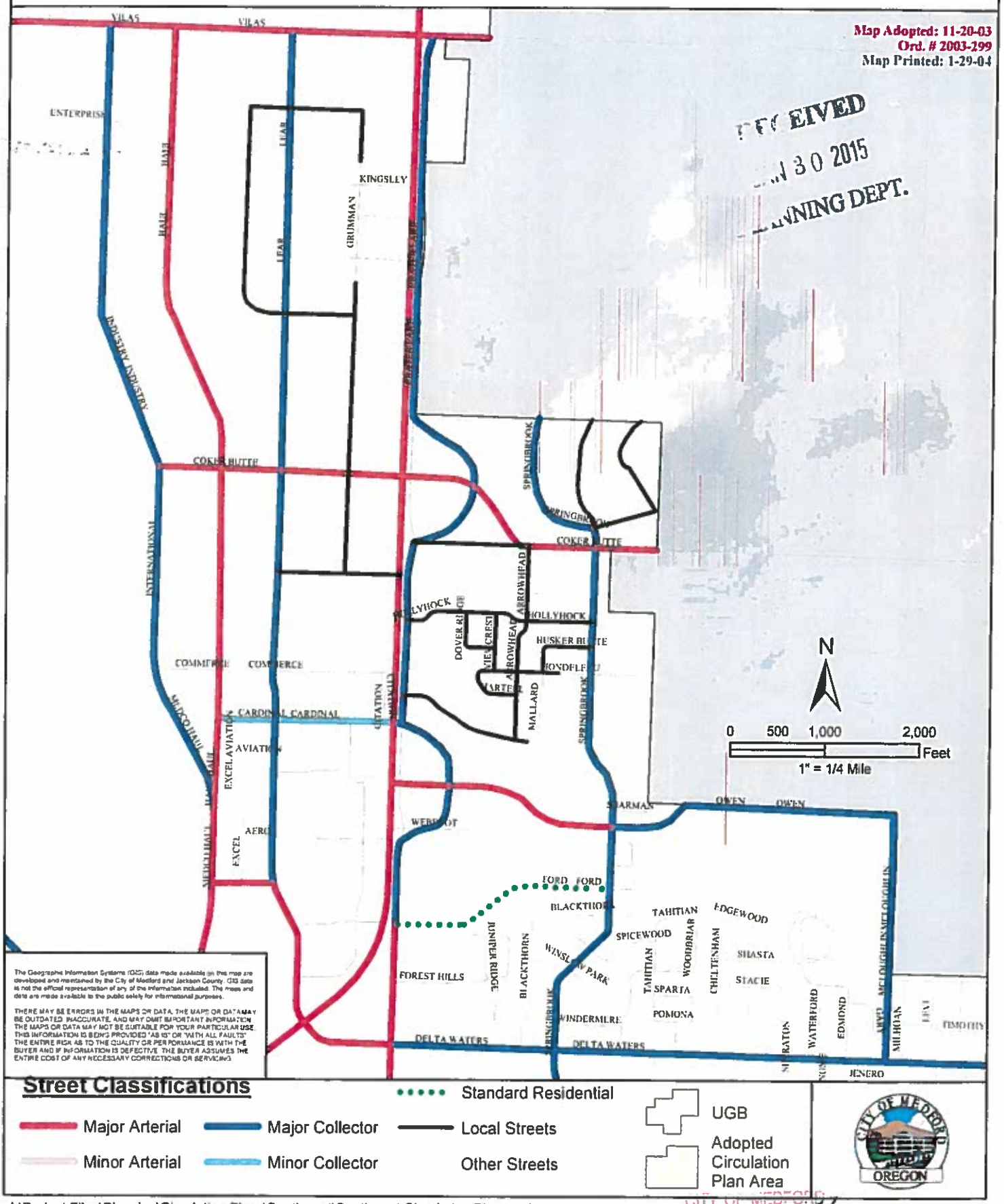
EXHIBIT 11

Adopted North Medford Circulation Plan



I:\Project Files\Planning\Circulation Plans\Southwest\Southwest Circulation Plan.mxd

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EXHIBIT A
Conditions of Approval
January 20, 2011

ZC-10-078
Delta Waters Properties, LLC

1. The property owner shall comply with the report from the Public Works Department received December 8, 2010 (Exhibit M).

2. The property owner shall comply with the report from the Oregon Department of Transportation (ODOT) received January 19, 2011 (Exhibit P).

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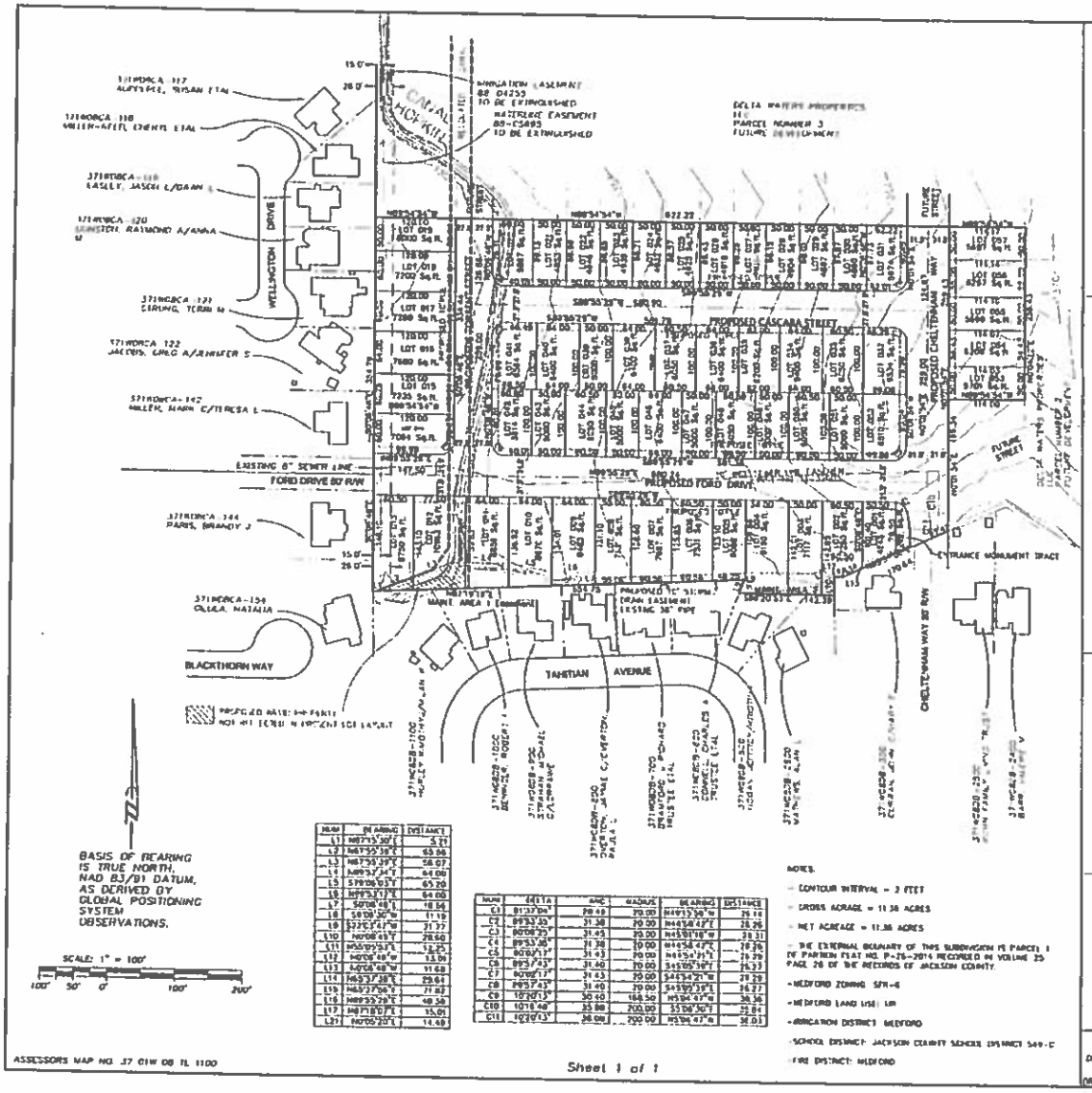


LINE	BEARING	DISTANCE
L1	N87°15'30"E	5.11
L2	N87°55'39"E	63.06
L3	N87°55'39"E	56.07
L4	N89°57'34"E	64.00
L5	S79°06'03"E	65.20
L6	N89°57'17"E	64.00
L7	S0°06'48"E	18.54
L8	S0°09'50"W	11.19
L9	S22°51'41"W	31.37
L10	N0°06'43"E	28.66
L11	N55°05'51"E	12.25
L12	N0°06'48"W	13.09
L13	N0°06'48"W	11.68
L14	N63°37'38"E	29.61
L15	N63°37'38"E	21.82
L16	N89°55'29"E	48.58
L17	N87°18'07"E	15.01
L27	N0°05'20"E	14.49

LINE	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	01°37'00"	28.49	70.00	N49°12'38"W	28.19
C2	09°33'35"	31.38	20.00	N45°24'47"E	28.26
C3	90°00'00"	31.42	20.00	N45°57'18"W	28.31
C4	09°33'35"	31.38	20.00	N45°24'47"E	28.26
C5	90°00'17"	31.42	20.00	N45°24'31"E	28.29
C6	90°00'43"	31.42	20.00	S45°05'29"E	28.27
C7	90°00'17"	31.42	20.00	S45°24'31"W	28.29
C8	90°00'43"	31.42	20.00	S45°05'29"E	28.27
C9	10°30'13"	30.40	165.50	N59°47'47"W	30.36
C10	10°18'48"	35.86	200.00	S59°30'31"E	35.84
C11	10°30'13"	36.00	200.00	N59°47'47"W	35.91

NOTES:

- CONTOUR INTERVAL = 2 FEET
- GROSS ACREAGE = 11.38 ACRES
- NET ACREAGE = 11.38 ACRES
- THE EXTERNAL BOUNDARY OF THIS SUBDIVISION IS PARCEL 1 OF PARTITION PLAT NO. P-26-2014 RECORDED IN VOLUME 25 PAGE 28 OF THE RECORDS OF JACKSON COUNTY.
- MEDFORD ZONING SFR-6
- MEDFORD LAND USE: LDR
- IRRIGATION DISTRICT: MEDFORD
- SCHOOL DISTRICT: JACKSON COUNTY SCHOOL DISTRICT 549-C
- FIRE DISTRICT: MEDFORD

ASSESSORS MAP NO. 37 01W 08 TL 1100

Sheet 1 of 1

TENATIVE SUBDIVISION PLAN
DELTA ESTATES PHASE 1

located in the
SOUTHEAST QUARTER OF SECTION 08,
TOWNSHIP 37 SOUTH, RANGE 1 WEST,
WILLAMETTE MERIDIAN
CITY OF MEDFORD, JACKSON COUNTY, OREGON
for

HAYDEN HOMES INC

PO BOX 430
MEDFORD, OREGON 97501

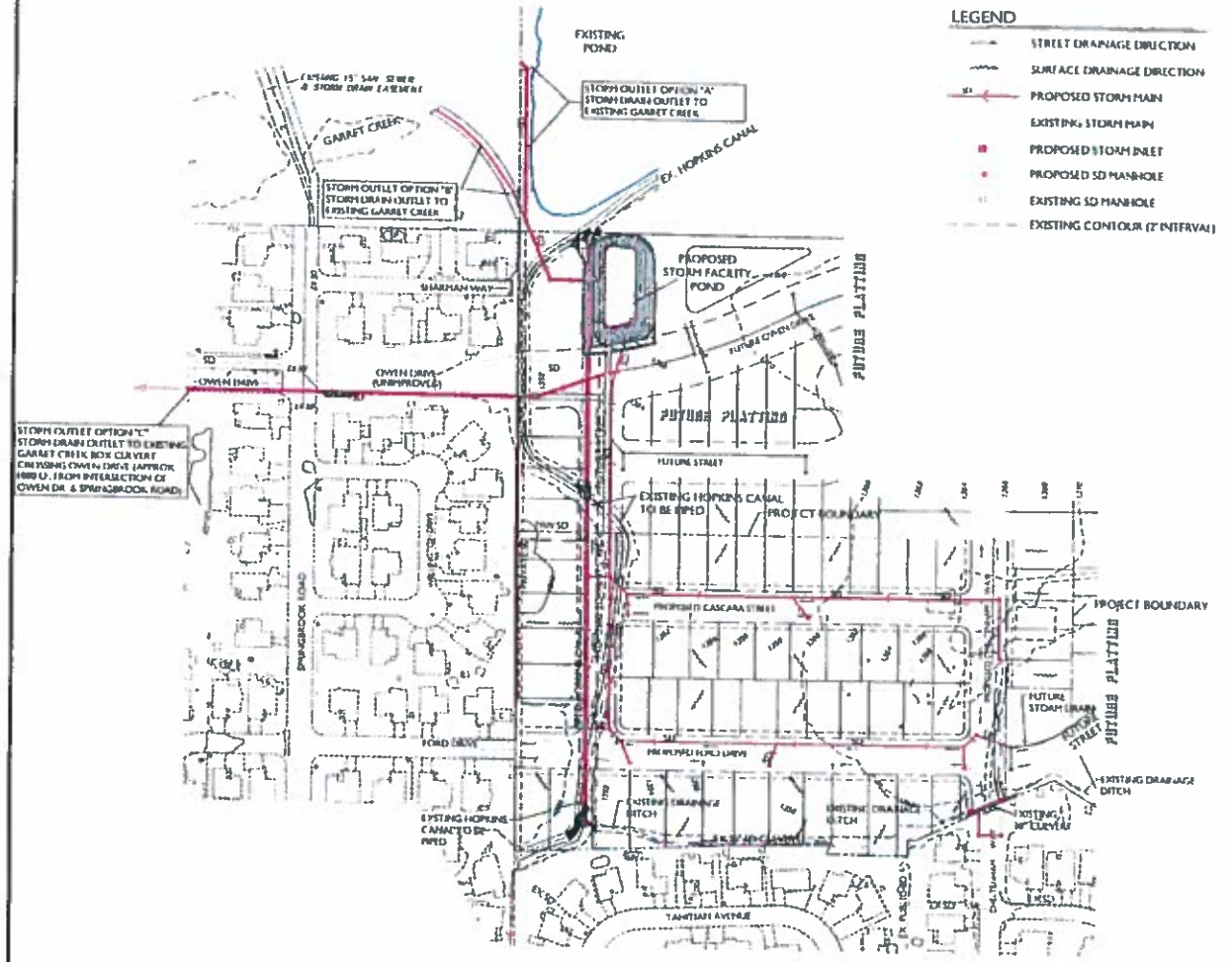
VICINITY MAP NO SCALE

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JULY 29, 1985 HERBERT L. FARBER 2190
RENEWAL DATE 12-31-15

Surveyed by:
FARBER & SONS, INC dba
FARBER SURVEYING
PO BOX 5288
431 OAK STREET
CENTRAL POINT, OREGON 97502
(541) 664-5599

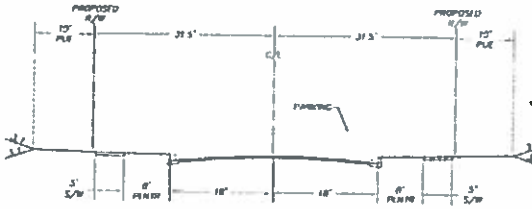
DATE: JANUARY 28, 2015
JOB NO. 2001-14
DRAWING FILE: J2001\X:\Medford_HE\Delta Waters\Hayden Home Delta Waters\MapSurvey\tentative plat plot.DWG
DRAWN BY: DRH CHKD BY: HLF DATE: 01/28/2015 INCHECK BY: HLF DATE: 1/28/2015

EXHIBIT 9

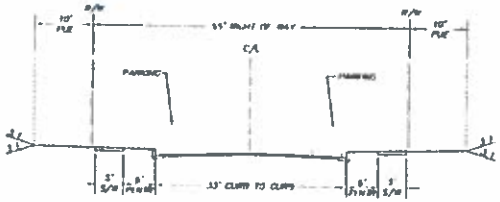


LEGEND

- STREET DRAINAGE DIRECTION
- SURFACE DRAINAGE DIRECTION
- PROPOSED STORM MAIN
- EXISTING STORM MAIN
- PROPOSED STORM INLET
- PROPOSED SD MANHOLE
- EXISTING SD MANHOLE
- EXISTING CONTOUR (2' INTERVAL)



FORD DRIVE & CHELTENHAM WAY



MINOR RESIDENTIAL STREETS

FORRENT STREET & CASCARA STREET

NORTH

GRAPHIC SCALE

EXHIBIT C.1

CONSTRUCTION ENGINEERING CONSULTANTS

P.O. BOX 1794 · BEND, OREGON 97709
PH. (541) 779-8288 · FAX (541) 779-3120

DRAWN BY DATE 01/13
CHECKED BY DATE 01/13

CONSTRUCTION ENGINEERING CONSULTANTS, INC.

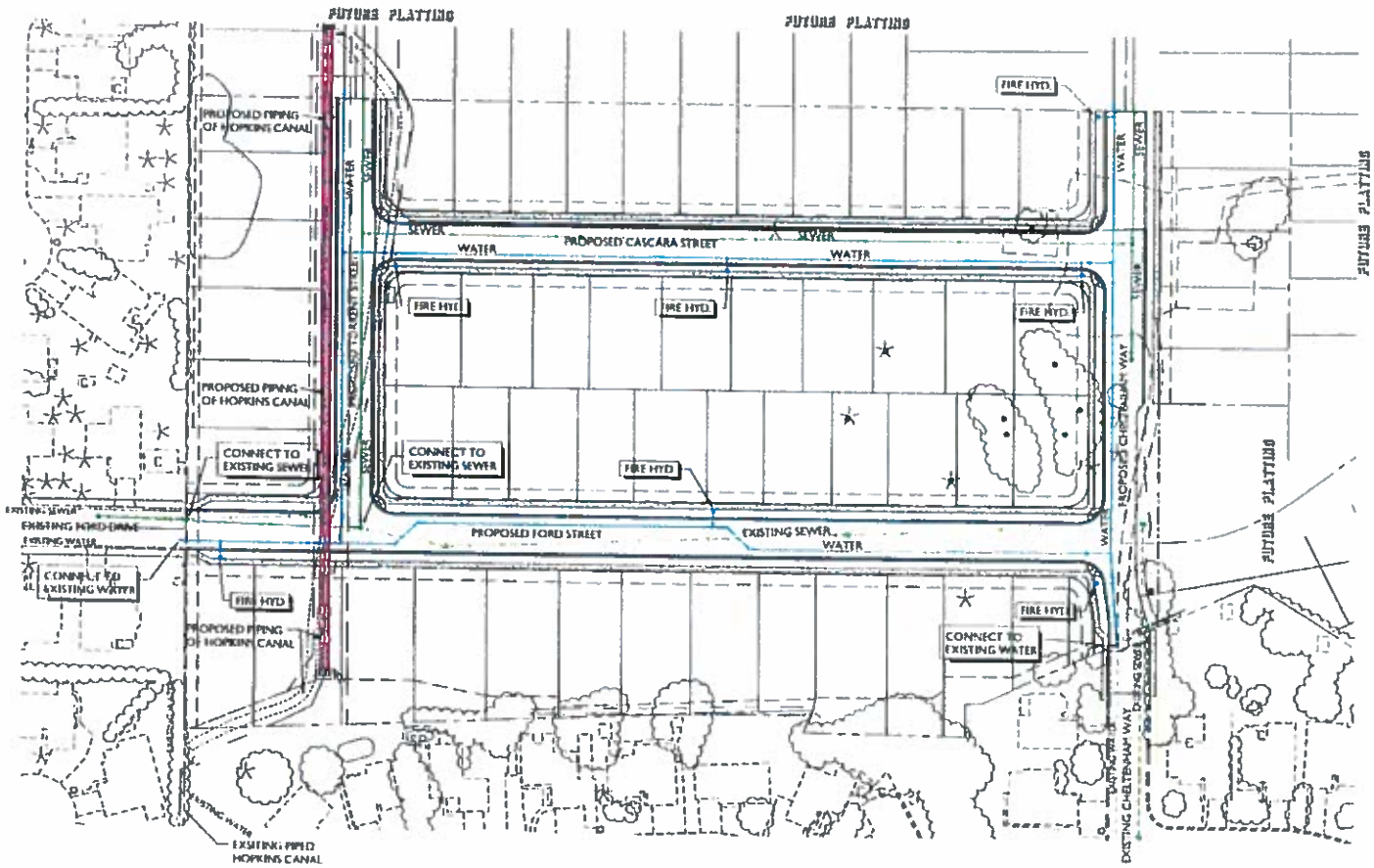
DELTA ESTATES SUBDIVISION PHASE I

CONCEPTUAL GRADING & DRAINAGE PLAN ROADWAY CROSS SECTIONS

1 of 2

35 of 51

EXHIBIT 9



NOTE:
FIRE HYDRANT PLACEMENT SHALL BE COORDINATED WITH CITY OF MEDFORD FIRE DEPARTMENT REQUIREMENTS

LEGEND

- EXISTING WATER MAIN
- PROPOSED WATER MAIN
- PROPOSED SEWER MANHOLE
- EXISTING SEWER MANHOLE
- PROPOSED SANITARY SEWER MAIN
- EXISTING SANITARY SEWER MAIN
- PROPOSED FIRE HYDRANT

NORTH

GRAPHIC SCALE

EXHIBIT C.2

CONSTRUCTION ENGINEERING CONSULTANTS

P.O. BOX 1724 • MEDFORD, OREGON 97501
PH. (541) 770-6000 • FAX (541) 770-5130

DRAWN BY: WRK DATE: 01/15
CHECKED BY: WRK, PMH DATE: 01/15
DATE:
DATE:
DATE:
DATE:

NO	REVISION	DATE	BY

CONSTRUCTION ENGINEERING CONSULTANTS, INC.

DELTA ESTATES SUBDIVISION
PHASE I
CONCEPTUAL
SEWER AND WATER PLAN

2 of 2

36 of 51

Page 216

EXHIBIT 10

1 **3-CAR GARAGE STREET ELEVATION SETBACK COMPARISON**

SCALE: 1:20

HAYDEN HOMES

CSA Planning, Ltd

STREET ELEVATION EXAMPLES 1

DELTA ESTATES SUBDIVISION

CHELTENHAM WAY, MEDFORD, OR

DATE: 3/10/2015

DRAWN BY JL/BT

CHECKED BY JI

1

37 of 51

EXHIBIT 10

STREET ELEVATIONS FOR 2-CAR GARAGE HOUSES VS 3-CAR GARAGE HOUSES WITH ALTERNATE SETBACK

1

SCALE: 1:20

HAYDEN HOMES

CSA Planning, Ltd

STREET ELEVATION EXAMPLES 2

DELTA ESTATES SUBDIVISION
CHELTENHAM WAY, MEDFORD, OR

DATE: 3/19/2015

DRAWN BY JL/BT

CHECKED BY JH

2

38 of 51

RECEIVED
JAN 30 2015
PLANNING DEPT.

Legal Description
Delta Estates
Assessors Map No 371W08-1100, 371W08DB-400

Parcel 1 of Partition Plat No P-26-2014 as recorded in the Records of Jackson County, Oregon; Index Volume 25, Page 26; County Surveyor's File No 21564.

Prepared by: Herbert A Farber
Farber & Sons, Inc.
d.b.a. Farber Surveying
431 Oak Street
Central Point, Oregon 97502

Date: January 5, 2015

CITY OF MEDFORD
EXHIBIT "B"
File # LDS-15-015/E-15-016/ZC-15-0
39 of 51

21564

PARTITION PLAT No. P-26-2014

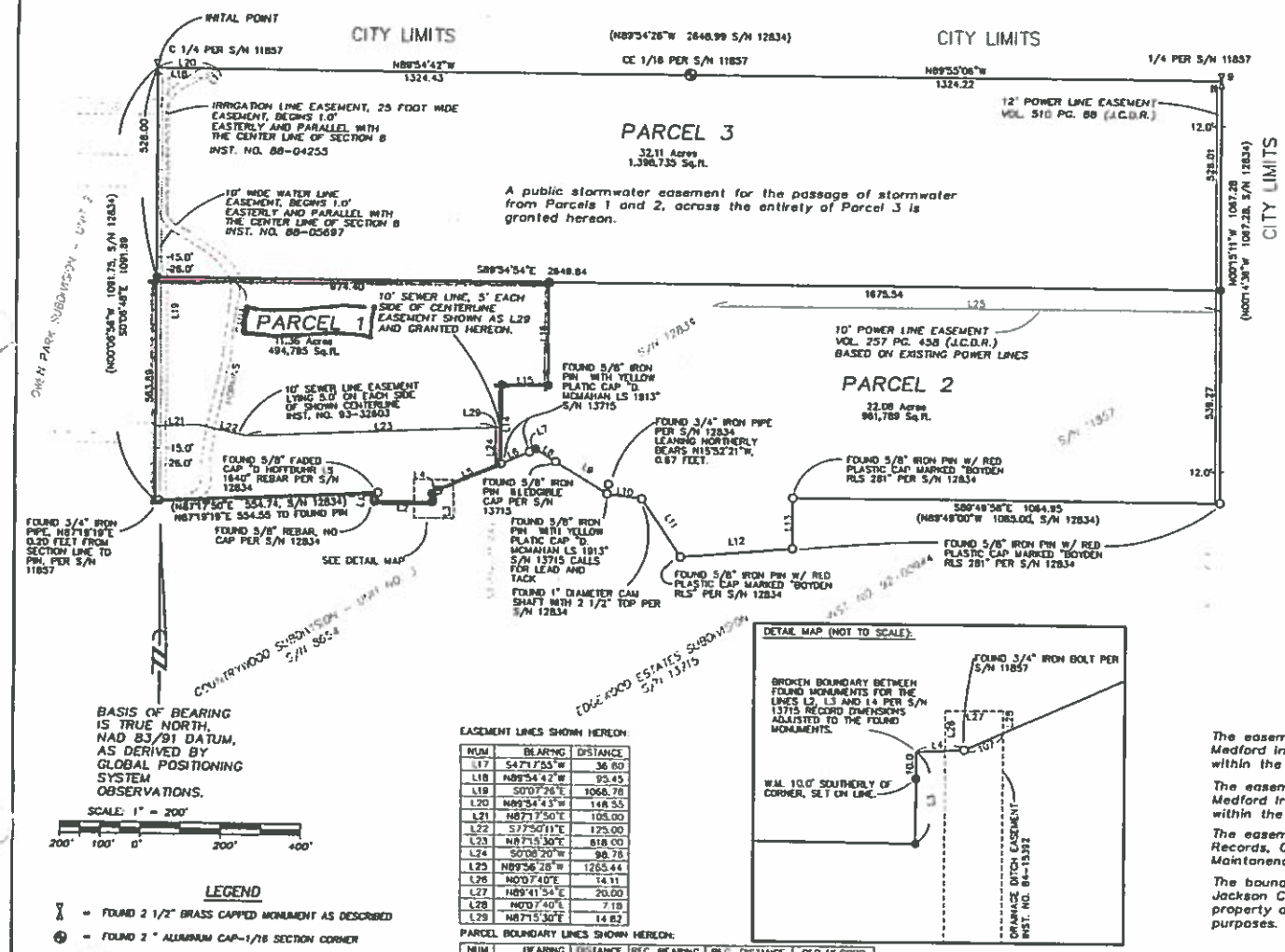
located in the

SOUTHEAST QUARTER OF SECTION 08, TOWNSHIP 37 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON

for

DELTA WATERS PROPERTIES, LLC

PO BOX 430
MEDFORD, OREGON 97501



BASIS OF BEARING IS TRUE NORTH, NAD 83/91 DATUM, AS DERIVED BY GLOBAL POSITIONING SYSTEM OBSERVATIONS.

SCALE: 1" = 200'

200' 100' 0' 200' 400'

LEGEND

- FOUND 2 1/2" BRASS CAPPED MONUMENT AS DESCRIBED
- FOUND 2 " ALUMINUM CAP-1/16 SECTION CORNER
- FOUND MONUMENT, AS DESCRIBED
- SET 5/8" x 24" IRON PIN w/ YELLOW PLASTIC CAP MARKED "FARBER PLS 2189"
- S/N = RECORD FILED SURVEY NUMBER
- W.M. = WITNESS MONUMENT
- (J.C.D.R.) = JACKSON COUNTY DEED RECORDS

- RECORD SURVEY DATA IS SHOWN IN PARENTHESIS ADJACENT TO MEASURED SURVEY DATA WHERE APPLICABLE.
- INST. NO. = INSTRUMENT NUMBER AS RECORDED IN THE OFFICIAL RECORDS OF JACKSON COUNTY, OREGON.

EASEMENT LINES SHOWN HEREON:

NUM	BEARING	DISTANCE
L17	S47°17'55"W	36.60
L18	N89°54'42"W	93.45
L19	S0°07'26"E	1068.78
L20	N89°54'43"W	148.55
L21	N87°17'50"E	105.00
L22	S77°50'11"E	125.00
L23	N87°15'30"E	818.00
L24	S0°06'20"W	98.78
L25	N89°56'28"W	1265.44
L26	N0°07'40"E	14.11
L27	N89°41'54"E	20.00
L28	N0°07'40"E	7.18
L29	N87°15'30"E	14.82

PARCEL BOUNDARY LINES SHOWN HEREON:

NUM	BEARING	DISTANCE	REC. BEARING	REC. DISTANCE	PER RECORD
L1	S22°03'47"W	21.77	(S21°40'45"W)	(22.08)	S/N 11857
L2	S89°20'53"E	142.39	(S89°18'04"E)	(142.37)	S/N 8654
L3	N0°08'49"E	28.60	(N0°08'20"E)	(28.58)	S/N 8654
L4	N87°18'07"E	15.01	(N87°20'54"E)	(15.01)	S/N 13715
L5	N65°37'56"E	170.64	(N65°36'00"E)	(170.52)	S/N 13715
L6	N65°40'25"E	78.81	(N65°36'00"E)	(78.95)	S/N 13715
L7	N65°40'25"E	18.78	(N65°36'00"E)	(18.87)	S/N 13715
L8	S57°50'33"E	58.81	(N57°48'00"E)	(58.81)	S/N 13715
L9	S57°50'33"E	152.72	(N57°48'00"E)	(152.74)	S/N 13715
L10	S82°19'01"E	86.67	(S82°11'00"E)	(86.88)	S/N 13715
L11	S33°39'08"E	175.31	(S33°38'00"E)	(175.58)	S/N 12834
L12	N85°09'58"E	280.60	(N85°0'700"E)	(280.97)	S/N 12834
L13	N0°10'59"E	127.86	(N00°00'00"E)	(128.07)	S/N 12834
L14	N0°01'54"E	199.34	NO RECORD	NO RECORD	
L15	S89°54'54"E	114.00	NO RECORD	NO RECORD	
L16	N0°04'12"E	259.43	NO RECORD	NO RECORD	

ASSESSORS MAP NO. 371W08-1100 AND 371W0808-400

Sheet 2 of 2

RECEIVED
DATE 9/16/14 BY BF
This survey consists of:
7 sheet(s) Map
0 page(s) Narrative
JACKSON COUNTY SURVEYOR

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JULY 29, 1965 HERBERT A. FARBER 2189
RENEWAL DATE 12-31-15

I, Herbert A. Farber, do hereby certify that this is an exact copy of the original.

SURVEY NARRATIVE TO COMPLY WITH O.R.S. 209.250

Purpose: This survey was conducted to fulfill the conditions of approval for this partition as outlined by the City of Medford in File No LDP-13-086 and the laws of the state.

Procedure: The monuments shown as found hereon were tied for this survey by this office with Trimble GPS and Robotic Instruments. The basis of bearing for this plat is True North derived from GPS observations. The dimensions between found monuments reflect the true north basis of bearing and the appropriate record is shown. The west boundary was established per record S/N 11875 a retracement survey of S/N 601, both performed by the same office. The areas where original monuments have been lost were re-established as follows. The boundary defined by courses L2, L3 and L4 was re-established by holding the positions of the found monuments on each end of the adjusted line and then using the broken boundary solution of doing a compass adjustment to the record bearings and distance between the two found monuments. The course L7 and L8 were intersected by a bearing-bearing intersection from the courses between found monuments on each side of the missing corner. The new boundaries were established per the approved tentative plan as shown hereon.

EASEMENT NOTES:

The easement recorded as Volume 252 Page 557 in favor of the The Medford Irrigation District for a right-of-way for irrigation does not fall within the boundaries of this plat.

The easement recorded as Volume 256 Page 551 in favor of the The Medford Irrigation District for a right-of-way for irrigation does not fall within the boundaries of this plat.

The easement recorded as Inst. No. 84-15393 of the Jackson County Deed Records, Oregon in favor of the City of Medford, Oregon for Sanitary Sewer Maintanence does not fall within the boundaries of this plat.

The boundary line agreement recorded as Inst. No. 88-05547 of the Jackson County Deed Records, Oregon is no longer applicable to this property due to the fact that the property is not used for orchard purposes.

Surveyed by:
FARBER & SONS, INC. dba
FARBER SURVEYING
PO BOX 5286
431 OAK STREET
CENTRAL POINT, OREGON 97502
(541) 664-5599

DATE: March 10, 2014
JOB NO.: 2051-13
DRAWING FILE: JOBS\Medford_NE\Delta Waters\delta water prop llc\MicroSurvey\Final Plats Surveys\FINAL PLAT WITH MONS.DWG
DRAWN BY: LSH DWG DATE: 03/26/2014 REVISED BY: LSH DATE: 03-28-14

Page 220

21564

CIVIL IMPROVEMENT PLANS FOR HOPKINS CANAL AT OWEN DRIVE REALIGNMENT / PIPING

LOCATED IN
SECTION 8, T 37 S, R 1 W, W.M.
CITY OF MEDFORD
JACKSON COUNTY, OREGON

GENERAL NOTES

1. ALL WORK SHALL CONFORM TO THE APWA/CMOT STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, 1998 EDITION, 2008 AS AMENDED BY THE CURRENT SET OF CITY SPECIAL PROVISIONS.

2. STORM DRAIN PIPE SHALL BE AS INDICATED ON THE PROJECT PLANS. 4" DRAIN STORM DRAIN PIPE (4", 6", & 8") SHALL BE PVC CONFORMING TO ASTM D-3034. EACH SEGMENT OF INSTALLATION SHALL BE MARKED WITH A MINIMUM 3" x 4" PER STANDARD DRAWING C2.1.0. IND STORM DRAIN DETECTOR TAPE SHALL BE USED.

3. ALL STORM DRAIN PIPES SHALL HAVE WATER-TIGHT JOINTS. PVC AND PE PRODUCTS PIPE JOINTS SHALL CONFORM TO ASTM D-3212 (ELASTOMERIC GASKETS). JOINTS SHALL BE PER MANUFACTURER RECOMMENDATIONS, OR APPROVED EQUAL.

4. ALL WORK ON GRAVITY SEWER DRAIN AND SANITARY SEWER SYSTEMS SHALL BEGIN AT THE LOWEST POINT AND PROCEED UPGRADE TO THE HIGHEST POINT. WORK SHALL NOT BEGIN UPSTREAM OTHER THAN THE LOWEST POINT. DO NOT LEAVE OUT SECTIONS OF THE SYSTEM AND PROCEED AT A LATER DATE. EXAMPLE IS 24" MAIN CONSTRUCTION.

5. ALL DITCH LINE LENGTHS AND SLOPES ARE FROM CENTER OF STRUCTURE TO CENTER OF STRUCTURE.

6. WHEN CONNECTING TO AN EXISTING PIPE, THE CONTRACTOR MUST EXPOSE THE END OF THE EXISTING PIPE AND VERIFY THE ENGINEER TO VERIFY EXACT LOCATION AND ELEVATION BEFORE LAYING ANY NEW PIPE ON THAT SYSTEM.

7. ALL TRENCH BACKFILL SHALL CONFORM TO CITY OF MEDFORD STANDARDS AND OR SUB STANDARD DRAWING C2.2.0.

8. EXPANSIVE AGGREGATES SHALL BE OBTAINED FROM A CITY APPROVED SOURCE. CONTRACTOR SHALL NOTIFY THE CITY ENGINEER OF THE WATERSHED SOURCE PRIOR TO ANY GRAVEL OR AGGREGATE PLACEMENT. CONTRACTOR SHALL NOT CHANGE MATERIAL SOURCES WITHOUT PRIOR APPROVAL FROM THE CITY ENGINEER.

9. PAVEMENT OR SIDEWALK OR SPOILS FROM THE EXCAVATION OF UTILITIES OR SEWER LINE TRENCHES IS NOT PERMITTED ON HARD SURFACE STREETS OTHER THAN PUBLIC RIGHT OF WAY. THESE STORED ON OTHER RIGHT-OF-WAY AREAS SHALL BE COVERED TO PREVENT EROSION.

10. ALL CLEARING SHALL BE DONE PER AT 30 DAYS EARTH CHANGE SCHEDULE.

11. THE LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND STRUCTURES ARE APPROXIMATE. THERE MAY EXIST UTILITIES THAT ARE NOT SHOWN ON THE PLANS. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UTILITIES PRIOR TO CONSTRUCTION.

12. CONTRACTORS AND SUBCONTRACTORS SHALL BE PREQUALIFIED WITH THE CITY OF MEDFORD ENGINEERING DIVISION AND THE BID PRIOR TO STARTING WORK. CONTRACTOR SHALL NOTIFY OREGON UTILITY NOTIFICATION CENTER (1-800-332-2344) CITY OF MEDFORD ENGINEERING (774-2102) 48 HOURS PRIOR TO STARTING WORK.

13. CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION WITH THE PROPER UTILITY COMPANIES REGARDING INSTALLATION REQUIREMENTS FOR NEW FACILITIES.

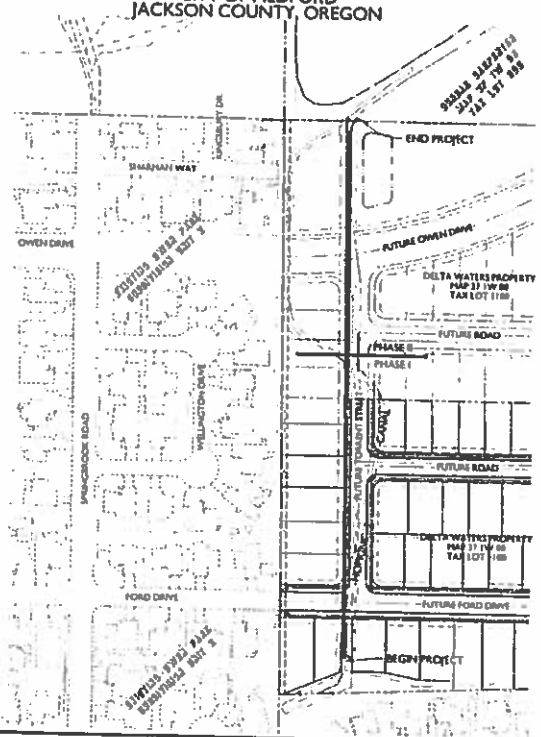
14. CONTRACTOR SHALL BE RESPONSIBLE TO CLEAN AND/OR MAINTAIN ENTIRE PUBLIC STREETS OF DIRT OR DEBRIS DEPOSITED BY CONSTRUCTION OPERATIONS AND REPAIR ALL STREETS DAMAGED BY CONSTRUCTION OPERATIONS IN A TIMELY MANNER TO AVOID INCONVENIENCE OR HAZARDS TO THE PUBLIC.

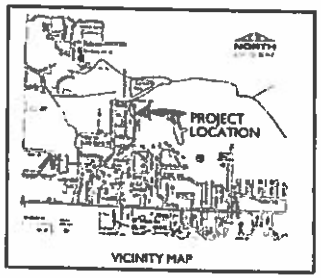
15. THE CONTRACTOR SHALL NOT PROCEED WITH WORK WITHOUT AGENCY INSPECTORS WHEN IMPLEMENTS ARE REQUIRED BY THE SPECIFICATIONS.

16. REQUESTS BY THE CONTRACTOR FOR CHANGES TO THE PLANS MUST BE APPROVED BY THE CONSULTING ENGINEER AND THE OWNER'S ENGINEER BEFORE CHANGES ARE IMPLEMENTED.

17. BASIS OF BEARING IS TRUE NORTH AND DERIVED FROM AS DEFINED BY GLOBAL POSITIONING SYSTEM OBSERVATIONS. BENCH MARK IS MONUMENTED AS ASTS BENCHMARK IS A BRASS CAP LOCATED IN THE TOP OF CURB AT THE NORTHWEST CORNER OF SPRINGBROOK ROAD AND WELLINGTON DRIVE NEAR THE NORTHEAST NO. 1700 BUILDING. ELEVATION 1346.10

NOTE:
THE DEVELOPER UNDERSTANDS THE RISK ASSOCIATED WITH INSTALLING THE SEWER LATERALS PRIOR TO INSTALLATION OF THE STORM DRAINS. HE ACCEPTS RESPONSIBILITY.





VICINITY MAP

CITY OF MEDFORD
OREGON

NORTH

GRAPHIC SCALE

CONTACT INFORMATION

ENGINEER
PATRICK & PARKER PC
1111 W MAIN ST, SUITE 120
MEDFORD, OR 97504
(541) 779-3968

CITY OF MEDFORD
ENGINEERING DIV
411 W GRIFFIN ST
MEDFORD, OR 97501
(541) 774-2102

ROGUE RIVER VALLEY
IRRIGATION DISTRICT
SHAWN HANSEN
3139 WOODMAN ROAD
MEDFORD, OR 97501
(541) 773-6127

SURVEYOR
MARK LANGER
SANDLER SURVEYING
111 W. MAIN STREET
CENTRAL POINT, OR 97502
(541) 664-3663

DEVELOPER
ASSA COMPANY
HOLDEN HOMES
2442 SW DELAWARE
REDMOND, OR 97756
(541) 923-6667

CABLE TELEVISION
RYAN MERRICK
CHARTER TV
1116 S. ROGUE ST
MEDFORD, OR 97501
(541) 734-9524

WATER COMPANY
CITY OF MEDFORD
WATER DIVISION
200 SOUTH IVY
MEDFORD, OR 97501
(541) 774-2439

ELECTRIC COMPANY
PACIFIC POWER
ROGUE CORP & LIGHT
121 E. GRAND ST
MEDFORD, OR 97501
(541) 776-1410

GAS COMPANY
SOUTHERN OREGON GAS CO
AMBER WALKER
1200 ROGUE RIVER HWY
GOLD HILL, OR 97525
(541) 878-2760

TELEPHONE COMPANY
QWEST
CENTURY LINK
1000 E. MAIN AVE
MEDFORD, OR 97501
(541) 776-4204

LEGEND

LINES

PROPOSED PIPING
PROPOSED STORM
PROPOSED SEWER
PROPOSED WATER
PROPOSED DITCH
EXISTING PIPING
EXISTING SEWER
EXISTING WATER
EXISTING GAS
EXISTING POWER
EXISTING TV
EXISTING PHONE
EXISTING DITCH

SYMBOLS

SEWER MANHOLE
CLEAN OUT
SERVICE LINE
WATER METER
FIRE HYDRANT
WATER VALVE
FITTING & TEE
DRAINAGE FLOW
AIR VALVE
LIGHT POLE
STORM MANHOLE
AREA DRAIN
FIRE VALVE
CATCH BASIN
UTILITY POLE/SIGN POST
STREET LIGHT
TELEPHONE PEDESTAL
POWER TRANSFORMER
POWER SWITCHGEAR
GAS VALVE
STORM SERVICE

SHEET INDEX

COVER SHEET A1
IRRIGATION / STORM DRAIN - PLAN & PROFILE B1-B3
CROSS SECTIONS & PROJECT DETAILS C1-C2

SECOND SUBMITTAL

CALL 48 HOURS BEFORE YOU DIG

CONSTRUCTION SERVICES CONSULTANTS

NO	REVISION	DATE	BY

CITY OF MEDFORD - ENGINEERING DEPARTMENT

HOPKINS CANAL AT OWEN DRIVE REALIGNMENT / PIPING IMPROVEMENTS

COVER SHEET

PROJECT NO. SD9810

DRAWING NO. A.1

48 of 51

AFTER RECORDING RETURN TO:
Rogue River Valley Irrigation District
3139 Merriman Road
Medford, OR 97501

PIPING EASEMENT

PARTIES: Delta Waters Properties, LLC., an Oregon Limited Liability Company and HH Medford One, LLC, an Oregon Limited Liability Company, Grantors

ROGUE RIVER VALLEY IRRIGATION DISTRICT, A Municipal Corporation of the State of Oregon, Grantee.

GRANT OF EASEMENT: Grantor, Its successors and assigns, do hereby grant unto Rogue River Valley Irrigation District, its successors and assigns, a water pipeline easement as described in the plans that are on file at the District office and incorporated as though wholly set forth herein.

STATEMENT OF PURPOSE: The easement described above shall be used for installing, constructing, utilizing, operating, maintaining, repairing or replacing and irrigation water pipeline for the Rogue River Valley Irrigation District's water system.

TYPE OF EASEMENT: The easement described above shall be exclusively for the benefit of the District or its assigns and shall perpetually encumber the affected property.

COVENANT NOT TO OVERLOAD AND NOT TO BUILD: Grantor and Grantee understand the danger to the buried pipeline. Grantor shall not overload the buried pipeline and shall not permit any vehicle or equipment to cross the buried pipeline except at engineered crossing locations approved by Grantee. Grantor may provide for driveway access over the pipeline approved by Grantee and provided such access shall be constructed in accordance with engineer's plans and specifications providing adequate protection for the pipe. Further, Grantor shall not build or allow any structure to be built over the buried pipeline. If, during repair or maintenance specified below, Grantee damages property or other structures located on any portion of the easement, Grantor will hold Grantee harmless for any damage or claim for damage or repairs.

"B"
42 of 51

MAINTENANCE, REPAIR AND REPLACEMENT: Grantor shall be responsible for all maintenance, repair and replacement of the buried culvert pipe. In the event Grantor shall fail to properly maintain the buried culvert pipe and all the appurtenances, as determined by Grantee, Grantee may take all action necessary to properly maintain such culvert pipe including access to the easement granted herein over and across adjacent property owned by Grantor. In the event of an emergency as determined by Grantee's manager, Grantee may take all action necessary to properly maintain such culvert pipe including access to the easement granted herein over and across adjacent property owned by Grantor. All costs incurred by Grantee for maintenance, repair or replacement will be paid by Grantor and Grantee shall record all charges as a lien against Grantor's property described as: Lot 35 of Twin Creeks Crossing, Phase 1, in Central Point, Jackson County, Oregon, according to the official plat thereof, now of record.

INDEMNITY: Grantor agrees to indemnify and hold Grantee harmless from any claims or damages arising out of the installation of the buried culvert pipe or arising out of the use of the real property located above or adjacent to the buried culvert pipe.

COVENEANTS RUNNING WITH LAND: The above non-overloading and no building provisions, maintenance provision and indemnify provision are covenants running with the land and shall be the responsibility of Grantor or any subsequent transferee.

REMEDIES: In addition to all other remedies allowed by law, the parties, their successors and assigns, shall have the right to seek injunctive relief or specific performance for the enforcement of the terms and conditions of this agreement.

BINDING EFFECT: The terms, conditions and provisions of this Agreement shall extend to and be binding upon and inure to the benefit of the heirs, personal representatives and assigns of the parties.

ATTORNEY FEE: In case suit or action be instituted upon or in connection with this Agreement, the prevailing party shall be entitled to recover from the losing party such sums as the court may adjudge reasonable as attorney fees and costs in such suit or action, or upon appeal.

SPECIFICATIONS: Pipe shall be installed to meet current minimum general standards as set forth in the current American Public Works Association Standards, and the current City of Medford and City of Central Point Standards and Specifications, Jackson County Public Works Standards and Specifications, the plans that are on file at the District office, and the specifications set forth by the Rogue River Valley Irrigation District described in Exhibit "A" and further delineated in Exhibit "B".

THIS EASEMENT IS TEMPORARY AND IS EXTINGUISHED AND TERMINATED UPON THE RECORDING OF A LAND DIVISION, AS APPROVED BY THE CITY OF MEDFORD, IN THE RECORDS OF JACKSON COUNTY, OREGON, AT WHICH TIME A DEDICATED EASEMENT WILL BE STATED ON THE PLAT OR LIE WITHIN A PUBLIC RIGHT OF WAY.

Dated this _____ day of _____, 20___.

GRANTEE:

ROGUE RIVER VALLEY
IRRIGATION DISTRICT

By: _____
Its: _____

GRANTOR:

_____
_____

By: _____
Its: _____

STATE OF OREGON)
) ss.
JACKSON COUNTY)

Personally appeared before me this _____ day of _____, 20__, the above named _____ who is the _____ of ROGUE RIVER VALLEY IRRIGATION DISTRICT, and acknowledged the foregoing instrument to be his/her voluntary act and deed on behalf of ROGUE RIVER VALLEY IRRIGATION DISTRICT.

_____
Notary Public of Oregon
My Commission expires: _____

STATE OF OREGON)
) ss.
JACKSON COUNTY)

Personally appeared before me this _____ day of _____, 20__, the above named _____ who is the _____ of _____, and acknowledged the foregoing instrument to be his/her voluntary act and deed of behalf of _____.

_____
Notary Public of Oregon
My Commission expires: _____

"B"
44 of 51

STATE OF OREGON)
) ss.
JACKSON COUNTY)

Personally appeared before me this _____ day of _____, 20__, the above named _____ who is the _____ of _____, and acknowledged the foregoing instrument to be his/her voluntary act and deed of behalf of _____.

_____
Notary Public of Oregon
My Commission expires: _____

EXHIBIT "A"

Easement Description
Delta Estates
Relocated Hopkins Canal

An easement for ingress and egress for the purpose of constructing and maintaining a canal to convey irrigation water and storm water more particularly described as follows:

Commencing at the northwest corner of Parcel 3 of Partition Plat No P-26-2014 as recorded in the Records of Jackson County, Oregon; Index Volume 25, Page 26; County Surveyor's File No 21564; thence South 89°54'42" East, along the north line of said plat, 112.60 feet to the POINT OF BEGINNING; thence South 0°08'09" East 1023.96 feet; thence South 34°48'16" West, 40.45 feet; thence South 67°55'39" West, 91.27 feet to a point on the south line of said plat, being North 87°19'19" East, 5.20 feet from the southwest corner of Parcel 1 of said Plat; thence North 87°19'19" East, along the south line of said Parcel 1 of said Plat, 137.96 feet; thence North 0°08'09" West, 1084.98 feet to the north line of said Parcel 3 of said Plat; thence North 89°54'42" West, along the north line of said Plat, 30.00 feet to the POINT OF BEGINNING.

Prepared by: Herbert A Farber
Farber & Sons, Inc.
d.b.a. Farber Surveying
431 Oak Street
Central Point, Oregon 97502

Date: March 23, 2015

"B"
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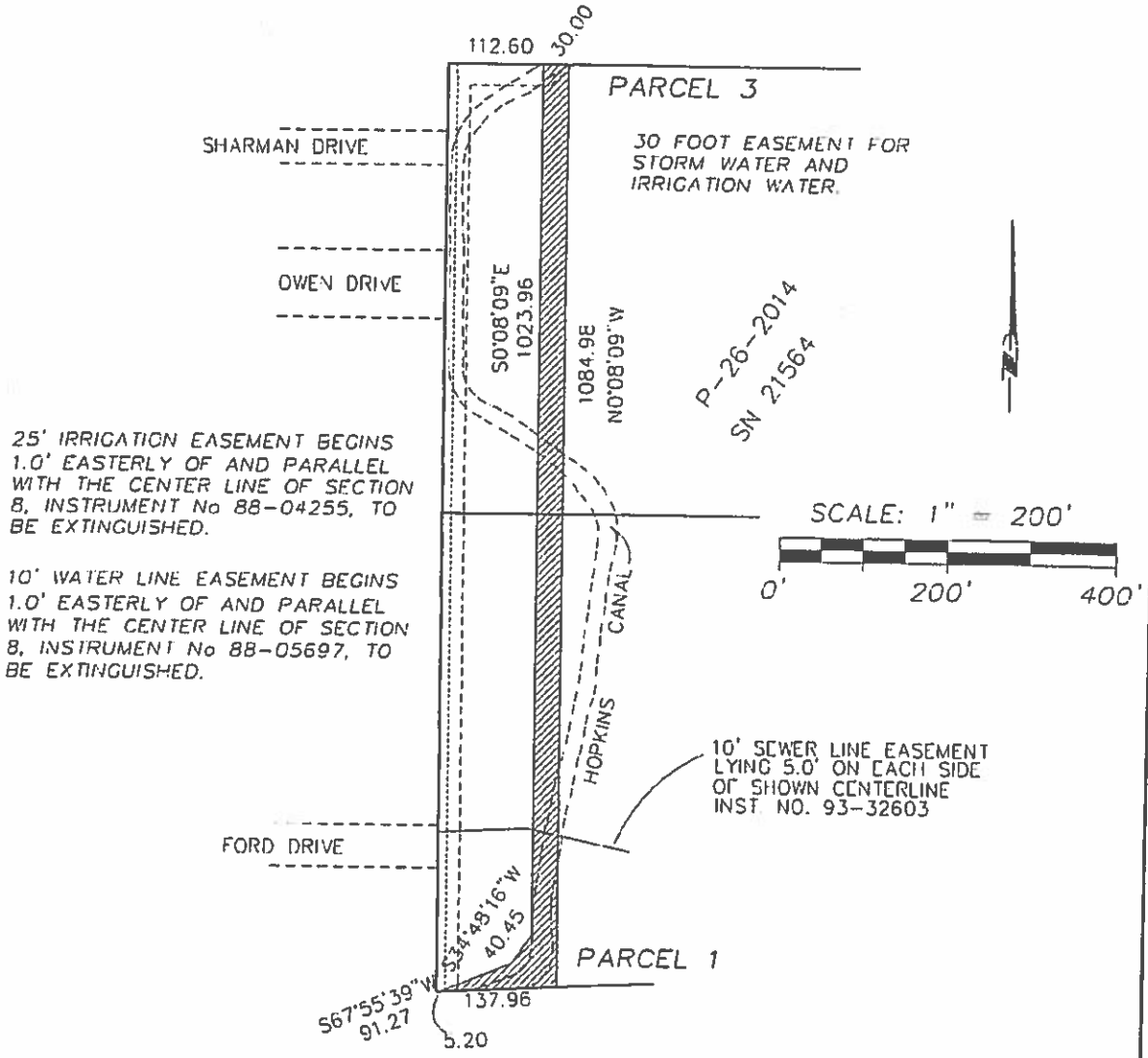
EXHIBIT "B"

Relocated Hopkins Canal



Prepared by:
FARBER & SONS, INC.
dba FARBER SURVEYING
431 Oak Street
Central Point, Oregon 97502
(541) 664-5599

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 26, 1985
HERBERT A. FARBER
2189

RENEWAL DATE 12-31-15

DATE: March 23, 2015
JOB NO. 2014-2051

mkma\delta waters\hayden homes\exhibits\hopkins relocate exhibit.dwg

"B"

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STORM DRAIN AND ACCESS EASEMENT

Delta Waters Properties, LLC., an Oregon Limited Liability Company and HH Medford One, LLC, an Oregon Limited Liability Company, Grantor, for sufficient consideration, does hereby grant unto the City of Medford, Oregon, a municipal corporation, a perpetual easement, for storm drain and access over the following described property:

See Exhibit A, which is incorporated by this reference and further delineated by Exhibit B.

For the purpose of constructing, maintaining and accessing therein, a storm sewer as part of the public storm sewer system of said City, including a right to go upon and through the premises hereinabove described with such workers and equipment as may be necessary to accomplish the purposes hereof, reserving to the Grantor herein the right to possess and make such use of the premises above described as shall not conflict with the said City in the exercise of this easement; and the said City by these presents covenants that it shall promptly fill to grade of adjoining property, and restore the surface over, any excavation it may make pursuant hereto. This easement touches and concerns the above described real property, binds the grantor and its successors, and runs with the land.

THIS EASEMENT IS TEMPORARY AND IS EXTINGUISHED AND TERMINATED UPON THE RECORDING OF A LAND DIVISION, AS APPROVED BY THE CITY OF MEDFORD, IN THE RECORDS OF JACKSON COUNTY, OREGON, AT WHICH TIME A DEDICATED EASEMENT WILL BE STATED ON THE PLAT.

"B"
48 of 51

SIGNED this _____ day of _____, 2015.

_____(owner's signature)

_____(owner's name printed)

_____(owner's signature)

_____(owner's name printed)

STATE OF OREGON)
) ss:
COUNTY OF JACKSON)

The foregoing instrument was acknowledged before me this _____ day of

_____, 2015,

by _____.

_____
Notary Public for Oregon

My Commission Expires: _____

STATE OF OREGON)
) ss:
COUNTY OF JACKSON)

The foregoing instrument was acknowledged before me this _____ day of

_____, 2015,

by _____.

"B"
49 of 51

_____
Notary Public for Oregon

My Commission Expires: _____

EXHIBIT "A"

Easement Description
Delta Estates
Relocated Hopkins Canal

An easement for ingress and egress for the purpose of constructing and maintaining a canal to convey irrigation water and storm water more particularly described as follows:

Commencing at the northwest corner of Parcel 3 of Partition Plat No P-26-2014 as recorded in the Records of Jackson County, Oregon; Index Volume 25, Page 26; County Surveyor's File No 21564; thence South 89°54'42" East, along the north line of said plat, 112.60 feet to the POINT OF BEGINNING; thence South 0°08'09" East 1023.96 feet; thence South 34°48'16" West, 40.45 feet; thence South 67°55'39" West, 91.27 feet to a point on the south line of said plat, being North 87°19'19" East, 5.20 feet from the southwest corner of Parcel 1 of said Plat; thence North 87°19'19" East, along the south line of said Parcel 1 of said Plat, 137.96 feet; thence North 0°08'09" West, 1084.98 feet to the north line of said Parcel 3 of said Plat; thence North 89°54'42" West, along the north line of said Plat, 30.00 feet to the POINT OF BEGINNING.

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Farber & Sons, Inc.
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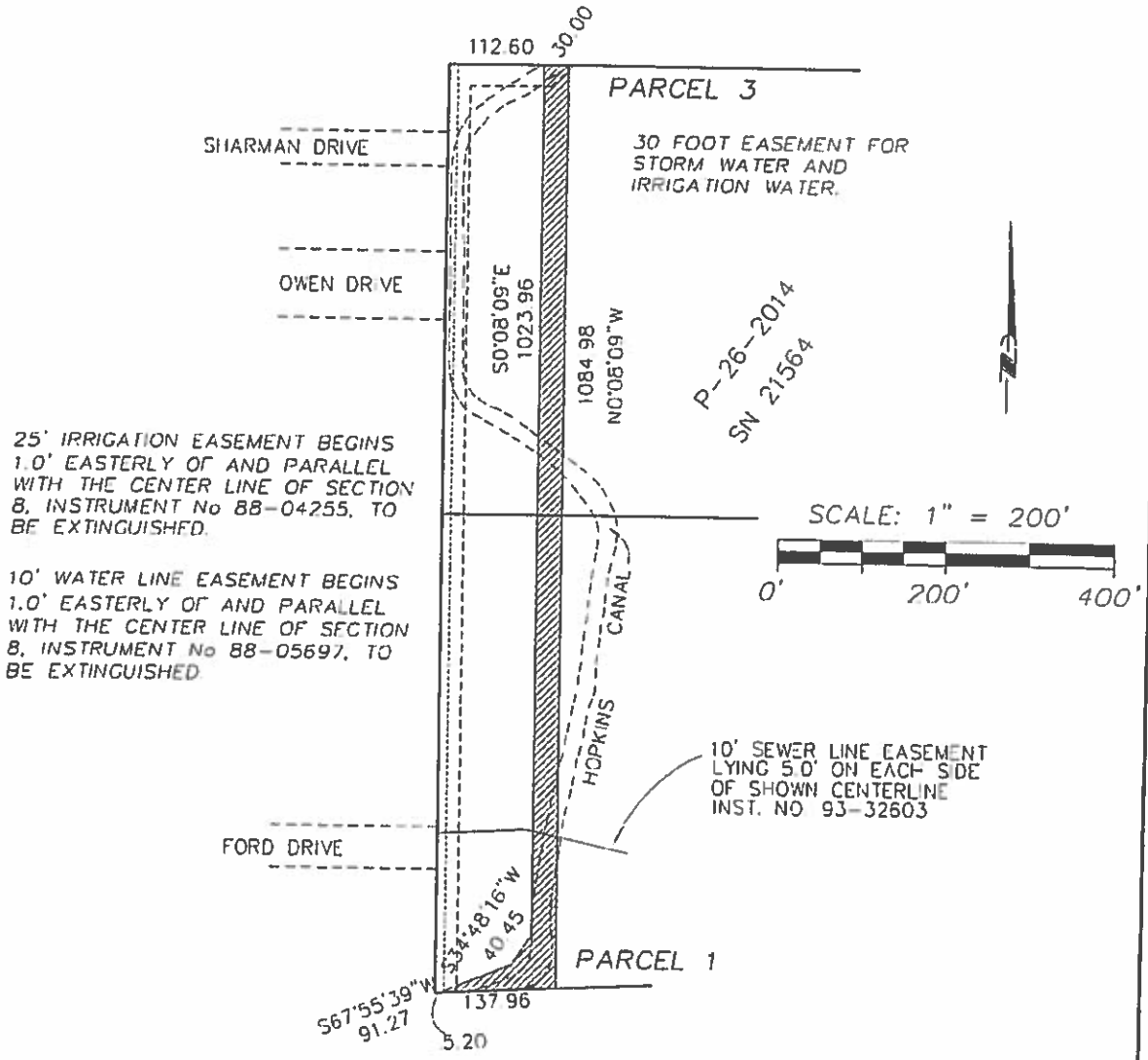
431 Oak Street
Central Point, Oregon 97502

Date: March 23, 2015

"B"
50 of 51

EXHIBIT "B"

Relocated Hopkins Canal



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REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 26, 1985
HERBERT A. FARBER
2189

RENEWAL DATE 12-31-15

DATE: March 23, 2015
JOB NO. 2014-2051

m:\me\delta waters\hayden homes\exhibits\hopkins relocate exhibit.dwg

"B"

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Continuous Improvement Customer Service

CITY OF MEDFORD

Revised Date: March 31, 2015
File Numbers: LDS-15-015, E-15-016, ZC-15-017
(Reference: LDP-13-086, ZC-10-078)

PUBLIC WORKS DEPARTMENT STAFF REPORT
DELTA ESTATES SUBDIVISION, PHASE 1

Project: Consideration of a Zone Change from SFR-10 to SFR-6, a tentative plat for a 57 lot residential subdivision, and an Exception request regarding side yard setbacks.

Location: **East of the terminus of Ford Drive and north of the terminus of Cheltenham Way on approximately 11.36 acres.**

Applicant: **HH Medford One, LLC**

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

The City of Medford Planning Commission and Public Works Department's conditions of Approval for LDP-13-086 and ZC-10-078 were adopted by Order of the Medford Planning Commission on November 14, 2013 and February 10, 2011 respectively. The adopted conditions by each of these actions shall remain in full force as originally adopted except as amended or added to below.

A. STREETS

1. Dedications

Ford Drive and Cheltenham Way are designated as Standard Residential Streets. The Tentative Plat indicates proposed right-of-way dedications of 63 feet in total width for each of the streets, consistent with the standard total prescribed by MLDC 10.430.

"C"

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Cascara and Torrent Streets are proposed as a Minor Residential Streets with right-of-way widths of 55 feet, consistent with the standard prescribed by MLDC 10.430.

Streets, as shown on the Tentative Plat, in which any portion terminates to a boundary line of the subdivision shall be dedicated to within one foot of the boundary line, 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 streets, 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 alleys within this PUD will continue to be private.

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)

The right-of-way and easement dedication shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: the right-of-way and easement dedication; a copy of a current Lot Book Report, Preliminary Title Report, or Title Policy; a mathematical closure report (if applicable), and the Planning Department File Number; for review and City Engineer acceptance signature prior to recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or mortgages on the right-of-way and PUE area.

2. Public Improvements

a. Public Streets

Ford Drive and Cheltenham Way shall be improved to Standard Residential Street standards with 36-foot wide paved sections, complete with curbs, gutters, 8-foot wide park strips, 5-foot wide sidewalks and street lights in accordance with MLDC 10.430 (1). The Developer shall improve the full width of Cheltenham Way along the east boundary of the development, in accordance with MLDC 10.442.

Torrent Street and Cascara Street shall be improved to Minor Residential Street standards in accordance with MLDC 10.430 (2).

"C"

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b. Street Lights 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
A. 12 – 100W HPS street lights

Traffic Signs and Devices - City Installed, paid by the Developer
A. 4 – street name signs
B. 3 – Dead end barricades

All street lights shall be operating and turned on at the time of the final "walk through" inspection by the Public Works Department.

c. Pavement Moratoriums

There is no pavement cutting moratorium currently in effect along this frontage.

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.

e. Irrigation

Hopkins Canal shall be piped where located within the public right-of-way. Public improvement plans for this work shall be submitted directly to the Public Works Engineering Department. See General Conditions Section 'E' for additional information.

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

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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.

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.

Ford Drive, Cheltenham Way, Torrent Street, and Cascara Street: 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 57 dwelling units and will improve approximately 2360 lineal feet of roadway which equates to 41 lineal feet per dwelling unit. Also the development will dedicate approximately 140,200 square feet of right-of-way which equates to approximately 2,460 square feet per dwelling unit.

To determine proportionality a neighborhood with similar characteristics was used. The "C"

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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 57 Lots within the City of Medford and increase vehicular traffic by approximately 545 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.

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 same stipulation, which was described in the Public Works staff Report for ZC 10-078 applies for this partition. That stipulation is as follows:

The existing sanitary sewer collection system has capacity for 38 of the total 65.27 acres proposed for re-zoning as SFR-10. Based on SFR-10 zoning, 38 acres would be equivalent to 380 residences. If this zone change is approved, it will need to be stipulated that no more than 380 SFR units are allowed to be constructed. This stipulation would

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remain in effect until the City upgrades the Terminal Spur Sanitary Sewer Trunk Line, which would provide additional capacity. Once this trunk line is increased in size, an additional 6 acres, or 60 single family residential units could be constructed until a capacity deficiency is corrected in the sanitary sewer system near Ford Drive and Springbrook Road. The 302 feet of 8" sanitary sewer would need to be increased to a minimum size of 10" to provide capacity for all 65.27 acres.

The proposed development is situated within the Medford Sewer service area. The Developer shall construct the necessary public sanitary sewer facilities to City of Medford standards, and shall provide one service lateral to each platted lot prior to approval of the Final Plat. All public sewer manholes shall be located within paved streets, or the Developer shall provide paved access and grant easements to the City of Medford for access and maintenance of public sewer facilities not located within paved public streets.

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.

Most storm water runoff from this site does not naturally flow to Garrett Creek. If Option 'A' or 'B' is elected where the runoff is directed to Garrett Creek, then the Engineer of Record shall prepare a flood showing no adverse impact to downstream properties. Option 'C' is elected where runoff is directed to the existing box culvert crossing at Owen Drive, then a flood study will not be required.

2. Stormwater Detention and Water Quality Treatment

The west edge of the site is traversed by the Hopkins Canal. Rogue River Valley Irrigation District manages this canal and will not allow Stormwater from future development to drain into their canal system. Stormwater from this development is required to be conveyed to Garrett Creek or Upton Slough. The Applicant has proposed to construct storm drainage improvements for conveyance to Garret Creek by three options depicted by the Conceptual Grading and Drainage Plan submitted as Exhibit C.1. Any of the three options are acceptable to the City of Medford, although public storm drain easements would be required to be obtained by the Developer for Options A and B. "C"

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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 larger 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. Grading on this development shall not block drainage from an adjacent property or concentrate drainage onto an adjacent property without an easement. 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 "Y"

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of the subject property with regards to wetlands and/or waterways, as they are present on the site.

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 public improvement 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. General Conditions

1. Design Requirements and Construction Drawings

All public improvements shall be constructed in accordance with the "Engineering Design Standards for Public Improvements", adopted by the Medford City Council. Copies of this document are available in the Public Works Engineering office.

2. Construction Plans

Construction drawings for any public improvements 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 "E"

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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.

3. Phasing

The Tentative Plat shows no phasing of this subdivision.

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.

It is a condition of the approval of the Final Plat for this proposed subdivision that the Developer shall record restrictive covenants on selected lots, such that building permits for vertical construction shall not be issued for more than a total of fifty (50) of the platted lots until the traffic impacts at the intersection of Crater Lake Avenue and Owen Drive as described in the Traffic Impact Analysis for the Delta Waters Orchard Zone Change, cited in Public Works Department Staff Report for ZC-10-078, have been mitigated to the satisfaction of the City of Medford. The Final Plat for this proposed subdivision shall plainly indicate which of the platted lots have been so restricted from further 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.

12"

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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 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 sanitary sewer and storm drain mains be inspected by video camera prior to acceptance of these systems by the City.

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.

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SUMMARY CONDITIONS OF APPROVAL

Delta Estates Subdivision, Phase 1
LDS-15-015, E-15-016, ZC-15-017

Applicability of previously adopted conditions of approval remains in effect. See full report.

A. Streets

1. Street Dedications to the Public:

- Dedicate Ford Drive and Cheltenham Way Drive rights-of-way sixty three (63) feet wide.
- Dedicate Cascara and Torrent Streets rights-of-way fifty five (55) feet wide.
- Dedicate 10 foot public utility easements (PUE).

2. Improvements:

a. Public Streets

- Construct Ford Drive and Cheltenham Way shall to Standard Residential Street standards.
- Construct Cascara and Torrent Streets to Minor Residential Street standards.

b. Lighting and Signing

- Developer supplies and installs all street lights at own expense.
- City installs traffic signs and devices at Developer's expense.

c. Construct piped system for Hopkins Canal located within right-of-way.

B. Sanitary Sewer:

A private lateral shall be constructed to each lot prior to Final Plat.

C. Storm Drainage:

Provide an investigative drainage report.

Provide a flood study for Garrett Creek if Option 'A' or 'B' is elected. "C"

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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.

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

D. <u>Survey Monumentation</u>

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.

"C"

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BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

FROM: Rodney Grehn P.E., Water Commission Staff Engineer

SUBJECT: LDS-15-015, E-15-016, ZC-15-017

PARCEL ID: 371W08 TL 1100

PROJECT: Consideration of a request for a consolidated application consisting of a Zone Change from SFR-10 (Single Family Residential – 10 dwelling units per gross acre) to SFR- 6 (Single Family Residential- 6 dwelling units per acre) on one parcel totaling 11.36 acres, a tentative plat for a 57 lot residential subdivision, and an associated Exception request seeking relief to side yard setbacks on particular lots within the subdivision. The subject site is located east of the terminus of Ford Drive and north of the terminus of Cheltenham Way, within corporate limits of the City of Medford; HH Medford One, LLC., Applicant (CSA Planning Ltd., Agent). Desmond McGeough, Planner.

DATE: March 16, 2015

I have reviewed the above plan authorization application as requested. Conditions for approval and comments are as follows:

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. Installation of new 8-inch water lines is required in proposed Cheltenham Way, Ford Drive, Torrent Street, and Cascara Street.
4. Applicants' civil engineer shall coordinate with MWC engineering staff for water facility layout.

COMMENTS

CITY OF MEDFORD
EXHIBIT # "D"
LDP15-015-/ZC-15-017
E-15-016

1. The MWC system does have adequate capacity to serve this property.
2. Off-site water line installation is not required.
3. On-site water facility construction is required. (See Condition 3 above)
4. MWC-metered water service does not exist to this property.

"D"
1 of 4

Continued from previous page

5. Static water pressure is expected to be between 98 and 105 psi. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".

6. Access to MWC water lines is available. This proposed subdivision is located in MWC's "Gravity" pressure zone. An 8-inch water line is located in Cheltenham Way, and a 12-inch water line is Ford Drive.

"B"
2 of 3

N

0 75 150 Feet

Scale: 1"=150'

Water Facility Map for LDS-15-015 & E-15-016 & ZC-15-017

Legend

- Air Valve
- Sample Station
- Fire Service
- Hydrant
- Reducer
- Blow Off
- Plugs-Caps

Water Meters:

- Active Meter
- On Well
- Unknown
- Vacant

Water Valves:

- Butterfly Valve
- Gate Valve
- Tapping Valve

Water Mains:

- Active Main
- Abandoned Main
- Reservoir Drain Pipe
- Pressure Zone Line

Boundaries:

- Urban Growth Boundary
- City Limits
- Tax Lots

MWC Facilities:

- C Control Station
- P Pump Station
- R Reservoir

MEDFORD WATER COMMISSION

BUILDING SAFETY DEPARTMENT
ROOM 277

CITY OF MEDFORD
LAUSMANN ANNEX
200 SOUTH IVY STREET
MEDFORD, OREGON 97501

TELEPHONE (541) 774-2350
FAX (541) 774-2575
E-MAIL:
bldmed@ci.medford.or.us

Policy on Installation of Pressure Reducing Valves

August 5, 2014

Section 608 of the 2011 Edition of the Oregon Plumbing Specialty Code requires a pressure regulator (commonly called a Pressure Reducing Valve or PRV) where the static pressure in the water supply piping exceeds 80 psi. Although this section gives limited guidance as to installation, it does require the device to be

> *"...accessibly located above ground or in a vault equipped with adequate means to provide drainage and shall be protected from freezing, and shall have the strainer readily accessible for cleaning without removing the regulator or strainer body or disconnecting the supply piping."*

"Accessible" and "readily accessible" are defined in chapter 2.

To assure uniform and appropriate installation of these devices within Medford, the following standards have been agreed to by the City of Medford Building Safety Department and the Medford Water Commission:

1. The need for these devices will be based on pressure information provided by the Medford Water Commission, and can be verified on-site with a pressure gage. While factory settings of these devices may be adjusted, MWC recommends that the regulated pressure be set no higher than 65 psi.
2. PRVs shall NOT be installed when static pressure is less than 50 psi, except for limited specific equipment-based needs.
3. The PRV shall be installed outside the street right of way as close as practical to the water meter.
4. No expansion tank is necessary.
5. No fixture, device or system is permitted between the meter and the PRV.
6. The PRV must NOT be direct buried nor installed in a crawl space.
7. PRVs shall be installed within a readily accessible valve box / vault following the same standard as used for double check backflow assemblies, as follows:
   "On new installations, at least 12-inches clearance will be required as per section 603.3.4. When replacing an existing assembly, the 12-inch clearance requirement can be waived as long as there is at least 3-inches clearance between the bottom of the assembly and the ground, and the device is tested and serviced from the top."

Sam Barnum
Building Safety Director

"D"
4 of 4

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 - PLANNING

To: Desmond McGeough

LD Meeting Date: 03/18/2015

From: Fire Marshal Kleinberg

Report Prepared: 03/10/2015

File #: LDS - 15 - 15

Associated File #'s: E - 15 - 16
ZC - 15 - 17

Site Name/Description: Zone Change from SFR 10 to SFR 6

Consideration of a request for a consolidated application consisting of a Zone Change from SFR 10 (Single Family Residential - 10 dwelling units per gross acre) to SFR- 6 (Single Family Residential- 6 dwelling units per acre) on one parcel totaling 11.36 acres, a tentative plat for a 57 lot residential subdivision, and an associated Exception request seeking relief to side yard setbacks on particular lots within the subdivision. The subject site is located east of the terminus of Ford Drive and north of the terminus of Cheltenham Way, within corporate limits of the City of Medford; HH Medford One, LLC., Applicant (CSA Planning Ltd., Agent). Desmond McGeough, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE
Approved as Submitted	
Meets Requirement: No Additional Requirements	

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.

CITY OF MEDFORD
EXHIBIT # "E"
File # LDS-15-015/E-15-016
ZC-15-017

Memo

To: Desmond McGeough, Planning Department

From: Mary Montague, Building Department

CC: HH Medford One, LLC

Date: March 18, 2015

Re: LDS-15-015, E-15-016 & ZC-15-017

Building Department:

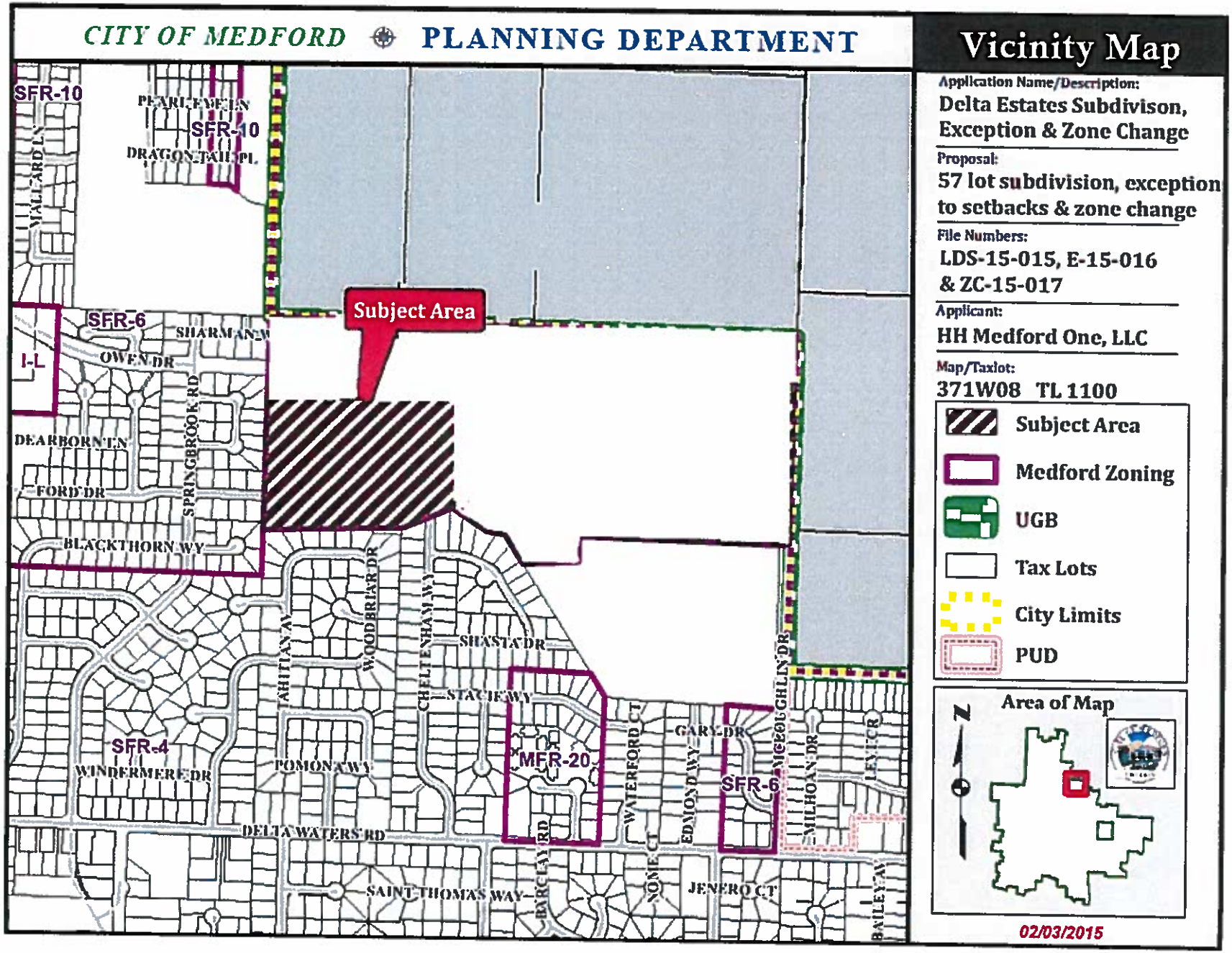
Please Note: This is not a plan review. These are general notes based on general information provided. Plans need to be submitted and will be reviewed by a residential plans examiner to determine if there are any other requirements for this occupancy type. Please contact the front counter for fees.

1. Applicable Building Codes are 2011 ORSC with additional Oregon amendments effective October 1, 2014; 2014 OPSC; and 2014 OMSC. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.

2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.

3. No comments at this time.

CITY OF MEDFORD
EXHIBIT # "F"
File # LDS-15-015/E-15-016/ZC-15-017
1 of 1


CITY OF MEDFORD
PLANNING DEPARTMENT
Vicinity Map
Application Name/Description:
Delta Estates Subdivison, Exception & Zone Change
Proposal:
57 lot subdivision, exception to setbacks & zone change
File Numbers:
LDS-15-015, E-15-016 & ZC-15-017
Applicant:
HH Medford One, LLC
Map/Taxlot:
371W08 TL 1100
Subject Area
Medford Zoning
UGB
Tax Lots
City Limits
PUD
Area of Map
N
02/03/2015
Subject Area
SFR-10
SFR-10
SFR-6
SFR-6
SFR-4
I-L
MFR-20
PEARL EYE LN
DRAGON TAIL PL
MALLARD LN
SHARMAN W
OWEN DR
DEARBORN LN
FORD DR
SPRINGBROOK RD
BLACKTHORN WY
TAHITIAN AV
WOODBRIAR DR
CHELTENHAM WY
SHASTA DR
STACIE WY
WINDERMERE DR
POMONA WY
DELTA WATERS RD
SAINT THOMAS WAY
BARCLAY RD
WATERFORD CT
NOME CT
EDMOND WY
GARY DR
MCCOUGHLIN DR
MILHOAN DR
LEVI CR
JENERO CT
BAILEY AV

CITY OF MEDFORD
PLANNING DEPARTMENT

STAFF REPORT

Date: April 2, 2015 for meeting of April 9, 2015

To: Planning Commission

From: Jennifer Jones, Planner II

Reviewed By: Kelly Akin, Principal Planner

Subject: Cedar Landing PUD Revision (PUD-14-136)
The Village at Cedar Landing, Phase 1 Tentative Plat (LDS-14-137)
Sky Lakes Village at Cedar Landing, Phase 1 Tentative Plat (LDS-14-138)
Cedar Investment Group LLC, Applicant
(Hoffbuhr & Associates, Agent)

BACKGROUND

Proposal

Consideration of a request for a revision to the Cedar Landing Planned Unit Development (PUD) and for approvals of the tentative plats for Sky Lakes Subdivision Phase 1, a 60-lot subdivision, and The Village at Cedar Landing Subdivision Phase 1, a 37-lot subdivision. The PUD revision request applies only to the portion north of Cedar Links Drive and consists of:

1) the addition of Longstone Drive;
2) the loss of one lot in Sky Lakes Phase 1;
3) the gain of one lot in The Village at Cedar Landing;
4) the relocation of pedestrian/bicycle paths;
5) a reduction of front yard setbacks from 20-feet to 15-feet for all lots in The Village at Cedar Landing Phase 1; and
6) an increase of the maximum lot coverage from 40 percent to 55 percent for all lots within The Village at Cedar Landing Phase 1.

The project is located on approximately 114 acres on the north and south sides of Cedar Links Drive, west of Foothill Road within an SFR-4/PD (Single Family Residential – 4 units per acre / Planned Development) zoning district.

Subject Site Zoning, GLUP Designation and Existing Uses

Zoning District: SFR-4/PD
GLUP Designation UR (Urban Residential)
Existing Uses: Vacant Golf Course

Surrounding Property Zoning and Uses

North	Zone:	SFR-4
	Use:	Single Family Dwellings
South	Zone:	SFR-4
	Use:	Single Family Dwellings
East	Zone:	SFR-4
	Use:	Single Family Dwellings
West	Zone:	SFR-4
	Use:	Single Family Dwellings

Related Projects

PUD-05-035	Cedar Landing PUD
LDS-05-036	Cascade Terrace Subdivision
LDS-05-037	Sky Lakes Subdivision
PUD-05-035	Termination of 5.47 acre portion of PUD for park property in 2011
LDS-13-121	Sky Lakes Village Subdivision Phases 7A & 7B
PUD-13-119	PUD Revision
E-14-059	Exception to required right-of-way dedication

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.

Revision or Termination of a PUD, Section 10.245(A)(3)

3. Burden of Proof; Criteria for Revisions: The burden of proof and supporting findings of fact and conclusions of law for the criteria in Subsections 10.235(D) or 10.240(G), as applicable, shall be strictly limited to the specific nature and magnitude of the proposed

revision. However, it is further provided that the design and development aspects of the whole PUD may be relied upon in reaching findings of fact and conclusions of law for the criterion at Subsection 10.235(D)(5). It is further provided that before the Planning Commission can approve a PUD Plan revision, it must determine that the proposed revision is compatible with existing developed portions of the whole PUD.

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.

<u>Corporate Names</u>

The State of Oregon Business Registry lists Eric Artner as the registered agent for Cedar Investment Group, LLC.

ISSUES/ANALYSIS

Project History

On April 27, 2006, the Planning Commission approved Cedar Landing Planned Unit Development (PUD-05-035), a master plan for the redevelopment of the 122.12-acre site to provide a mixture of residential uses, commercial development and a preservation of existing open space. The overall project is organized into four sub areas with multiple phases that are described as follows:

1. High Cedars (43.0 ± acres) consists of five (5) phases including single-family lots, 55 and older, pad lots and common area/open space.

2. The Village at Cedar Landing (21.42 ± acres) is made up of five (5) phases of single-family lots, condominiums, retirement facilities and common area/open space.

3. Cascade Terrace (15.4 ± acres) is comprised of two (2) phases of small single-family lots targeted for detached dwellings and residents aged 55 or older.

4. Sky Lakes Village (41.6 ± acres) consists of single-family residential lots and common area/open space.

Three phases of the original project have final plan and plat approvals. Sky Lakes Village Phases 5, 6, and 7A have received final plat and plan approvals. In addition, a request was approved to allow the termination of portions of Cascade Terrace and Sky Lakes Village. The 5.47 acre terminated portion of the project was sold to the City for use as a public park.

In 2013, a revision to the PUD was approved which included modifications for naming, numbering, and design. An important item discussed in the Public Works Report at that time was the realignment of Cedar Links Drive at Foothills Road. A traffic signal and the realigned intersection have recently been completed.

In January 2015, an exception was approved for the reduction of required right-of-way dedication for Cedar Links Drive. The Planning Commission approved modifications to the street design as part of the original approval in order to preserve existing Cedar trees on the north side of Cedar Links Drive. An Exception was necessary in order to reduce the amount of right-of-way dedication.

Project Update

The PUD revision requests should be evaluated by the review of the entire PUD. The changes proposed are listed on pages 2 and 3 of the Applicant's Narrative and Findings of Fact (Exhibit H). The revisions apply only to the portion of the PUD located north of Cedar Links Drive, and specifically address: street design, number of lots, the relocation of paths, a reduction in the front yard setback, and an increase in maximum lot coverage.

In addition, to coordinate with the PUD revision, the applicant has submitted tentative subdivision plats for Sky Lakes Phase 1 and The Village at Cedar Landing Phase 1.

Street Design

This revision includes the addition of Longstone Drive, a new street on the east side of the City park site. Longstone Drive will provide access to the park, rather than the park having direct access off of Cedar Links Drive.

Number of Lots

The addition of Longstone Drive and overall street design constraints resulted in the loss of one lot in Sky Lakes at Cedar Landing Phase 1 and the gain of one lot in The Village at Cedar Landing Phase 1. Sky Lakes Phase 1 now consists of 60 residential lots and The Village Phase 1 consists of 37 residential lots. Per the applicant's narrative and findings of fact, as revised, the overall PUD will have a density of 103% of the maximum density allowed in the SFR-4 zone district. This remains within the 120% maximum bonus density allowed per the Cedar Landing PUD.

Relocation of Paths

The overall design of the project is much the same. However, through past iterations of this project, the location of pedestrian and bicycle paths behind residential lots, connecting to open space areas, has been an issue with neighbors. The original design placed these paths between the rear yards of existing homes and the rear yards of future homes within this project. Privacy and safety concerns were raised with this design. These paths have now been relocated to open space easements along the front of the same lots.

The applicant has provided a cross section of the proposed path (Exhibit G) which illustrates the open space easements to be located along the front of approximately ten lots in Sky Lakes Phase 1. The open space areas will be maintained by the Homeowner's Association and are proposed to consist of an eight foot meandering path with grass planter strips and a street tree per lot, on each side of the path.

Front Yard Setback

This revision allows the front yard setback for all lots within The Village at Cedar Landing Phase 1 to be reduced from 20 feet to 15 feet. These lots will take access from rear alleys and the reduced setback allows the houses to be closer to street with more room for garages and patios in the rear.

Lot Coverage

Similar to the front yard setback requests, this PUD revision allows all the lots in The Village at Cedar Landing to increase maximum lot coverage from 40 to 55 percent. Again, as these lots have access from rear alleys, and are fairly small in size, an increased lot coverage standard will allow for garages and covered patio areas.

Sky Lakes Phase 1

The tentative subdivision plat for Sky Lakes Phase 1 corresponds with the revised PUD Plan. The plat consists of 60-residential lots ranging in size from approximately 6,400 square feet to over 13,800 square feet as well as over 47,000 square feet (or just over an acre) of open space. The lots are accessed from Cedar Links Drive via Longstone Drive which will also provide access to the City park site just south of this subject area. A second point of access for these lots is provided by Yamsay Drive located farther to the east off of Cedar Links Drive. Within Sky Lakes Phase 1, the street system is comprised of Deschutes Drive, Umpqua Street, and Sky Lakes Drive, which are minor residential streets with width of 55-feet, as well as Mount Thielson Drive, a standard residential street with a width of 63-feet.

The Village at Cedar Landing Phase 1

The tentative subdivision plat for The Village at Cedar Landing Phase 1 also corresponds appropriately with the revised PUD Plan. The plat consists of 37-residential lots ranging in size from approximately 4,600 square feet to over 7,300 square feet. This plat also contains just over 9,100 square feet of open space on the south side of the lots, along Cedar Links Drive. The design in The Village at Cedar Landing Phase 1 is for all of the lots to have vehicular access from 20-foot alleys in the rear of the lots. These lots, like Sky Lakes Phase 1, take access from Cedar Links Drive via Longstone Drive on the west and Yamsay Drive on the east. The northern portion of this phase is bounded by Mount Thielson Drive and DeLorraine Drive, a minor residential street, bisects the phase into two blocks with 18 and 19 lots each, respectively.

Rationale

The Applicant's Findings affirm the revisions are in keeping with the purpose of the original project. The project continues to contain a mix of residential housing types, commercial uses, along with open space. The density of the project also remains about the same. The PUD amendment is simply updating to the current conditions, which relate to a new street and modifications in lot design.

Conditions of Approval

All conditions of the Preliminary PUD plan approval are still in effect, other than those modified by this revision request.

FINDINGS OF FACT

The applicant submitted Findings of Fact addressing PUD and revision criteria listed in Sections 10.235(C) and 10.245(A)(3) of the Medford Land Development Code, as it pertains to PUD-14-136. The findings incorrectly identify the number of lots gained in The Village at Cedar Landing Phase 1. Subject to the correction that there was a gain of only one lot in The Village at Cedar Landing Phase 1, staff recommends the Planning Commission adopt the Applicant's Findings.

The applicant submitted Findings of Fact addressing land division criteria listed in Sections 10.270 of the Medford Land Development Code, as it pertains to LDS-14-137. Staff recommends the Planning Commission adopt the Applicant's Findings as submitted.

The applicant submitted Findings of Fact addressing land division criteria listed in Sections 10.270 of the Medford Land Development Code, as it pertains to LDS-14-138. Upon correcting the number of lots in The Village at Cedar Landing Phase 1 to 37, for a gain of one lot, staff recommends the Planning Commission adopt the Applicant's Findings.

RECOMMENDED ACTION

Direct staff to prepare a Final Order for approval of PUD-14-136, LDS-14-137, and LDS-14-138 per the Staff Report dated April 2, 2015, including Exhibits A through P.

EXHIBITS

A Conditions of Approval dated April 2, 2015
B Revised PUD Plan received March 31, 2015
C Tentative Plat for Sky Lakes Village Phase 1 received March 31, 2015
D Tentative Plat for The Village at Cedar Landing Phase 1 received March 31, 2015
E Conceptual Utility Plan received December 17, 2014
F Conceptual Grading & Drainage Plan received December 17, 2014
G Proposed Path Detail received February 24, 2015
H Applicant's Narrative and Findings of Fact – PUD Revision received March 16, 2015
I Applicant's Narrative and Findings of Fact – Tentative Plat of Sky Lakes Subdivision Phase 1 received February 17, 2015
J Applicant's Narrative and Findings of Fact – Tentative Plat of The Village at Cedar Landing Subdivision Phase 1 received February 17, 2015
K 1 of 3 Public Works Staff Report for PUD-14-136 received April 2, 2015
2 of 3 Public Works Staff Report for LDS-14-137 received April 2, 2015
3 of 3 Public Works Staff Report for LDS-14-138 received April 2, 2015
L Medford Fire Department Report received March 17, 2015
M Medford Water Commission Memo received March 24, 2015
N Building Department Memo received March 18, 2015
O Address Technician Memo received March 18, 2015
P Medford Irrigation District Letter received March 19, 2015
Vicinity Map

PLANNING COMMISSION AGENDA: APRIL 9, 2015

EXHIBIT A

Cedar Landing PUD Revision and Subdivision Plats
PUD-14-136 / LDS-14-137 / LDS-14-138
Conditions of Approval
April 2, 2015

All conditions of the Preliminary PUD plan approval (PUD-05-035) are still in effect, other than those modified by this revision request.

CODE CONDITIONS

1. Comply with the Public Works Staff Report received March 18, 2015 (Exhibit K);

2. Comply with the Medford Water Commission Memorandum received March 24, 2015 (Exhibit M);

3. Comply with the Medford Fire Department Report received March 17, 2015 (Exhibit L);

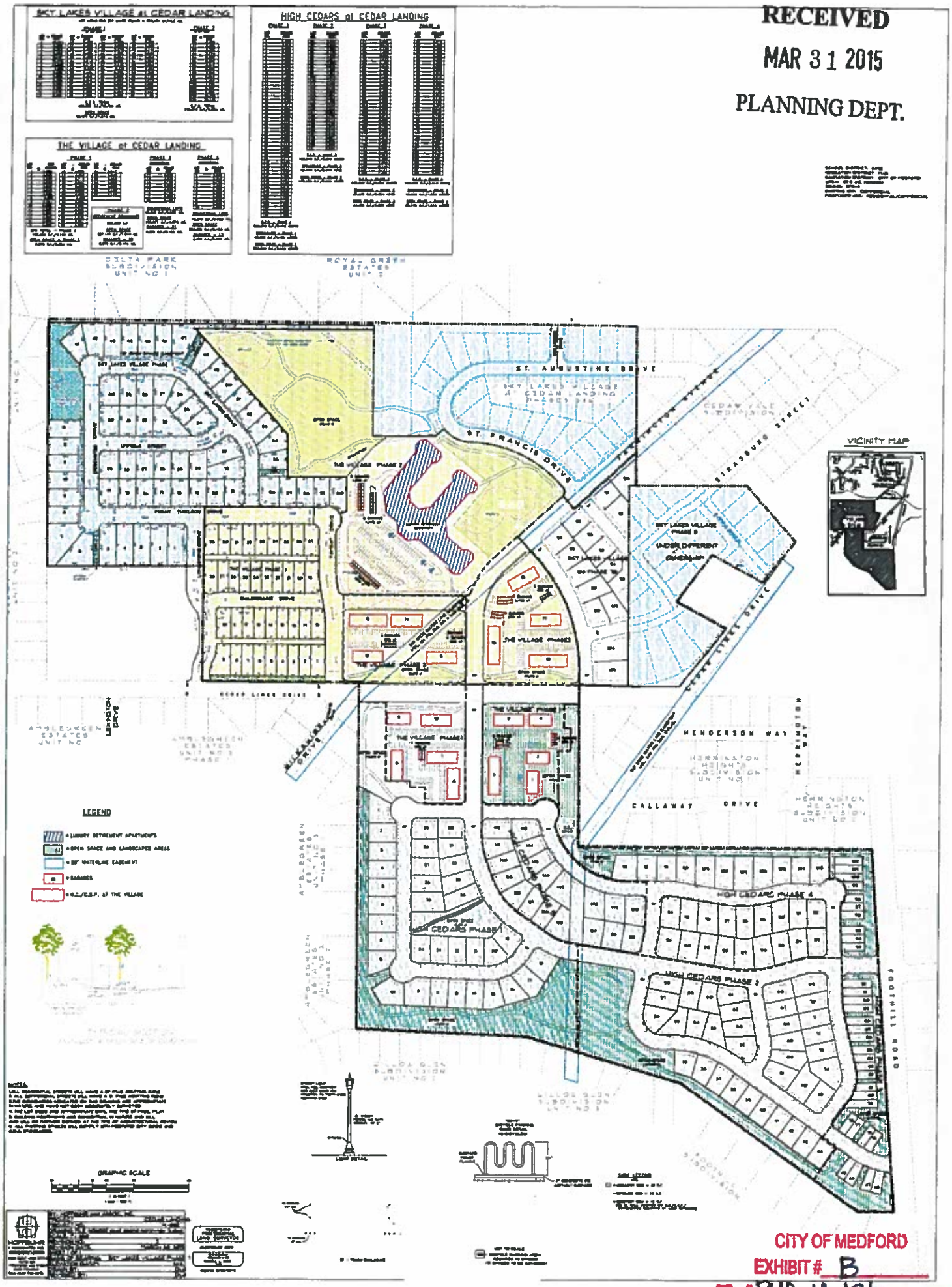
4. Comply with the Address Technician Memorandum received March 18, 2015 (Exhibit O);

5. Revise the Preliminary/Final PUD Plan to correctly label The Village at Cedar Landing Phase 4.

6. Revise the Tentative/Final Plat for The Village at Cedar Landing Phase 1 to correctly identify Longstone Drive with the 55-foot typical cross section.

7. Revise the Tentative/Final Plat for Sky Lakes Phase 1 to correctly identify Mount Thielson Drive with the 63-foot typical cross section and Sky Lakes Drive, Umpqua Street, and Deschutes Drive with the 55-foot typical cross section.

RECEIVED
MAR 31 2015
PLANNING DEPT.



CITY OF MEDFORD
EXHIBIT # B
File # PUD-14-136
LDS-14-137 LDS-14-138

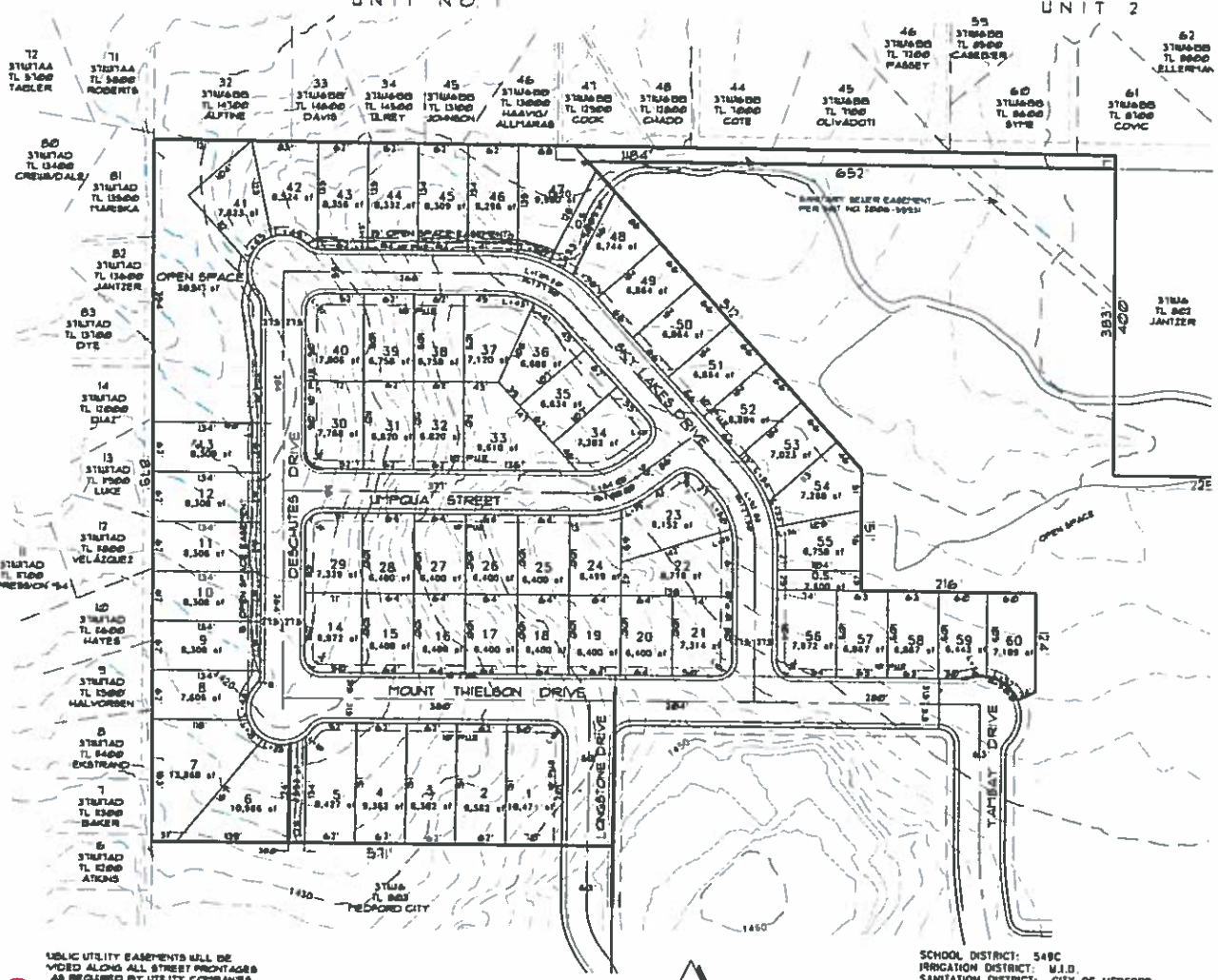
TENTATIVE MAP

FOR

SKY LAKES VILLAGE AT CEDAR LANDING PHASE 1

SITUATED IN

THE N.W. 1/4, SECTION 16,
TOWNSHIP 37 SOUTH, RANGE 1 WEST,
WILLAMETTE MERIDIAN,
CITY OF MEDFORD,
JACKSON COUNTY, OREGON

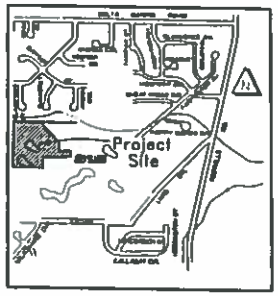


APPLICANT/OWNER

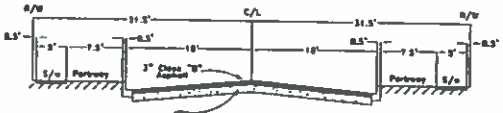
Cedar Investment Group, L.L.C.
7728 West Main Street #B
Medford, Oregon 97501
541-210-6063

SURVEYING

Hoffbuhr & Associates, Inc.
880 Golf View Dr., Suite 201
Medford, Oregon 97504
541-779-4641



VICINITY MAP
NO SCALE



63' TYPICAL SECTION
Deschutes Drive
Sky Lakes Drive

55' TYPICAL SECTION
Mount Thielson Place
Umpqua Street

PUBLIC UTILITY EASEMENTS WILL BE VOIDED ALONG ALL STREET FRONTAGES AS REQUIRED BY UTILITY COMPANIES

TOURS ARE AT 2' INTERVALS (6TH INDEX TOURS AT 10' INTERVALS)

BY: DARRELL L. HUCK	LS 2023
DATE:	JANUARY 30, 2015
PROJECT:	SKY LAKES VILLAGE PHASE 1
PROJECT NO.	14-062
DRAWING FILE NO.	14062 PUD BASE B1.DWG
SCALE:	1" = 100'
REVISION NO.	
DATE	
BASIS OF BEARING	
DRAWN BY:	BJW
REVIEWED BY:	DLH
SHEET 1 OF 1	

REGISTERED PROFESSIONAL LAND SURVEYOR

ELECTRONIC COPY

OREGON JANUARY 4, 1990 DARRELL L. HUCK 2023

Expires 6/30/2015

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

SCHOOL DISTRICT: 549C
IRRIGATION DISTRICT: M.I.D.
SANITATION DISTRICT: CITY OF MEDFORD
AREA: GROSS AND NET - 15.43 ac./15.43 ac.
ZONING: SFR-4
EXISTING USE: VACANT
PROPOSED USE: RESIDENTIAL

EXHIBIT ____

FILE NO.	DATE
ASSESSOR'S PARCEL NO.	37S 1W 16- TL 800
ZONING DISTRICT	SFR-4
MIN. LOT SIZE	6,500 SF
NO. OF LOTS	61
COMP. PLAN DESIGNATION	UR
RECEIVED BY	DATE
REVIEWED BY	DATE

RECEIVED
MAR 31 2015
PLANNING DEPT.

CITY OF MEDFORD
EXHIBIT # C
File # PUD-14-136
LDS-14-137 LDS-14-138

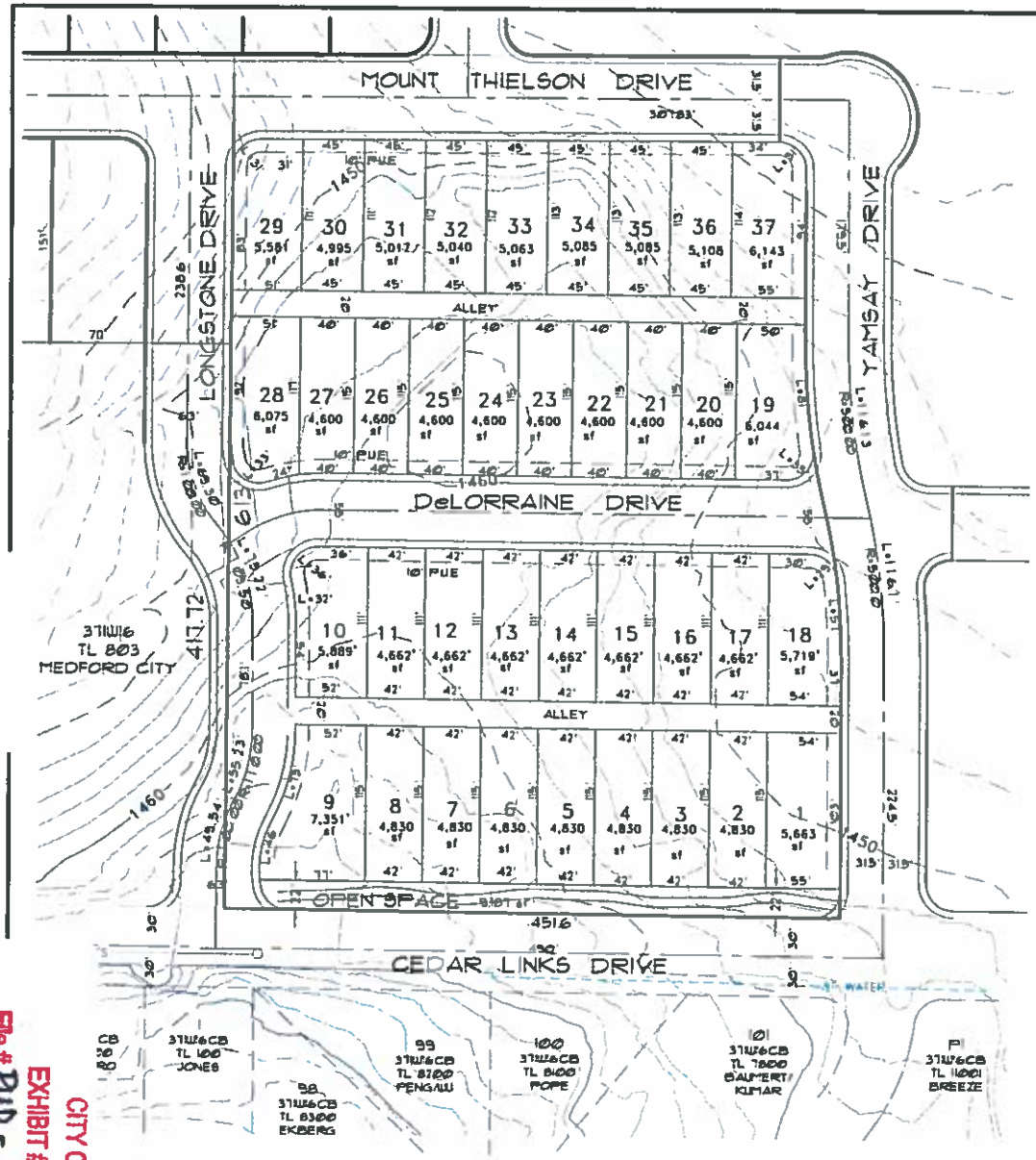
TENTATIVE MAP

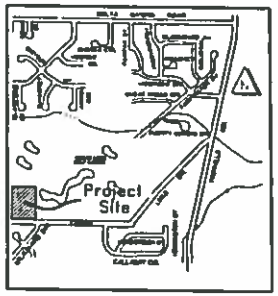
FOR

THE VILLAGE AT CEDAR LANDING PHASE 1

SITUATED IN

THE N.W 1/4, SECTION 16,
TOWNSHIP 37 SOUTH, RANGE 1 WEST,
WILLAMETTE MERIDIAN,
CITY OF MEDFORD,
JACKSON COUNTY, OREGON





VICINITY MAP
NO SCALE

APPLICANT/OWNER

Cedar Investment Group, L.L.C.
2728 West Main Street #8
Medford, Oregon 97501
541-210-6083

SURVEYING

Hoffbuhr & Associates, Inc.
880 Golf View Dr., Suite 201
Medford, Oregon 97504
541-776-4641

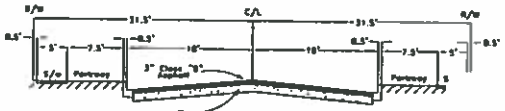
N

GRAPHIC SCALE

(IN FEET)
1 inch = 60 ft.

NOTES

1) 10' PUBLIC UTILITY EASEMENTS WILL BE PROVIDED ALONG ALL STREET FRONTAGES AND AS REQUIRED BY UTILITY COMPANIES
2) CONTOURS ARE AT 2' INTERVALS WITH INDEX CONTOURS AT 10' INTERVALS



BY: DARRELL L. HUCK	14-2023
DATE:	JANUARY 30, 2015
PROJECT:	THE VILLAGE PHASE 1
PROJECT NO.	14-083
DRAWING FILE NO.	14083 pud base map 81.dwg
SCALE:	1" = 60'
REVISION NO.	1
DATE:	MARCH 16, 2015
BASIS OF BEARING:	SKY LAKES VILLAGE PH 7A
DRAWN BY:	D.DOW
REVIEWED BY:	DLH
SHEET	1 OF 1

REGISTERED PROFESSIONAL LAND SURVEYOR

ELECTRONIC COPY

OREGON
DARRELL L. HUCK

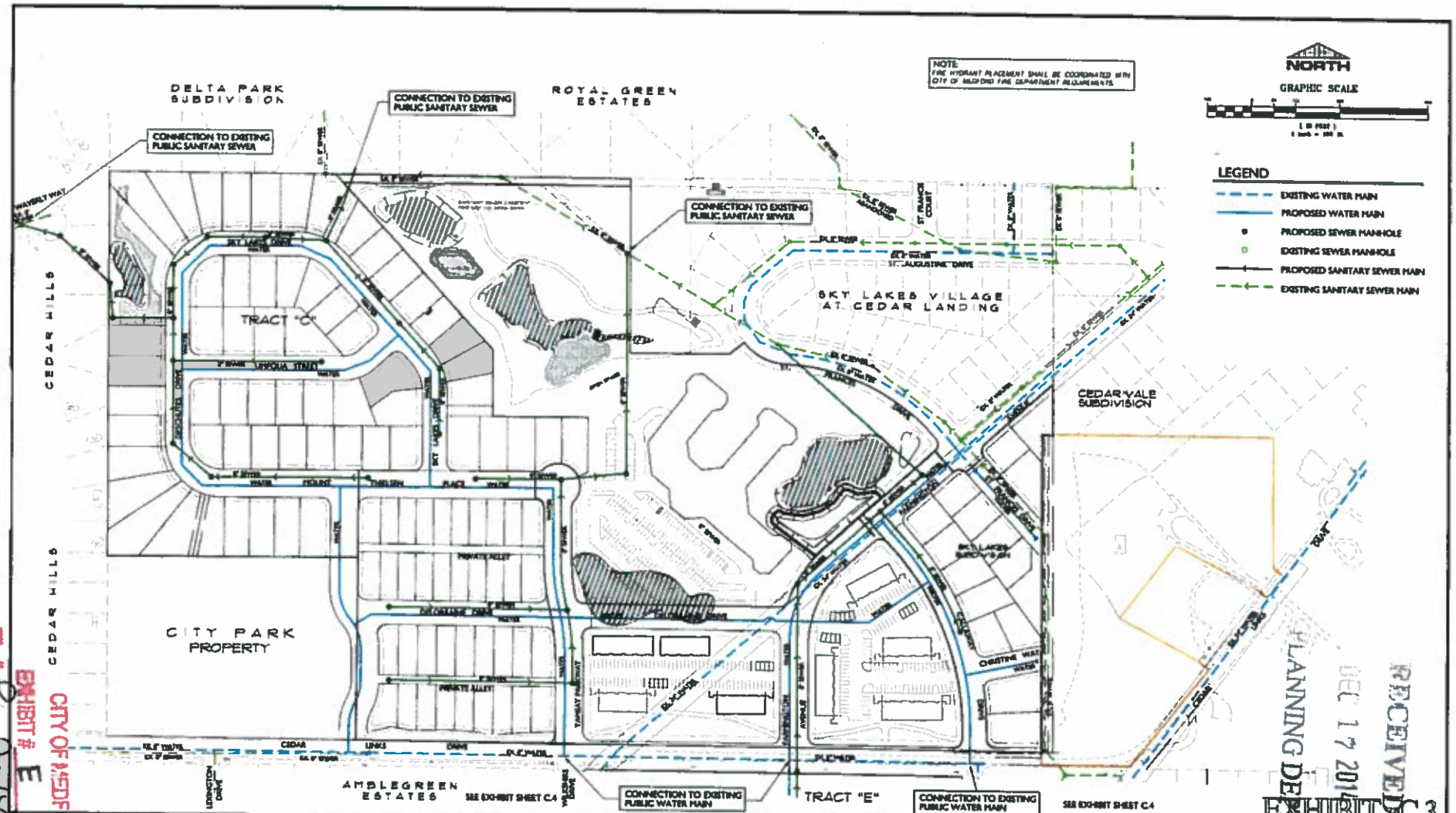
Expires 6/30/2016

SCHOOL DISTRICT: 549C
IRRIGATION DISTRICT: W.I.D.
SANITATION DISTRICT: CITY OF MEDFORD
AREA: GROSS AND NET - 8.67 acs./6.36 acs.
ZONING: SFR-4
EXISTING USE: VACANT
PROPOSED USE: RESIDENTIAL

EXHIBIT _____
FILE NO. _____ DATE _____
ASSESSOR'S PARCEL NO. 37S 1W 16- TL 800
ZONING DISTRICT SFR-4
MIN. LOT SIZE 6,500 SF
NO. OF LOTS 34
COMP. PLAN DESIGNATION LDR
RECEIVED BY _____ DATE _____
REVIEWED BY _____ DATE _____

RECEIVED
MAR 31 2015
PLANNING DEPT.

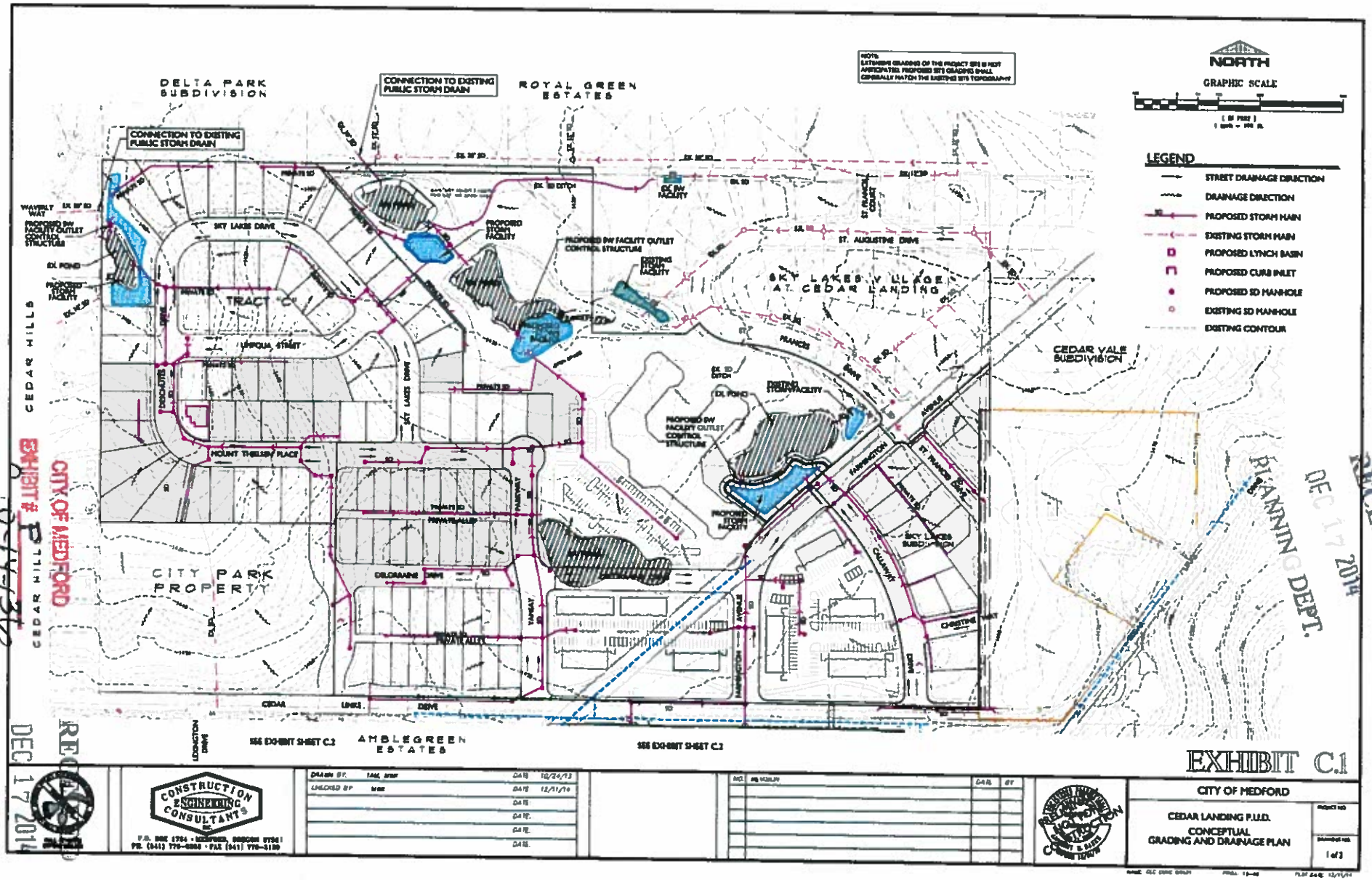
CITY OF MEDFORD
EXHIBIT # D
File # PUD - 14 - 136
LDS-14-137 LDS-14-138

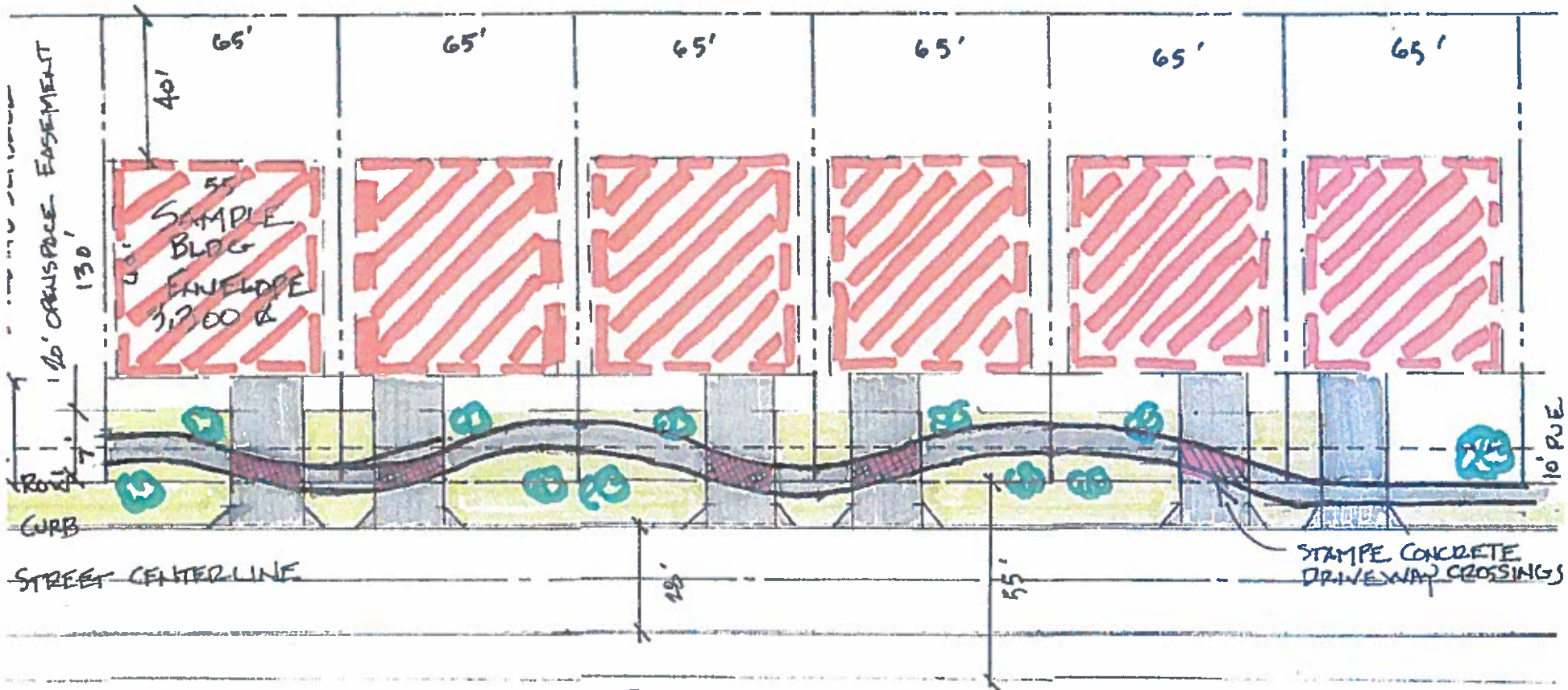


RECEIVED
DEC 17 2014
PLANNING DEPT.

EXHIBIT C.3

CITY OF MEDFORD
EXHIBIT # E
File# PUD-14-138


NORTH
GRAPHIC SCALE
LEGEND
STREET DRAINAGE DIRECTION
DRAINAGE DIRECTION
PROPOSED STORM MAIN
EXISTING STORM MAIN
PROPOSED LYNCH BASIN
PROPOSED CURB INLET
PROPOSED SD MANHOLE
EXISTING SD MANHOLE
EXISTING CONTOUR
DELTA PARK SUBDIVISION
CONNECTION TO EXISTING PUBLIC STORM DRAIN
ROYAL GREEN ESTATES
CONNECTION TO EXISTING PUBLIC STORM DRAIN
SKY LAKES DRIVE
TRACT "C"
UMPQUA STREET
MOUNT THIELSEN PLACE
CITY PARK PROPERTY
CEDAR HILLS
CEDAR HILLS
SKY LAKES VILLAGE AT CEDAR LANDING
ST. AUGUSTINE DRIVE
CEDAR VALE SUBDIVISION
SKY LAKES SUBDIVISION
CEDAR LINKS DRIVE
AMBLEGREEN ESTATES
SEE EXHIBIT SHEET C.2
SEE EXHIBIT SHEET C.2
EXHIBIT C.1
CITY OF MEDFORD
CEDAR LANDING P.U.D.
CONCEPTUAL GRADING AND DRAINAGE PLAN
1 of 2
CONSTRUCTION ENGINEERING CONSULTANTS
RECEIVED
DEC 17 2014
PLANNING DEPT.
CITY OF MEDFORD
EXHIBIT # P
D-14-136
RECEIVED
DEC 17 2014
PLANNING DEPT.



CEDAR LANDING PUD
PROPOSED PATH DETAIL
1" = 40'

20' OPEN SPACE EASEMENT

RECEIVED
FEB 24 2015
PLANNING DEPT.

CITY OF MEDFORD
EXHIBIT # G
File # PUD-14-136
LDS-14-137 LDS-14-138

RECEIVED
MAR 16 2015
PLANNING DEPT.

REVISED

FINDINGS OF FACT AND CONCLUSIONS OF LAW
Including a
WRITTEN NARRATIVE

BEFORE THE CITY OF MEDFORD
PLANNING COMMISSION

IN THE MATTER OF AN APPLICATION FOR AMENDMENTS TO THE PRELIMINARY PUD PLAN APPROVAL FOR CEDAR LANDING PUD.

APPLICANT'S EXHIBIT

APPLICATION: Approval of amendments to the existing approved Preliminary PUD Plan Cedar Landing PUD, within an SFR-4/PD (Single-Family Residential – 4 dwelling Units per acre/Planned Unit Development Overlay) zoning district.

APPLICANT/ OWNER: Cedar Investment Group, LLC
2728 West Main Street
Medford, OR 97501

AGENT: Hoffbuhr & Associates, Inc.
880 Golf View Dr., #201
Medford, OR 97504

A. BACKGROUND AND GENERAL INFORMATION

The original Preliminary Planned Unit Development Plan for Cedar Landing was approved by the Planning Commission on April 27, 2006 (PUD-05-035). That plan consisted of four subareas covering over 122.12 acres, with each of the subareas proposed to be developed with a multitude of individual phases as shown on the original approved phasing plan.

1. *High Cedars (43.0 acres)* – Consisting of 5 phases including 55 and older lots, single Family lots and common area/open space.

2. *The Village at Cedar Landing (21.2 acres)* – Consisting of 5 phases including single Family lots, condominiums, retirement facilities and common area/open space.

3. *Cascade Terrace (15.4 acres)* – Consisting of 2 phases of 55 and older lots.

4. *Sky Lakes Village (41.60 acres)* – This consists of standard single family lots.

Of the original Cedar Landing PUD only two phases (phases 5 and 7 of Sky Lakes Village) have been developed and have Final Plan/Final Plat approval. A Final Order approving the termination of (5.47 acres) Phase 1 of Sky Lakes Village and Phases 1 and 2 of Cascade Terrace was approved by the Planning Commission on April 14, 2011. This area was acquired by

CITY OF MEDFORD
EXHIBIT # H
File # PUD-14-136
LDS-14-137 LDS-14-138

the City of Medford for a future Neighborhood Park.

The ownership of the majority of the Approved PUD has changed from the original applicant to the Cedar Investment Group. The area retained by the original owner is shown on the attached revised PUD plan and is not part of this application but remains a part of the overall approved PUD.

In 2011, 5.47 acres of the original PUD were sold to the City of Medford for a park site reducing the overall PUD acreage to 110.62 net acres after the termination from the PUD. In February of 2014 the Planning Commission (PUD 13-11) approved some minor changes to the PUD plan which included the elimination of Cascade Terrace as a sub-project, minor changes in street design in response to the park removal, and changes in the overall phasing plan.

B. SCOPE, PURPOSE, AND OVERVIEW OF THE APPLICATION

The scope of this application is to make revisions to the approved PUD Plan for Cedar Landing PUD. The specific revisions are listed below:

1. The addition of additional street to provide access to the new city park site and is named Longstone Drive. The street will be located on the east side of the park (as shown on the attached plat). The new street is necessary because the park could not be accessed from Cedar Links Drive due to the steep grade.

2. The changes in street design caused the loss of one lot in Sky Lake Phase 1 and the gain of two lots in The Village at Cedar Landing for a net increase of one lot; however 44 lots were eliminated from the PUD when 5.47 acres were terminated for the park site. The original Cedar Landing PUD had a density of 112% of SFR-4 density which was less than the allowed 120% within a PUD. The PUD as revised will have a density of 103% of the SFR-4 density.

3. The original PUD design had several Pedestrian/Bike paths that were on the exterior of the Project next to adjacent properties. Many neighbors objected to these paths as being an invasion of their privacy and potential for access to the rear of their houses. The applicant is proposing to relocate these paths to be adjacent to the streets constructed within the project (see attached cross-section). Some paths will remain in the larger open space areas but will not be directly adjacent to neighboring properties.

   The attached revised PUD plan shows the locations of the new pathways within the proposed path and open space easement. The proposed path will be 8' feet in width and will replace the 5' sidewalk in the locations shown on the revised PUD plan. An open space easement will be created that will be 15 feet wide beginning at the right-of-way line including the required 10' PUE will also be included in the 15 feet.

   The open space easement landscaping will be maintained by the Home Owners Association. The landscaping will include a 7.5' to 15' grass planter strip adjacent to the curb and one street tree per lot frontage. The 8' pathway will meander adjacent to this planter strip. An additional grass planter strip will be provided on lot side of the pathway that will vary between 13' and 6.5' to accommodate the meandering pathway, this

planter strip will also include one street tree per lot frontage. The front yard setback on the lots containing the pathways will be increased from 20' to 35' to accommodate the meandering pathway.

These pathways will provide tree lined linkage to the open space areas within the PUD replacing the originally approved pathway system on the exterior of the project. These new paths will be lighted by the pedestrian scale street lights already approved for the project and visible from the streets for an additional measure of safety. The meandering pathways will add an attractive and safe pedestrian element to the neighborhood.

The revised pathways will be used throughout the entire PUD both in the north and south side of Cedar Links Drive, however, this proposed PUD amendment only covers The changes on the north side of Cedar Links Drive. The changes to the south side of Cedar Links will be addressed in subsequent PUD amendment application.

4. The reduction of the front yard set back from 20 feet to 15 feet for all lots within The Village at Cedar Landing Phase 1. These lots will all take access from an alley in the rear, there will be no driveways in the front yard.

5. Increase of the maximum lot coverage for all lots within The Village at Cedar Landing Phase 1 from 40 percent to 55 percent. Since these lots all take access from rear alleys this increase will allow for free standing garages that are connected to the house with covered walkways and or covered patio areas.

C. FINDINGS OF FACT AND CONCLUSIONS OF LAW ADDRESSING PROCEDURE AND SUBMITTAL REQUIREMENTS

PRELIMINARY PUD PLAN APPLICATION PROCEDURES – SECTION 10.235

A. *Neighborhood Meeting Requirement. To ensure neighborhood knowledge of proposed Development and to provide an opportunity for direct communication, the applicant And conduct the neighborhood meeting. City staff need not attend. Attendees shall be asked to sign a signature sheet and provide their mailing address. Attendance at the neighborhood meeting does not give an attendee legal standing for appeal.*

1. *The presentation at the neighborhood meeting shall include at a minimum the following:*

   a. *A map depicting the location of the subject property proposed for development; and*
   b. *A visual description of the project including a tentative site plan, tentative subdivision plan and elevation drawings of any structures, if applicable; and*
   c. *A description of the nature of the proposed uses and physical characteristics, including, but not limited to sizes and heights of structures, proposed lot sizes, density; and*
   d. *A description of requested modifications to code standards; and*
   e. *Notification that attendance at the neighborhood meeting does not give legal standing to appeal to the City Council, the Land Use Board of Appeals,*

or Circuit Court.

2. *It shall be the responsibility of the applicant to schedule the neighborhood meeting and provide adequate notification of the meeting. The applicant shall send mailed notice of the neighborhood meeting to the owners of no less than seventy-five (75) of the nearest tax lots regarding the neighborhood meeting. If seventy-five (75) tax lots are not located within the two-hundred (200) feet of the exterior boundary of the PUD, the notification area shall be extended by successive fifty (50) foot increments, until a minimum of seventy-five (75) tax lots are included in the notification area. The owners of all tax lots within the extended notification area shall receive written notice; therefore, noticing of more than seventy-five (75) tax lots may be required. In addition to the affected property owners, the applicant shall also provide notice to the City Planning Department. The applicant shall use the Jackson County Tax Assessor's property owner list from the most recent property tax assessment roll. The notice shall be mailed a minimum of fifteen (15) days prior to the neighborhood meeting which shall be held in Medford on a weekday evening. A certificate of mailing attesting to the date of mailing and the name and signature of the agent responsible for mailing said notices shall be prepared and submitted to the Planning Department in accordance with the materials identified in Section 10.235 (B)(7). The notice for PUD neighborhood meeting shall include:*

   a. *Date, time and location of the neighborhood meeting; and,*
   b. *A brief written description of the proposal; and,*
   c. *The location of the subject property, including address (if applicable), nearest cross streets and any other easily understood geographical reference, and a map (such as a tax assessor's map) which depicts the subject property.*

Findings of Fact

Notices for a neighborhood meeting were mailed December 5th, 2014 to approximately 200 property Owners within 200 feet of Cedar Landing PUD. The meeting took place at 6:00 P.M. on Monday, December 22, 2014 at the Cedar LInks Clubhouse.

Conclusions of Law

The Planning Commission concludes that this portion of the code has been satisfied by the Neighborhood Meeting that was held by the applicants on December 22, 2014.

REVISION OR TERMINATION OF A PUD – SECTION 10.245

A. *Revision of a Preliminary or Final PUD Plan: The expansion or modification of a PUD approved under earlier PUD ordinances of the City or the revision of a Preliminary or Final PUD Plan shall follow the same procedures required for initial approval of a Preliminary PUD Plan in this Section, provided:*

   1. *Applicant for Revision; Filing Materials; Procedures: An application to revise an approved PUD Plan shall be on forms supplied by the City. The application form shall bear the signature of the owner(s) who control a majority interest in more than fifty percent (50%) of the vacant land covered by the approved*

PUD and who are also the owner(s) of land and improvements within the PUD which constitute more than fifty percent (50 %) of the total assessed value of vacant portion of the PUD. For changes deemed by the Planning Director to be minor but not de minimums, the Planning Director shall exercise appropriate discretion under Section 10.235(B) to limit or waive the submittal of filing materials deemed to be excessive, repetitive or unnecessary based upon the scope and nature of the proposed PUD revisions. PUD revisions shall follow the same procedures used for initial approval of a Preliminary PUD Plan.

Findings of Fact

Because the proposed revision includes minor modifications to the approved Cedar Landing PUD, as it was approved in 2006 a revision to the Preliminary PUD Plan is required.

The subject application includes the signatures of Cedar Landing LLC which owns the majority of the undeveloped lands within the Cedar Landing PUD. The following tables reflect the percentages of ownership by acres and values:

PERCENTAGE OF OWNERSHIP
CEDAR LANDING PUD UNDEVELOPED LAND

Owner:	Tax Lot:	Area:	RMV:*
JANTZER	371W 16BD TL 300	3.32 AC	$247,520
JANTZER	371W 16BD TL 400	2.73 AC	$380,310
CEDAR INV. GROUP LLC	371W 16BD TL 200	14.73 AC	$1,021,310
	371W 16 TL 800	32.72 AC	$1,843,000
	TL 1400	25.58 AC	$1,092,220
	371W 16 CA TL 2200	22.45 AC	$1,514,050
TOTAL		101.53 AC	$6,098,410
Cedar Investment Group LLC Ownership:		95.48 AC	$5,470,580

Cedar Investment Group LLC ownership represents ***94.0 percent of area*** and ***89.7 percent of Real Market Value (RMV)*** which exceeds 50 percent.

NOTE: 5.42 Purchased by the City of Medford (371W TL 803) was removed from Cedar Landing PUD.

**(Jackson County Assessor Office 2014 Records)*

Conclusion of Law

The Planning Commission concludes that the subject application includes the signatures of owners who control a majority of interest in more than fifty percent (50%) of the vacant land covered by the approved PUD. The Planning Commission also concludes that the signatures represent the owners of land and improvements within the PUD which constitute more than fifty percent (50%) of the total assessed value of vacant portion of the PUD and, therefore the application for revisions to the Cedar Landing PUD can be accepted and reviewed by the City.

The applicant considers the proposed revisions to be considered as minor revisions, and not as de minimus revision, since they are not small or miniscule, and accordingly the subject application includes all necessary material required of a Preliminary PUD application, including Findings of Fact and Conclusions of Law, which address the decisional criteria in Section 10.235(D), and subject to the Planning Director's discretion to limit or waive materials that are unnecessary.

2. *Consolidated Procedure: At the discretion of the Planning Director, revisions to an approved PUD Plan may be consolidated into a single procedure, the effect of which will be the approval of both a Preliminary PUD Plan and Final PUD Plan by the Planning Commission.*

Findings of Fact

The applicant has not submitted an application for Final PUD Plan approval, but anticipates a Final Plan application in the future.

Conclusion of Law

The Planning Commission concludes that this section does not apply to the subject application.

3. *Burden of Proof: Criteria for Revisions: The burden of proof and supporting findings of fact and conclusions of law for the criteria in Subsections 10.235(D) or 10.240(G), as applicable, shall be strictly limited to the specific nature and magnitude of the proposed revision. However, it is further provided that the design and development aspects of the whole PUD may be relied upon in reaching findings of fact and conclusions of law for the criterion at Subsection 10.235(D)(5). It is further provided that before the Planning Commission can approve a PUD Plan revision, it must determine that the proposed Revision is compatible with existing developed portions of the whole PUD.*

Findings of Fact

The following Findings of Fact and Conclusions of Law address the several specific revisions to the Cedar Landing PUD, and will rely upon the entire PUD to provide an ultimate conclusion that the criteria in Section 10.235(D)(5) have been met, and that the proposed revision is compatible with the existing developed portions of the whole PUD.

The Findings of Fact and Conclusions of Law address the criteria for a Preliminary PUD Plan in Section "G" below.

D. WRITTEN NARRATIVE FOR THE PUD

a. Rationale for Planning Cedar Landing as a PUD

The rationale for planning Cedar Landing as a Planned Unit Development has changed from the original application and approval by the Planning Commission in 2006. The purpose has been, and remains to be one that establishes a development with a mix of residential housing types with a variety of lot sizes, and to include commercial offices and uses to serve the neighborhood. The Planned Unit Development ordinance offers the ability to achieve this mix of residential and commercial uses, together with the ability to create lots that vary from the standards of the underlying SFR-4 zoning district.

Cedar Landing is being constructed where Cedar Links Golf Course has existed for 40 years. The PUD design allows many of the amenities created for the golf course to remain and be included in the design of the new project. The PUD will allow more open space to be preserved than would a conventional SFR-4 subdivision.

The revisions to the PUD will not change the mix of both residential and commercial Uses and preservation of open space that was approved on the original PUD plan.

b. Nature, Planned Use, Future Ownership and Method of Perpetual Maintenance of Open Space or Held in Common Ownership

The open space and common areas with *Cedar Landing PUD* will be retained as common area and will be perpetually maintained in a natural or near-natural state by an association of homeowners in accordance with the Cedar Landing Covenants, Conditions, and Restrictions (CCR's) as approved in 2006 as part of the original application.

c. Listing of Modified Applications of the Code

No changes Proposed by this amendment.

d. Signage

No changes Proposed by this amendment.

e. Proposed Development Schedule

The applicant proposes that as a phased PUD, the expiration of the Preliminary PUD Plan be administered as provided for in Section 10.240 of the Land Development Code. The anticipated development schedule for Cedar Landing PUD is shown below.

Phase	Approximate Final Plat Date
SKY LAKES	
7	2015

1	2015

Phase	Approximate Final Plat Date
THE VILLAGE	
1	2015
2	2017
3	2018
4	2018
HIGH CEDARS	
1	2016
2	2016
9	2017

f. Gross Acreage for Various Land Uses and Housing Types

Land Use/Housing Type	Approx. Gross Acreage*
Commercial Pad Lots/Condominiums	1.75
Single-Family Detached Residential Lots	59.33
Townhomes	4.00
Assisted Care	1.4
Open Space	24

**Includes 1/5 of abutting right-of-way*

E. RELEVANT APPROVAL CRITERIA

APPROVAL CRITERIA FOR PRELIMINARY PUD PLAN – SECTION 10.235

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

2. *The proposed PUD complies with the applicable requirements of this Code, or*
   - a. *the proposed modified applications of the Code are related specifically to the implementation of the rationale for the PUD as described in Section 10.235(B)(3)(a), and*
   - b. *the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and*
   - c. *the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.*

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

a. *Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540 as amended.*
b. *Public Facilities Strategy pursuant to ORS 197.768 as amended.*
c. *Limited Service Area adopted as part of the Medford Comprehensive Plan.*

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)(7)(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 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 criteria 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(3)(7)(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.*

F. APPLICANT'S SUBMITTALS

Exhibit 1	Application Form with owner consent forms
Exhibit 2	Tentative Plats
Exhibit 3	Findings of Fact and Conclusions of Law, including Written Narrative
Exhibit 4	Revised Conceptual Grading and Drainage Plan

G. FINDINGS OF FACT AND CONCLUSIONS OF LAW ADDRESSING RELEVANT APPROVAL CRITERIA

This section includes findings, which address how the proposed application for revision to the Preliminary Plan for Cedar Landing PUD, and how it differs from that already approved, and how the proposal meets the decisional criteria of Sections 10.245 and 10.235.

The Planning Commission has considered the following facts, which are fundamental in making their decision regarding the subject application.

RELEVANT DECISIONAL CRITERIA

APPROVAL CRITERIA FOR PRELIMINARY PUD PLAN – SECTION 10.235

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

Criterion No. 1

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.

Findings of Fact

a. The preservation of these natural features as previously approved will not be affected by the proposed revisions.

b. The Cedar Landing approval included lots for detached single-family residences, 55 and older housing, condominiums, multi-family, townhomes, office/commercial development – some with residential above, and a congregate care facility.

c. Same as above.

d. There are several significant open space, preserved wetland and wetland mitigation areas within the original approval of Cedar Landing PUD that will not be affected by the proposed revisions.

Conclusion of Law

The Planning Commission concludes that Cedar Landing PUD, with the proposed revisions, continues to provide a significant amount of open space and wetlands as an important natural feature of the land; continues to include a mixture of residential and commercial land uses; continues to include a mixture of

housing types in the residential areas; and continues to include open space and common areas. As only one of the items (a-d) within Criterion No. 1 need to be fulfilled and the Cedar Landing as amended continues to satisfy 3 of the 4 items, the Planning Commission concludes that Criterion No. 1 has been met.

Criterion No. 2

2. *The proposed PUD complies with the applicable requirements of this Code, or*

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

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

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

Findings of Fact

APPLICABLE CODE REQUIREMENT DISCUSSION

A review of the proposed PUD revisions and the Medford Land Development Code show that all applicable standards of the Code have been met, except for those standards that are identified as modifications in the original application. Prior to addressing the criteria for modifications of Code standards, a discussion follows regarding several particular Code standards, which deserve further explanation.

Residential Density

No change is proposed with this amendment from previous approval.

Street Dedication and Public Improvements

No change from the previous approval with the exception of a De minims change approved on July 14, 2008 which changes the timing of the construction and signalization of the intersection of Cedar Links Road and Foothills Road. As a result of the approved change this intersection will be constructed with the next developed phase of Cedar Landing PUD that includes buildable residential lots.

By including in these findings the applicant acknowledges and agrees that the Public Works Department will upon review of the next phase will condition said improvements and provide more detail as to what is required.

Hillside Ordinance

Not applicable.

Agricultural Buffering

Not applicable.

Cul-de-sacs and Minimum Access Streets

No change from previous approval.

SITE DESIGN MODIFICATIONS

No changes from previous approval

Criterion No. 3

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.*

Findings of Fact

A review of the relevant documents shows that *Cedar Landing PUD* is subject to a moratorium on construction or land development pursuant to ORS 197.505 through 197.540, as amended; a Public Facilities Strategy pursuant to ORS 197.768 as amended; or a Limited Service Area as adopted as part of the Medford Comprehensive Plan.

Conclusion of Law

The Planning Commission concludes that Criterion No. 3 has been met.

Criterion No. 4

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

Findings of Fact

The location, size, shape and character of the common elements of the PUD will not be changed from its original approved status.

Conclusion of Law

The Planning Commission concludes that as the location, size, shape and character of all of the common elements in the PUD are appropriate for their intended use and function, Criterion No. 4 is satisfied.

Criterion No. 5

5. *If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D)(7)(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.*

   Determination 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.

Findings of Fact

The proposed revisions will not change the original approval.

Conclusion of Law

The Planning Commission concludes that the Criterion No. 5 has been met by the previous approval.

Criterion No. 6

6. *If the preliminary PUD Plan includes uses proposed under Subsection 10.230(D)(7)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.248.*

Findings of Fact

Section 10.230(D)(7)(c) provides that uses not permitted in the underlying zone can occupy up to 20 percent of the gross area of the PUD. There are no new uses included within the proposed revision that are not permitted in the SFR-4 zoning district.

Conclusion of Law

The Planning Commission concludes that Criterion No. 6 does not apply to this application as *Cedar Landing PUD* does not propose uses under Subsection 10.230(D)(7)(c), uses that are not permitted in the underlying SFR-4 zoning district.

Criterion No. 7

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.

Findings of Fact

No concurrent applications are included, land division applications will be submitted separately.

Conclusion of Law

The Planning Commission concludes that Criterion No. 7 is satisfied.

H. ULTIMATE CONCLUSION

The Planning Commission concludes that based upon the above findings a revision to the Preliminary PUD Plan for *Cedar Landing PUD* meets each and all of the relevant approval criteria found in Section 10.235(D) of the Medford Land Development Code, and in accordance with that provision, the Planning Commission approves the subject application for a Preliminary PUD.

Respectfully Submitted,

_____

Dennis N. Hoffbuhr
Hoffbuhr & Associates, Inc.
Agent for Cedar Investments, LLC
Revision Date: February 10, 2015

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PLANNING DEPT.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

BEFORE THE CITY OF MEDFORD PLANNING COMMISSION

IN THE MATTER OF AN APPLICATION FOR A TENTATIVE PLAT APPROVAL OF SKY LAKES SUBDIVISION, PHASE 1

APPLICATION REQUEST: Approval of a Tentative Plat for Phase 1 of SKY LAKES SUBDIVISION, a 60 lot subdivision, on an approximate 15.43 - acre site located generally north of Cedar Links Drive and west of Foothills Road McAndrews Road a, within an SFR-4/PD (Single-Family Residential - 4 dwelling units per acre) zoning district.

APPLICANT/ OWNER: **Cedar Investment Group LLC**
2728 West Main Street
Medford, OR 97501

AGENTS: **Hoffbuhr and Associates**
880 Golf View Drive #201
Medford, OR 97504

A. BACKGROUND AND GENERAL INFORMATION

The original Preliminary Planned Unit Development Plan for Cedar Landing PUD, was approved by the Planning Commission in 2006. That plan consisted of four sub-projects covering over 120 acres, with each of the sub-project proposed to be developed in individual phases. Sky Lakes Subdivision is one of the approved sub-projects within the Cedar Landing PUD.

Cedar Landing PUD has recently changed ownership, the new owners Cedar Investment Group LLC have recently submitted and the Planning Commission approved a PUD amendment to the City of Medford to make some minor changes in

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EXHIBIT # I
File # LDS-14-137

the original Cedar Landing PUD. One of these changes included a revised phasing map which is consistent with the boundaries of this proposed subdivision.

B. SCOPE, PURPOSE, AND OVERVIEW OF THE APPLICATION

The applicant proposes an application for Tentative Plat approval for SKY LAKES Subdivision, Phase 1 a 60 lot subdivision in conformance with the approved Master Plan for Cedar Landing PUD. The Plat includes open space areas conforming to the approved Amended PUD Master Plan.

C. APPLICANT'S SUBMITTALS

Exhibit 1 – Tentative Plat
Exhibit 2 – Findings of Fact and Conclusions of Law
Exhibit 3 – Conceptual Grading and Drainage Plan
Exhibit 4 – Conceptual Utility Plan

D. RELEVENT APPROVAL CRITERIA

MEDFORD LAND DEVELOPMENT CODE

LAND DIVISION CRITERIA – SECTION 10.270

Section 10.270 of the Land Development Code states that the approving authority (the 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.*

E. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Planning Commission has considered the following facts, which are fundamental in making their decision regarding the subject application.

MEDFORD LAND DEVELOPMENT CODE - SECTION 10.270

LAND DIVISION CRITERIA

CRITERION NO. 1

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;*

Findings of Fact

Comprehensive Plan

Medford's Comprehensive Plan provides the general goals and policies that guide the many land use decisions that the City will need to make. The goals and policies are implemented by the specific standards and requirements of the City's Land Development Code. The design standards for a land division are found in Article IV and V of the Code.

There are no Goals or Policies within Medford's Comprehensive Plan that by their specific language serve as relevant approval criteria. However, there are several specific plans that deserve discussion.

Neighborhood Circulation Plan

The proposed subdivision is not located within one of Medford's Adopted Circulation Plans, however is located within the approved Cedar Landing PUD Master Plan.

Wetlands/Riparian Plans

Wetlands within the subject area have been delineated and preservation / mitigation plans have been approved by the required State and Federal agencies as a part of the approval of Cedar Landing PUD. This application will not result in development that will impact any of the identified wetland areas.

Design Standards

- Setbacks and Lot Coverage

  All lots will meet the code required setbacks and lot coverage standards.
  The tracts exceed the maximum lot size but as Reserved Acreage tracts the code allows the excess size.

- Through Lots

  No through lots are proposed.

- Block and Perimeter Length

  Complies with code requirements.

- Arterial Street Frontage Vertical Separation Feature

  The original approval of the approved Cedar Landing PUD contained a design for a vertical separation feature along the Foothills Road frontage which will be constructed as a part of this project.

Street Dedication and Public Improvements

The applicant is aware that the improvement of the intersection of Cedar Links Drive and Foothills Road will be required to be improved as a condition the approval of the Cedar Landing PUD. Improvements to Foothills Road will also be necessary as a part of this project however are undetermined at this time because the Foothills Corridor Study has not yet been completed and approved by the City Council. The results of that study and improvement requirements to Foothills Road may result in some minor design changes to this tentative Plat.

Cul-de-sacs and Minimum Access Streets

No cul-de-sacs or minimum access streets are proposed within the proposed subdivision. There are sections of roadway proposed to provide access to some of the proposed tracts. These are being proposed simply to prevent the future tax lots from being landlocked and to conform with the city of Medford Code. These street stubs will not cause any problems with traffic circulation because there will not be any traffic being generated by these tracts as no development is proposed on them at this time.

The Planning Commission can conclude that the street stubs are allowed in accordance with Section 10.450 of the City of Medford Code.

Residential Density

The 60 lots residential lots contained in *SKY LAKES, PHASE 1* conform with approved amended Master PUD plan for Cedar Landing PUD which was found to comply with the SFR-4/PD density requirements.

Hillside Ordinance

Not applicable to this application

Agricultural Buffering

Not applicable to this application

Conclusions of Law

The Planning Commission concludes that the proposed tentative plat is consistent with all of Medford's applicable adopted plans, including the Comprehensive Plan.

CRITERION NO. 2

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;*

Findings of Fact

The proposed Tentative Plat conforms with the approved amended Master plan for Cedar Landing PUD and the street circulation plan contained within that plan.

Conclusions of Law

The Planning Commission concludes that the proposed tentative plat will not prevent development of the remainder of the subject parcel or the development or access for the adjoining land,.

CRITERION NO. 3

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;*

Findings of Fact

The name of the subdivision, *Sky Lakes*, was approved by the Planning Commission in 2006.

Conclusions of Law

The Planning Commission concludes that the name *Sky Lakes Subdivision,Phase 1* meets the requirements of Criterion No. 3.

CRITERION NO. 4

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;*

Findings of Fact

The subject Tentative Plat includes the creation of public streets. All of these streets within the proposed Tentative Plat were included in the original and subsequent approvals of Cedar landing PUD.

Conclusions of Law

The Planning Commission concludes that the streets of *Sky Lakes Subdivision, Phase 1* are laid out to be consistent with the existing streets and with the plats of land divisions already approved for the adjoining property.

CRITERION NO. 5

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;*

Findings of Fact

No private streets are proposed.

Conclusions of Law

The Planning Commission concludes that the requirement of Criterion No. 5 has been met.

CRITERION NO. 6

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.*

Findings of Fact

The proposed project does not abut agricultural land.

Conclusions of Law

The Planning Commission concludes that the requirement of Criterion No. 6 has been met.

F. ULTIMATE CONCLUSION

Based upon the above Findings of Fact and Conclusions of Law, the Planning Commission concludes that the application for the tentative plat approval of *Sky Lakes Subdivision, Phase 1* is consistent with the relevant decisional criteria for a land division found in Section 10.270 of Medford's Land Development Code.

Respectively Submitted,

_____

Dennis Hoffbuhr
Hoffbuhr & Associates, Inc.

Agent for Cedar Investment Group LLC

Dated: December 11, 2014

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REVISED
FINDINGS OF FACT AND CONCLUSIONS OF LAW

BEFORE THE CITY OF MEDFORD
PLANNING COMMISSION

IN THE MATTER OF AN APPLICATION FOR A TENTATIVE PLAT APPROVAL OF THE VILLAGE AT CEDAR LANDING SUBDIVISION, PHASE 1

APPLICATION REQUEST: Approval of a Tentative Plat for Phase 1 of THE VILLAGE AT CEDAR LANDING SUBDIVISION, a 38 lot subdivision, on an approximate 6.67-acre site located generally north of Cedar Links Drive and west of Foothills Road McAndrews Road a, within an SFR-4/PD (Single-Family Residential - 4 dwelling units per acre) zoning district.

APPLICANT/ OWNER: **Cedar Investment Group LLC**
2728 West Main Street
Medford, OR 97501

AGENTS: **Hoffbuhr and Associates**
880 Golf View Drive #201
Medford, OR 97504

A. BACKGROUND AND GENERAL INFORMATION

The original Preliminary Planned Unit Development Plan for Cedar Landing PUD, was approved by the Planning Commission in 2006. That plan consisted of four sub-projects covering over 120 acres, with each of the sub-project proposed to be developed in individual phases. Sky Lakes Subdivision is one of the approved sub-projects within the Cedar Landing PUD.

Cedar Landing PUD has recently changed ownership, the new owners Cedar Investment Group LLC have recently submitted and the Planning Commission

CITY OF MEDFORD
EXHIBIT # J
File # LDS-14-138

approved a PUD amendment to the City of Medford to make some minor changes in the original Cedar Landing PUD. One of these changes included a revised phasing map which is consistent with the boundaries of this proposed subdivision.

B. SCOPE, PURPOSE, AND OVERVIEW OF THE APPLICATION

The applicant proposes an application for Tentative Plat approval for The Village at Cedar Landing Subdivision, Phase 1 a 38 lot subdivision in conformance with the approved Amended Master Plan for Cedar Landing PUD. The Plat includes open space areas conforming to the approved Amended PUD Master Plan.

C. APPLICANT'S SUBMITTALS

Exhibit 1 – Tentative Plat
Exhibit 2 – Findings of Fact and Conclusions of Law
Exhibit 3 – Conceptual Grading and Drainage Plan
Exhibit 4 – Conceptual Utility Plan

D. RELEVENT APPROVAL CRITERIA

MEDFORD LAND DEVELOPMENT CODE

LAND DIVISION CRITERIA – SECTION 10.270

Section 10.270 of the Land Development Code states that the approving authority (the 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.*

E. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Planning Commission has considered the following facts, which are fundamental in making their decision regarding the subject application.

MEDFORD LAND DEVELOPMENT CODE - SECTION 10.270

LAND DIVISION CRITERIA

CRITERION NO. 1

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;*

Findings of Fact

Comprehensive Plan

Medford's Comprehensive Plan provides the general goals and policies that guide the many land use decisions that the City will need to make. The goals and policies are implemented by the specific standards and requirements of the City's Land Development Code. The design standards for a land division are found in Article IV and V of the Code.

There are no Goals or Policies within Medford's Comprehensive Plan that by their specific language serve as relevant approval criteria. However, there are several specific plans that deserve discussion.

Neighborhood Circulation Plan

The proposed subdivision is not located within one of Medford's Adopted Circulation Plans, however is located within the approved Amended Cedar Landing PUD Master Plan.

Wetlands/Riparian Plans

Wetlands within the subject area have been delineated and preservation / mitigation plans have been approved by the required State and Federal agencies as a part of the approval of Cedar Landing PUD. This application will not result in development that will impact any of the identified wetland areas.

Design Standards

- Setbacks and Lot Coverage

  All lots will meet the code required setbacks and lot coverage standards.
  The tracts exceed the maximum lot size but as Reserved Acreage tracts the code allows the excess size.

- Through Lots

  No through lots are proposed.

- Block and Perimeter Length

  The maximum block length established by code section 10.426 in residential areas is 600 feet. The proposed project block lengths are between 300 and 400 feet well below the stated maximum.

  Complies with code requirements.

- Arterial Street Frontage Vertical Separation Feature

The original approval of the approved Cedar Landing PUD contained a design for a vertical separation feature along the Foothills Road frontage which will be constructed as a part of this project.

Street Dedication and Public Improvements

The applicant is aware that the improvement of the intersection of Cedar Links Drive and Foothills Road will be required to be improved as a condition the approval of the Cedar Landing PUD. Improvements to Foothills Road will also be necessary as a part of this project however are undetermined at this time because the Foothills Corridor Study has not yet been completed and approved by the City Council.

Cul-de-sacs and Minimum Access Streets

No cul-de-sacs or minimum access streets are proposed within the proposed subdivision. There are sections of roadway proposed to provide access to some of the proposed tracts. These are being proposed simply to prevent the future tax lots from being landlocked and to conform with the city of Medford Code. These street stubs will not cause any problems with traffic circulation because there will not be any traffic being generated by these tracts as no development is proposed on them at this time.

The Planning Commission can conclude that the street stubs are allowed in accordance with Section 10.450 of the City of Medford Code.

Lot 1-9 Access

Lots 1-9 front on Cedar Links Drive a designated collector street. The proposed design includes an alley on the rear of these lots as well as all other lots within the project. All lots including lots 1-9 will take access from the proposed alleys and not from the frontage streets. A vehicular non-access easement will be included on the final plat for lots 1-9. In addition a meandering sidewalk and a 25 to 30 foot landscape strip will provide a buffer between Lots 1-9 and Cedar Links Drive. The landscaped strip will be maintained by a the Cedar Landing PUD Home Owners Association.

Residential Density

The 38 lots residential lots contained in *THE VILLAGE AT CEDAR LANDING, PHASE 1* conform with approved Amended Master PUD plan for Cedar Landing PUD which was found to comply with the SFR-4/PD density requirements.

Hillside Ordinance

Not applicable to this application

Agricultural Buffering

Not applicable to this application

Conclusions of Law

The Planning Commission concludes that the proposed tentative plat is consistent with all of Medford's applicable adopted plans, including the Comprehensive Plan.

CRITERION NO. 2

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;*

Findings of Fact

The proposed Tentative Plat conforms with the approved amended Master plan for Cedar Landing PUD and the street circulation plan contained within that plan.

Conclusions of Law

The Planning Commission concludes that the proposed tentative plat will not prevent development of the remainder of the subject parcel or the development or access for the adjoining land,.

CRITERION NO. 3

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;*

Findings of Fact

The name of the subdivision, *The Village at Cedar landing*, was approved by the Planning Commission in 2006.

Conclusions of Law

The Planning Commission concludes that the name *The Village at Cedar Landing Subdivision,Phase 1* meets the requirements of Criterion No. 3.

CRITERION NO. 4

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;*

Findings of Fact

The subject Tentative Plat includes the creation of public streets. All of these streets within the proposed Tentative Plat were included in the original and subsequent approvals of Cedar landing PUD.

Conclusions of Law

The Planning Commission concludes that the streets of *The Village at Cedar Landing, Phase 1* are laid out to be consistent with the existing streets and with the plats of land divisions already approved for the adjoining property.

CRITERION NO. 5

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;*

Findings of Fact

No private streets are proposed.

Conclusions of Law

The Planning Commission concludes that the requirement of Criterion No. 5 has been met.

CRITERION NO. 6

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.*

Findings of Fact

The proposed project does not abut agricultural land.

Conclusions of Law

The Planning Commission concludes that the requirement of Criterion No. 6 has been met.

F. ULTIMATE CONCLUSION

Based upon the above Findings of Fact and Conclusions of Law, the Planning Commission concludes that the application for the tentative plat approval of *The*

Village at Cedar Landing, Phase 1 is consistent with the relevant decisional criteria for a land division found in Section 10.270 of Medford's Land Development Code.

Respectively Submitted,

_____

Dennis Hoffbuhr
Hoffbuhr & Associates, Inc.

Agent for Cedar Investment Group LLC

Dated: February 7, 2014 (revised)

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PLANNING DEPT.

Continuous Improvement Customer Service

CITY OF MEDFORD

Revised Date: April 2, 2015
File Number: PUD 14-136
(Reference: PUD-05-035 and PUD-13-011)

PUBLIC WORKS DEPARTMENT STAFF REPORT
CEDAR LANDING PUD - REVISION

Project: **Consideration of a request for a revision to the Cedar Landing Planned Unit Development (PUD). The PUD revision request applies only to the portion north of Cedar Links Drive and consists of: 1) the addition of Longstone Drive, 2) the loss of one lot in Sky Lakes Phase 1, 3) the gain of one lot in The Village at Cedar Landing, and 4) the relocation of pedestrian/bicycle paths**

Location: **North and south side of Cedar Links Drive, west of Foothill Road on approximately 114 acres.**

Applicant: **Cedar Investment Group, LLC**

Applicability: The Medford Public Works Department's conditions of Preliminary Plan Approval for Cedar Landing PUD were adopted by Order of the Medford Planning Commission on April 27, 2006. The approval for Cedar Landing PUD received a minor amendment on July 14, 2008 through a De minimis revision by the Planning Director. A portion of the PUD was terminated by the Planning Commission on April 14, 2011. A revision to the PUD was approved on February 27, 2014 (PUD-13-119) and included name changes, phase re-numbering, and lot reconfiguration. An exception for reduced right-of-way along the northerly section of Cedar Links Drive was approved on January 22, 2015 (E-14-059). The adopted conditions by each of these actions shall remain in full force as originally adopted except as amended or added to below.

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

A. STREETS

1. Dedications

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION
200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

CITY OF MEDFORD
EXHIBIT # K 1 of 3
File # PUD-14-136
LDS-14-137 LDS-14-138

Longstone Drive, Mount Thielson Drive, and Yamsay Drive are each proposed as Standard Residential Streets with a right-of-way width of 63 feet in accordance with Medford Land Development Code (MLDC) Section 10.430. The Developer shall dedicate the length and width of the proposed streets as shown on the Tentative Plat, and in accordance with MLDC 10.442. Mount Thielson Drive was previously named Mount Thielson Place and Yamsay Drive was previously named Yamsay Parkway. IT APPEARS NECESSARY TO ADJUST THE WEST BOUNDARY OF THE VILLAGE PHASE 1 IN ORDER TO DEDICATE THE REQUIRED RIGHT-OF-WAY ON THE SUBDIVISION PLAT. OTHERWISE, THE DEVELOPER SHALL DEDICATE THE REQUIRED RIGHT-OF-WAY FOR LONGSTONE DRIVE BY SEPARATE DOCUMMENT PRIOR TO FINAL PLAT APPROVAL.

DeLorraine Drive, Deschutes Drive, Sky Lakes Drive, and Umpqua Street are each proposed as Minor Residential Streets with a right-of-way width of 55 feet in accordance with MLDC Section 10.430. The Developer shall dedicate the length and width of the proposed streets as shown on the Tentative Plat.

Streets as shown on the Tentative Plat in which any portion terminates to an the boundary line of the subdivision shall be dedicated to within one foot of the boundary line, 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 streets, 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)

In accordance with MLDC, Section 10.471, the property owner shall dedicate 10 foot wide Public Utility Easements (PUEs) adjoining all lot lines abutting a street.

If dedicated by documentation separate from the final plat, public rights-of-way and public utility easements shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: the right-of-way and easement dedication; a copy of a current Lot Book Report, Preliminary Title Report, or Title Policy; a mathematical closure report (if applicable), and the Planning Department File Number; for review and City Engineer acceptance signature prior to recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or mortgages on the right-of-way and PUE area.

Alleys, which have been proposed shall have a right-of-way width of 20 feet, and a radius of 15 feet on the right-of-way line at their intersection with a street right-of-way line, in accordance with MLDC 10.430 (2). All public alleys shall be "through alleys".

2. **Public Improvements**

   a. **Public Streets**

Longstone Drive, Mount Thielson Drive, and Yamsay Drive shall be improved to full width Standard Residential Street standards with 36-foot wide paved sections, complete with curbs,

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gutters, 8-foot wide park strips, 5-foot wide sidewalks and street lights. (MLDC 10.430(1) & 10.442)

DeLorraine Drive, Deschutes Drive, Sky Lakes Drive, and Umpqua Street shall be improved to Minor Residential Street standards in accordance with MLDC 10.430 (2).

Alleys: The alley approaches to Longstone Drive and Yamsay Drive may be constructed as standard commercial driveway aprons.

The alleys shall be shall be designed and constructed in accordance with City Standards and MLDC 10.430A (2), which includes an 18 foot paved section.

b. Street Lights and Signing

All street lights and signing for public streets shall be installed to City of Medford specifications, and the quantity and type shall be specified for each development application as they are submitted.

On Cedar Links Drive, the Applicant's engineer may need to address the existing power lines when considering the placement of the proposed street lights. The required mounting height shall be 35 feet, and the power lines may need to be adjusted to accommodate the new street lights.

In addition, pedestrian street lights, including base mounted cabinets, shall be designed and constructed in accordance with the MLDC, Section 10.380. Pedestrian lights shall be designed by an engineer per City of Medford Specifications and shall be submitted to the Engineering Division as part of the public improvement drawings described under General Conditions, Section 'E' of this report.

All street lights shall be operating and turned on at the time of the final "walk through" inspection by the Public Works Department.

c. Pavement Moratoriums

There is no pavement cutting moratorium currently in effect along this frontage.

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.

This application is a revision of the previously approved Cedar Landing PUD, and the conditions stated herein were required as a condition of the original PUD and subsequent DeMinimus

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changes. The one new condition indicated in this application is new street lights on the northerly right-of-way line of Cedar Links Drive, but the applicant will receive S.S.D.C. credits for the additional lights, which will fairly compensate the applicant for the excess burden of the exaction to the extent that it would be a taking in accordance with the MLDC, Section 10.668.

B. SANITARY SEWERS

This site lies within the Medford sewer service area. A private sanitary sewer lateral shall be constructed to each building lot prior to approval of the Final Plat. All public sanitary sewers shall be located in public streets, or within public sanitary sewer easements. All sanitary sewer manholes not located within public streets or alleys shall be accessible via paved surfaces having a width of at least 10-feet.

C. STORM DRAINAGE

1. Hydrology

The Engineer of Record 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.

2. Stormwater Detention and Water Quality Treatment

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 larger 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 Engineer of Record 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

The Engineer of Record shall submit for approval with the public improvement plans a comprehensive grading plan showing the relationship between adjacent property and the proposed subdivision. Grading on this development shall not block drainage from an adjacent property or concentrate drainage onto an adjacent property without an easement.

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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 building 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.

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 public improvement 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. General Conditions

1. Design Requirements and Construction Drawings

All public improvements shall be constructed in accordance with the "Engineering Design Standards for Public Improvements", adopted by the Medford City Council. Copies of this document are available in the Public Works Engineering office.

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2. **Construction Plans**

Construction drawings for any public improvements 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 of Record shall coordinate with the utility companies, and show all final utility locations on the "as built" drawings.

3. **Phasing**

The Tentative Plat shows that the subdivisions will be developed in 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.

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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, collection 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 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 sanitary sewer and storm drain mains be inspected by video camera prior to acceptance of these systems by the City.

The developer shall bear all expenses resulting from the adjustment of manholes to finish

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grades as a result of changes in the finish street grade.

Prepared by: Earl Lighthill & Doug Burroughs
Revised by: Doug Burroughs 4-2-2015

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SUMMARY CONDITIONS OF APPROVAL
Cedar Landing PUD - REVISION
PUD 14-136

Applicability of previously adopted conditions of approval remains in effect. See full report.

A. Streets

1. Street Dedications to the Public:

- Dedicate Longstone Drive, Mount Thielson Drive, and Yamsay Drive rights-of-way sixty three (63) feet wide.
- Dedicate DeLorraine Drive, Deschutes Drive, Sky Lakes Drive, and Umpqua Street rights-of-way fifty five (55) feet wide.
- Dedicate Alleys, right-of-way 20 feet wide.
- Dedicate 10 foot public utility easements (PUE).

2. Improvements:

a. Public Streets

- Construct Longstone Drive, Mount Thielson Drive, and Yamsay Drive to Standard Residential Street standards.
- Construct DeLorraine Drie, Deschutes Drive, Sky Lakes Drive, and Umpqua Street to Minor Residential Street standards.
- Construct Alleys to Public Alley standards.

b. Lighting and Signing

- Developer supplies and installs all street lights at own expense.
- City installs traffic signs and devices at Developer's expense.

B. Sanitary Sewer:

Developer installs public mains to serve lots and provides a private service lateral constructed to each lot prior to Final Plat.

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C. Storm Drainage:

Developer provides an investigative drainage report.

Development includes above ground water quality and detention facilities.

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

Provide a storm drain lateral to each building 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.

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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Continuous Improvement Customer Service

CITY OF MEDFORD

Revised Date: April 2, 2015
File Number: LDS-14-137
(Reference: PUD-14-136, PUD-05-035 and PUD-13-011)

PUBLIC WORKS DEPARTMENT STAFF REPORT
SKY LAKES VILLAGE AT CEDAR LANDING, PHASE 1

Project: **Consideration of a request for approvals of the tentative plat for Sky Lakes Subdivision, Phase 1, a 60 lot subdivision**

Location: **North side of Cedar Links Drive, west of Foothill Road on approximately 114 acres.**

Applicant: **Cedar Investment Group, LLC**

Applicability: The Medford Public Works Department's conditions of Preliminary Plan Approval for Cedar Landing PUD were adopted by Order of the Medford Planning Commission on April 27, 2006. The approval for Cedar Landing PUD received a minor amendment on July 14, 2008 through a De minimis revision by the Planning Director. A portion of the PUD was terminated by the Planning Commission on April 14, 2011. A revision to the PUD was approved on February 27, 2014 (PUD-13-119) and included name changes, phase re-numbering, and lot reconfiguration. An exception for reduced right-of-way along the northerly section of Cedar Links Drive was approved on January 22, 2015 (E-14-059). The adopted conditions by each of these actions shall remain in full force as originally adopted except as amended or added to below.

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

A. STREETS

1. Dedications

Longstone Drive, Mount Thielson Drive, and Yamsay Drive are each proposed as Standard Residential Streets with a right-of-way width of 63 feet in accordance with Medford Land

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CITY OF MEDFORD
EXHIBIT # K 2 of 3
File # LDS-14-137
PUD-14-136 LDS-14-138

Development Code (MLDC) Section 10.430. The Developer shall dedicate the length and width of the proposed streets as shown on the Tentative Plat, and in accordance with MLDC 10.442. Mount Thielson Drive was previously named Mount Thielson Place and Yamsay Drive was previously named Yamsay Parkway.

Deschutes Drive, Sky Lakes Drive, and Umpqua Street are each proposed as Minor Residential Streets with a right-of-way width of 55 feet in accordance with MLDC Section 10.430. The Developer shall dedicate the length and width of the proposed streets as shown on the Tentative Plat.

Streets as shown on the Tentative Plat in which any portion terminates to an the boundary line of the subdivision shall be dedicated to within one foot of the boundary line, 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 streets, 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)

In accordance with MLDC, Section 10.471, the property owner shall dedicate 10 foot wide Public Utility Easements (PUEs) adjoining all lot lines abutting a street.

If dedicated by documentation separate from the final plat, public rights-of-way and public utility easements shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: the right-of-way and easement dedication; a copy of a current Lot Book Report, Preliminary Title Report, or Title Policy; a mathematical closure report (if applicable), and the Planning Department File Number; for review and City Engineer acceptance signature prior to recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or mortgages on the right-of-way and PUE area.

2. Public Improvements

a. Public Streets

Longstone Drive, Mount Thielson Drive, and Yamsay Drive shall be improved to full width Standard Residential Street standards with 36-foot wide paved sections, complete with curbs, gutters, 8-foot wide park strips, 5-foot wide sidewalks and street lights. (MLDC 10.430(1) & 10.442)

Deschutes Drive, Sky Lakes Drive, and Umpqua Street shall be improved to Minor Residential Street standards in accordance with MLDC 10.430 (2).

b. Street Lights and Signing

All street lights and signing for public streets shall be installed to City of Medford specifications, and the quantity and type shall be specified for each development application as they are submitted.

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The following street lighting and signing installations will be required:

Sky Lakes Village, Phase 1

Street Lighting - Developer Provided & Installed

A. 12 – 100W HPS street lights with/out Pedestrian Lighting

Or

4 – 100W HPS street lights with Pedestrian Lighting

Traffic Signs and Devices - City Installed, paid by the Developer

A. 6 – street name signs

B. 1 or 2 - Barricades

In addition, pedestrian street lights, including base mounted cabinets, shall be designed and constructed in accordance with the MLDC, Section 10.380. Pedestrian lights shall be designed by an engineer per City of Medford Specifications and shall be submitted to the Engineering Division as part of the public improvement drawings described under General Conditions, Section 'E' of this report.

All street lights shall be operating and turned on at the time of the final "walk through" inspection by the Public Works Department.

c. Pavement Moratoriums

There is no pavement cutting moratorium currently in effect along this frontage.

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.

This application is a revision of the previously approved Cedar Landing PUD, and the conditions stated herein were required as a condition of the original PUD and subsequent DeMinimus changes. The one new condition indicated in this application is new street lights on the northerly right-of-way line of Cedar Links Drive, but the applicant will receive S.S.D.C. credits for the additional lights, which will fairly compensate the applicant for the excess burden of the exaction to the extent that it would be a taking in accordance with the MLDC, Section 10.668.

B. SANITARY SEWERS

This site lies within the Medford sewer service area. A private sanitary sewer lateral shall be constructed to each building lot prior to approval of the Final Plat. All public sanitary sewers

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shall be located in public streets, or within public sanitary sewer easements. All sanitary sewer manholes not located within public streets or alleys shall be accessible via paved surfaces having a width of at least 10-feet.

C. STORM DRAINAGE

1. Hydrology

The Engineer of Record 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.

2. Stormwater Detention and Water Quality Treatment

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 larger 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 Engineer of Record 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

The Engineer of Record shall submit for approval with the public improvement plans a comprehensive grading plan showing the relationship between adjacent property and the proposed subdivision. Grading on this development shall not block drainage from an adjacent property or concentrate drainage onto an adjacent property without an easement. 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

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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 building 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.

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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 public improvement 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. General Conditions

1. Design Requirements and Construction Drawings

All public improvements shall be constructed in accordance with the "Engineering Design Standards for Public Improvements", adopted by the Medford City Council. Copies of this document are available in the Public Works Engineering office.

2. Construction Plans

Construction drawings for any public improvements 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

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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 of Record shall coordinate with the utility companies, and show all final utility locations on the "as built" drawings.

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The Tentative Plat shows that the subdivisions will be developed in 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.

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6. System Development Charges

Buildings in this development are subject to sewer treatment, collection 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 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 sanitary sewer and storm drain mains be inspected by video camera prior to acceptance of these systems by the City.

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.

Prepared by: Earl Lighthill & Doug Burroughs
Revised by: Doug Burroughs 4-2-2015

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SUMMARY CONDITIONS OF APPROVAL

Sky Lakes Subdivision at Cedar Landing, Phase 1
LDS-14-137

Applicability of previously adopted conditions of approval remains in effect. See full report.

A. Streets

1. Street Dedications to the Public:

- Dedicate Longstone Drive, Mount Thielson Drive, and Yamsay Drive rights-of-way sixty three (63) feet wide.
- Dedicate Deschutes Drive, Sky Lakes Drive, and Umpqua Street rights-of-way fifty five (55) feet wide.
- Dedicate 10 foot public utility easements (PUE).

2. Improvements:

a. Public Streets

- Construct Longstone Drive, Mount Thielson Drive, and Yamsay Drive to Standard Residential Street standards.
- Construct Deschutes Drive, Sky Lakes Drive, and Umpqua Street to Minor Residential Street standards.

b. Lighting and Signing

- Developer supplies and installs all street lights at own expense.
- City installs traffic signs and devices at Developer's expense.

B. Sanitary Sewer:

Developer installs public mains to serve lots and provides a private service lateral constructed to each lot prior to Final Plat.

C. Storm Drainage:

Developer provides an investigative drainage report.

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Development includes above ground water quality and detention facilities.

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

Provide a storm drain lateral to each building 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.

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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CITY OF MEDFORD

Revised Date: April 2, 2015
File Number: LDS-14-138
(Reference: PUD-14-136, PUD-05-035 and PUD-13-011

PUBLIC WORKS DEPARTMENT STAFF REPORT
THE VILLAGE AT CEDAR LANDING, PHASE 1

Project: **Consideration of a request for approval of the tentative plat for The Village at Cedar Landing Subdivision, Phase 1, a 37 lot subdivision.**

Location: **North side of Cedar Links Drive, west of Foothill Road on approximately 114 acres.**

Applicant: **Cedar Investment Group, LLC**

Applicability: The Medford Public Works Department's conditions of Preliminary Plan Approval for Cedar Landing PUD were adopted by Order of the Medford Planning Commission on April 27, 2006. The approval for Cedar Landing PUD received a minor amendment on July 14, 2008 through a De minimis revision by the Planning Director. A portion of the PUD was terminated by the Planning Commission on April 14, 2011. A revision to the PUD was approved on February 27, 2014 (PUD-13-119) and included name changes, phase re-numbering, and lot reconfiguration. An exception for reduced right-of-way along the northerly section of Cedar Links Drive was approved on January 22, 2015 (E-14-059). The adopted conditions by each of these actions shall remain in full force as originally adopted except as amended or added to below.

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

A. STREETS

1. Dedications

Longstone Drive, Mount Thielson Drive, and Yamsay Drive are each proposed as Standard Residential Streets with a right-of-way width of 63 feet in accordance with Medford Land

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EXHIBIT # K3 of 3
File # LDS-14-138
PUD-14-136 LDS-14-137

Development Code (MLDC) Section 10.430. The Developer shall dedicate the length and width of the proposed streets as shown on the Tentative Plat, and in accordance with MLDC 10.442. Mount Thielson Drive was previously named Mount Thielson Place and Yamsay Drive was previously named Yamsay Parkway. IT APPEARS NECESSARY TO ADJUST THE WEST BOUNDARY OF THE VILLAGE PHASE 1 IN ORDER TO DEDICATE THE REQUIRED RIGHT-OF-WAY ON THE SUBDIVISION PLAT. OTHERWISE, THE DEVELOPER SHALL DEDICATE THE REQUIRED RIGHT-OF-WAY FOR LONGSTONE DRIVE BY SEPARATE DOCUMMENT PRIOR TO FINAL PLAT APPROVAL.

DeLorraine Drive, is proposed as Minor Residential Streets with a right-of-way width of 55 feet in accordance with MLDC Section 10.430. The Developer shall dedicate the length and width of the proposed streets as shown on the Tentative Plat.

Streets as shown on the Tentative Plat in which any portion terminates to an the boundary line of the subdivision shall be dedicated to within one foot of the boundary line, 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 streets, 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)

In accordance with MLDC, Section 10.471, the property owner shall dedicate 10 foot wide Public Utility Easements (PUEs) adjoining all lot lines abutting a street.

If dedicated by documentation separate from the final plat, public rights-of-way and public utility easements shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: the right-of-way and easement dedication; a copy of a current Lot Book Report, Preliminary Title Report, or Title Policy; a mathematical closure report (if applicable), and the Planning Department File Number; for review and City Engineer acceptance signature prior to recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or mortgages on the right-of-way and PUE area.

Alleys, which have been proposed shall have a right-of-way width of 20 feet, and a radius of 15 feet on the right-of-way line at their intersection with a street right-of-way line, in accordance with MLDC 10.430 (2). All public alleys shall be "through alleys".

2. **Public Improvements**

   a. **Public Streets**

Longstone Drive, Mount Thielson Drive, and Yamsay Drive shall be improved to full width Standard Residential Street standards with 36-foot wide paved sections, complete with curbs, gutters, 8-foot wide park strips, 5-foot wide sidewalks and street lights. (MLDC 10.430(1) & 10.442)

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DeLorraine Drive, shall be improved to Minor Residential Street standards in accordance with MLDC 10.430 (2).

Alleys: The alley approaches to Longstone Drive and Yamsay Drive may be constructed as standard commercial driveway aprons.

The alleys shall be shall be designed and constructed in accordance with City Standards and MLDC 10.430A (2), which includes an 18 foot paved section.

b. Street Lights and Signing

All street lights and signing for public streets shall be installed to City of Medford specifications, and the quantity and type shall be specified for each development application as they are submitted.

On Cedar Links Drive, the Applicant's engineer may need to address the existing power lines when considering the placement of the proposed street lights. The required mounting height shall be 35 feet, and the power lines may need to be adjusted to accommodate the new street lights.

The following street lighting and signing installations will be required:

The Village, Phase 1

Street Lighting - Developer Provided & Installed

A. 12 – 100W HPS street lights with/out Pedestrian Lighting
Or
5 – 100W HPS street lights with Pedestrian Lighting

B. 3 – 250W street lights with base mounted cabinet (Cedar Links Dr., north side)

Traffic Signs and Devices - City Installed, paid by the Developer

A. 5 – street name signs
B. 2 – stop signs
C. 3 - Barricades

In addition, pedestrian street lights, including base mounted cabinets, shall be designed and constructed in accordance with the MLDC, Section 10.380. Pedestrian lights shall be designed by an engineer per City of Medford Specifications and shall be submitted to the Engineering Division as part of the public improvement drawings described under General Conditions, Section 'E' of this report.

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All street lights shall be operating and turned on at the time of the final "walk through" inspection by the Public Works Department.

c. Pavement Moratoriums

There is no pavement cutting moratorium currently in effect along this frontage.

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.

This application is a revision of the previously approved Cedar Landing PUD, and the conditions stated herein were required as a condition of the original PUD and subsequent DeMinimus changes. The one new condition indicated in this application is new street lights on the northerly right-of-way line of Cedar Links Drive, but the applicant will receive S.S.D.C. credits for the additional lights, which will fairly compensate the applicant for the excess burden of the exaction to the extent that it would be a taking in accordance with the MLDC, Section 10.668.

B. SANITARY SEWERS

This site lies within the Medford sewer service area. A private sanitary sewer lateral shall be constructed to each building lot prior to approval of the Final Plat. All public sanitary sewers shall be located in public streets, or within public sanitary sewer easements. All sanitary sewer manholes not located within public streets or alleys shall be accessible via paved surfaces having a width of at least 10-feet.

C. STORM DRAINAGE

1. Hydrology

The Engineer of Record 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.

2. Stormwater Detention and Water Quality Treatment

This development shall provide stormwater detention in accordance with MLDC, Section

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10.486, and water quality treatment in accordance with the Rogue Valley Stormwater Quality Manual. Since this development is larger 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 Engineer of Record 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

The Engineer of Record shall submit for approval with the public improvement plans a comprehensive grading plan showing the relationship between adjacent property and the proposed subdivision. Grading on this development shall not block drainage from an adjacent property or concentrate drainage onto an adjacent property without an easement. 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 building 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.

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 public improvement plan approval. The erosion prevention and sediment control plan shall

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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. General Conditions

1. Design Requirements and Construction Drawings

All public improvements shall be constructed in accordance with the "Engineering Design Standards for Public Improvements", adopted by the Medford City Council. Copies of this document are available in the Public Works Engineering office.

2. Construction Plans

Construction drawings for any public improvements 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 of Record shall coordinate with the utility companies, and show all final utility locations on the "as built" drawings.

3. Phasing

The Tentative Plat shows that the subdivisions will be developed in phases. The public improvements corresponding to a particular phase shall be constructed at the time such phase is

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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, collection 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 street moratorium policy with respect to pavement cutting for future utility services. The utility companies and property owners shall be

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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.

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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 sanitary sewer and storm drain mains be inspected by video camera prior to acceptance of these systems by the City.

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.

Prepared by: Earl Lighthill & Doug Burroughs
Revised by: Doug Burroughs 4-2-2015

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SUMMARY CONDITIONS OF APPROVAL

The Village at Cedar Landing, Phase 1
LDS-14-138

Applicability of previously adopted conditions of approval remains in effect. See full report.

A. Streets

1. Street Dedications to the Public:

- Dedicate Longstone Drive, Mount Thielson Drive, and Yamsay Drive rights-of-way sixty three (63) feet wide.
- Dedicate DeLorraine Drive, right-of-way fifty five (55) feet wide.
- Dedicate Alleys, right-of-way 20 feet wide.
- Dedicate 10 foot public utility easements (PUE).

2. Improvements:

a. Public Streets

- Construct Longstone Drive, Mount Thielson Drive, and Yamsay Drive to Standard Residential Street standards.
- Construct DeLorraine Drive to Minor Residential Street standards.
- Construct Alleys to Public Alley standards.

b. Lighting and Signing

- Developer supplies and installs all street lights at own expense.
- City installs traffic signs and devices at Developer's expense.

B. Sanitary Sewer:

Developer installs public mains to serve lots and provides a private service lateral constructed to each lot prior to Final Plat.

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C. Storm Drainage:

Developer provides an investigative drainage report.

Development includes above ground water quality and detention facilities.

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

Provide a storm drain lateral to each building 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.

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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Medford Fire Department

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LAND DEVELOPMENT REPORT - PLANNING

To: Jennifer Jones

LD Meeting Date: 03/18/2015

From: Greg Kleinberg

Report Prepared: 03/10/2015

Applicant: Cedar Investment Group, Applicant (Dennis Hoffbuhr, Agent)

File #: PUD - 14 - 136

Associated File #'s: LDS - 14 - 137
LDS - 14 - 138

Site Name/Description: Cedar Landing PUD, Sky Lakes Subdivision

Consideration of a request for a revision to the Cedar Landing Planned Unit Development (PUD) and for approvals of the tentative plats for Sky Lakes Subdivision, Phase 1, a 60 lot subdivision, and The Village at Cedar Landing Subdivision, Phase 1, a 38 lot subdivision. The PUD revision request applies only to the portion north of Cedar Links Drive and consists of: 1) the addition of Longstone Drive, 2) the loss of one lot in Sky Lakes Phase 1, 3) the gain of two lots in The Village at Cedar Landing, and 4) the relocation of pedestrian/bicycle paths. The project is located on approximately 114 acres on the north and south sides of Cedar Links Drive, west of Foothill Road within an SFR-4/PD (Single-Family Residential - 4 dwelling units per gross acre/Planned Development) zoning district; Cedar Investment Group, Applicant (Dennis Hoffbuhr, Agent). Jennifer Jones, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE	
Requirement ADDRESS IDENTIFICATION	**OFC**	**505.1**

Building numbers shall be placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background.

Temporary signs shall be installed at each street intersection when construction of new roadways allows passage of vehicles.

Requirement FIRE HYDRANTS — **OFC** — **508.5**

Fire hydrants with reflectors will be required for this project.

Hydrant locations shall be as follows: A total of ten (10) fire hydrants will be required for Phase #1 in the following locations: One on the corner of Cedar Links Dr and Longstone Dr near lot #9; One on the corner Cedar Links Dr and Yamsay Dr near lot #1; One on the corner of Longstone Dr and DeLorraine Dr near lot #10; One on the corner of Delorraine Dr and Yamsay Dr neat lot #19; One on the corner of Mt Thielson Dr and Longstone Dr near lot #1; One on the corner of Mt Thielson Dr and Sky Lakes Dr near lot #56; One on the corner of Mt Thielson Dr and Deschutes Dr near lot #14; One on the corner of Deschutes Dr and Umpqua St near lot #30; One on the corner of Sky Lakes Dr and Umpqua St near lot #34; and one on Sky Lakes Dr in front of lot #45.

Additional hydrants may be required to comply with the requirement of proximity to fire department connections (for fire sprinkler and standpipe systems, the fire department connection shall be located at an approved location away from the building and within 75' of a fire hydrant. The fire department connection shall be located on the same side as the fire department access route.).

The approved water supply for fire protection (hydrants) is required to be installed prior to construction when

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EXHIBIT # L
File # PUD-14-136
LDS-14-137 LDS-14-138

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LAND DEVELOPMENT REPORT - PLANNING

To: Jennifer Jones **LD Meeting Date:** 03/18/2015

From: Greg Kleinberg **Report Prepared:** 03/10/2015

Applicant: Cedar Investment Group, Applicant (Dennis Hoffbuhr, Agent)

File #: PUD - 14 - 136 **Associated File #'s:** LDS - 14 - 137
LDS - 14 - 138

Site Name/Description: Cedar Landing PUD, Sky Lakes Subdivision

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 ADDITIONAL REQUIREMENTS/COMMENTS **MEDFORD** **OTHER**

With the Longstone Drive added as a second access, the previous conditioned fire sprinkler requirements for Tract C lots 1 - 61 and Tract D lots 28-36 is removed.

Requirement MEDFORD CODE STREET DESIGN OPTIONS **MEDFORD** **10.430**

Section 10.430 of the Medford Code states the following:

In order to ensure that there is at least twenty (20) feet of unobstructed clearance for fire apparatus, the developer shall choose from one of the following design options:

(a) Clustered, offset (staggered) driveways (see example) (design approved by Fire Department), and fire hydrants located at intersections with the maximum fire hydrant spacing along the street of 250-feet.

(b) All dwellings that front and take access from minor residential streets to be equipped with a residential (NFPA 13D) fire sprinkler system, and fire hydrants located at intersection with the maximum fire hydrant spacing along the street of 500-feet.

(c) Total paved width of 33-feet with five-and-a-half (5 ½) foot planter strips.

The Oregon Fire Code requires; "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" (OFC 503.2.1). "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 in Section 503.2.1, shall be maintained at all times." (OFC 503.4).

When the clustered-offset driveway option is chosen, a note indicating driveway locations shall be included on the final plat.

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LAND DEVELOPMENT REPORT - PLANNING

To: Jennifer Jones

LD Meeting Date: 03/18/2015

From: Greg Kleinberg

Report Prepared: 03/10/2015

Applicant: Cedar Investment Group, Applicant (Dennis Hoffbuhr, Agent)

File #: PUD - 14 - 136

Associated File #'s: LDS - 14 - 137
LDS - 14 - 138

Site Name/Description: Cedar Landing PUD, Sky Lakes Subdivision

Minor residential streets have a 28 foot paved surface. When vehicles are parked on both sides of the street there is 14 feet for fire department access, which is considerably less than the 20 foot requirement. Fire department pumpers are approximately 9 feet wide, this leaves approximately 2.5 feet on each side to remove equipment, drag hose, etc. We normally dispatch 3 fire engines and the ladder truck to all reported structure fires. The 14 feet becomes so congested that fire engines and or ambulances are required to back-up to leave the fire scene. Sometimes the on scene equipment is dispatched to another alarm. This backing up slows response times. The citizens of the City of Medford have certain expectations that when they require our assistance we will arrive in a timely manner. With a 20 foot clear and unobstructed width engines are able to pass on the side when necessary to respond to another incident or clear to return to their assigned area.

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.

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PLANNING DEPT.

MEDFORD WATER COMMISSION

BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

FROM: Rodney Grehn P.E., Water Commission Staff Engineer

SUBJECT: PUD-14-136 & LDS-14-137, LDS-14-138

PARCEL ID: 371W16BD TL 200, 371W16 TL 800, 371W16CA TL 2200, 371W16 TL 1400

PROJECT: Consideration of a request for a revision to the Cedar Landing Planned Unit Development (PUD) and for approvals of the tentative plats for Sky Lakes Subdivision, Phase 1, a 60 lot subdivision, and The Village at Cedar Landing Subdivision, Phase 1, a 38 lot subdivision. The PUD revision request applies only to the portion north of Cedar Links Drive and consists of: 1) the addition of Longstone Drive, 2) the loss of one lot in Sky Lakes Phase 1, 3) the gain of two lots in The Village at Cedar Landing, and 4) the relocation of pedestrian/bicycle paths. The project is located on approximately 114 acres on the north and south sides of Cedar Links Drive, west of Foothill Road within an SFR-4/PD (Single-Family Residential – 4 dwelling units per gross acre/Planned Development) zoning district; Cedar Investment Group, Applicant (Dennis Hoffbuhr, Agent). Jennifer Jones, Planner.

DATE: March 16, 2015

I have reviewed the above plan authorization application as requested. Conditions for approval and comments are as follows:

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."

2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.

3. Installation on 8-inch water line is required in all public streets within Sky Lakes Village Phase at Cedar Landing Phase 1, and also in The Village at Cedar Landing Phase 1.

4. Applicants' civil engineer shall coordinate with MWC engineering staff for water facility improvement layout requirements, including possible relocation area (easement) for MWC cathodic protection facilities for the existing on-site 24-inch Big Butte Springs water transmission line.

COMMENTS

1. Off-site water line installation is not required.

2. On-site water facility construction is required. (See Condition 3 and 4 above)

CITY OF MEDFORD
EXHIBIT # M
File # PUD-14-136
LDS-14-137 LDS-14-138

3. Both "The Village at Cedar Landing Phase 1" and "Sky Lakes Village at Cedar Landing Phase 1" are located with MWC's "Gravity" pressure zone. Expected static pressure range from 55-75 psi.

4. MWC-metered water service does exist to this property. There is a ¾-inch water meter that is located along the north side of Cedar Links Drive that used to serve the Cedar Links Club House.

5. Access to MWC water lines is available. There is an 8-inch water line in Cedar Links Drive, and an 8-inch water line in Farmington Avenue, and also a 24-inch water transmission line within a 50-foot easement located in the southwesterly projection of Farmington Avenue.

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MAR 18 2015
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Memo

To: Jennifer Jones, Planning Department

From: Mary Montague, Building Department

CC: Cedar Investment Group, LLC

Date: March 18, 2015

Re: PUD-14-136, LDS-14-137; and LDS-14-138

Building Department:

Please Note: This is not a plan review. These are general notes based on general information provided. Plans need to be submitted and will be reviewed by a residential plans examiner to determine if there are any other requirements for this occupancy type. Please contact the front counter for fees.

1. Applicable Building Codes are 2011 ORSC with additional Oregon amendments effective October 1, 2014; 2011 OPSC; and 2014 OMSC. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.

2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.

3. No Comments at this time.

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EXHIBIT # N
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LDS-14-137 LDS-14-138

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STAFF MEMO

To: Jennifer Jones

From: Jennifer Ingram, Address Technician

Date: 3/17/2015

Subject: PUD-14-136/ LDS-14-137/LDS-14-138

As was stated in the comments for PUD-13-119, the proposed street name **Timbered Ridge** is too close to the names *Timberidge Road* and *Timber Lane*, and therefore needs to be renamed. Also, this proposed street should be treated as two streets, as there is a significant change in direction (from north-south to east-west).

Obsidian Ridge still needs an acceptable street suffix (e.g., Drive, Lane, Street or Way).

High Cedars Place does not fit the definition of 'Place' in the street naming code, i.e. the street appears to be too long. The suffix can be 'Drive', 'Lane', 'Street' or 'Way'.

Regarding the section of the proposed continuation of **Farmington Ave** and **Normil Terrace**, please see below:

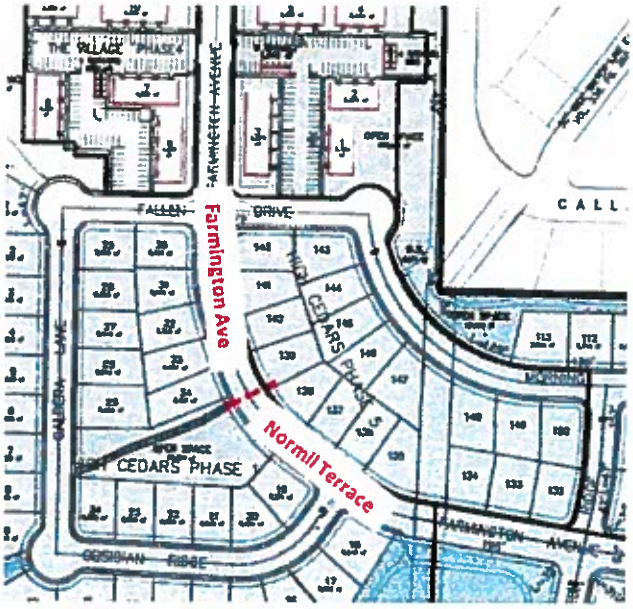

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EXHIBIT # O
File # PUD-14-136
LDS-14-137 LDS-14-138

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MEDFORD IRRIGATION DISTRICT

P.O.BOX 70
5045 Jacksonville Hwy
Jacksonville, Oregon 97502
Office (541)899-9913

City of Medford
Planning Department
200 South Ivy Street
Medford, Oregon 97501

March 18, 2015

Project Name: CEDAR INVESTMENT GROUP, LLC

File No. PUD-14-136/LDS-14-137/LDS-14-138

To whom it may concern:

Please accept this as Medford Irrigation District official comment

The developer is requested to stay in contact with the District to assure the pipeline stays operational and it may need upgrading for this type of development.

Water rights still exist on the tax lot of 3535 Cedar Links Dr. 371W016BD TL 200 / 371W16 TL 800 / 371W16CA TL 2200 / 371W16 TL 1400. Prior to development the owner will need to contact the District to transfer the water rights off, or supply pressure irrigation to each parcel and all assessments need to be paid in full prior to the Planning Department's final approval. Contact the District office for assistance on all the above matters.

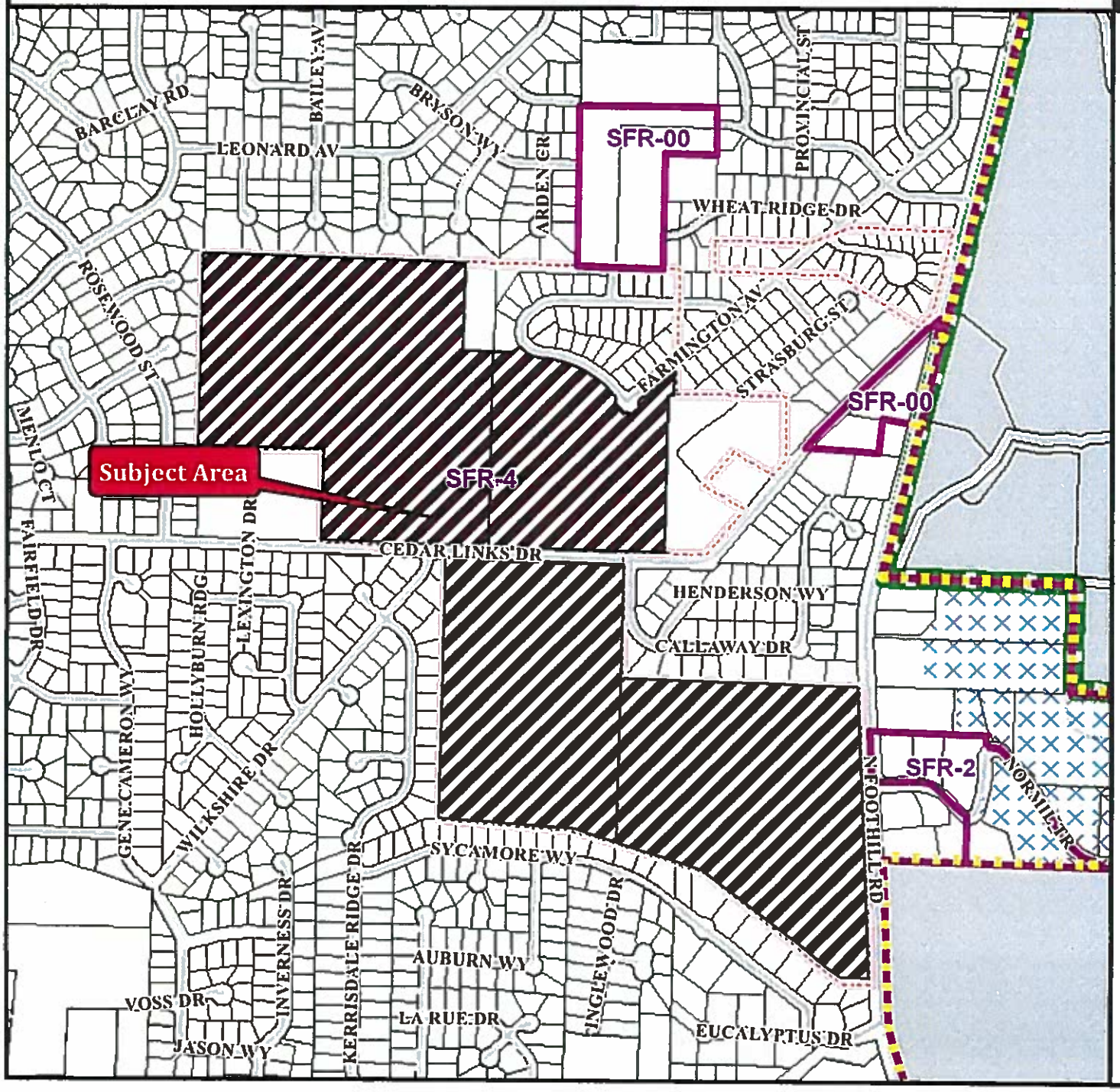
Sincerely,

Carol Bradford
District Manager

CITY OF MEDFORD
EXHIBIT # P
File # PUD-14-136
LDS-14-137 LDS-14-138

CITY OF MEDFORD PLANNING DEPARTMENT

Vicinity Map



Application Name/Description:
Cedar Landing PUD

Proposal:
PUD & 98 lot subdivision

File Numbers:
PUD-14-136, LDS-14-137 and LDS-14-138

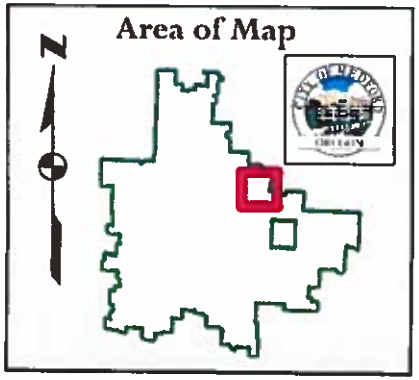
Applicant:
Cedar Investment Group LLC

Map/Taxlot:

371W16BD	TL 200
371W16	TL 800
371W16CA	TL 2200
371W16	TL 1400

- Subject Area
- Medford Zoning
- UGB
- Tax Lots
- City Limits
- PUD

Area of Map



02/27/2015