

# PLANNING COMMISSION

## AGENDA

### MAY 14, 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 and fourth  
Thursdays of every month  
Meetings begin at 5:30 PM

#### City of Medford

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



# Agenda

## Public Hearing

May 14, 2015

5:30 PM

Council Chambers— City Hall, Room 300  
411 West Eighth Street, Medford, Oregon

10. Roll Call

20. Consent Calendar/Written Communications (voice vote)

30. Minutes

30.1. Approval of Minutes from the April 23, 2015, meeting.

40. Oral and Written Requests and Communications

50. Public Hearings—Old Business

**50.1 CP-14-114**

The City of Medford is proposing to amend the Urban Growth Boundary (UGB) for the purpose of providing a twenty-year land supply based on the City's projected need for residential and employment land. The proposed changes include: amending (expanding) the Urban Growth Boundary, assigning General Land Use Plan (GLUP) map designations to the areas added to the UGB; amending the Medford Street Functional Classification Plan of the Transportation Element of the Comprehensive Plan to include the expansion areas; and amending some portions of the Urbanization and GLUP Elements of the Comprehensive Plan to accommodate the UGB amendment. City of Medford, Applicant.

New Business

**50.2 PUD-15-011 / LDS-15-012**

Consideration of a request for a revision to 10th Fairway Office Park Planned Unit Development and tentative plat for a 7-lot commercial subdivision on two parcels totaling 3.79 acres located on the south side of North Phoenix Road, approximately 370 feet south of Hillcrest Road, within an SFR-4 (Single Family Residential – 4 dwelling units per gross acre) and C-S/P/RZ (Service Commercial and Professional Office/Restricted Zoning) zoning district. Michael T. Mahar, Applicant; CSA Planning Ltd., (Jay Harland), Agent.

- 60. Reports
  - 60.1. Site Plan and Architectural Commission
  - 60.2. Report of the Joint Transportation Subcommittee
  - 60.3. Planning Department
- 70. Messages and Papers from the Chair
- 80. Remarks from the City Attorney
- 90. Propositions and Remarks from the Commission
- 100. Adjournment



# Minutes

from Public Hearing on April 23, 2015

The regular meeting of the Planning Commission was called to order at 5:31 PM 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  
Chris MacMillan  
Bill Mansfield  
Mark McKechnie  
Jared Pulver  
Alec Schwimmer

**Staff Present**

Jim Huber, Planning Director  
John Adam, Senior Planner  
Kevin McConnell, Deputy City Attorney  
Alex Georgevitch, Acting City Engineer  
Terri Rozzana, Recording Secretary  
Aaron Harris, Planner II

**Commissioners Absent**

None

10. **Roll Call**

20. **Consent Calendar/Written Communications**

- 20.1. **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 (Greg McKown), Applicant; ORW Architecture (David Wilkerson), Agent.
- 20.2. **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.

- 20.3. **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; Hoffbuhr & Associates (Dennis Hoffbuhr), Agent.
- 20.4. **NO FILE NUMBER.** Planning Department request for Commission to authorize an ad hoc committee to develop design standards for the core area of the downtown. This is part of the reform of the Central Business District zoning overlay and implementation of the “Downtown 2050 Plan.”

Motion: Adopt the consent calendar.

Moved by: Chair McFadden

Seconded by: There was no second.

Voice Vote: Motion passed, 9–0.

30. Minutes

30.1. The minutes for April 9, 2015, were approved as submitted.

40. Oral and Written Requests and Communications. None.

Kevin McConnell, Deputy City Attorney, read the Quasi-Judicial Statement.

50. Public Hearings—New business

50.1. **CP-15-022** General Land-Use Plan (GLUP) Map amendment from Urban Residential (UR) to Service Commercial (SC) on 0.33 acres comprising three lots located on East Jackson Street between Mae Street and Marie Street (map/taxlot no. 37-1W-19DD/8400, 8500, 8600). Ryan Kantor, James & Eva Kell, and Michael Malepsy, Applicant.

Aaron Harris, Planner II, gave a staff report and reviewed the General Land-Use Plan amendment criteria.

Commissioner MacMillan asked if staff determined that no transportation, water, or sewer improvements were required based on the fact that Public Works and the Water Commission did not comment. Mr. Harris replied that when there are no comments it is safe to assume the infrastructure is sufficient.

Commissioner McKechnie asked if the zoning is changed to Service Commercial and a commercial use is put there does that require a buffer between that and the residential uses? Mr. Harris replied that it does. The buffer required will be 10 feet wide, vegetation of various sorts that grows to 20 feet high over a ten-year period, and a six-foot high concrete or masonry wall. That only applies to new development.

Commissioner Schwimmer asked how the request meets the public need criterion when the intent is unknown. Mr. Harris stated that the need for the City is determined by the Economic Element and the Housing Element of the Comprehensive Plan. The Housing Element calls for 826 acres of urban residential and 290 acres for office uses over the next 20 years. It is such a small area to be changed that relative to the scale of need it is inconsequential.

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

- a. Ryan Kantor, 1029 East Jackson Street, Medford, Oregon, 97504. Mr. Kantor stated that it is his property that is in question. The other two property owners have no desire to do anything with their property at this time. Mr. Kantor plans to do a full renovation of the building, turning it into a small office. It will be attractive from the street instead of the dumpy looking house it is now.

Chair McFadden stated that he likes the changing of the neighborhood. It shows a progressive commercial area. Does Mr. Kantor find in his analysis the cost balances out for the developer? Mr. Kantor stated that if Chair McFadden is talking about the potential income of the property from residential versus commercial there is an advantage. One can get a better per-square-foot rate. That is one of the major thoroughfares that one would want attractive buildings to make the City look better and promote growth. It makes sense considering the entire street is pretty much all commercial.

- b. Cynthia Swaney, 320 Marie Street, Medford, Oregon, 97504. Ms. Swaney reported that the proposed amendment will significantly impact the neighborhood and those who live in it. She said her neighborhood is already bounded on three sides by commercially zoned lots. They need the freedom to improve their historical cottages and reap the benefits. She said the proposed change would not be compatible with the goals for the neighborhood or the goals of the Medford Comprehensive Plan.

Chair McFadden asked if new development along Jackson might provide the neighborhood in that it would provide a buffer against the traffic noise. Ms. Swaney said she is concerned that more traffic that will be cutting through to get to more commercial properties. She added that there are children that play in the streets especially in the evenings; it is an old-fashioned neighborhood.

- c. Dave Swaney, 320 Marie Street, Medford, Oregon, 97504. Mr. Swaney said he is against the change to the subject properties in the Laurelhurst subdivision. He gave two reasons: one, the proposal is not compatible with their historic neighborhood; two, it is a case of mistaken discrimination against Laurelhurst by the City. It is mistake because Laurelhurst has changed substantially for the better recently. Last year they had to endure months of upheaval during the paving of their alleys. The alley project has one positive outcome; it made the neighborhood aware of the need to protect their community from actions like the proposal tonight that work against it. They will be organizing a neighborhood association to work with the City and the media to increase awareness of threats like these to their hopes and dreams for historic Laurelhurst.

Mr. Kantor reported that the majority of commercial property is leased. He has approximately thirty properties across Medford that are leased because they are consistently maintained and attractive. The need is there. He does not think the community the Swanys live in behind the major thoroughfare of Jackson Street will be impacted by traffic. There is no reason for traffic to go through those streets unless they are going to a residence.

Mr. Harris addressed the requirements for Goal 10, relating to housing. By making this map change the properties in question still retain the potential for providing housing. The proposed map designation allows for housing at MFR-30 density.

Vice Chair Miranda asked whether map change allows or requires MFR-30? Mr. Harris clarified that the change allows for MFR-30 density.

Commissioner McKechnie clarified that this is not a zone change not a General Land Use Plan map change. It just means that at some point the owners of the three properties can change from the current zoning to C-S/P. Mr. Harris replied that is correct.

Alex Georgevitch, Acting City Engineer, apologized that Public Works did not have a staff report in the agenda packet. The reason they had no comment is that there was not a trip generation rate increase over 250 trips; therefore, there are no definable impacts from the transportation side. He added sewer and storm drainage systems are adequate.

The public hearing was closed.

Motion: Based on the findings and conclusions that all the approval criteria are either met or are not applicable, the Planning Commission forwards a recommendation for approval of CP-15-022 to the City Council per the Staff Report dated April 13, 2015, including Exhibit A.

Moved by: Vice Chair Miranda

Seconded by: Commissioner Pulver

Commissioner Schwimmer stated that this is a General Land Use Plan map change to the overall zone. It is important that the actual use of the properties will be utilized whether it is C-S/P or allow high density housing. The need for affordable housing in this community is a need that he always looks for. He supports the General Land Use Plan map change.

Commissioner Mansfield commented that he appreciates Commissioner Schwimmer's input. It is very helpful to him. If he understands Commissioner Schwimmer's comment that there is a need for more area for high-density residential, he accepts that. This is a tough one for Commissioner Mansfield. He is going to vote no because his belief is there are other areas that can perform this development.

Roll Call Vote: Motion passed, 7-2 with Commissioner Fincher and Commissioner Mansfield voting no.

## 60. Reports

### 60.1. Site Plan and Architectural Commission

Commissioner Schwimmer reported that the Site Plan and Architectural Commission met on Friday, April 17, 2015. The consent calendar AC-14-129/E-15-025 consideration of site plan and architectural review and related exception was approved by 5 to 1 vote. The minutes of April 3, 2015, were approved. Under old business, AC-15-007/E-15-009 consideration of plans and associated exception request seeking relief from required parking standards for 26 residential dwelling units upon a deck over the Medford Urban Renewal Agency Parking Lot Facility with Skypark as the applicant. That final order for approval was denied by a vote of 6 to 1. The new business AC-15-020/E-15-021 consideration of a request for approval of a new Jackson County District Attorney's Office structure including the exception request seeking relief to requirements for establishing a cross-access easement to an adjoining commercial property and reduction to the required right-of-way width was passed by a vote of 4 to 0.

60.2. Report of the Joint Transportation Subcommittee. None.

**60.3. Planning Department**

Jim Huber, Planning Director, reported that Kelly Akin was out of the office today and he did not prepare any comments. He would be happy to answer any questions that the Commission might have.

Chair McFadden asked if there would be time set aside, at the next Planning Commission study session, for a report from any of the Planning Commissioners that attended the APA Conference? Mr. Huber reported that no Planning Commissioners attended the APA Conference. Mr. Huber and Mr. Harris attended. They would be happy to give a report to the Planning Commission at their Monday, April 27, 2015, study session.

70. Messages and Papers from the Chair. None.

80. Remarks from the City Attorney. None.

90. Propositions and Remarks from the Commission.

Commissioner Pulver asked if the Planning Commission passed on agenda item 20.4 under the consent calendar? Chair McFadden stated that was part of the consent calendar that was approved. Commissioner Pulver asked that the Commission approved it in concept and will be discussed and recruit some of the Commissioners at a later date? Mr. Adam reported that staff plans to discuss this at a study session and recruit some Commissioners.

100. Adjournment

The meeting was adjourned at 6:15 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

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Terri L. Rozzana  
Recording Secretary

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David McFadden  
Planning Commission Chair

Approved: May 14, 2015



within the UGB expansion areas and that challenge is amplified by the revised land need. Non-regional commercial development needs nearby residential development to be viable. The removal of approximately 175 acres of residential land should be done in a way that does not leave commercial land in areas that are not likely to be used.

In developing the three alternatives (attached), staff considered all areas included in the original recommendation. The portions of MD-2 included in the recommendation were not removed in any of the alternatives because MD-2 provides for the kinds of regional commercial development that can serve, and be supported by, users outside of the immediate area. This is due in large part to MD-2's location along Highway 62.

The future South Valley Employment Center is contained within the portions of MD-5 recommended for inclusion. This area is needed for future economic development in the city and in the region. The South Valley Employment Center is a great fit for a large portion of the identified employment land need. The inclusion of the lower-density residential property to the north of the South Valley Employment Center provides connections between the employment area and existing urban development to the north. The lower-density residential area contains the approximately 120 acre Centennial Golf Club. The golf course is counted as unbuildable and does not count against the City's supply of developable residential land. The portions of MD-5 east of North Phoenix Road and south of Coal Mine Road help to provide for a portion of the employment land need while also providing for high and medium-density residential development adjacent to a future elementary school. For those reasons, none of MD-5 was recommended for removal.

Staff also considered removing areas along the southwest fringe, ultimately deciding against it for the following reasons. These areas, MD-7, MD-8, and MD-9, are well suited to provide the kinds of mixed-use/walkable neighborhoods required by the Regional Plan and to help provide needed affordable housing. The relatively close proximity of these areas to the city core, the fact that much of this area is relatively flat, and the existing network of gridded streets increase the likelihood of well integrated mixed-use/walkable neighborhoods developing in these locations. The Housing Element identified a large need for affordable housing but it did not identify a solution for meeting the need. These portions of the urban reserve can help to meet the need for affordable housing by providing land with relatively low development costs. These areas are relatively flat, they are relatively well connected to existing development, and they score well on serviceability for water, sewer, and transportation.

Attached are the requested memo and three alternatives for the urban growth boundary expansion given the revised land need of approximately 1,500 acres. The attachments include maps of each of the alternatives and reasons for why each of these

alternatives has been presented for consideration. A map of the Buildable Lands Inventory and its relationship to the urban reserve is also provided for reference.

### **RECOMMENDED ACTION**

Choose 1 of the 3 staff alternatives, or develop another alternative, for UGB expansion and direct staff to prepare findings for recommendation to Council. Staff can return with the recommendation and revised findings for approval at the June 11, 2015 Planning Commission meeting.

### **ATTACHMENTS**

- Memo from staff responding to the letter dated March 3, 2015 from Greg Holmes (1000 Friends of Oregon)
- Revised Recommendation—Alternative 1
- Revised Recommendation—Alternative 2
- Revised Recommendation—Alternative 3
- Map of Buildable Lands Inventory (BLI)



**MEMORANDUM**

SUBJECT Evaluation of excessive land need arguments  
FILE NO. CP-14-114  
TO Planning Commission  
FROM John Adam, Senior Planner, and Joe Slaughter, Planner IV  
DATE May 6, 2015 *for 5-14-2015 meeting*

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**INTRODUCTION**

The Planning Commission requested at its April 6, 2015 special study session that staff provide an analysis of the arguments in a letter from Greg Holmes of 1000 Friends of Oregon<sup>1</sup>, dated March 3, 2015, that challenges some of the City’s land need assumptions.

**OVERLAP—PARKS AND “UNBUILDABLE”**

Explanation

The 1000 Friends letter charges that unbuildable land was improperly excluded from open space consideration (p. 357). The problem is that some of the land classified as “unbuildable” in staff’s capacity analysis can be classified as usable “open space.” For example, a riparian corridor may be part of a park or a trail system; on one hand it is unbuildable, on the other it is a component of a recreational use. Because of this overlap, some “unbuildable” acreage should be counted as usable “vacant” land.

Analysis

The assertion that a portion of the City’s identified park need should be shown as being met on acreage that has been classified as unbuildable assumes that unbuildable lands will be available for park facilities development. The City does not own any of the land that has been identified as unbuildable in the capacity analysis for the urban reserve. In order for this land to meet any portion of the identified park need the City would have to purchase or otherwise acquire the land.

The City of Newberg’s UGBA was remanded in part because the city did not show an overlap between unbuildable land and identified park needs. In that case the City of

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<sup>1</sup> See 3/12/2015 Planning Commission packet, pp. 353–67.

Newberg classified at least a portion of the land within the floodplain as unbuildable. The court determined that some of the park needs, including sports fields, could be expected to be met within the floodplain. Because of this, Newberg should have counted a portion of its park land need as being met within the unbuildable lands, specifically within the floodplain. For the Medford UGBA, however, staff did not classify any floodplain as “undevelopable.”

Floodplains have certain development standards that must be adhered to when developed, but because these areas are developable when those standards are met, they have not been counted as unbuildable in the capacity analysis for the urban reserve. Since all of the floodplain, unless it is within a riparian corridor or an identified wetland, is counted as buildable, the circumstances of the Newberg case do not apply to Medford’s proposal.

Even if the City chose to say that a portion of the park need would be met on the unbuildable acreage being included in the UGB, there is no way to determine how large this overlap should be. Will all trail development occur within riparian corridors, steep slopes, and wetlands? Any acreage value one assigned would only be a guess and therefore could easily be challenged as being either too large or too small. It probably cannot be more than one or two dozen acres.

The methodology used for the capacity analysis for the urban reserve was consistent with the methodology used for the buildable lands inventory and consistent with OAR 660-024-0050 and ORS 197.186 and 197.296. The capacity analysis did not count anything as unbuildable that was not supported by state statute but may have undercounted the unbuildable acreage by not counting any portion of the floodplain as unbuildable. For these reasons, staff believes the separation of the unbuildable acres and the identified park need is appropriate and will help to insure that an adequate supply of developable land will be available for needed park and recreation development for the 20-year period.

## **EXCESS OF “OTHER LAND NEEDS”**

### Explanation

The 1000 Friends letter also points out that cities may use a regulatory “safe harbor” net-to-gross factor of 25 percent for housing (net x 1.25). The purpose of this factor is to add acres to the net need for rights-of-way, parks, and schools<sup>2</sup>. The letter says that the Housing Element used a net-to-gross factor greater than 100 percent (net x 2.00). It concludes that the Element does not justify using a figure so much in excess of the safe harbor.

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<sup>2</sup> OAR 660-024-0040 (10).

A response letter from Michael Savage, CSA Planning<sup>3</sup>, dated March 26, 2015, states that Medford, as a city with a population greater than 25,000, cannot use the safe harbor method. However, staff can find nothing in the OAR that prohibited the City from using the safe harbor if it had chosen to do so.

### Analysis

The safe harbor was not used by the consultants who performed the housing needs analysis. Instead, for rights-of-way they analyzed existing development to determine typical net-to-gross factors for various densities<sup>4</sup>, and applied those proportionally. For parks and schools the consultants determined the existing supply ratios (in acres per thousand people), and adjusted those ratios downward for the next 20 years to accommodate an expected 35,591 new inhabitants<sup>5</sup>.

The resulting additional land need is in the following table. The middle column shows the acres needed by type to serve residential development. The rightmost column shows the percentage over net need for each type and in total.

Type	Acres	Percent over Net Land Need
Rights-of-way	98	22%
Parks	153	34%
Schools	20	4%
Total	271	60%

However, the amounts are adjusted downward by adding in additional supply: 19 acres for parks and 26 acres for schools.

Type	Acres	Percent over Net Land Need
Rights-of-way	98	22%
Parks	134	30%
Schools	–	0%
Total	232	51%

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<sup>3</sup> See 4/6/2015 study session packet, pp. 83–84

<sup>4</sup> See Table 37 in Housing Element

<sup>5</sup> See p. 10 in Housing Element

Note the difference between the 1000 Friends argument and the figures above. The letter compares 524 acres<sup>6</sup> to 455 acres. It errs in summing all those acres because it is not comparing the same categories.

The regulatory safe harbor comprises only three land use categories: rights-of-way, parks, and schools. In a comparison of just those three types the Housing Element's calculation results in a net-to-gross factor that is double the Administrative Rule amount (51% versus 25%). The figure is undeniably much larger than the safe harbor amount, but nonetheless it is based on an analysis of what has been built in existing residential areas, and it makes the correct move of reducing the provision ratios for parks and schools<sup>7</sup>.

The amount of land used by streets, schools, and parks can vary widely from community to community, but in staff's experience the percentage taken up by streets alone is usually around 20 percent, so the OAR's safe harbor appears parsimonious. The City's figure was derived rationally and is a reasonable estimate of need.

## **PARKLAND/GOLF COURSE OFFSET**

### Explanation

The 1000 Friends letter argues (pp. 358–59) that Cedar Links was erroneously included in Table 40 of the Housing Element as lost open space, whereas it is not listed as a resource in the City's Leisure Services Plan (2006). The Housing Element states (p. 63) that the loss of Cedar Links will be partially offset by the development of the 58-acre Howard Sports Park, also privately owned, resulting in a net loss of 44 acres of open space. Mr. Holmes argues that those acres should be removed from the need.

### Analysis

Pages 63–64 and Table 40 in the Housing Element have a curious feature that factors into this question: the stated need for schools is 20 acres, but that is only for the Medford School District. The Phoenix–Talent School District has a supply of 26 undeveloped acres, but its need is unstated. Presuming their need equals their supply, the "Estimated Need" column of Table 40 should show a combined 46-acre need for schools instead of just 20 for Medford School District.

The 1000 Friends letter is correct in its argument, but the offset of 26 acres for schools should also be factored in, leaving an excess acreage in Table 40 of 18 acres.

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<sup>6</sup> 524 acres = "public & semi-public" + rights-of-way (426+98).

<sup>7</sup> Housing Element, table 40. Parks were reduced from 6.8 to 4.3 per thousand. Schools were reduced from 3.4 to 0.6 per thousand. The rationales for the reductions are explained on p. 63.

## DOUBLE COUNTING

### Explanation

The 1000 Friends letter also asserts (pp. 359–60) that the land needed for “government” (also called “public administration”) was accounted for in two places: once in the Economic Element and again in the Housing Element. The letter also argues that the analysis in the Economic Element is superior to that in the Housing Element. The excess amount is 135 acres.

The CSA letter (noted above) counters that the Housing Element has de facto approval from the Department of Land Conservation and Development (DLCD) and therefore cannot be changed. It also points out that some of the most extensive land users are schools, which are always located on residential land.

### Analysis

The Economic Element says the City will add 908 new jobs for “Public Administration.” At a rate of 37.9 jobs per net acre this results in a need for 30 gross acres<sup>8</sup>. The Housing Element says Medford needs 135 acres for “Government” uses in the expansion area<sup>9</sup>. The same need category, in other words, is counted in both elements. One of the two estimates should be eliminated unless it or both can be justified.

The 1000 Friends letter gives three major reasons why the Economic Element’s estimate is superior: (1) the Housing Element shows that the government land need does not diminish in the future but inexplicably continues to grow in lockstep with population growth; (2) the Economic Element appropriately ties land need to projected employees per acre in the “public administration” industrial category; (3) most of the government uses will be sited on land zoned for employment.

Staff agrees with 1000 Friends on the first two points, but not entirely on the third.

First, the City, County, State, and Federal governments will not need the same ratio of land to population unless they need to duplicate all current services. Like other kinds of

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<sup>8</sup> Derived from Economic Element, *Fig. 14*, and an unlabeled table in the middle of p. 24, and the net-to-gross conversion factor of 1.25 from p. 45. However, the *Technical Appendix C* of the *Economic Opportunities Analysis* projects a “Government” office space need of 20.4 acres. *Technical Appendix G* shows that “Government” has no industrial space needs, such as for warehousing, but those types would be captured in other appropriate categories, as per NAICS guidelines, so it is difficult to prise out how much land is estimated for all government needs in the Economic Element, but it is certainly more than 30 acres.

<sup>9</sup> See Housing Element, p. 63, and Table 40. The 135 acres is made up of 64 acres for City, 17 acres for County, 22 acres for State, 12 acres for Federal, and 20 for other public agencies

infrastructure, once the basic facilities are in place they can be augmented or expanded in response to growing demand, but not duplicated.

Second, the Economic Element calculated employment land needs using common allocations—space per employee, floor-area ratio, building type distributions—by industrial classification. It is tied to estimated employment numbers, which in turn are based on population projections. This is a more precise and finer level of analysis than can be achieved by estimating land need for government uses by using “acres per thousand people” and applying (or not) a reduction factor.

Third, residential zoning districts permit “institutional uses” conditionally<sup>10</sup>, which include government offices, fire stations, convention or community centers, auditoriums, post offices, schools and colleges, libraries, museums, utilities, park-and-ride lots, churches, facilities for organizations and clubs, and cemeteries. Therefore, Mr. Holmes’s point that government uses will be placed on land that is zoned for employment is not entirely correct. But neither is it too far from the mark.

The difficulty in sorting this out is the partially overlapping smorgasbord of terms in the various documents being compared. Take schools, for example:

<b>Where it is</b>	<b>What it says</b>
Municipal Code	Schools are included in the definition “institutional use.” Until recently they were permitted in only residential districts.
Housing Element	Schools are a separate category from the City, County, State, and Federal lands under the umbrella term “public and semi-public land,” so it does not contribute to the purported excess.
Economic Element	The North American Industrial Classification System (NAICS) category “Public Administration” (Sector 92) contains only the office uses related to public administration. All other government activities, such as schools, utilities, transportation and warehousing, and utilities are classified in other industrial sectors.

The only use permitted as an “institutional use” in residential zoning districts *and* that is common to both Elements is “government offices.” Other government uses that fall under “institutional” are fire stations and some utilities. So while it is true that some government uses will locate in residential districts, the essential question here is: How plausible is it that the City will need 135 acres in the residential category to accommodate a couple of new fire stations, some land for utilities, and government offices?

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<sup>10</sup> Medford Municipal Code, §10.010 (definition) and §10.314, table 6.

The CSA counter-argument that the City has a de facto approval of the Housing Element from the Department of Land Conservation and Development (DLCD) is not compelling. It requires pretending that DLCD will not scrutinize and question every one of the foundation documents that establish Medford's land need.

When the City submitted its adopted Housing Element for approval in 2010, DLCD countered with a letter saying the submittal was incomplete, that a declaration of land need requires a response. The Department therefore did not approve the Housing Element, saying that foundation documents<sup>11</sup> establishing need, plus the boundary and code amendments that meet the need, together constitute a complete urban growth boundary amendment project—everything together, not in pieces. The rub here is that no constituent part of that project is free from scrutiny and possible challenge. This standpoint requires cities to work for years building a case before finding out if their UGBA gains approval at the State level. It is an unnerving position for cities to be in, but it is the reality in which we now operate. If the Economic Element, which was approved by the State in 2009, is not safe from inquiry, then an element that allegedly has de facto approval certainly is not.

The CSA letter also proposes that the foundation documents, once adopted, are immutable, yet the City already adjusted those same land need figures through Phase 1 of the UGB Amendment project when it changed the land-use characteristics of 500 acres inside the current urban area<sup>12</sup>. Phase 1 was a partial response to employment and residential land need. Refining the details is inevitable in such a large and complex process as an urban growth boundary amendment because new information is always coming forward.

The letter also lumps in "Schools" with the government land need although it does not constitute part of the purported excess; pointing out that schools are extensive land users is therefore not relevant. Even if it were, Table 40 in the Housing Element shows only a 20-acre need for the next twenty years.

In the absence of a reasonable explanation why the City needs 135 acres for government uses in the residential category, staff concurs with the charge that it should be removed. However, given the correct observation above that governmental land uses can occur in most zoning districts, perhaps the City should have some "flexible acres" within the overall land need that it can allocate between employment and residential categories as the boundary expansion proposal becomes finalized. It would be useful as

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<sup>11</sup> The foundation documents are: Buildable Lands Inventory; Population Element; Housing Element; Economic Element

<sup>12</sup> The City asked for and was given acknowledgement of the Phase 1 changes because several land owners were eager to rezone and develop their land under the new designations.

a means to “fine tune” the final expansion. Perhaps a few dozen acres would be a reasonable amount.

### **SUMMARY**

Of the various charges of land excess in the 1000 Friends letter, staff believes that the City correctly calculated unbuildable lands and the land need for rights-of-way, parks, and schools. However, staff must concur that the private park land need was erroneously included, and that the government land need was double-counted; respectively, 18 acres and 135 acres should be removed. With the addition of 22 acres owned by OSU that has to be reclassified as “vacant” in the UGBA capacity analysis, staff advises that the Planning Commission **remove 175 acres** from the expansion proposal.

## Revised Recommendation: Alternative 1

**Recommendation:** Remove a portion of MD-4 from staff's recommendation.

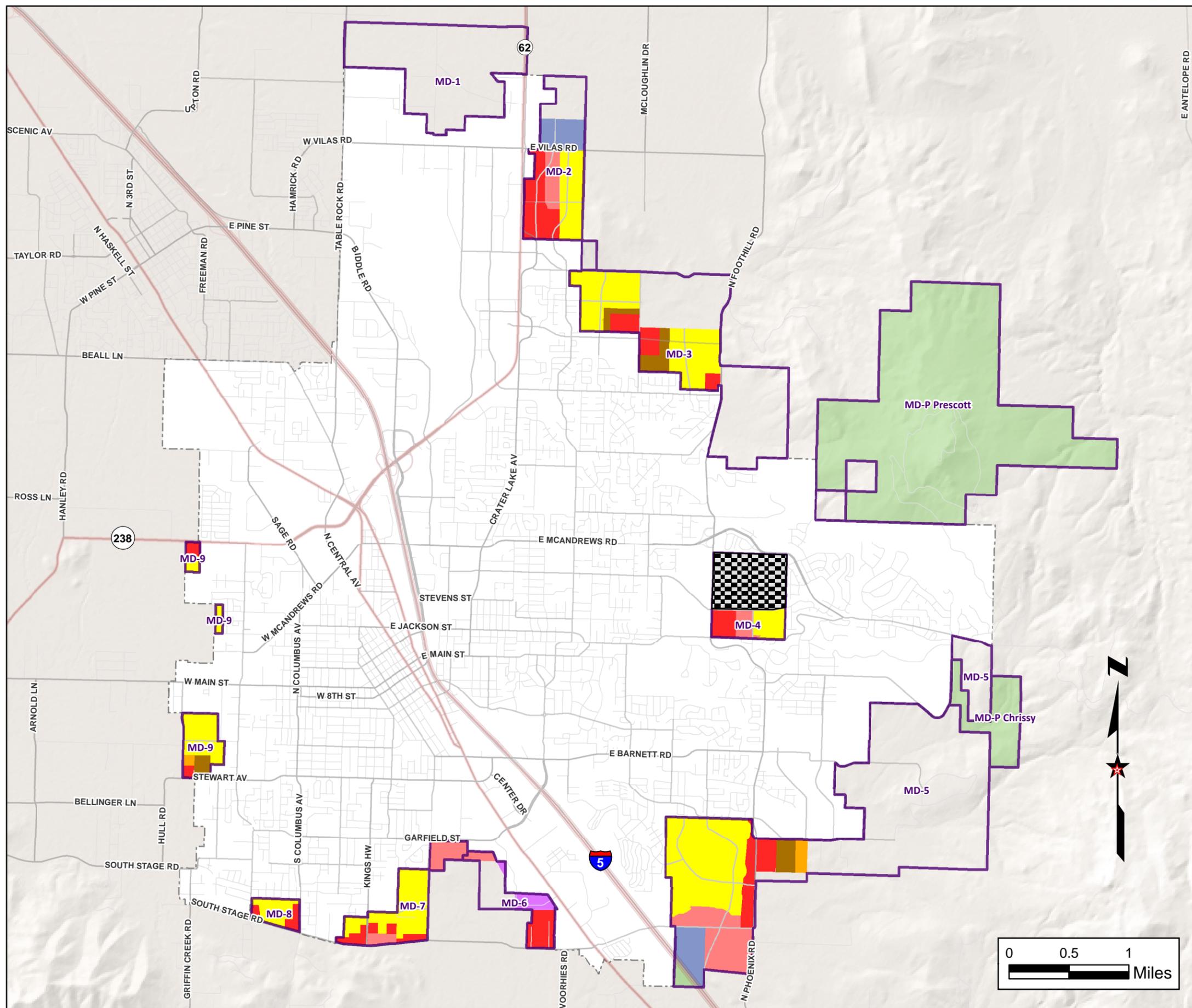
**Why:** In many cases the loss of residential uses in the expansion areas would make commercial development unlikely. Because it is surrounded by the existing city limits, MD-4 is nearly surrounded by existing residential development and therefore commercial development on this property could be viable without the addition of large tracts of residential development. The inclusion of the southern third of MD-4, primarily for commercial development, would support the development of a small commercial center around the intersection of Hillcrest Road with North Phoenix Road–Foothill Road. Commercial development already exists on the southeast corner of the intersection, there is an existing winery near the northeast corner (southwest portion of MD-4), and commercial development around the intersection has been further encouraged through the adoption of the SALs (UGBA Phase 1).

There are more than 200 acres of nearly vacant residential land within the existing UGB and city limit within a half mile of MD-4. The inclusion of all of MD-4, with approximately 200 acres for residential development, would bring that total to more than 400 acres available for residential development in the immediate area. Not all of MD-4 is needed to provide for residential development in the vicinity over the next 20 years.

A map showing the location of staff's recommendation as it relates to buildable land (data from adopted Buildable Lands Inventory) is attached for reference. With the exception of the east portions of MD-5, MD-4 has the greatest amount of land adjacent to it that is both within the existing UGB and available for residential development. When attempting to spread the supply of developable lands around the City it is necessary to consider not only the lands being added to the UGB but also the developable land within the current UGB.

# Proposed Urban Growth Boundary Amendment

## Alternative 1

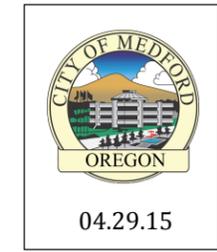


**Expansion Areas with proposed General Land Use Plan designations**

CM	SC	HI	GI	UH	UM	UR	PS

- Urban Reserves
- Urban Growth Boundary
- Removed from Proposed UGBA Map (dated 01.20.15)

Note: Unbuildable areas not depicted on map



## **Revised Recommendation: Alternative 2**

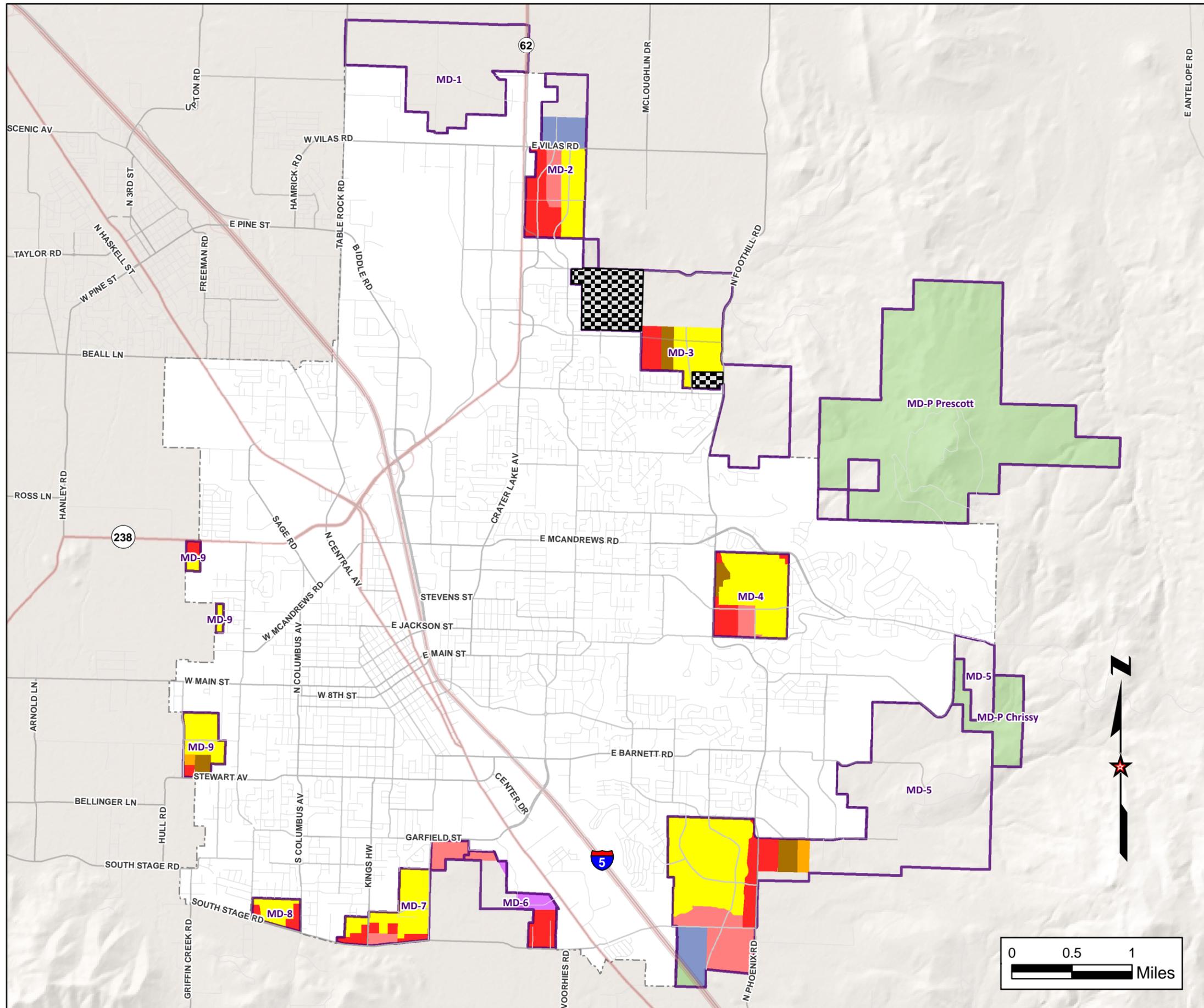
**Recommendation:** Remove the northwest portion of MD-3 from staff's recommendation.

**Why:** Staff's original recommendation included most of MD-2 and two large portions of MD-3, containing both commercial and residential components. The portions of MD-2 are a better fit for employment uses than either of the portions of MD-3 due to MD-2's proximity to Highway 62 and existing commercial uses. Therefore, staff dismissed removing MD-2. There is some capacity within the existing UGB for residential development in the vicinity of MD-2 and MD-3, although it is not as extensive as around MD-4 and MD-5. This remaining capacity, along with the inclusion of much of MD-2 and one large portion of MD-3, will provide adequate land for residential development in the area to support the required employment land.

Staff prefers the removal of this portion of MD-3 rather than the southeast portion (Alternative 3) because that portion helps to provide for the extension of Owen Drive and the eventual connection of Owen Drive with Foothill Road. A parallel route to Delta Waters Road would be more useful for traffic distribution than a north/south connection from Delta Waters Road to a rural Coker Butte Road.

# Proposed Urban Growth Boundary Amendment

## Alternative 2



**Expansion Areas with proposed General Land Use Plan designations**

CM	SC	HI	GI	UH	UM	UR	PS

- Urban Reserves
- Urban Growth Boundary
- Removed from Proposed UGBA Map (dated 01.20.15)

Note: Unbuildable areas not depicted on map



04.29.15

### **Revised Recommendation: Alternative 3**

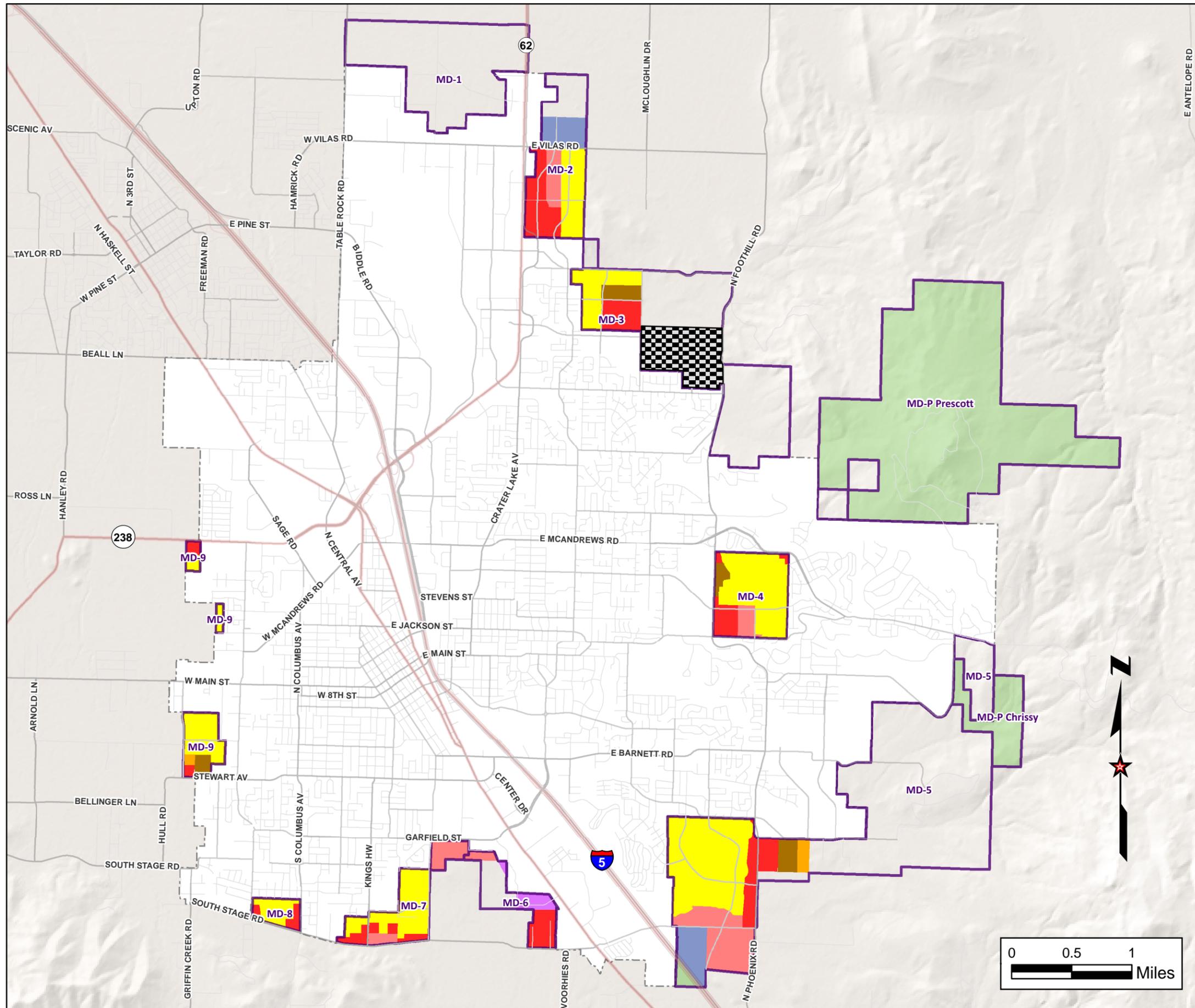
**Recommendation:** Remove the southeast portion of MD-3 from staff's recommendation.

**Why:** Staff's original recommendation included most of MD-2 and two large portions of MD-3, containing both commercial and residential components. The portions of MD-2 are a better fit for employment uses than either of the portions of MD-3 due to MD-2's proximity to Highway 62 and existing commercial uses. Therefore, staff dismissed removing MD-2. There is some capacity within the existing UGB for residential development in the vicinity of MD-2 and MD-3, although it is not as extensive as around MD-4 and MD-5. This remaining capacity, along with the inclusion of much of MD-2 and one large portion of MD-3, will provide adequate land for residential development in the area to support the required employment land.

Staff prefers Alternative 2, the removal of the northwest portion of MD-3, rather than this Alternative because the southeast portion helps to provide for the extension of Owen Drive and the eventual connection of Owen Drive with Foothill Road. A parallel route to Delta Waters Road would be more useful for traffic distribution than a north/south connection from Delta Waters Road to a rural Coker Butte Road.

# Proposed Urban Growth Boundary Amendment

## Alternative 3

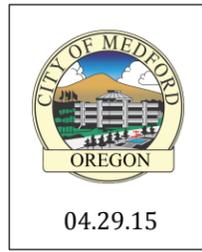


**Expansion Areas with proposed General Land Use Plan designations**

CM	SC	HI	GI	UH	UM	UR	PS

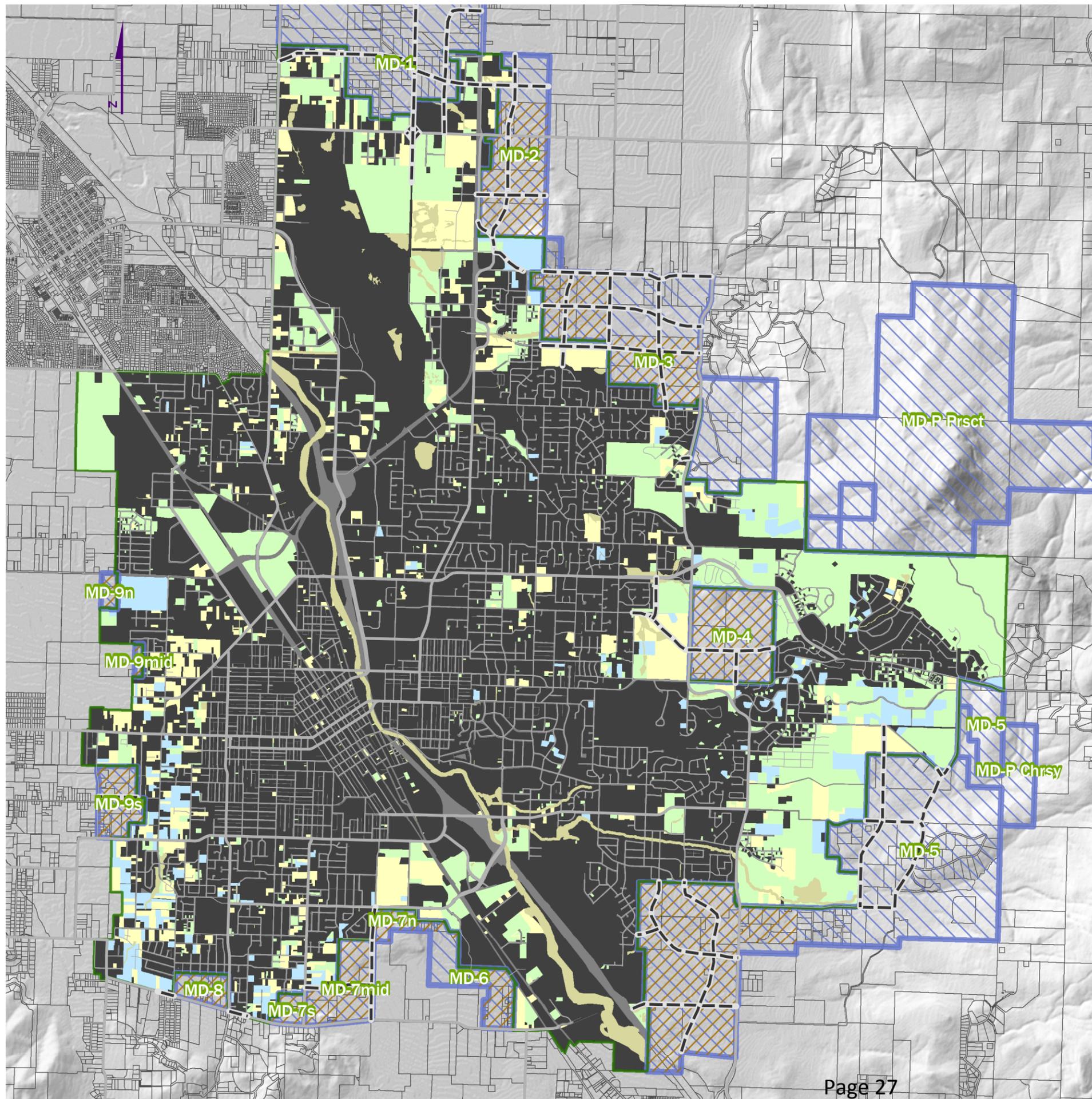
- Urban Reserves
- Urban Growth Boundary
- Removed from Proposed UGBA Map (dated 01.20.15)

Note: Unbuildable areas not depicted on map



# UGBA

## Buildable Lands Inventory and Urban Reserve



### Legend

- Major street extensions (concept)
  - 
  -
- UGB expansion\_staff proposal
  - ////
- Urban reserve
  - ▨ Medford
- Buildable lands inventory
  - Developed
  - Vacant
  - Redevelopable
  - Partially developed residential
  - Unbuildable
  - Public Right-of-Way

Note that BLI data are from 2007

BLI was adopted in 2008



Medford Planning Dept.  
2015-04-16





# Planning Department

*Working with the community to shape a vibrant and exceptional city*

## STAFF REPORT

for a type-C quasi-judicial decision: Planned Unit Development & Land Division

PROJECT 10<sup>th</sup> Fairway Office Park PUD  
Applicant: Michael Mahar; Agent: CSA Planning

FILE NO. PUD-15-011/LDS-15-012

TO Planning Commission for 05/14/2015 hearing

FROM Sarah Sousa, Planner IV

REVIEWER Kelly Akin, Principal Planner *KA*

DATE May 7, 2015

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## BACKGROUND

### Proposal

Consideration of a request for a revision to 10<sup>th</sup> Fairway Office Park Planned Unit Development and tentative plat for a 7-lot commercial subdivision on two parcels totaling 3.79 acres located on the south side of North Phoenix Road, approximately 370 feet south of Hillcrest Road, within an SFR-4 (Single Family Residential – 4 dwelling units per gross acre) and C-S/P (Service Commercial and Professional Office) zoning district.

### Subject Site Characteristics

Zoning Single Family Residential – 4 dwelling units per gross acre  
Service Commercial and Professional Office

Overlay Planned Development

GLUP Urban Residential  
Service Commercial

Use Single Family Homes / Vacant Land

### Surrounding Site Characteristics

#### North

Zoning: C-S/P and C-C (Community Commercial)  
Use: Office Park and Vacant Land

South

Zoning: SFR-4  
Use: Golf Course

East

Zoning: C-S/P  
Use: Office Park

West

Zoning: SFR-4  
Use: Single Family Homes

Related Projects

CP-02-038 Comprehensive Plan Amendment  
ZC-03-041 Zone Change  
PUD-04-161 Planned Unit Development  
AC-04-295 Site Plan & Architectural Commission Review

Applicable Criteria

Medford Municipal Code §10.235(D), Approval Criteria for Preliminary PUD Plan

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.

**Medford Municipal Code §10.245(A)(3), Revision or Termination of a PUD**

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.

**Medford Municipal Code §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.

## ISSUES AND ANALYSIS

### Background

The 10<sup>th</sup> Fairway PUD is located near the 10<sup>th</sup> fairway of the Rogue Valley Country Club golf course. The Planning Commission adopted the final order for approval of the project on September 9, 2004. The approval of the Preliminary PUD Plan included a mixed-use development of nine single family residential lots and three commercial lots.

The project includes four phases. The residential lots make up Phase One and the remaining commercial lots are phased individually. The final plan for all of the phases was approved in October of 2005. The first phase received final plat approval in August of 2006. To date, a few single family homes have been built and the remaining lots are vacant.

### Scope of Project

The subject of this review includes a revision to the PUD and a land division for the commercial lots. The PUD revision criteria state that the review shall be strictly limited to the specific nature and magnitude of the proposed revision. This means the review is generally limited to the changes and does not necessarily warrant a new review of the PUD as a whole.

The amendment to the PUD involves the commercial component of the project. The original layout included three commercial lots within common area and parking. The new layout doubles the commercial lots, creating a total of six. With a total of six commercial lots, the phasing would increase from three to six for the commercial portion as each commercial building constitutes a phase. The building pads also decrease so that the total square footage of future buildings is reduced from 33,096 to 20,900 square feet.

The other requested change involves a condition tied to the Preliminary PUD Plan approval which restricted the uses of the buildings to general office use. The applicant would like that condition removed in order to allow for medical office uses as well.

### Site Plan & Architectural Commission Review

As part of the Preliminary PUD Plan approval, the Commission did not delegate any aspect of the project to the Site Plan & Architectural Commission. However, it was noted that separate review would follow for the architecture of the buildings since architectural plans were not submitted with the Preliminary PUD Plan.

On March 4, 2005, the Site Plan & Architectural Commission reviewed and approved the commercial buildings within the project (AC-04-295). However, since the Planning Commission didn't specifically delegate any aspects of the review to the Site Plan & Architectural Commission, the Site Plan & Architectural Commission approval is not appended to the Final PUD Plan approval; therefore, the Site Plan & Architectural Commission approval is expired. It is the applicant's intent to submit to the Site Plan & Architectural Commission for review of each individual building.

### Commercial Lots

Planned Unit Developments allow for the creation of substandard lots. In the case of the commercial lots, they do not all meet the code standards related to street frontage, lot size, lot width, and lot coverage, etc. The commercial lots are set within a common area, much like pad lots. However, pad lots require the buildings to be built within four feet of the property line. As a point of clarification, the lots are not pad lots as described in Medford Land Development Code Section 10.703.

### Revision to Number of Lots

The request is to change the number of commercial lots from three to six. However, in comparing the originally approved PUD Plan with the revised PUD Plan, it is hard to see a difference (Exhibits G & B). This is because the lots are oriented similarly but just divided in half, to make for six smaller lots instead of three larger ones. This is a minor change in the scope of the project.

### Commercial Uses on Lots 1-2

Another item to note is that the commercial Lots 1-2 are zoned residential. This is permitted under a deviation allowance for PUD's listed in Medford Land Development Code Section 10.230(D)(7)(c), which permits the Commission to approve 20 percent of the gross area of the PUD with uses not permitted in the underlying zone. Since this area is within 200 feet of the exterior boundary of the project, a Conditional Use Permit was also required. The Commission approved a Conditional Use Permit in conjunction with the original Preliminary PUD Plan approval allowing commercial use in this area. There is more discussion below regarding the permitted commercial uses.

### Restricted Uses

As mentioned above, one of the requested changes includes the removal of the condition from the Preliminary PUD Plan approval restricting the uses of the commercial area to general office. At that time, the buildings were significantly larger and therefore didn't sustain enough parking for more intensive uses such as medical offices. Now that the square footage of the buildings has been reduced, the applicant proposes that medical offices, as well as general office uses, be allowed. In regards to the parking, the Site Plan & Architectural Commission will review the buildings and parking in future reviews. Staff recommends the Commission allow the medical office and general office uses as requested.

### Access / Circulation / Site Plan

Access to the entire project is from North Phoenix Road to Signature Court. Signature Court to the west serves the residential lots while the private way also provides access to the office park portion of the site to the east. The general configuration of the site plan of the commercial area, including the parking and pedestrian connections, remains the same as the Final PUD plan approval. As it functions as previously approved, no further examination is necessary.

### Signage

The site plan submitted, shows 11 sign locations (Exhibit D). Six of the signs are shown along North Phoenix Road and five are within the common area and on the individual lots. Medford Land Development Code Section 10.1400 permits one ground sign per street frontage for each parcel of land.

The original PUD Plan approval included two signs at either side of the entrance of the development: one for the residential side and one for the commercial side of the project. Staff recommends the Commission keep with the original approval and allow one commercial sign at the entrance (there is one existing sign already installed) to display the future businesses. In addition, staff recommends compliance with the Medford Land Development Code in allowing one sign per commercial lot near each building. A condition is included allowing one freestanding sign along the North Phoenix Road near the entrance of the development and one sign per building within the subject tax lot or common area for a total of seven new freestanding signs (the eighth sign is already installed). All wall signage is subject to the standards listed in Medford Land Development Code Section 10.1400.

### Landscaping

The Final PUD Plan approval included a final landscape plan. However, the applicant has submitted a new landscape plan for review for the commercial area. The Medford Parks & Recreation Department reviewed the plan and has several required changes (Exhibit M).

### Bufferyard

A bufferyard is comprised of an area of land between two properties that includes landscaping and walls or fencing in order to mitigate adverse impacts between adjacent land uses. Medford Land Development Code Section 10.790 requires bufferyards on adjoining properties in instances where the development of a more intensive use is proposed, such as a commercial building next to a residential property. In this case the land to the south is zoned residential, but is developed as a golf course. Due to the type of use adjacent, the Commission's original approval of the project required only half the number of trees specified for a Type A bufferyard. Other than landscaping, the bufferyard included a wall varying in height from four to eight feet with a decorative 3-foot wrought iron style fence on top.

The Commission has the authority to approve adjustments to the buffer in instances when the proposed project abuts existing development where uses are sufficiently compatible so that the full buffer is not necessary, as was done in the last review of the project. The landscape plan shows the requisite 10-foot area but does not have the full number of trees required (Exhibit E). As discussed in the previous approval, the view of the golf course is desirable and there isn't a need to buffer the two uses. Staff recommends the Commission allow the landscaping for the buffer as proposed with the wall and fence.

### Land Division

As previously mentioned, the newly created commercial pad-like lots do not meet Site Development Standards for the lots within the C-S/P zoning district. However, this general design was approved with the original approval and is allowed as a PUD deviation. Other than site development standards, the commercial subdivision meets all of the Land Division criteria.

### Southerly Lot

As part of the land division, page two of the tentative plat shows a remnant parcel to the south along North Phoenix Road. As described in the Applicant's Findings, the land division will formally separate the southerly parcel that was physically separated from the subject property when North Phoenix Road was extended to connect to Foothills

Road approximately 10 years ago (Exhibit H). However, this separated parcel to the south is not otherwise part of the PUD.

#### Revision Compatibility with Overall PUD

Before the Planning Commission can approve a PUD Plan revision, a determination must be made that the proposed revision is compatible with existing developed portions of the whole PUD. Changing the number of the commercial lots, reducing the square footage of the buildings, and revising the condition to allow medical office uses are fairly minor changes and still consistent with the overall PUD.

#### **FINDINGS AND CONCLUSIONS**

Staff has reviewed the Applicant's Findings (Exhibit H) and recommends the Commission adopt the findings as presented.

#### **RECOMMENDED ACTION**

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of PUD-15-011/LDS-15-012 per the staff report dated May 7, 2015, including Exhibits A through S.

#### **EXHIBITS**

- A Conditions of Approval dated May 7, 2015
- B Preliminary PUD Plan received January 29, 2015
- C Tentative Plat received January 29, 2015
- D Site Plan received January 29, 2015
- E Landscape Plan received January 29, 2015
- F Utility & Grading Plans received January 29, 2015
- G Original Preliminary PUD Plan received January 29, 2015
- H Applicant's Findings of Fact & Conclusions of Law received January 29, 2015
- I Public Works Report received March 18, 2015
- J Fire Department Report received March 18, 2015
- K Building Department Memo received March 18, 2015
- L Medford Water Commission Memo received March 19, 2015
- M Parks & Recreation Department Memo received May 1, 2015
- N Jackson County Roads Letter received March 17, 2015
- O General Land Use Plan Map received January 29, 2015
- P Zoning Aerial Map received January 29, 2015
- Q Aerial Photograph received January 29, 2015
- R Jackson County Assessor's Map received January 29, 2015
- S Letter from Oliver Scarvie received April 29, 2015  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**MAY 14, 2015**

**EXHIBIT A**

10<sup>th</sup> Fairway PUD Revision & Commercial Subdivision  
PUD-15-011 / LDS-15-012  
Conditions of Approval  
May 7, 2015

All conditions of the Preliminary PUD plan approval (PUD-04-161) are still in effect, other than those modified by this revision request.

**DISCRETIONARY CONDITIONS**

1. One additional freestanding sign shall be allowed for the North Phoenix Road frontage for the commercial area consistent with the sign standards listed in Medford Land Development Code Section 10.1400 for signs in the C-S/P zoning district. In addition, one freestanding sign is allowed per commercial lot near each building.
2. All of the commercial buildings are allowed general office and medical office uses only.

**CODE CONDITIONS**

Land Division

Prior to Final Plat approval the applicant must:

3. Receive final PUD plan approval for each phase;
4. Comply with the Public Works Department Report received March 18, 2015 (Exhibit I);
5. Comply with the Medford Fire Department Report received March 18, 2015 (Exhibit J);
6. Comply with the Medford Water Commission Report received March 19, 2015 (Exhibit L);
7. Comply with the Parks & Recreation Department Memo received May 1, 2015 (Exhibit M).

**EXHIBIT A**

**10<sup>th</sup> Fairway PUD Revision & Commercial Subdivision  
PUD-15-011 / LDS-15-012  
Conditions of Approval  
May 7, 2015**

**Planned Unit Development**

- 8. Prior to Final Plan approval of each phase the applicant shall receive Site Plan & Architectural Commission approval of each of the commercial buildings.**



**TENTATIVE PLAT  
10<sup>th</sup> FAIRWAY OFFICE PARK, PUD**

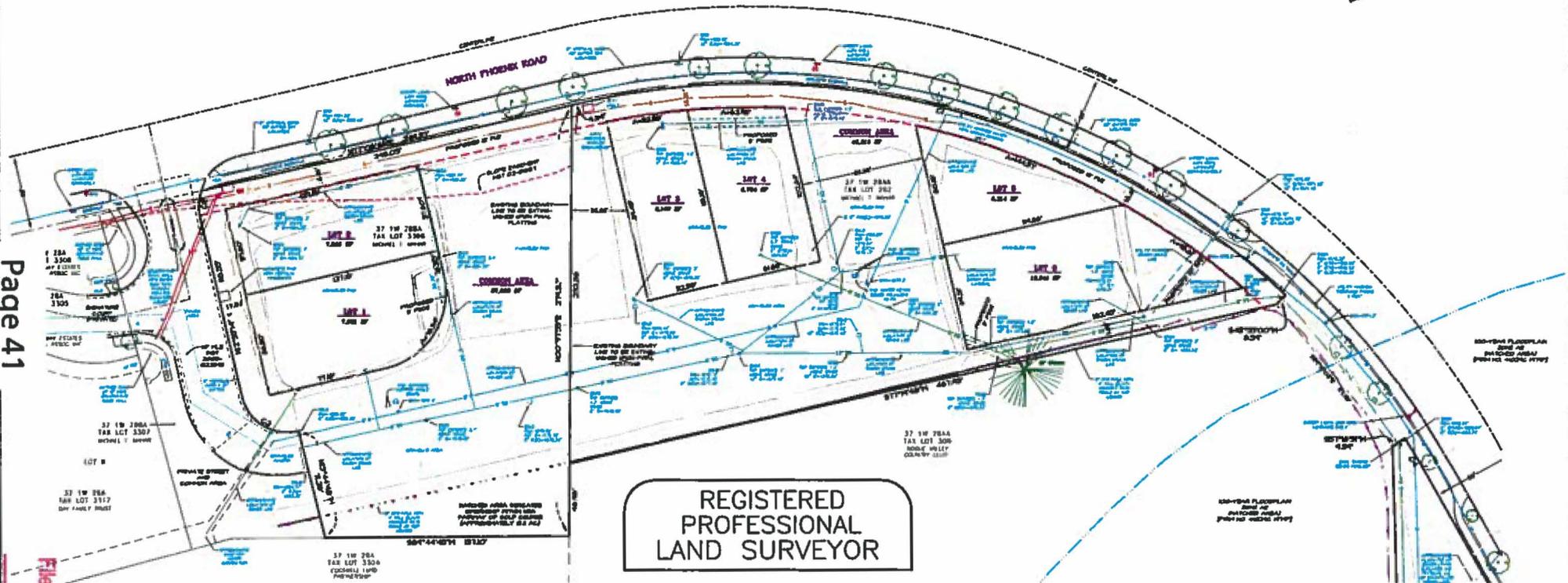
Located within Division Land Code No. 01 in the Northeast One-quarter of the Northeast One-quarter of Section 20, Township 27 South Range 1 West of the Palmetto Meridian, in the City of Medford, Jackson County, Oregon.

**PREPARED FOR:**

10<sup>th</sup> FAIRWAY OFFICE PARK  
515 Elder Creek Drive  
Medford, Oregon 97504



Page 41



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Cael E. Neathamer*

OREGON  
JULY 9, 2001  
CAEL E. NEATHAMER  
56545

Renewal Date 12/31/16

**CURVE TABLE**

STATION	BEFORE CURVE	AFTER CURVE	ANGLE	CHORD BEHIND	CHORD AHEAD
1+00	1+00.00	1+00.00	90.00°	0.00	0.00
1+05	1+05.00	1+05.00	90.00°	0.00	0.00
1+10	1+10.00	1+10.00	90.00°	0.00	0.00
1+15	1+15.00	1+15.00	90.00°	0.00	0.00
1+20	1+20.00	1+20.00	90.00°	0.00	0.00
1+25	1+25.00	1+25.00	90.00°	0.00	0.00
1+30	1+30.00	1+30.00	90.00°	0.00	0.00
1+35	1+35.00	1+35.00	90.00°	0.00	0.00
1+40	1+40.00	1+40.00	90.00°	0.00	0.00
1+45	1+45.00	1+45.00	90.00°	0.00	0.00
1+50	1+50.00	1+50.00	90.00°	0.00	0.00
1+55	1+55.00	1+55.00	90.00°	0.00	0.00
1+60	1+60.00	1+60.00	90.00°	0.00	0.00
1+65	1+65.00	1+65.00	90.00°	0.00	0.00
1+70	1+70.00	1+70.00	90.00°	0.00	0.00
1+75	1+75.00	1+75.00	90.00°	0.00	0.00
1+80	1+80.00	1+80.00	90.00°	0.00	0.00
1+85	1+85.00	1+85.00	90.00°	0.00	0.00
1+90	1+90.00	1+90.00	90.00°	0.00	0.00
1+95	1+95.00	1+95.00	90.00°	0.00	0.00
2+00	2+00.00	2+00.00	90.00°	0.00	0.00

RECEIVED  
JAN 29 2015  
PLANNING DEPT.

PREPARED BY: Neathamer Surveying, Inc.  
5185 State St. Suite 203  
P.O. Box 1884  
Medford, Oregon 97501  
Phone (541) 734-8888  
FAX (541) 734-1388

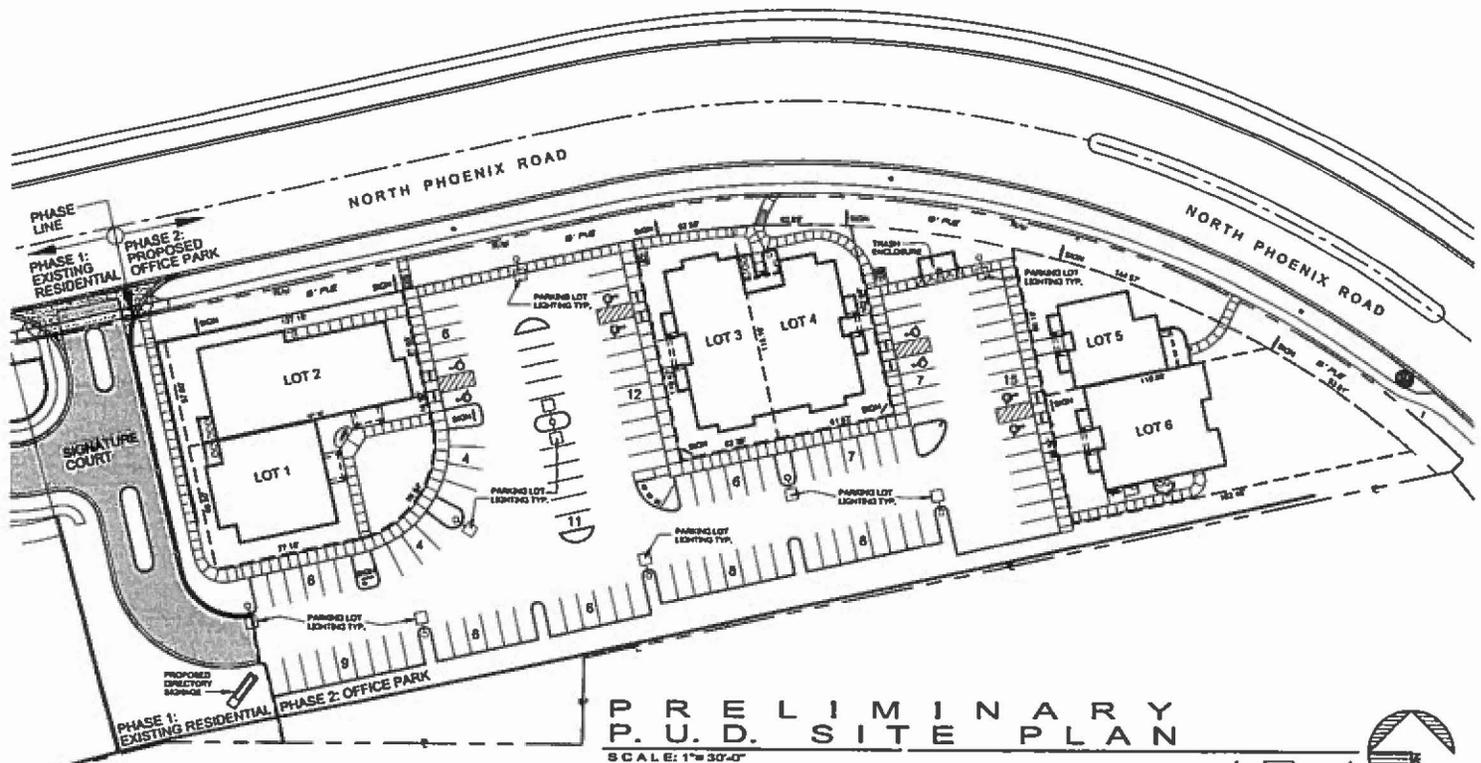
PLAT DATE: January 7, 2015      PLANNING DEPARTMENT: 14888  
Sheet 1 of 2

File # PUD-15-011/LDS-15-012  
EXHIBIT # 2  
CITY OF MEDFORD  
1 of 2

City of Medford Map No. 27 14 200A, Tax Lot 220A, 27 01 20AA, Tax Lot 202

Drawing by: Cael E. Neathamer, License # 0000, 2001 Survey Office, Portland, Oregon

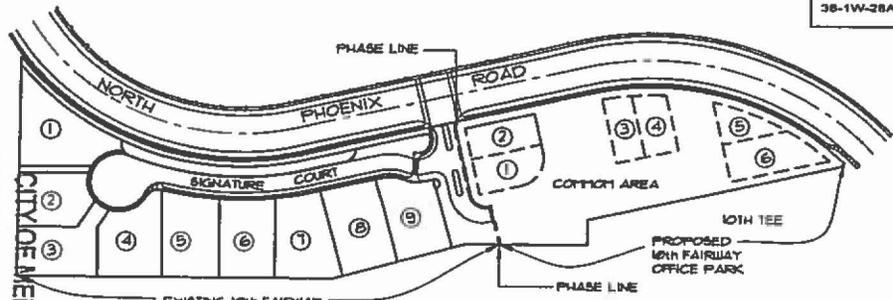




**PRELIMINARY  
P.U.D. SITE PLAN**

SCALE: 1" = 30'-0"

LEGAL DESCRIPTION  
38-1W-28A TAX LOT 3308  
38-1W-28AA TAX LOT 202



**U.D. PHASING MAP**

PARKING COMPUTATIONS				
LOT No.	BUILDING AREA	PHYSICIANS	MIN. REQ'D.	MAX. ALLOWED
LOT 1	3,273 s.f.	2	17 SPACES	20 SPACES
LOT 2	4,814 s.f.	3	25 SPACES	29 SPACES
LOT 3/4	7,216 s.f.	7	40 SPACES	46 SPACES
LOT 5	2,072 s.f.	1	10 SPACES	12 SPACES
LOT 6	3,516 s.f.	2	18 SPACES	21 SPACES
<b>TOTALS:</b>	<b>20,891 s.f.</b>	<b>16</b>	<b>110 SPACES</b>	<b>128 SPACES</b>

TOTAL PARKING PROPOSED: 115 SPACES

COMPUTATION FORMULAS:  
MINIMUM= 4.5 SPACES PER 1,000 s.f. (GROSS) BUILDING + 1 PER PHYSICIAN  
MINIMUM= 5.4 SPACES PER 1,000 s.f. (GROSS) BUILDING + 1 PER

REVISIONS	BY

CASCADE DESIGN STUDIO  
JEFF MAYFIELD DESIGNER  
11549 ALDER CREEK DRIVE  
MEDFORD, OREGON 97504  
(541) 775-1411

PROJECT FOR:  
PROPOSED PROFESSIONAL OFFICE PARK  
FOR:  
MICHAEL T. MAHAR

PROJECT ADDRESS:  
10TH FAIRWAY OFFICE PARK  
NORTH PHOENIX ROAD  
MEDFORD, OREGON

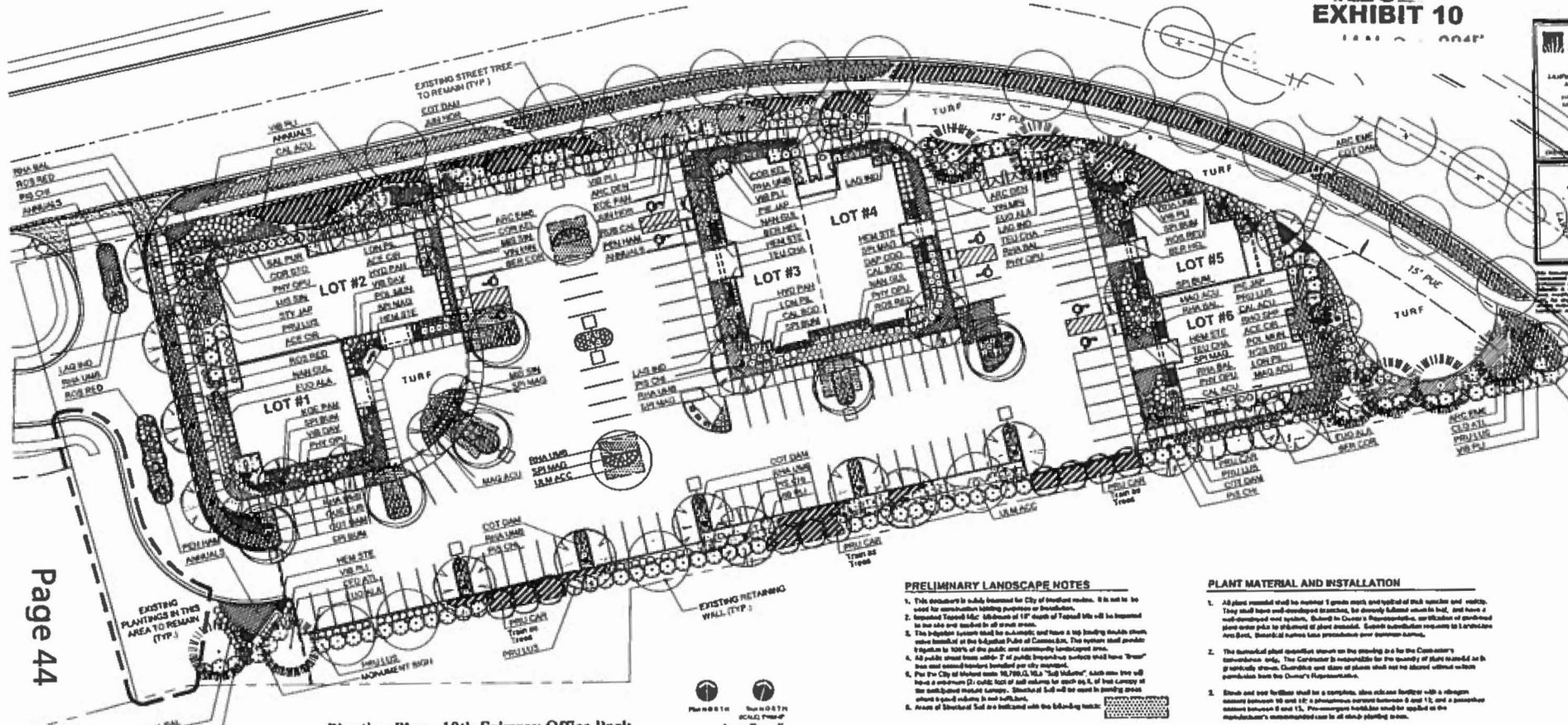
BEST USE:  
MASTER P.U.D. PRELIMINARY SITE PLAN  
P.U.D. PHASING MAP

DATE: 11/08/11	BY: JEM	REVISION: 1	SHEET NO: SD-1
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**galbraith**  
LANDSCAPE ARCHITECTS  
A LITE FIRM  
100 S. W. 10th Street, Suite 100  
Portland, Oregon 97204  
503.228.1111  
www.galbraith.com

REGISTERED  
LANDSCAPE ARCHITECT  
M. L. Galbraith  
No. 1000

Page 44

Planting Plan - 10th Fairway Office Park

PLANT SCHEDULE

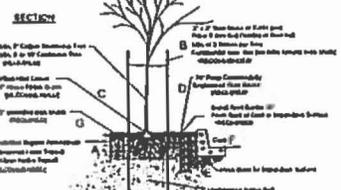
CODE	LATIN NAME	COMMON NAME	SIZE	CODE	LATIN NAME	COMMON NAME	SIZE
<b>TREES</b>							
ACE CIR	Acer circinatum	Vine Maple	2" cal.	ARC DEN	Arctostaphylos densiflora	Honey Locust	5 gal.
CED ATL	Cedrus atlantica 'Glauca'	Blue Atlas Cedar	12" ht. min.	BER COR	Berberis cordifolia	Winter Berberis	1 gal.
KOE PAN	Koeleria paniculata	Goldenrod Tree	2" cal.	BER HEL	Berberis eufratica 'Helmond'	Helmond Pear Berberis	6 gal.
LAG IND	Lagerströmia indica 'Catawba'	Crape Myrtle Tree	36" huc. tree form	CAL ACU	Calluna vulgaris s. 'Karl Foerster'	Feather Reed Grass	1 gal.
MAG ACU	Magnolia acuminata 'Yellow Bird'	Yellow Bird Magnolia	2" cal.	CAL BOD	Calluna vulgaris	Beauty Berry	6 gal.
PIS CH	Pinus strobus	Chinese Pines	2" cal.	COR STO	Cornus s. 'Middletown Fire'	Midwinter Fire Dogwood	1 gal.
QUE RUB	Quercus rubra	Red Oak	2" cal.	CCR KEL	Cornus alternifolia 'Kelsey'	Dwarf Redtwig Dogwood	1 gal.
STY JAP	Styrax japonicus	Japanese Snowflake Tree	2" cal.	DAP GOD	Daphne genkwa	Winter Daphne	2 gal.
ULM AM	Ulmus 'Amstelador'	Frederick Elm	2" cal.	EUC ALA	Eucalyptus nitens 'Rusty Hang'	Heath Burning Bush	1 gal.
<b>SHRUBS</b>							
HEM SITE	Hemerocallis 'Stella de Oro'	Stella de Oro Daylily	1 gal.	HYD PAN	Hydrangea paniculata 'Tardiva'	Tardiva Hydrangea	5 gal.
LDN PE	Lonicera periclymenum	Jackal Honey-suckle	1 gal.	LDN PE	Lonicera periclymenum	Jackal Honey-suckle	1 gal.
MES SIN	Melicope sinensis 'Yakudome'	Dwarf Malva Grass	1 gal.	MES SIN	Melicope sinensis 'Yakudome'	Dwarf Malva Grass	1 gal.
NAN OLI	Nandina domestica 'Olympic'	Olympic Nandina	2 gal.	PEN HAM	Panicum hamatum	Dwarf Fountain Grass	1 gal.
PIE JAP	Pinus japonica 'Mountain Fire'	Mountain Fire Pine	5 gal.	PIE JAP	Pinus japonica 'Mountain Fire'	Mountain Fire Pine	5 gal.
POL MUP	Polypodium muratum	Sweetheart Fern	2 gal.	PRU CAR	Prunus caroliniana	Carolina Laurel	36" ht.
PHY OPU	Physocarpus opulifolius 'Moris'	Diablo Ninebark	5 gal.	PRU LUS	Prunus lauro-cerasifolia	Portugal Laurel	36" ht.
RHA BAL	Rhapizomela indica 'Ballerina'	Ballerina Indian Hawthorn	6 gal.	RHA BAL	Rhapizomela indica 'Ballerina'	Ballerina Indian Hawthorn	6 gal.
RHA LMB	Rhapizomela umbellata 'Mbr'	Yvette Hawthorne	5 gal.	RHO SP	Rhododendron 'Specios'	Rhododendron	6 gal.
RHO SP	Rhododendron 'Specios'	Rhododendron	6 gal.	RHO SP	Rhododendron 'Specios'	Rhododendron	6 gal.
ROS HE	Rosa 'Red Ribbon'	Red Ribbon Carpet Rose	1 gal. 42" o.c.	SAL PUR	Salix purpurea 'Nana'	Dwarf Blue Willow	1 gal.
SAL PUR	Salix purpurea 'Nana'	Dwarf Blue Willow	1 gal.	SPI BAM	Spiraea x humilis 'Neon Flash'	Neon Flash Spiraea	2 gal.
SPI BAM	Spiraea x humilis 'Neon Flash'	Neon Flash Spiraea	2 gal.	SPI MAG	Spiraea x bumalda 'Magic Carpet'	Magic Carpet Spiraea	2 gal.
SPI MAG	Spiraea x bumalda 'Magic Carpet'	Magic Carpet Spiraea	2 gal.	VIB DAV	Viburnum davidii	David Viburnum	2 gal.
VIB DAV	Viburnum davidii	David Viburnum	2 gal.	VIB PLJ	Viburnum plicatum L. 'Mortef'	Doublefile Viburnum	5 gal.
VIB PLJ	Viburnum plicatum L. 'Mortef'	Doublefile Viburnum	5 gal.				

PRELIMINARY LANDSCAPE NOTES

- This document is submitted for City of Medford review. It is not to be used for construction bidding purposes or installation.
- Approved layout for sidewalk of 18" width of French tile will be installed to the side and back of all street areas.
- The irrigation system shall be automatic and have a high quality double check valve installed at the highest point of the system. The system shall provide irrigation to 100% of the public and community landscaped area.
- All public street trees shall be 2" of public tree-trunk diameter and have "Burr" base and annual tree-trunk diameter per city requirement.
- For the City of Medford code 16.70.01.010 "Tree Standards", each tree shall have a minimum 11" cal. dbh of all returns for each day 1" of free canopy of the established market canopy. Structural soil will be used in planting areas where a small return is not sufficient.
- Areas of Structural Soil are indicated with the following hatching:

PLANT MATERIAL AND INSTALLATION

- All plant material shall be subject to 1 grade check and typical of that species and variety. They shall have well-developed branches, be densely foliated when in leaf, and have a well-developed root system. Plants to be grown in containers shall be of standard plant sizes and shall be in containers of appropriate size. Excess substrate shall be removed from the container's top surface.
- The structural plant quantities shown on the drawing are for the Contractor's information only. The Contractor is responsible for the quantity of plants needed as it is generally shown. Quantity and date of plants shall not be changed without written permission from the Owner's Representative.
- Shrub and tree heights shall be as specified, also reduce height with a degree based on the height of the plant. A minimum height of 6' and a maximum height of 12' and 15'. Pruning shall be done to the manufacturer's recommended care for all shrub planting areas.
- Each plant shall include identification (number of stems) such as "Latin Plant" which is available at: [www.galbraith.com](http://www.galbraith.com), (503) 478-2000. Apply at manufacturer's recommended rates.
- Planting holes shall be 1/2" to 1" wider at the root ball and as deep as the root ball. Soil shall be backfilled to the original grade. The soil shall be backfilled with the same soil as the original soil. The soil shall be backfilled with the same soil as the original soil.
- Plant holes shall be 1/2" to 1" wider at the root ball and as deep as the root ball. Soil shall be backfilled to the original grade. The soil shall be backfilled with the same soil as the original soil.
- Approved 1 gallon size. Soil shall be a good grade of sandy loam free of all rocks, stones, debris, twigs, sticks, and other debris. Soil shall be backfilled to the original grade. The soil shall be backfilled with the same soil as the original soil.
- Planting holes shall be 1/2" to 1" wider at the root ball and as deep as the root ball. Soil shall be backfilled to the original grade. The soil shall be backfilled with the same soil as the original soil.



PLANT MATERIAL WARRANTY

- All plant material and workmanship shall be warranted for one year (12 months) from the date of project final acceptance.
- Plant materials under warranty shall be in healthy condition at the end of the warranty period. Any dead or dying plant material within the warranty period shall be replaced by plants of the same variety and class.
- The Contractor shall not be responsible for any plant material damaged by conditions or events during the warranty period.

PLANTING KEY NOTES:

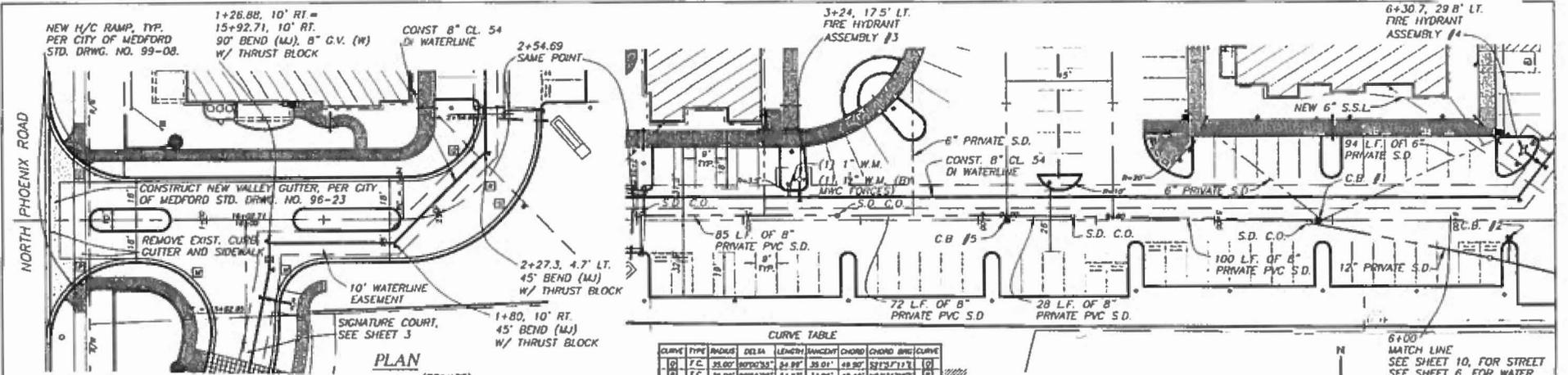
- Provide a 1/2" minimum depth of 18" of topsoil throughout the planting area.
- Provide a minimum depth of 3" of topsoil throughout the planting area.
- Provide structural soil to a depth of 24" in the shaded area.

10th Fairway Office Park  
North Florida Road  
Medford, Oregon

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L1

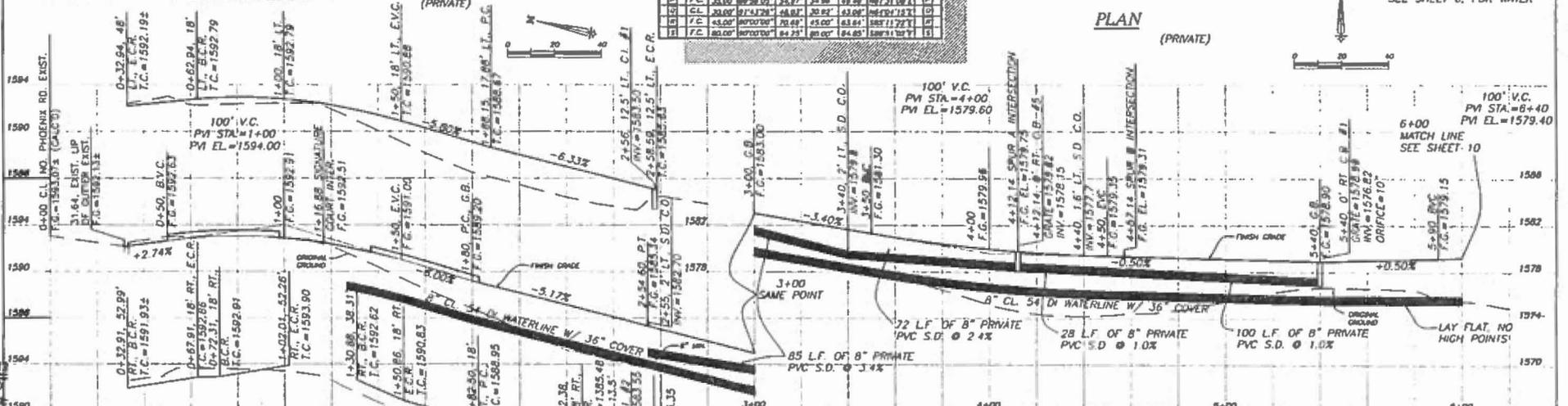
City of Medford Tree Planting Medford Code 16.70  
Revised 10/15

1 of 4  
File # PD-15-011 / DDS-15-012



CURVE TABLE

CURVE	TYPE	RADIUS	DELTA	LENGTH	W/CHORD	CHORD	CHORD BEND	CURVE
1	T.C.	35.00'	80°20'35"	24.99'	35.01'	48.80'	52°27'12"	2
2	T.C.	35.00'	80°20'35"	24.97'	34.98'	48.78'	52°27'12"	3
3	T.C.	35.00'	81°15'20"	28.87'	38.87'	53.88'	56°02'18"	4
4	T.C.	45.00'	80°20'35"	28.88'	43.88'	63.88'	58°11'22"	5
5	T.C.	80.00'	80°20'35"	54.25'	80.00'	124.85'	58°21'30"	6



CITY OF MEDFORD

EXHIBIT # E

CALL FOR UTILITY LOCATE 48 HOURS  
PRIOR TO EXCAVATION - 1-800-332-2344



CITY OF MEDFORD - ENGINEERING DEPT.  
**THE 10th FAIRWAY SUBDIVISION**  
 COMMERCIAL STREET & WATER MAIN AND SIDE  
 MAIN LAYERS

NO.	REVISION	DATE	BY
1	ISSUE FOR BIDDING	10/20/15	ELP
2	ISSUE FOR PERMITS	11/10/15	ELP
3	ISSUE FOR CONSTRUCTION	12/10/15	ELP

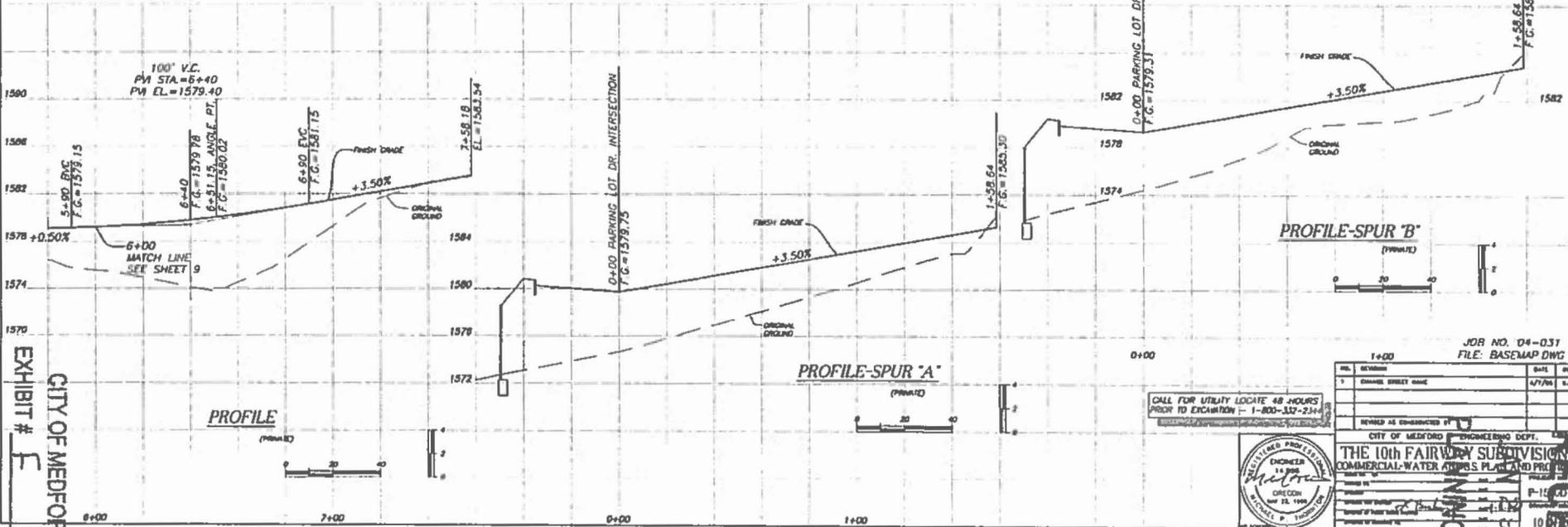
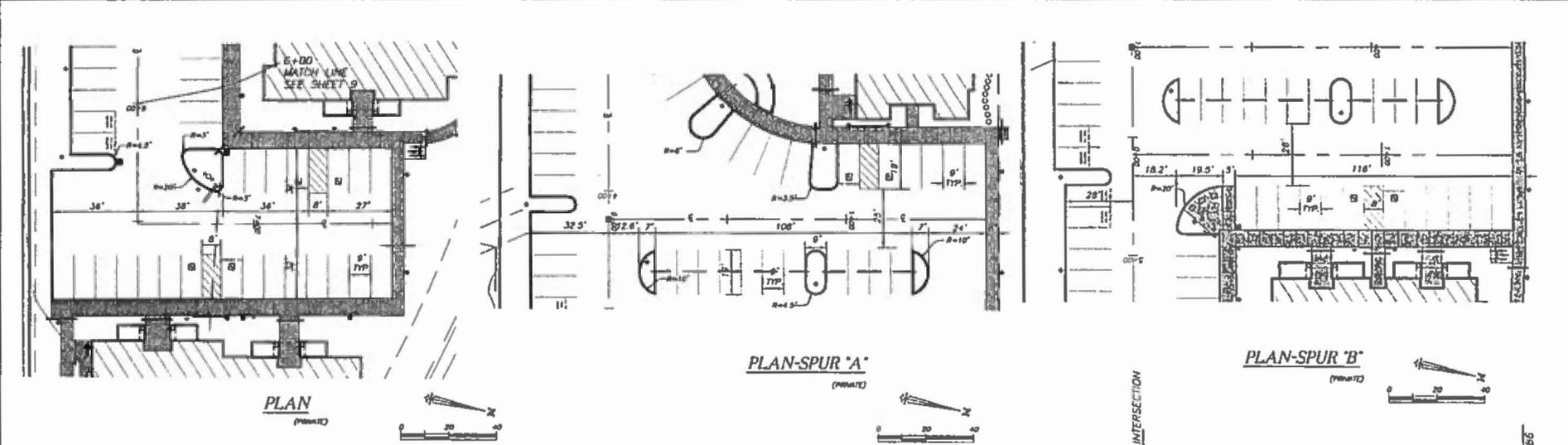
DATE: 11/29/2015  
 TIME: 10:00 AM

ENGINEERING DEPT.

11/29/2015

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CITY OF MEDFORD



CALL FOR UTILITY LOCATE 48 HOURS PRIOR TO EXCAVATION - 1-800-332-2141



NO.	REVISION	DATE	BY
1	CHANGE SHEET NAME	4/7/06	...

REVIEWED AS CONDUCTED BY: [Signature]

CITY OF MEDFORD ENGINEERING DEPT.

**THE 10th FAIRWAY SUBDIVISION**  
COMMERCIAL-WATER AND S. PLAN AND PROFILES

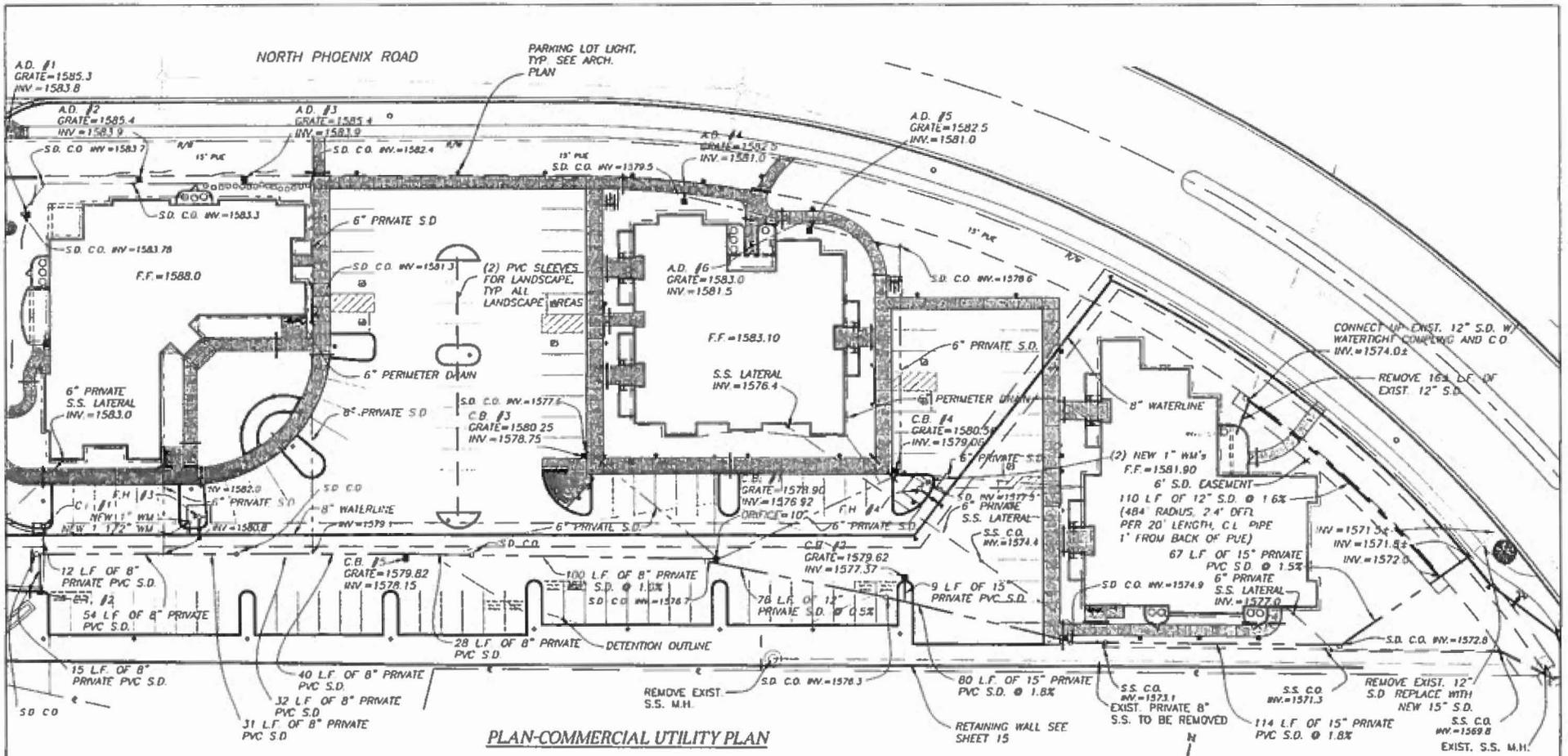
DATE: 5/10/2015

PROJECT NO: P-15-012

SCALE: AS SHOWN

JOB NO. 04-031  
FILE: BASEMAP.DWG

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MAY 10 2015



PLAN-COMMERCIAL UTILITY PLAN

DETENTION NOTES:

DRAINAGE BASIN	TOTAL AREA	EXIST (PVC) SURFLOO AREA	EXIST (PVC) C-WALLE	DEVELOPED C-WALLE	REQUIRED STORAGE	ACTUAL STORAGE	ORFICE	HEAD
CHYCH BASIN 1	2.81 ac	3.97 cfs	0.35	0.75	1,678 cu ft	1,843 cu ft	10.00"	2.28'

CALL FOR UTILITY LOCATE 48 HOURS PRIOR TO EXCAVATION - 1-800-337-2347

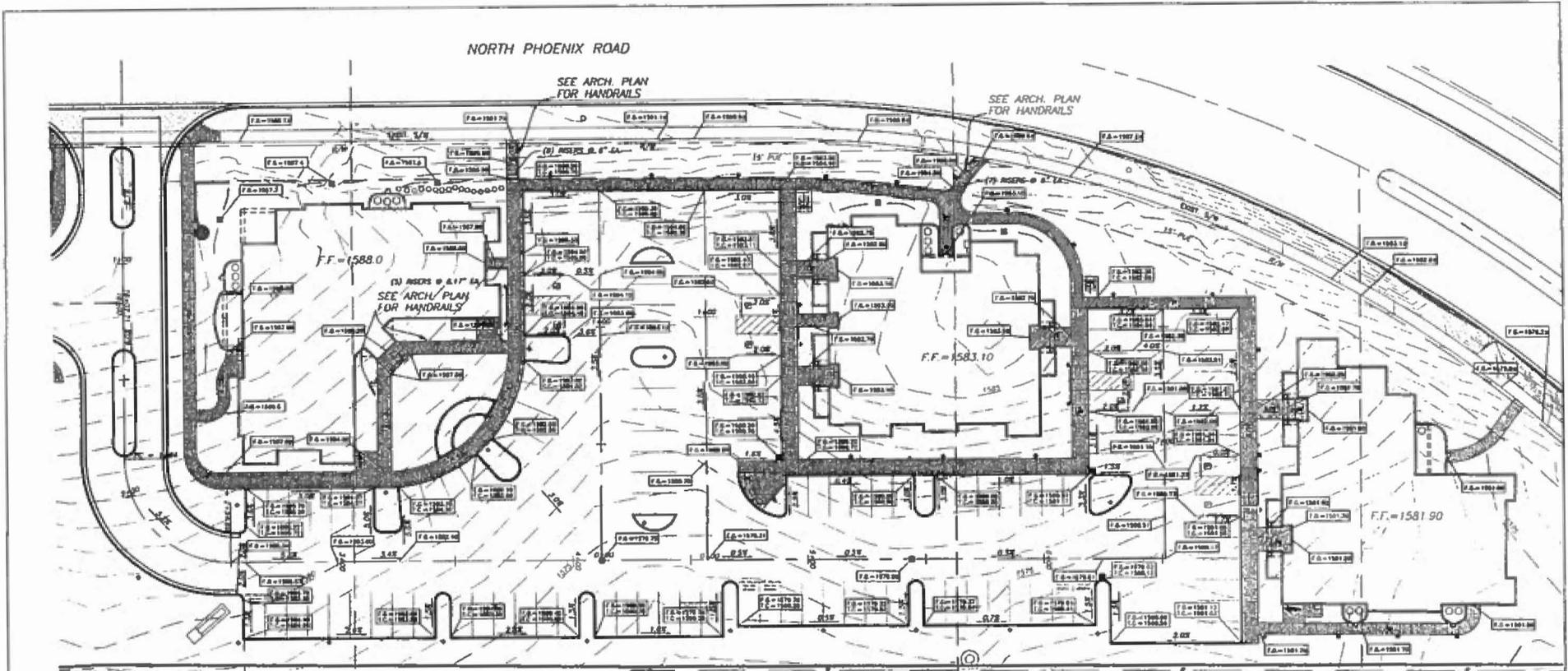


NO. 1	ADD S.S. CASEMENT ALONG RD. FRONT	DATE BY	
NO. 2	SHORT L/SI BUILT WITH SIZ AND GANES	1/7/96	L.B.
		1/14/98	L.B.
REVISED AS SHOWN BY:			
CITY OF MEDFORD - ENGINEERING DEPT.			
THE 10th FAIRWAY SUBDIVISION			
COMMERCIAL UTILITY PLAN			
P-15800			
JAN 29 2015			
PLANNING DEPT.			

JOB NO. 04-031  
FILE: BASEMAP.DWG

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 EXHIBIT # F  
 FILE # PUD-15-217/LDS-15-012  
 3 of 4



**PLAN-COMMERCIAL GRADING PLAN**

NOTE: SEE LANDSCAPE ARCH. PLANS FOR STRUCTURAL SOIL REQUIREMENTS.

**SOILS REPORT**

THE CONTRACTOR SHALL OBTAIN THE APPROVED SOILS REPORT PREPARED BY FERRERO GEOLOGIC AND ADHERE TO THE REQUIREMENTS, THEREIN, SPECIFICALLY THE SUBGRADE PREPARATION, EXCAVATION, EMBANKMENT. CONTRACTOR TO SCHEDULE PRE-CONSTRUCTION MEETING WITH FERRERO GEOLOGIC.



JOB NO. 04-031  
FILE: BASEMAP.DWG

CALL FOR UTILITY LOCATE 48 HOURS PRIOR TO EXCAVATION - 1-800-332-2344



NO.	REVISION	DATE	BY
1	ADD SHEET	4/7/15	RJD

DESIGNED BY: [Signature]  
 CHECKED BY: [Signature]  
 IN CHARGE: [Signature]  
 CITY OF MEDFORD - ENGINEERING DEPT.  
**THE 10th FAIRWAY SUBDIVISION COMMERCIAL GRADING PLAN**  
 P-15800  
 4/15/15  
 1 OF 2

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File # PUD-15-CITY/LDS-15-012  
 EXHIBIT # F  
 CITY OF MEDFORD  
 4 of 4



10th FAIRWAY OFFICE PARK  
 PHASES 2, 3 & 4 OF 10th FAIRWAY SUBDIVISION

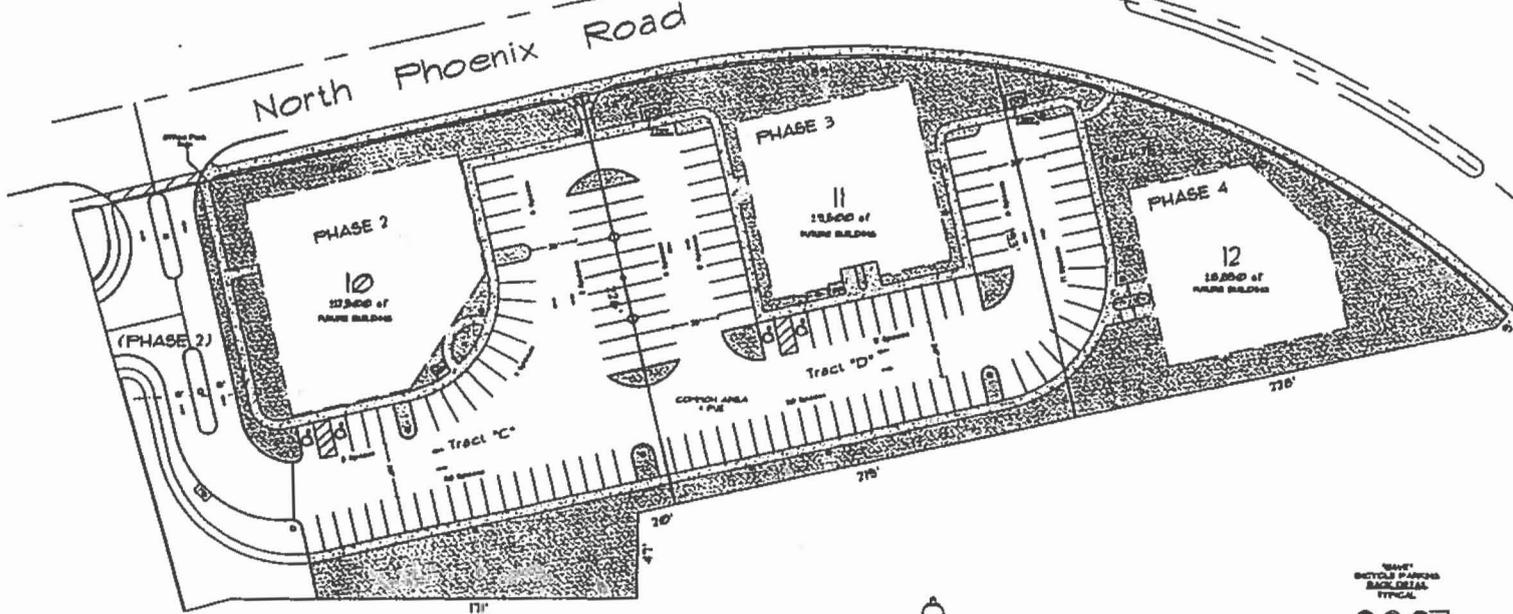
PRELIMINARY PUD PLAN

Located in  
 the NE 1/4 of Section 28 (28A AAA)  
 in Township 31 S, Range 13W,  
 City of Medford,  
 Jackson County, Oregon  
 Tax Lots 3305 & 1202

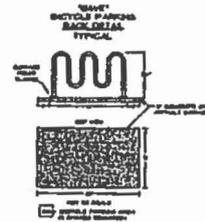
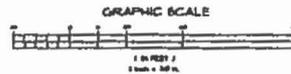
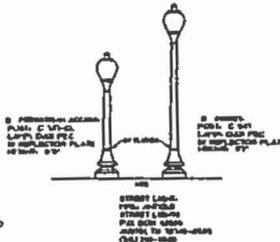
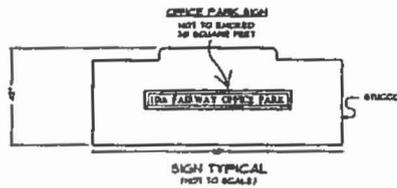
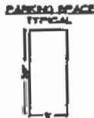
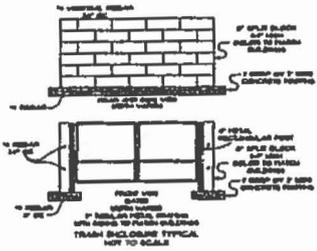
EXHIBIT 5

2 of 2

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Page 50



File # PUD-15-01 / LDS-15-012  
 EXHIBIT # 6  
 CITY OF MEDFORD  
 2 of 2

5  
 EXHIBIT # A-3  
 File # PD-04-161

50.5, Page 13

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BEFORE THE PLANNING COMMISSION

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

IN THE MATTER OF AN )  
 APPLICATION TO AMEND THE 10<sup>th</sup> )  
 FAIRWAY PLANNED UNIT )  
 DEVELOPMENT PLAN (FILE NO. PUD- )  
 04-161) AND TO AUTHORIZE A NEW )  
 TENTATIVE SUBDIVISION PLAT FOR )  
 PHASE 2 (PREVIOUSLY PHASES 2, 3 )  
 AND 4). THE AFFECTED PORTION OF )  
 THE PUD IS SITED ON THE EASTERN )  
 2.91 ACRES OF THE PUD WHICH IS )  
 ZONED C-S/P ON THE EAST 1.70 )  
 ACRES AND SFR-4 ON THE WEST 1.21 )  
 ACRES. THE PROJECT IS SITUATED )  
 SOUTH OF NORTH PHOENIX ROAD )  
 BETWEEN ITS TWO INTERSECTIONS )  
 WITH URANO LANE TO THE SOUTH )  
 AND HILLCREST ROAD TO THE )  
 NORTH IN THE CITY OF MEDFORD, )  
 OREGON. )

PROPOSED FINDINGS AND CONCLUSIONS OF LAW

*Applicant's Exhibit 1*

Applicant: Michael T. Mahar  
Agent: CSA Planning, Ltd.

I

NATURE AND SCOPE OF APPLICATION

On September 9, 2004, the City of Medford Planning Commission approved a planned unit development and subdivision for the 10<sup>th</sup> Fairway project, Planning File No. PUD-04-161. The PUD is a mixed use project with residential units on the western portion of the project and office development on the eastern portion of the project. Phase 1 was the single family residential component of the project. It has obtained final plat and two of the lots have recently constructed dwellings on them. On May 10, 2005, the City of Medford approved a 3-lot partition to create lots for the construction of the three office sites. The Applicant completed much of the underground work and rough grading on the site, but did not obtain final plat approval for that partition. The final plat approval subsequently expired.

This amendment seeks a different lot configuration for the commercial component of the project. The previously approved tentative partition plat had three lots and would have required relatively large and somewhat complicated access easements and joint maintenance agreements. The Applicant now seeks approval of a tentative subdivision plat to create four smaller lots that only contain the buildings and the immediately surrounding landscaping and



CITY OF MEDFORD

EXHIBIT # 11

File # PUD 15-01/05-15-012

9

sidewalks, with the remainder becoming a large common area lot, that will be jointly owned by the building owners, which will contain all the parking and circulation for the office buildings and related improvements such as landscaping.

Applicant also requests that Condition #2 of the original PUD be amended. This condition restricted use of the office buildings to General Office uses. The original PUD layout contemplated total building square footage up to 30,850 square feet. However, the PUD layout for the project did not include adequate parking for medical office uses which require substantially more parking than general office uses. The PUD layout submitted as part of this application has substantially smaller buildings with approximately 20,900 square feet of building and includes additional parking that would support medical office uses. Applicant requests that the condition be amended to require that SPAC verify that adequate parking exists for the entire site as each individual building is reviewed by SPAC; this amendment will ensure that if some or all of the buildings to be used for medical office the parking capacity for the site will not be exceeded.

## II

### EVIDENCE SUBMITTED WITH APPLICATION

Applicants herewith submit the following evidence with their applications for Preliminary PUD Plan:

- Exhibit 1.** The proposed Findings of Fact and Conclusions of Law (this document) demonstrating how the modified Preliminary PUD Plan and Land Division applications comply with the applicable substantive criteria of the MLDC
- Exhibit 2.** Assessor's plat maps T37S-R1W-Section28A and T37S-R1W-Section28AA which depicts the subject properties
- Exhibit 3.** Zoning Districts on Aerial Map
- Exhibit 4.** City of Medford General Land Use Plan (GLUP) Map
- Exhibit 5.** Currently approved PUD 04-161 Site Plan
- Exhibit 6.** Aerial Map from 2012 showing improvements to date.
- Exhibit 7.** Revised Preliminary PUD Site Plan (Revisions Delimited Phase 2)
- Exhibit 8.** Revised Tentative Plat (Revisions Delimited Phase 2)
- Exhibit 9.** Revised Preliminary PUD Plan
- Exhibit 10.** Revised Landscape Plan (Revisions Delimited Phase 2)
- Exhibit 11.** Grading and Storm Detention Map
- Exhibit 12.** Final Order Approving PUD 04-161
- Exhibit 13.** Completed Preliminary PUD and Tentative Subdivision Plan application forms and powers of attorney from the record owner of the property



III

**RELEVANT SUBSTANTIVE APPROVAL CRITERIA**

The criteria under which the applications for Preliminary PUD Plan must be approved are in Article II of the Medford Land Development Code (MLDC). The criteria for the land use applications are recited verbatim below and again in Section V where each is followed by the conclusions of law:

**City of Medford Approval Criteria**

**A. PLANNED UNIT DEVELOPMENT**

**10.245 Revision or Termination of a PUD**

- 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 minimis, 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.
  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.
  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.

**10.235 Preliminary PUD Plan - Application Procedures.**

- D. Approval Criteria for Preliminary PUD Plan: 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 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 circulations 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 or less than for one or more permitted use 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 on 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)(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 permit 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.

## **B. LAND DIVISION – TENTATIVE SUBDIVISION PLAT**

### **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, 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) Includes the creation of streets, that such streets are laid out to conform, within the limits of the City of Medford and its Urban Growth Boundary, to 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) Has streets that are proposed to be held for private use, that they are distinguished from the public street on the tentative plat, and reservations or restrictions relating to the private streets 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.

V

**FINDINGS OF FACT**

The following facts are established and found to be true with respect to this matter:

1. **Subject Property Ownership and Details:** According to the records of the Jackson County Assessor and Medford Planning Department, the subject property that contains the area of requested revisions, identified in previous approval as Phases 2, 3 and 4 of the PUD (now all are part of Phase 2) and tentative subdivision plan is T37S-R1W-Section28A Tax Lot 3306 and T37S-R1W-Section28AA Tax Lot 202. The properties are owned in fee simple by Michael T. Mahar. The subject properties are approximately 3.74 acres in area.
2. **Property Location:** The property is located on the south side of North Phoenix Road, in the between its intersections with Urano Lane to the south and Hillcrest Road to the north. The property is within the corporate limits of the City and its urban growth boundary (UGB). The location of the subject property in relation to the present corporate limits of the City and to other land in the surrounding area is depicted on Exhibit 6.
3. **Comprehensive Plan and Zoning:** Tax Lot 3306 is zoned SFR-4 and is designated Urban Residential on the Medford General Land Use Map (GLUP). Tax Lot 202 is zoned C-S/P and designated Service Commercial on the GLUP. Existing zoning is consistent with the GLUP.
4. **Surrounding Land Uses:** Land uses that presently surround the property are:
  - A. **North:** Lands across North Phoenix Road to the north east contain the Hillcrest Office Park. This office park has been building out over the last five years and has only a couple of remaining pads available for development. Lands to the northwest across North Phoenix Road are vacant and are owned by Cogswell Limited Partnership.
  - B. **South:** Land adjacent and to the south of the subject property is currently developed as the 10<sup>th</sup> Fairway of the Rogue Valley Country Club golf course.
  - C. **East:** Land to the east on the opposite side of North Phoenix Road is currently developed with single-family dwellings on individual lots that range in size from a third to half acre with houses constructed primarily in the 1970's and 1980's
  - D. **West:** Lands adjacent and to the west of the subject property are zoned SFR-4 and developed with single-family dwellings on individual lots. Immediately to the west of the properties affected by the PUD amendments is the entry drive for the PUD and the residential portion of the 10<sup>th</sup> Fairway PUD project. This project has nine residential lots platted, three of which have been developed. Further to the west, are residential properties around the Rogue Valley Country Club golf course that are a quarter to a third acre in size.

**5. PUD Ownership and Structural Development Summary**

**Table 1**

**PUD Ownership by Taxlot**

Sources: Jackson County Assessor; CSA Planning, Ltd.

Assessors Map and Tax Lot	Address	Owner	Updated Acreage*	Development Status	Total Assessed Value
37-1W-28A-3309*	3000 Signature Court	David and Sandra Shinn	.61	2013 Single Family Dwelling	
37-1W-28A-3310*	3008 Signature Court	Theresa Smith	.37	VACANT	\$97,280
37-1W-28A-3311*	3016 Signature Court	Robert Sevcik	.39	VACANT	\$97,280
37-1W-28A-3312	3024 Signature Court	Michael T. Mahar, Reg Breeze	.34	VACANT	\$198,280
37-1W-28A-3313	3032 Signature Court	Awesome Auto LLC	.34	VACANT	\$198,280
37-1W-28A-3314	3040 Signature Court	Michael T Mahar	.33	VACANT	\$196,430
37-1W-28A-3315	3048 Signature Court	Michael and Melinda Fowler	.36	2009 Single Family Dwelling	
37-1W-28A-3316	3056 Signature Court	John and Nancy Day	.27	VACANT - with Private Landscaping	\$58,590
37-1W-28A-3317	3064 Signature Court	John and Nancy Day	.43	2007 Single Family Dwelling	
37-1W-28A-3308	N/A	10 <sup>th</sup> Fairway Estates HOA	.47	VACANT -Common Area Landscaping	\$10
37-1W-28A-3305	N/A	10 <sup>th</sup> Fairway Estates HOA	.76	VACANT - Common Area, Private Street and Accessway	\$10
37-1W-28A-3307	N/A	Michael T. Mahar	.36	VACANT - Project Driveway and Entry	\$10
37-1W-28A-3306	N/A	Michael T. Mahar	1.21	VACANT	\$64,480
37-1W-28AA-202**	N/A	Michael T. Mahar	1.70	VACANT	\$292,550
Total VACANT Acres			6.54		\$1,203,170
Parcels w/ Structural Development			1.40		
TOTAL PUD ACREAGE**			7.94		

\* Tax Lots 3309, 3310, 3311 size increased since the original application due to the vacation of Foothill Road.

\*\* Tax Lot 202 contains 2.53 acres of which .83+/- acres are not included within the PUD boundary. This acreage will become a separate residual parcel per this application.

**Table 2**

**Vacant PUD Ownership Totals and Percentages**

Sources: Jackson County Assessor; CSA Planning, Ltd.

Vacant Acreage by Owner	Acreage	% of Vacant Acres	Value	% of Value
Total Mahar Acres	3.94	60.2%	\$751,750	62.5%
Total 10 <sup>th</sup> Fairway Estates HOA	1.23	18.8%	\$20	-
Vacant other PUD owners	1.37	21.0%	\$451,430	37.5%



According to the assessor's records there are approximately 7.94 total privately held acres in the PUD. Approximately 1.40 of those acres are parcels with structural development. Approximately 6.54 acres are completely vacant. Approximately 1.23 acres are vacant from a structural standpoint, but contain landscaping or access and circulation improvements. Even if the parcels that contain landscaping and access are considered vacant under the ordinance, Applicant Michael Mahar owns 60.3% percent of the vacant acreage in the PUD, and owns land and improvements that constitute 62.5 percent of the total assessed value of land and improvements on the vacant land.

6. **Topography:** The property has an average slope of roughly 17 percent (Exhibit 6). However, the westerly portion of the property adjacent to North Phoenix Road has steeper slopes from North Phoenix Road's embankment.
7. **Floodplain, Wetlands, Drainage:** There is no 100-year mapped floodplain on the property nor are there any wetlands on the property. Drainage was designed at the time the preliminary grading plan work was done for the site.
8. **Description of the Planned Unit Development (PUD):**

**A. Prior Planning Approvals:**

- a. A comprehensive plan map amendment was approved by the City of Medford in 2002 through Ordinance No. 2002-183 that created the GLUP Map configuration depicted in Exhibit 4.
- b. In 2003, the zoning map was amended to make it consistent with the GLUP Map amendments approved through Ordinance No. 2002-183.
- c. On September 9, 2004, the City of Medford Planning Commission approved the PUD that is the subject of this amendment application, Planning File No. PUD-04-161.
- d. On May 10, 2005, the Planning Commission approved Planning File No. LDP-05-43 which approved a three-lot partition for the creation of three lots in the office component of the project – one for each approved office building. This partition never obtained final plat and has expired.
- e. The final PUD plan for Phases 1-4 was approved by the Planning Commission on October 27, 2005. By and through approval of this proposed amendment to the Preliminary PUD Plan, a new Final PUD plan will need to be approved consistent with the revised Preliminary PUD plan sought in the subject application.

**B. PUD Status- Platting and Build-out:**

**Table 3**

**Build-out Summary**  
 Source: CSA Planning, Ltd.

PUD Phase	Description of Project Phase
Phase 1	Lots were platted and final PUD plan is approved; dwellings have been constructed on some of the lots.



PUD Phase	Description of Project Phase
Phase 2	Final PUD Plan approved, land division expired. Vacant and affected by the proposed amendments.
Phase 3	Final PUD Plan approved, land division expired. Vacant and affected by the proposed amendments.
Phase 4	Final PUD Plan approved, land division expired. Vacant and affected by the proposed amendments.

*Note: under this application, Phases 2 through 4 will be combined into a single Phase 2.*

- C. Approved Private Street:** The City approved Signature Court during the prior approvals. This private street has now been platted and it exists to serve the residential component of the project.
- D. Approved Sidewalks, Walkways and Accessways:** The sidewalks and accessway that serves the residential component of the project have all been constructed and currently exist to serve the project. Sidewalks and walkways within the office commercial component of the project will meet applicable Site Plan and Architectural Review standards, except where specific code modifications have been approved to allow an alternative design.
- E. Approved PUD Code Modifications:** In 2004 when the PUD was approved, the MLDC referred to code modifications as “deviations”. The criteria for approval of the same under the current code is ostensibly the same and the Planning Commission can and should treat the previously approved “deviations” to be approved “modifications” under the current code. Consistent with this reasoning, the original PUD application approved the following code modifications as reported in below Table 4:

**Table 4**  
**Approved Code Modifications**  
 Source: CSA Planning Ltd.

Type of Modification	Nature and Extent of Modification	Affected Lots	Authority for Modification	Relevant MLDC Sections for which Deviation is Sought
Entry; Private Street	The private street has been constructed, including the entry upon North Phoenix Road. It is a privately owned facility that may differ in some ways with the requirements for standard city streets of either a minor residential or commercial/industrial type. The improvements shown on the Aerial Photo in Exhibit 6.	All lots are affected by the entry design,  Residential Lots 1-9 are affected by the rest of the private street already constructed	10.230(D)(6)	10.429 - 10.431 10.500



Type of Modification	Nature and Extent of Modification	Affected Lots	Authority for Modification	Relevant MLDC Sections for which Deviation is Sought
Cul-de-sac	The private street is a cul-de-sac that at 473 feet is longer than the 450 foot length which is otherwise permitted and has a turn-around which contains a circular planter at its center. This component is built as approved and final plat has been obtained.	Residential Lots 1-9	10.230(D)(5) - 10.230(D)(6)	10.450(2)(A)
Signs	At the project entry, applicant sought to install two project identification signs, one to mark the residential area and one for the offices. Residential PUD signs are required to be mounted on the ground. Modification was allowed so Applicant was allowed to mount them to the sound wall return for the residential sign and have the residential sign externally illuminated. Signs have been installed.	Entry	10.230(D)(4)	10.1200(3)
Office Use on SFR-4 Zoned Land	Professional offices are not permitted in the SFR-4 zone. Planning Commission approved modification allowing the use of 1.25 acres of the site which is zoned SFR-4 for one of three professional office buildings and its associated parking.	10-11	10.230(D)(7)(c)	10.300 10.314

**F. Approved Uses Not Otherwise Permitted:** The PUD ordinance — MLDC 10.230(D)(7)(c) — permits uses that are not otherwise permitted in an underlying zone to occupy up to 20 percent of a PUD. In this instance, the subject property is split zoned SFR-4 and C-S/P as shown in Exhibit 3, Zoning on Aerial Map. As part of the previous PUD approval, applicant proposed to use 1.57 acres which are zoned SFR-4 for professional offices and the portion of the private road which is within the professional offices area and to the southwest of the proposed building. The private road portion of this 1.57-acre area is permitted in both the SFR-4 and C-S/P zones. However, the portion of Tax Lot 3306 to be occupied by a professional office is a use that, but for the PUD, is not permitted in the SFR-4 zone. This portion of the property is approximately 1.21 acres and comprises less than 20 percent of the total 7.57-acre property approved as a PUD in 2004. This application proposes to retain this modification without revision. The portion of Tax Lot 3306 and total acreage to be used for professional offices remains as approved.

**G. Landscaping; Landscape Maintenance:** The Preliminary Landscaping Plan is shown in Exhibit 10 and covers the commercial development, common areas, landscaping along North Phoenix Road and landscaping along 10<sup>th</sup> Fairway Court. Landscaping along the 10<sup>th</sup> fairway golf hole is in addition to landscaping already provided by RVCC. The applicant is required and will supply the Association documents needed to demonstrate how the Association(s) will maintain the common elements. Exhibit 10 also shows planting details for trees and shrubs and a separate



sheet (also part of Exhibit 10) shows the specified plant materials and an alternate choice for each. Landscaping within the boundaries of the nine residential lots will be left wholly to the taste and discretion of the future owners.

**H. Approved Common Elements:** In addition to the dwellings and office buildings that will be privately held, the project has several common elements. There will be two owner associations. There is an existing association for the residential owners and an additional one will be created for the other for the office owners.<sup>1</sup> As yet undetermined is whether there will be single association formed for each office building.<sup>2</sup> The below Table 2 shows the various common elements and the responsibilities for ongoing upkeep and maintenance.

**Table 4**

**Common Elements**  
 Source: CSA Planning, Ltd.

Common Area Component	Description of Common Area	Maintenance Responsibility
Private Street Entryway	This element includes the entryway connecting to North Phoenix Road and includes the landscape medians, sidewalk/walkways, pole lighting and adjacent landscaping.	Residential and Offices
Perimeter Landscaping <sup>1</sup>	The landscaping along the North Phoenix Road frontage of the project and landscaping which adjoins the 10 <sup>th</sup> golf hole fairway within the office area. This element also includes many of the walkways within the office area that are not associated with individual buildings.	Residential and Offices
Exterior Pole Lighting	Special pole lights authorized by Medford	Residential and Offices
Private Street (Residential) <sup>1</sup>	This element includes the 28-foot wide paved section; the adjoining sidewalk; stamped concrete crosswalk; retaining wall; landscaping; parkstrip and street trees; and the planter in the center of the cul-de-sac turnaround.	Residential
Accessway	The planned accessway, its hard surface, lighting and landscaping.	Residential
Residential Monument Sign	Wall-mounted sign that identifies residential area.	Residential
Private Street/Parking Access (Offices)	This element includes the 28-foot wide paved section; the adjoining sidewalk; park strip landscaping and street trees.	Offices
Off-street Parking Areas	This element includes the paved off-street parking areas.	Offices

<sup>1</sup> There may also be a separate association(s) for each building if the interior spaces of an office are to be owned as condominiums pursuant to ORS Chapter 100 (the *Oregon Condominium Law*).

<sup>2</sup> Each of the subdivision lots is entitled to operate independently but will be made subject to an association that governs the two principle parts of the PUD: 1) the *residential* part, and 2) the *office park* part.



Common Area Component	Description of Common Area	Maintenance Responsibility
(Offices)	including the internal landscaping. Also included are the concrete curbs, which define the asphalt parking areas. This element also includes the bicycle parking areas.	
Office Monument Signs	Entry monument sign that identifies office area. Individual business signs located in common area along North Phoenix Road frontage.	Offices
Garbage Receptacles	Screened dumpsters	Offices

**I. Proposed PUD Revisions:**

The applicant is seeking two substantive revisions. Both revisions concern only the office component of the PUD (and related request for a new tentative subdivision plat).

- i. Revised Discretionary Condition #2:* The original discretionary Condition #2 required a restrictive covenant be recorded that limited the use of the office buildings to “general office uses”. This condition functioned to disallow the use of these office buildings for medical or dental office tenants. Dental and Medical office tenants have substantially higher parking requirements than those for general office and the building sizes originally proposed would not have had adequate parking for medical office uses.

Applicant is proposing substantially smaller buildings than previously approved and is including additional parking spaces to allow for the medical office uses. Consequently, the Applicant is requesting this condition be amended. The condition language requested would require the total parking for the site to be calculated with each SPAC application, and that any restriction to general office is to be evaluated and imposed by SPAC if and only if the SPAC finds that there is inadequate parking provided for medical office uses for the building(s) under consideration at that time.

Proposed off-street parking is shown on the Exhibit 7 PUD plans. The parking spaces are a typical ninety-degree configuration and each space is 9 feet wide by 20 feet deep, although compact parking may be provided when the Final PUD Plan is submitted. Parking for disabled persons is provided in accordance with the MLDC and requirements of the Americans with Disabilities Act (ADA). The commercial parking facilities are interconnected and are shared as common area for the entire office component of the project and will jointly serve all three office buildings. The parking areas will be surfaced with asphaltic concrete and striped to delineate the individual spaces. There will be 6-inch concrete curbing around the perimeter of all asphalt areas, including the medians within the entry drive. The parking areas serve the three office buildings. The method to care for the parking areas are to be covered in the revised Association documents that will be furnished with the final PUD plan review. In addition to landscaping within the parking areas, there is extensive perimeter landscaping, especially along the south



boundary of the property which fronts on the fairway of the 10<sup>th</sup> RVCC golf hole to provide screening from errant golf balls. Landscaping along the 10<sup>th</sup> fairway golf hole is in addition to landscaping already installed by RVCC. *See*, Exhibit 10. Bicycle parking for the office buildings can feasibly and will be provided in a manner consistent in numbers, types and locations to conform with the MLDC.

- ii.* **Revised Office Building Lot Design and Common Area Elements:** The Applicant proposes a revised lot layout for the office component of the PUD. The revised lot layout will create two basic “types” of lots. The first type of lot is the “building lot”. “Building lots” will contain a building (or portion of building) and its immediately adjacent landscaping and walkways. These lots will be owned by the individual owners on which a particular office building is sited (or portion of the office building). The second type of lot is the “common area” lot. The “common area” lot contains the parking, overall landscaping, and signage for the project. Signage will be submitted separately at a later date. The “common area” lot will be jointly owned, managed and maintained by the owners association that will be comprised of the owners of the “building lots”. The Applicant respectfully requests that the PUD and associated tentative subdivision plat be approved in such a manner that the final PUD plan and final Plat be allowed to reduce the number of building lots to as few as one subdivision lot per building, notwithstanding that the Preliminary PUD plan and tentative subdivision plat depict two subdivision “building” lots for each building.

This overall lot layout is similar in type and configuration to the lot layout for the Hillcrest Office Park across North Phoenix Road from the subject PUD. This layout and arrangement has been well received by the market and is functionally beneficial to the tenants and owners of the project going forward.

- iii.* **Lot Area Dimensions and Associated PUD Modification of Standards:** The revised approach to the office park component of the project is to have smaller individual lots (essentially “pad” style “building lots”) for each building (or portion of a building). MLDC 10.702(1) provides that lots created through a PUD process are allowed to vary from the standard lot dimensions otherwise required for the applicable zone. In the context of the C-S/P zoning applicable to the project (and the office building in the SFR-4 zoning approved to be built to the C-S/P standards), the proposed building lots do not comply with the base standards for width for all lots and size for several of the lots. However, the lots size and dimensions may, nevertheless, be approved as proposed pursuant to MLDC 10.702(1). MLDC 10.702(1) is silent on lot coverage and setback implications of the revised lot sizes. Thus, these standards require additional modifications to the code and the Applicant is requesting the same, as follows:

- a.* **Lot Coverage Modification:** The C-S/P standards do not allow more than a 40 percent lot coverage. Proposed buildings will exceed this maximum for all lots. However, this is attributable to the parking areas and much of the landscaping areas being within a commonly owned and maintained parking lot. The office park portion of the project is 2.91 acres in total or 127,000 square feet. The total building square footage is 20,891+/- . As such. The project as a whole complies with the lot coverage standard in a manner that is

consistent with the intent and purpose of the standard. Applicant, requests a code modification to allow lot coverage be applied to the project as a whole and that individual buildings reviewed through SPAC only be required to comply with lot coverage as computed for the entire project.

**b. Setback Modification:** It is difficult on a project such as this to know where the “front yard” is in the context of individual buildings. Regardless the C-S/P standard for a front yard or street side-yard setback along North Phoenix Road is 10 feet. Several of the proposed buildings will not comply with this standard between the building and the individual building lot lines. However, all the buildings will satisfy the setbacks to the exterior boundaries of the project (i.e. from the building to the right-of-way line of North Phoenix Road). The Applicant requests a code modification to allow setbacks to be measured to the exterior boundaries of the project and not between individual buildings and their respective “building lots”.

**J. Narrative (and associated Rationale) for the PUD:** Nothing in the proposed PUD revisions will result in a substantive change to the basis and rationale for the PUD as a whole upon which the PUD was originally approved. The PUD will still result in a mix of office and residential land uses that are designed in a manner that is attractive and appropriate given the project location being sandwiched between a Major Arterial Street, being North Phoenix Road and a large-scale recreation use, being the Rogue Valley Country Club generally, and the golf course’s 10<sup>th</sup> Fairway specifically. The office component of the project will complement the office uses at Hillcrest Office Park across the street while providing an attractive land use adjacent to the RVCC 10<sup>th</sup> Fairway. The one minor change in the rationale is the desire for a “pad-lot style” commercial office project; this is an ownership and land configuration pattern that has been accepted by the market and financing entities and is relatively easy to administer from a real estate management perspective.

**K. Land Division:** The proposed land division is depicted on the Tentative Plat, *see Exhibit 8*. The land division plan proposes the creation of up to 6 individual lots to be occupied by buildings and their immediately surrounding landscaping. These individual “building lots” are adjacent to common area where parking, circulation and project landscaping are located. The land division will also formally separate a parcel to the south that was physically separated from the subject property when North Phoenix Road was extended to connect to Foothills Road over ten years ago by the City of Medford; this parcel is not part of the existing or revised PUD.

**9. Neighborhood Meeting:** The Applicant conducted a neighborhood meeting in accordance with the requirements of the MLDC. Attached to this land use application are the Neighborhood Meeting Certificate of Mailing Form and the Neighborhood Meeting Verification Form. The meeting was held at 6:00PM on July 16, 2014 at the Rogue Valley Country Club and was attended by seven property owners (sign-up sheet attached) and the Applicant representatives Jay Harland and Randy Jones.

**10. Impacts to Essential (Category “A”) Public Facilities:** Due to the reduction in office building sizes, and associated modification to Discretionary Condition #2, this amendment is not expected to have an appreciable effect on the demand for Category A public facilities when compared to the current and valid PUD approval. Similarly, the revised lot

layout for the office buildings is not expected to have an appreciable effect on the demand for Category A public facilities when compared to the current and valid PUD approval.

V

**CONCLUSIONS OF LAW**

The following conclusions of law are based on the evidence enumerated in Section II and the findings of fact contained above in Section IV of this document and relate to the approval criteria for a Preliminary PUD Plan and Tentative Subdivision Plat Approval. The approval criteria are recited verbatim below and are followed by the conclusions of law of the Planning Commission:

**A. PLANNED UNIT DEVELOPMENT**

***Planned Unit Development (PUD) Approval Criteria***

***PUD Revision Criterion 1***

**10.245 Revision or Termination of a PUD**

- 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 minimis, 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.

**Conclusions of Law:** Based upon the facts found in Item #5 of the Findings of Fact in Section IV above, the Planning Commission concludes that Mike Mahar is the Applicant and that he owns more than 50% of the vacant land covered by the approved PUD and also owns more than 50% of the total assessed value of the of the vacant portion of the PUD. Based upon the record, the Planning Commission further concludes that the Applicant has provided all the requisite materials for the nature and scope of the PUD revision. Based upon the balance of the conclusions of law provided herein, the Planning Commission further concludes that the PUD revision has followed the same procedures used for the initial approval.

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***PUD Revision Criterion 2***

- 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.

**Conclusions of Law:** The Planning Commission concludes that the Applicant has not requested approval of a Final PUD Plan and the existing PUD has an approved Final PUD



Plan. The existing Final PUD plan will remain in effect until a revised Final PUD plan consistent with the PUD revision approved herein has been approved by the Planning Commission.

\*\*\*\*\*

***PUD Revision Criterion 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.

**Conclusions of Law:** The Planning Commission concludes that its review has properly been limited to the specific nature and magnitude of the proposed revision and the revision has properly relied upon the design and development aspects of the whole PUD. The Planning Commission further concludes that there is nothing about the proposal that reduces the size of the buildings by approximately one third to accommodate medical office uses and switches the land ownership pattern for office component to a "pad-lot style" from individual lots that would render the revisions incompatible in any way with the existing developed portions of the whole PUD.

\*\*\*\*\*

**10.235 Preliminary PUD Plan - Application Procedures.**

- D. **Approval Criteria for Preliminary PUD Plan:** The Planning Commission shall approve a Preliminary PUD if it concludes that compliance exists with each of the following criteria.<sup>3</sup>

***PUD Criterion 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 ownership, or
  - e. is otherwise required by the Medford Land Development Code.

**Conclusions of Law:** Based upon the evidence, the Planning Commission concludes the existing PUD includes a mix of residential and commercial uses and the revised PUD will also contain a mix of residential and commercial land uses.

\*\*\*\*\*

***PUD Criterion 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

<sup>3</sup> The Applicant observes that the Planning Commission is under the same obligation to apply the criteria to a revision as it was the original application and that retention of previously imposed conditions that are not necessary to satisfy the relevant substantive criteria is no more proper than imposition of such conditions on the original approval.



- 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.

**Conclusions of Law:** The Planning Commission concludes that there is nothing in the proposed PUD revisions that changes the rationale and basis for the code modifications under the PUD ordinance already approved. The Planning Commission further concludes that the additional code modifications concerning setbacks and lot coverage are typical for “pad-style” commercial office developments where the interior lots for buildings are very close to the exterior building lots themselves and are appropriate for the following reasons:

- The Planning Commission concludes the new code modifications to allow reduced setbacks and increased lot coverage are the direct result of the minor change in PUD rationale to create “pad-lot style” building lots for the office commercial building lots.
- The Planning Commission concludes the new code modifications to allow reduced setbacks and increased lot coverage are more creative and desirable because they allow the common areas to be designed and managed as a unit which will yield a more consistent appearance over the life of the project.
- The Planning Commission concludes that one of the reasons that office commercial projects are moving to the “pad-lot style” configurations is precisely because it creates a common open space area that is jointly owned and managed by the commercial office building owners. This arrangement is beneficial to both the safety, capacity and efficiency of the circulation system and to the development as a whole, because that circulation system is owned in common by the owners of the buildings who use it for parking and circulation. The proposed setback and lot coverage code modifications are necessary to create this type of property configuration in a land efficient manner.

\*\*\*\*\*

***PUD Criterion 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.

**Conclusions of Law:** The Planning Commission concludes the existing approved PUD was not found to be subject to any of the above and there is nothing in the application revision that would cause the PUD revision to be subject to any of the above.

\*\*\*\*\*

***PUD Criterion 4***

- 4. The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.



**Discussion; Conclusions of Law:** The Planning Commission concludes that the proposed common elements will provide for appropriate parking and landscaping for a variety of commercial office uses – including medical office – and that this change is the central basis upon which the PUD revisions have been requested.

\*\*\*\*\*

***PUD Criterion 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 or less than for one or more permitted use 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 on 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.

**Conclusions of Law:** The Planning Commission concludes that nothing about the reduced building sizes to allow for a full complement of office commercial uses is expected to affect the demand for public sanitary sewerage collection and treatment or water supply or storm drainage or public streets.

\*\*\*\*\*

***PUD Criterion 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.

**Conclusions of Law:** The Planning Commission concludes the PUD revision sought herein is entitled to rely upon approved portions of the PUD and the office uses not permitted in the SFR-4 zoning district were approved under the existing PUD approval and the scope and nature of this revision does not require these uses to be approved anew.

\*\*\*\*\*

***PUD Criterion 7***

7. If approval of the PUD application includes the division of land or the approval of other concurrent development permit 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.

**Conclusions of Law:** The Planning Commission concludes the Applicant is requesting land division and the application has addressed the approval criteria for land division.

\*\*\*\*\*



**B. LAND DIVISION – TENTATIVE SUBDIVISION PLAT**

**Land Division Approval Criteria**

**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, and all applicable design standards set forth in Article IV and V;

**Discussion; Conclusions of Law:** The Planning Commission concludes there are no specific plans applicable to this area and there are no goals or policies that function as approval criteria for the subject application. The Planning Commission further concludes that the design complies with all applicable design standards of Article IV and V except modifications to the code specifically approved under the PUD ordinance and where lot size and dimensions are varied from the base zoning district standards by approval of the PUD herein above.

\*\*\*\*\*

**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:** The land division proposed does not change the accessibility or developability of the remainder of the property or the adjacent property in any way. The adjacent property to the west has already been lotted for residential development. The property adjacent to the south contains the 10<sup>th</sup> Fairway of the Rogue Valley Country Club Golf Course. As such, the property is already fully developed and accessible from the rest of the course. As small triangle of the Applicant’s property has been developed and maintained as part of the existing golf course. The Applicant intends to quit claim this portion of the property to the golf course following the completion of this action.

The remainder of the subdivided property to the southeast is already physically separated from the rest of the property due to the construction of North Phoenix Road. The remainder has legal access for development from the adjoining subdivision. Based upon the Evidence in Section II and the Findings of Fact in Section IV, the Planning Commission concludes that there is no property under the same ownership or adjoining land that will be prevented from developing as a result of the proposed land division.

\*\*\*\*\*

**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;



**Conclusions of Law:** The proposed subdivision is to retain the name previously approved- 10<sup>th</sup> Fairway Office Park, which is part of the 10<sup>th</sup> Fairway Subdivision.

\*\*\*\*\*

**Land Division Criterion 4**

- (4) Includes the creation of streets, that such streets are laid out to conform, within the limits of the City of Medford and its Urban Growth Boundary, to 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;

**Discussion; Conclusions of Law:** The Planning Commission concludes the proposed land division will not create any new public streets and the private street Signature Court has already been substantially constructed.

\*\*\*\*\*

**Land Division Criterion 5**

- (5) Has streets that are proposed to be held for private use, that they are distinguished from the public street on the tentative plat, and reservations or restrictions relating to the private streets are set forth;

**Conclusions of Law:** The Planning Commission concludes Signature Court is distinguished as a private street on the plat. *See*, Exhibit 8.

\*\*\*\*\*

**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.

**Discussion; Conclusions of Law:** Based upon the evidence, the Planning Commission concludes the project is a considerable distance from the nearest EFU district and will not, therefore, create an unmitigated land use conflict with adjoining agricultural lands.

\*\*\*\*\*

VI

ULTIMATE CONCLUSIONS

Based upon the preceding findings of fact and conclusions of law, it is ultimately concluded that the case for revision to the Preliminary PUD Plan approval and a new Tentative Subdivision Plat approval is consistent with all of the relevant criteria in the Medford Land Development Code (MLDC) as hereinabove enumerated and addressed.

**Findings Dated: December 29, 2014**

Respectfully submitted on behalf of Applicant:

CSA Planning, LTD.



Jay Harland  
Consulting Planner



Continuous Improvement Customer Service

**CITY OF MEDFORD**

**RECEIVED**  
MAR 18 2015  
PLANNING DEPT.

Date: 3/18/2015  
File Number: PUD-15-011/LDS-15-012

**PUBLIC WORKS DEPARTMENT STAFF REPORT  
10<sup>th</sup> FAIRWAY OFFICE PARK**

**Project:** Consideration of a request for a revision to 10th Fairway Office Park Planned Unit Development and tentative plat for a 7-lot commercial subdivision on two parcels totaling 3.79 acres.

**Location:** Located on the south side of North Phoenix Road, approximately 370 feet south of Hillcrest Road. 371W28A TL 3306 & 371W28AA TL 202

**Zoning:** SFR-4 (Single Family Residential – 4 dwelling units per gross acre) and C-S/P/RZ (Service Commercial and Professional Office/Restricted Zoning).

**Applicant:** Michael T. Mahar

**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
- Submittal and approval of plans for public improvements and work within the public right-of-way, if required.

**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.

**The City of Medford Planning Commission and Public Works Department's conditions of Approval for PUD-04-161 were adopted by Order of the Medford Planning Commission. These adopted conditions shall remain in full force as originally adopted except as amended or added to below.**

**A. STREETS**

**1. Dedications**

**No right-of-way dedication is required. North Phoenix Road** is classified as a major arterial street, and in accordance with Medford Land Development Code (MLDC) Section 10.428, it requires a total right-of-way width of 100 feet. The existing right-of-way appears to be 100 feet.

In accordance with MLDC 10.471, **the property owner shall dedicate a 10 foot wide public utility easement (PUE)** adjacent to the right-of-way line on North Phoenix Road.

**2. Public Improvements**

**a. Public Streets**

All standard street section improvements have been completed on North Phoenix Road, including pavement, curb and gutter and sidewalk. **No additional street improvements will be required.**

**b. Street Lights**

The Developer shall protect and preserve all existing street lighting, power supply, and appurtenances. All street lights and signing outside of the public right-of-way will be private and maintained by the Property Owners Association.

**c. Pavement Moratoriums**

There is no pavement cutting moratorium on North Phoenix Road at this frontage.

**3. Access and Circulation**

The access to this site from North Phoenix Road may be restricted to right-in/right-out vehicle turning movements in the future.

**4. Traffic Generation**

**This site is currently under restrictive zoning with trip cap limitations. Trip generation limits will need to be addressed with the Public Works Traffic Division.**

**B. SANITARY SEWERS**

**A separate private sanitary sewer lateral shall be constructed to each buildable tax lot** prior to approval of the Final Plat. All public sanitary sewers shall be constructed to the standards of the Department of Environmental Quality in addition to standards approved by the City of Medford. The city requires that all public sanitary sewer mains be located within paved

roadways. If the sanitary sewer mains are located within private streets an Access and Maintenance easement will be shown on the Final Plat for City access and maintenance of the sanitary sewer mains.

### **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 building permit application for approval.

Upon completion of the project, the developer's design engineer shall certify that the construction of the controlled storm water release drainage system was constructed per plan.

#### **2. Grading**

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

#### **3. Detention and Water Quality**

Storm water quality and detention facilities shall be required in accordance with Medford Land Development Code 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. 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 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: Kris Lillie, RH2 Engineering

**SUMMARY CONDITIONS OF APPROVAL**  
**10<sup>th</sup> Fairway Office Park**  
**PUD-15-011 / LDS-15-012**

**A. Streets**

**Street Dedications to the Public:**

No street dedications are required for this development.

**Improvements:**

No additional street improvements are required for this development.

**Traffic Generation:**

Restrictive Zoning needs to be addressed.

**B. Sanitary Sewer:**

**Provide a separate private sanitary sewer lateral to each buildable tax lot.**

**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.

**D. Survey Monumentation:**

Complete survey monumentation prior to the final "walk through" inspection of the 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.**



# Medford Fire Department

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

**RECEIVED**

**MAR 18 2015**

**PLANNING DEPT.**

## LAND DEVELOPMENT REPORT - PLANNING

To: Sarah Sousa

LD Meeting Date: 03/18/2015

From: Greg Kleinberg

Report Prepared: 03/10/2015

Applicant: Michael T. Mahar, Applicant (CSA Planning Ltd., Agent)

File #: PUD - 15 - 11

Associated File #'s: LDS - 15 - 12

Site Name/Description: Revision to 10th Fairway Office Park PUD

Consideration of a request for a revision to 10th Fairway Office Park Planned Unit Development and tentative plat for a 7-lot commercial subdivision on two parcels totaling 3.79 acres located on the south side of North Phoenix Road, approximately 370 feet south of Hillcrest Road, within an SFR-4 (Single Family Residential - 4 dwelling units per gross acre) and C-S/P/RZ (Service Commercial and Professional Office/Restricted Zoning) zoning district; Michael T. Mahar, Applicant (CSA Planning Ltd., Agent). Sarah Sousa, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE
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**Requirement FIRE HYDRANTS**

OFC

508.5

Fire hydrants with reflectors will be required for this project.

Hydrant locations shall be as follows: Two (2) new internal fire hydrants will be required.

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 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 PRIVATE FIRE DEPARTMENT ACCESS PARKING RESTRICTION**

OFC

503.4

Curbs at the entrance driveway shall be painted red and stenciled as stated below.

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

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



# Medford Fire Department

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## LAND DEVELOPMENT REPORT - PLANNING

To: Sarah Sousa

LD Meeting Date: 03/18/2015

From: Greg Kleinberg

Report Prepared: 03/10/2015

Applicant: Michael T. Mahar, Applicant (CSA Planning Ltd., Agent)

File #: PUD - 15 - 11

Associated File #'s: LDS - 15 - 12

Site Name/Description: Revision to 10th Fairway Office Park PUD

widths (20' wide) and clearances (13' 6" vertical) shall be maintained at all times (OFC 503.4; ORS 98.810-12).

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

### Requirement FD APPARATUS ACCESS ROAD DESIGN

OFC

503.2.1

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

(See also OFC 503.4; D102.1)

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

**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.**



# Memo

RECEIVED  
MAR 18 2015  
PLANNING DEPT.

**To:** Sarah Sousa, Planner, Planning Department  
**From:** Tanner Fairrington, Building Department  
**CC:** Michael T. Mahar, Applicant; CSA Planning Ltd., Agent  
**Date:** March 17, 2015  
**Re:** March 18, 2015 LDC Meeting: PUD-15-011 / LDS-15-012 – Item #1

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***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](http://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](http://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 ensure accessible routes are provided from accessible parking spaces to main entrances.
6. Evaluating the parking lot for turning movements for anticipated vehicles is recommended.

CITY OF MEDFORD  
EXHIBIT # K  
File # PUD-15-011 / LDS-15-012

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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:** PUD-15-011 & LDS-15-012  
**PARCEL ID:** 371W28A TL 3306 & 371W28AA TL 202  
**PROJECT:** Consideration of a request for a revision to 10th Fairway Office Park Planned Unit Development and tentative plat for a 7-lot commercial subdivision on two parcels totaling 3.79 acres located on the south side of North Phoenix Road, approximately 370 feet south of Hillcrest Road, within an SFR-4 (Single Family Residential – 4 dwelling units per gross acre) and C-S/P/RZ (Service Commercial and Professional Office/Restricted Zoning) zoning district; Michael T. Mahar, Applicant (CSA Planning Ltd., Agent). Sarah Sousa, Planner.  
**DATE:** March 16, 2015

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MAR 19 2015  
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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. The existing water meters and fire hydrants that are currently installed on-site shall be protected in place.
4. Applicants' civil engineer shall coordinate with MWC engineering staff in regards to proposed cover over existing water main, and grades of existing water meters and fire hydrants.
5. The 8-inch water line that is currently installed across these parcels doesn't have a recorded easement. Applicants' surveyor shall coordinate with MWC engineering department for new easement over these existing water facilities.
6. 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.

*Continued to next page*



*Continued from previous page*

2. On-site water facility construction is not required.
3. Static water pressure is expected to be around 65 psi.
4. MWC-metered water service does exist to this property. There is existing water meters on-site per previous construction plans from 2005. (See Condition 3 and 4 above)
5. Access to MWC water lines is available. There is an existing 8-inch water line located on-site that was installed in 2005 through this proposed development with Phase 1. (see Condition 5 above)



CITY OF MEDFORD  
Interoffice Memo

RECEIVED  
MAY 01 2015  
PLANNING DEPT.

TO: Planning Department  
FROM: Pete Young, Parks & Recreation Planner  
SUBJECT: LANDSCAPE / IRRIGATION REVIEW OF FILE PUD-15-011/LDS-15-012  
DATE: April 22, 2015

I have reviewed the applicant's landscape plan and have the following comments:

1. The following Landscape Plan information required in Municipal Code 10.780 is missing:

**F. Landscape Plan and Irrigation Plan Requirements, (3) Plan Information.** *The landscape or irrigation plan shall include the following:*

*c. Site information:*

7. *Clear vision areas in accordance with Section 10.735, Clear View of Intersecting Streets.*
8. *Stormwater management facilities.*
10. *Total square footage of landscaping areas noted on the cover page.*
11. *Total square footage of parking area planters noted on the cover page.*

Because this review follows a relatively new code provisions, staff recommends the applicant be allowed to make the corrections to the application during the irrigation review process which follows this landscape plan review. The plan is generally an excellent landscape plan requiring minimal changes.

2. There are several trees shown within parking lot planter beds that do not appear to meet the code provision copied below without the use of structural soils.

The applicant is directed to provide *"at least two cubic feet of soil volume...for each one square foot of tree canopy at maturity"*.

The applicant can accomplish this by:

- 1) Moving the trees shown within the narrow parking lot planter beds along the southerly edge of the parking lot to be within the long frontage landscape bed where the tree roots have a more direct access to the proper volume of soil;
- 2) Indicate the use of structural soils by placing the structural soils hatch pattern on all of the trees that will require structural soil. An example is the *Pistacia chinensis*, with a canopy spread of 30' or more shown along the southerly edge of the parking lot with no hatch pattern calling for the installation of structural soils; and/or
- 3) Replace the trees with a species that will grow to a smaller mature tree canopy. This may also be beneficial in planter beds that have parking lot lights. Caution must be given to ensure the required number of large parking lot trees remain, but there are many more trees

CITY OF MEDFORD

EXHIBIT # m

File # PUP-15-011/LDS-15-012

in the proposed plan than are required.

***Municipal Code 10.780, (10) Tree Requirements.***

***a. Soil Volume:***

*Each new or existing tree shall have sufficient soil volume to establish and maintain a root system that will support the tree at maturity. For each tree, at least two cubic feet of soil volume is required for each one square foot of tree canopy at maturity.*

- 1. Soil volume is calculated as the landscaping area under the tree canopy, free of impervious surface or paving, and measured at a depth of three (3) feet.*
- 2. For trees within parking area planters or sidewalk planters, in lieu of the soil volume provisions above, structural soil may be utilized as an alternative material under impervious surfaces to meet the required soil volume calculation.*

3. Light poles appear to be shown within parking lot planter beds in conflict with the mature tree canopy. Staff recommends trees that will grow tall enough to be in conflict with the lights be removed from the plan or replaced with a shorter tree species.

4. The Clear View Triangle is not marked on the landscape plan. Staff will need to confirm that the Salix purpurea 'Nana' - Dwarf Arctic Willow which grows to 5 feet or more, will not obstruct the clear vision of the project entry.

5. The project storm water facility is not indicated on the landscape plan as required, so staff is not able to determine if there is an above ground detention facility and if the landscaping is acceptable.

6. Municipal Code requires the applicant include on the landscape plan "The total square footage of all landscaping areas and total percentage of landscaping areas containing high water use landscape elements, as defined herein." It appears the proper ratios have been applied to the proposed landscape plan, but the applicant needs to provide the proper evidence of compliance.

This report addresses horticultural concerns only. Applicant shall comply with all aspects of Medford Code 10.780 Interpretation of the Medford Code will be per the Planning Department. Aesthetic considerations will be per the Site Plan and Architectural Review Commission or Planning Commission upon their review.



# JACKSON COUNTY

Roads

**Roads  
Engineering**

**Kevin Christiansen  
Construction Manager**

200 Antelope Road  
White City, OR 97503  
Phone: (541) 774-6255  
Fax: (541) 774-6295  
christke@jacksoncounty.org

www.jacksoncounty.org

March 16, 2015

**RECEIVED**

**MAR 17 2015**

**PLANNING DEPT.**

Attention: Sarah Sousa  
Planning Department  
City of Medford  
200 South Ivy Street, Lausmann Annex, Room 240  
Medford, OR 97501

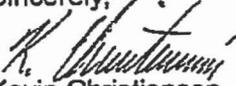
RE: Revision of subdivision off North Phoenix Road – a city-maintained section of the road.  
Planning File: PUD-15-011/LDS-15-012.

Dear Sarah:

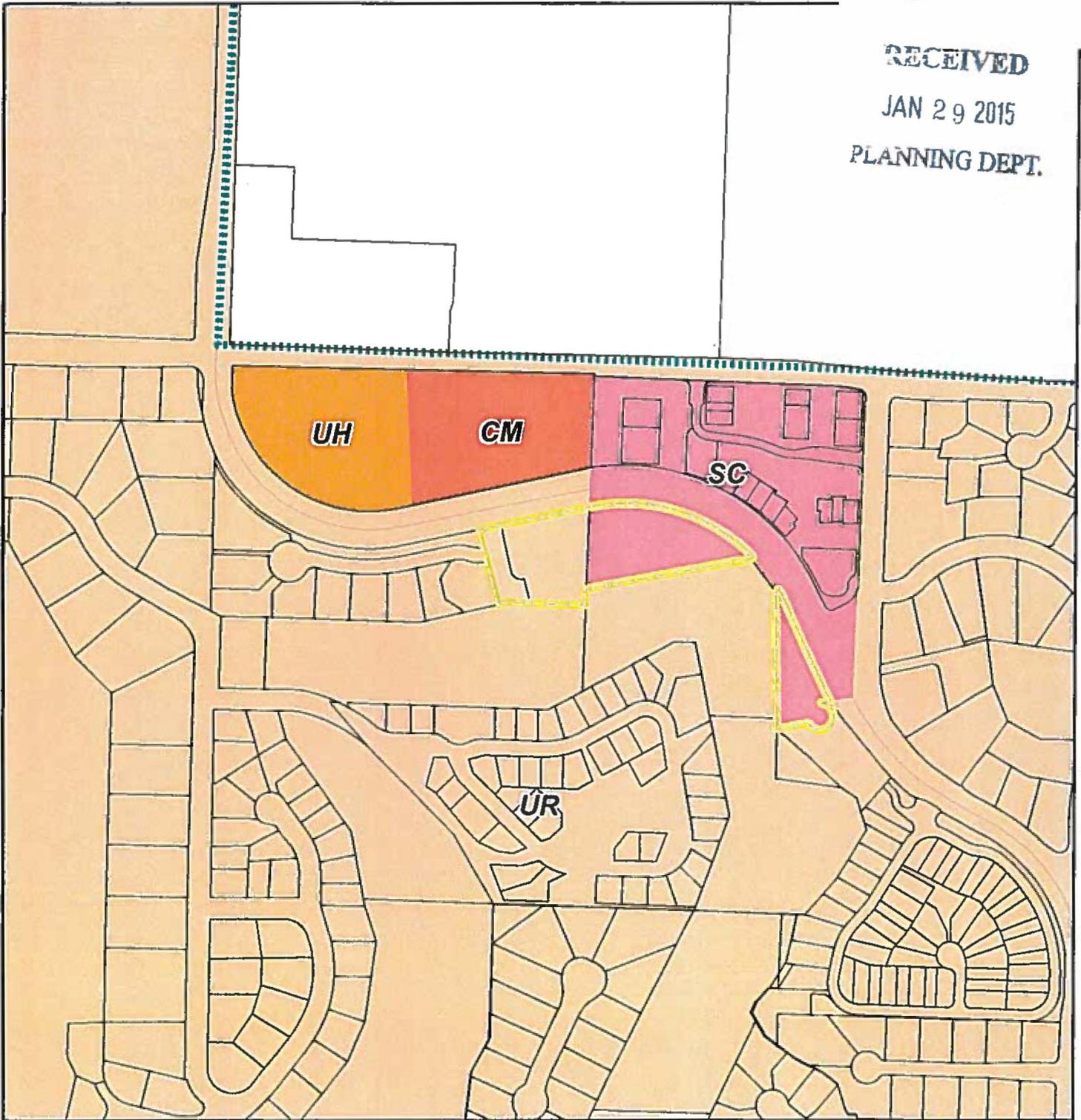
Thank you for the opportunity to comment on the consideration for a revision to 10<sup>th</sup> Fairway Office Park Planned Unit Development and tentative plat for a 7-lot commercial subdivision on two parcels totaling 3.79 acres located on the south side of North Phoenix Road, approximately 370 feet south of Hillcrest Road, within an SFR-4 (Single Family Residential – 4 dwelling units per gross acre) and C-S/P/RZ (Service Commercial and Professional Office/Restricted Zoning) zoning district. Jackson County Roads has no comments.

If you have any questions or need further information feel free to call me at 774-6255.

Sincerely,

  
Kevin Christiansen  
Construction Manager

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JAN 29 2015  
PLANNING DEPT.



**Legend**

- |   |  |
|---|--|
|  Subject               | <b>Medford GLUP</b>  |
|  Tax Lots              |  CM |
|  Urban Growth Boundary |  SC |
|  County                |  UH |
|   |  UR |

**General Land Use Plan - GLUP**

Tenth Fairway P.U.D. Revision



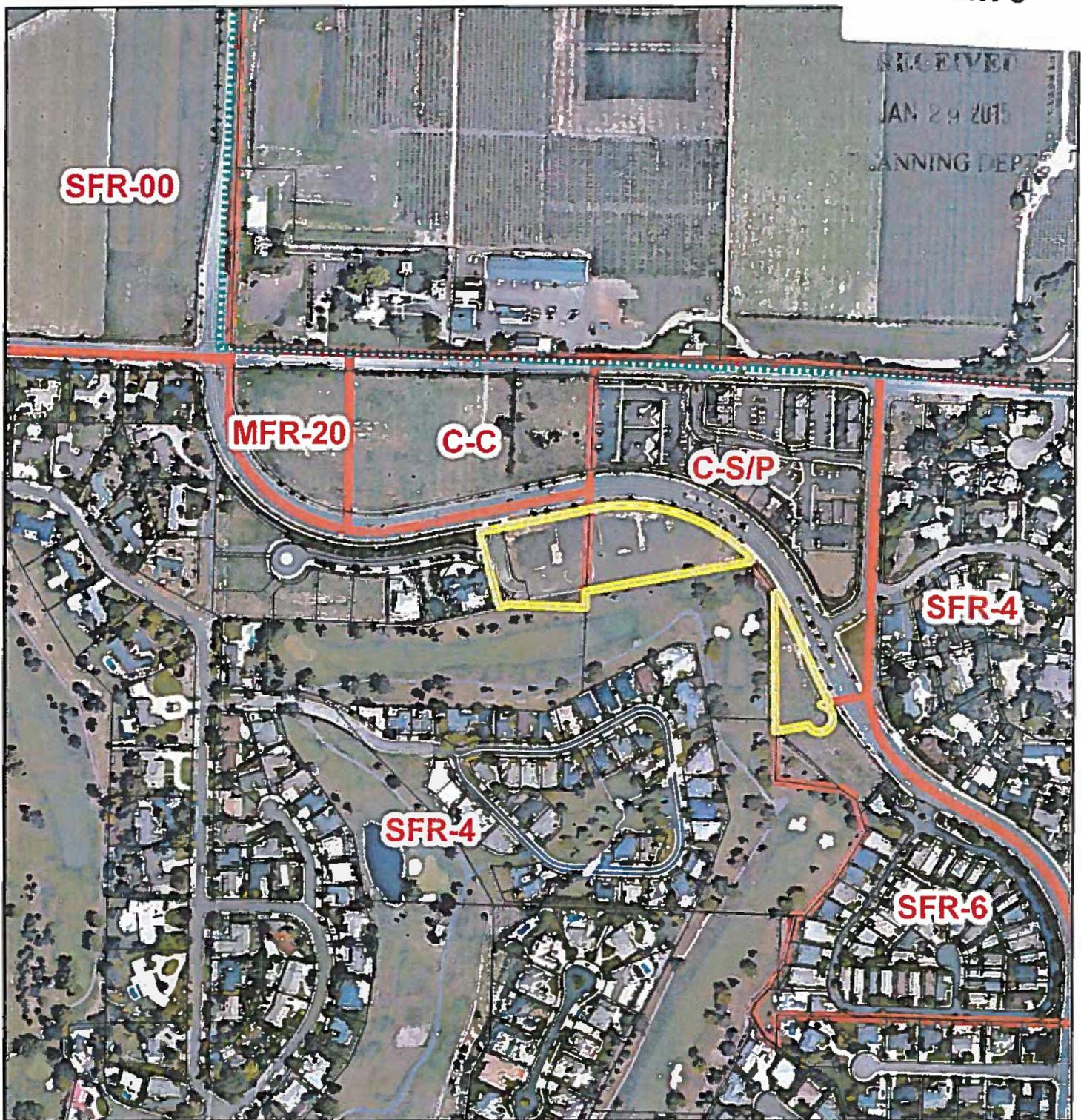
CSA Planning, Ltd.

CITY OF MEDFORD  
1 inch = 400 feet  
EXHIBIT # 1

Nov. 20, 2014 Source: CSA Planning, Ltd., Medford, OR. Includes: 12/15/14

14

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JAN 29 2015  
PLANNING DEPT



**Legend**

-  Subject
-  Tax Lots
-  Urban Growth Boundary
-  Medford Zoning

2012 Aerial

**Zoning on Aerial**

Tenth Fairway P.U.D. Revision

CITY OF MEDFORD  
EXHIBIT # P  
File # PLD-15-01/15-012



 CSA Planning, Ltd.

1 inch = 400 feet

Nov. 20, 2014 Source: CSA Planning, Ltd.; Medford GIS; Jackson County GIS

RECEIVED

EXHIBIT 6  
JAN 29 2015



**Legend**

-  Subject
-  Tax Lots
-  Urban Growth Boundary

**2012 Aerial**

Tenth Fairway P.U.D. Revision

CITY OF MEDFORD

EXHIBIT # Q

File # PUD-1504/LDS-1502



1 inch = 200 feet



CSA Planning, Ltd.

Nov. 20, 2014 Source: CSA Planning, Ltd.; Medford GIS; Jackson County GIS

16

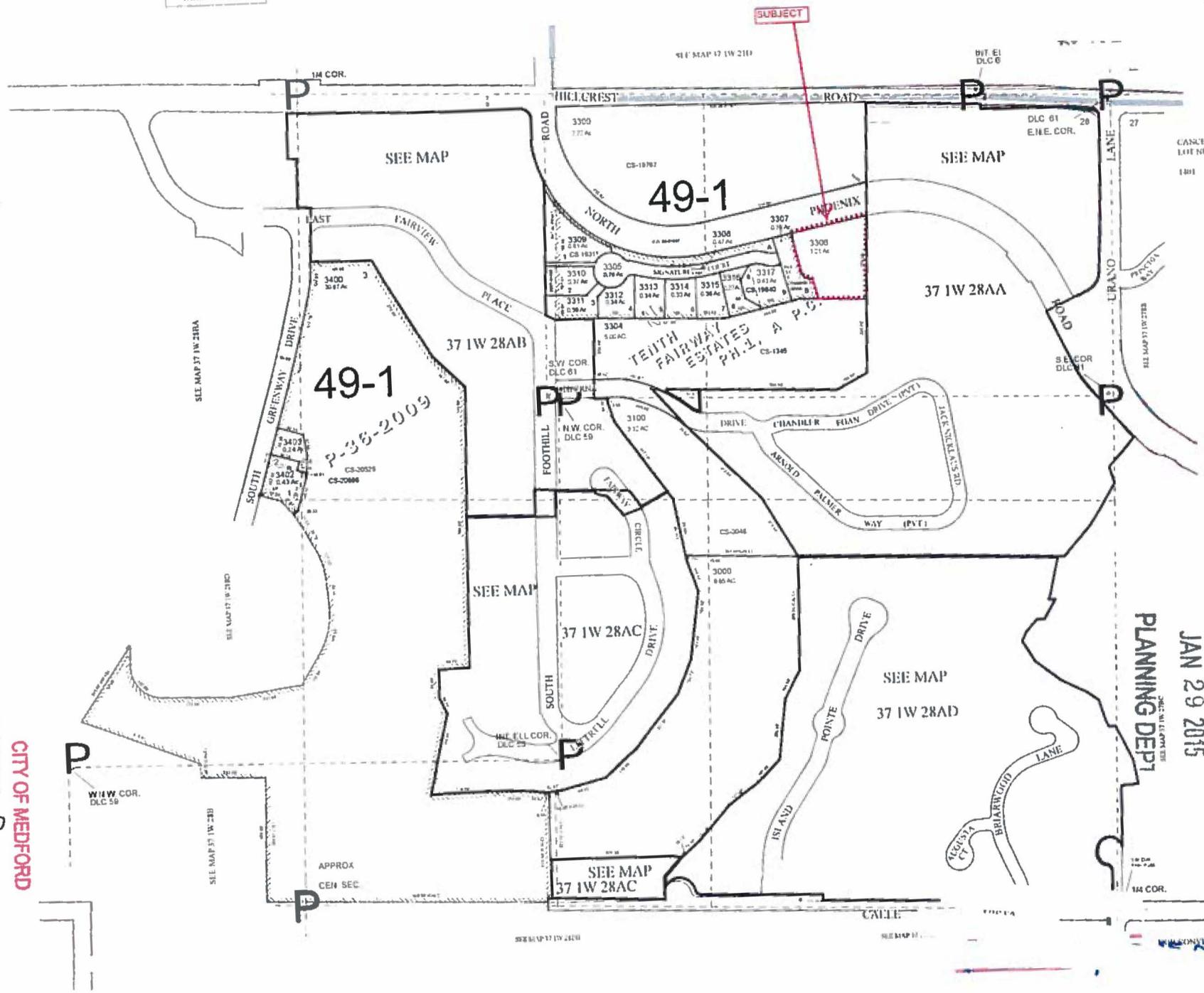
N.E. 1/4, SEC. 28, T. 37S., R. 1W., W.M.  
JACKSON COUNTY  
1" = 200'

EXHIBIT 2

1 of 2

37 1W 28A  
MEDFORD

FOR ASSESSMENT AND  
TAXATION ONLY



CANCELLED TAX  
LOT NUMBERS  
1401

**RECEIVED**  
JAN 29 2015  
PLANNING DEPT

37 1W 28A  
MEDFORD

APRIL 11, 1999

Page 88

CITY OF MEDFORD

EXHIBIT # R

File # PUD-15-011 / LDS-15-012

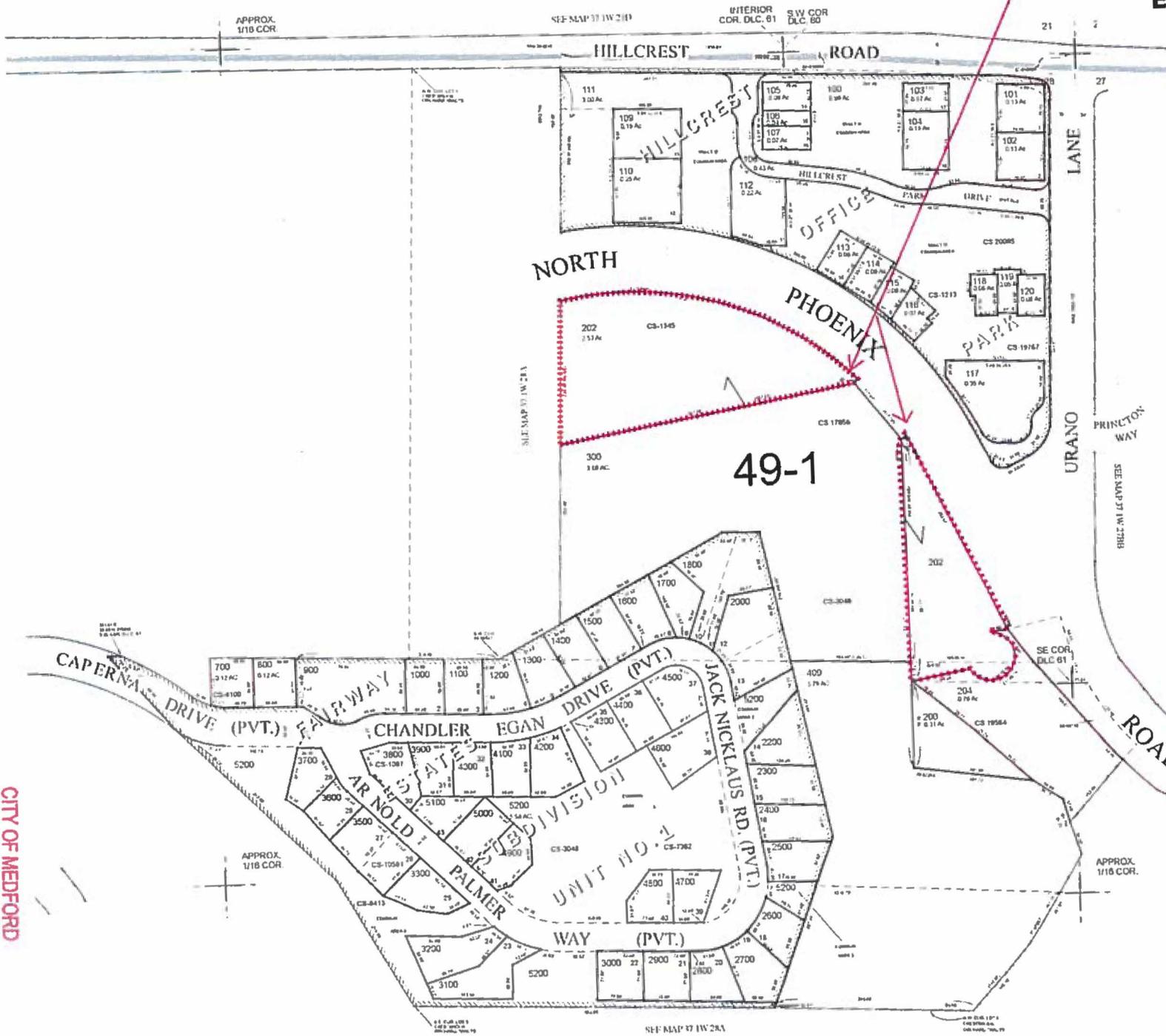
1 of 2

N.E.1/4. N.E.1/4. SEC.28, T.37S., R.1W., W.M.  
JACKSON COUNTY  
1" = 100'

37 1W 28AA  
MEDFORD

FOR ASSESSMENT AND  
TAXATION ONLY

EXHIBIT 2  
2 of 2



CANCELLED TAX  
LOT NUMBERS

1900
201
204
2100
3800
400
5300
5800

RECEIVED  
JAN 29 2015  
PLANNING DEPT

37 1W 28AA  
MEDFORD

FOR CONVERSION APRIL 13, 1999  
REV. SEPTEMBER 20, 2012

CITY OF MEDFORD

EXHIBIT # R

File # PUD-15-011 / 405-15-012

2 of 2

**RECEIVED**  
APR 29 2015  
PLANNING DEPT.

Letter to Sarah Sousa

April 27, 2015

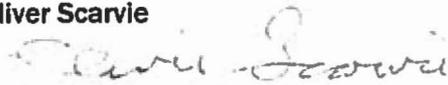
Dear Sara Sousa:

In reference to the Public Hearing - Thursday May 14th, 2015 - 5:30 PM - Medford City Council Chambers - City Hall - 411 W@. 8th Street - I have the following input:

1. My Name is: Oliver Scarvie  
My Address is: 3245 Chandler Egan Drive (Residence directly South of the above Planned Unit).
2. In case I am unable to attend the Public Meeting, I request the following considerations:
  - a. Construction during the summer months will naturally raise a lot of dust. Therefore, I request maximum efforts be applied to keep the dust level minimal.
  - b. With the installation of the Unit outdoor lighting fixtures, I request the illumination be directed downward with minimal brightness.
3. I do not object to the building but wish to keep the dust output at a minimum. Also, the lighting should point down and be of minimal brightness.
4. Thank-you for provided this method of expressing my concerns.
5. I hope they will acted on in a proper manner.

Sincerely yours,

Oliver Scarvie



cc. Mack Gossett



# Vicinity Map

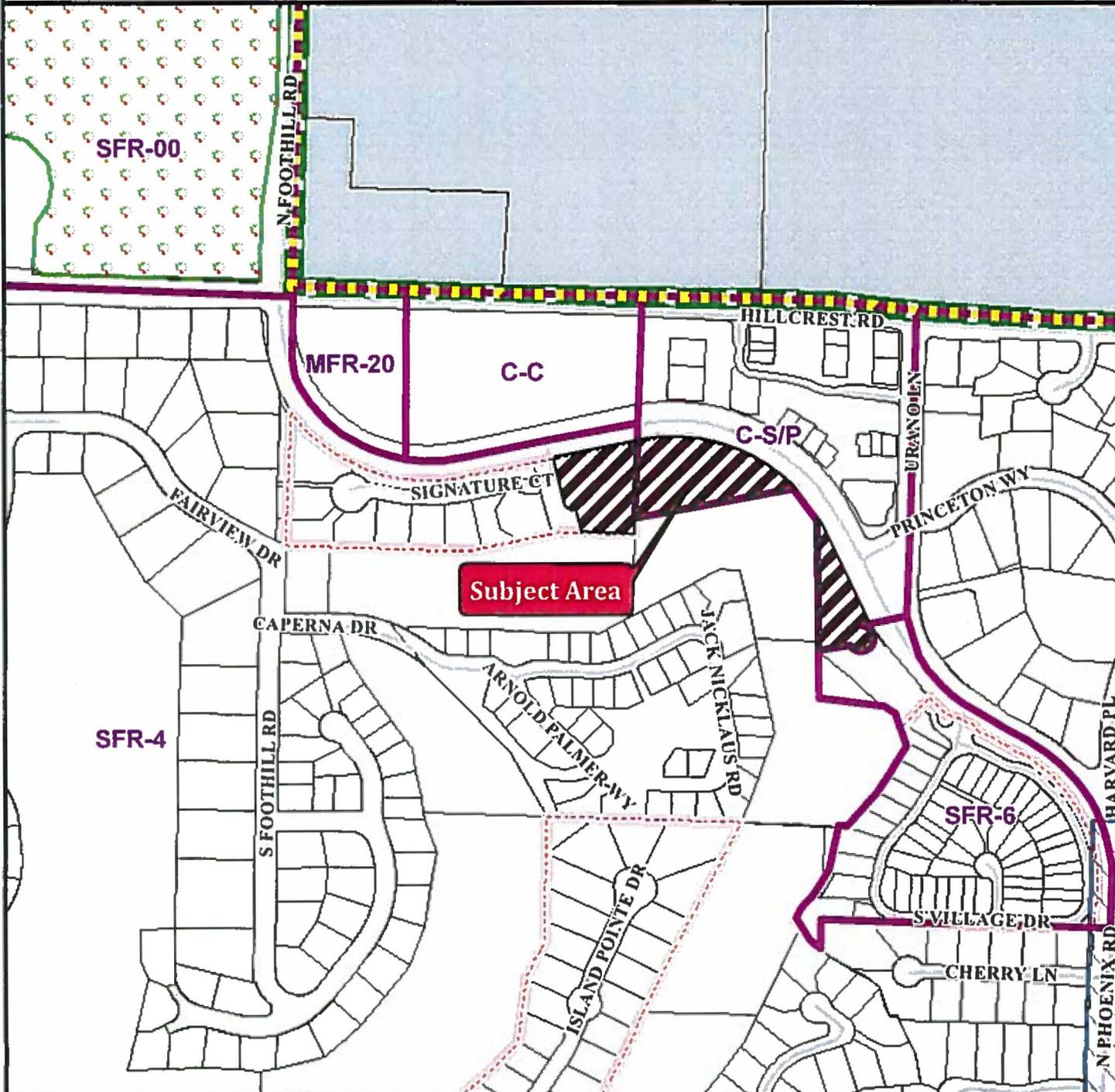
Application Name/Description:  
**10th Fairway Office  
Park PUD**

Proposal:  
**Revisions to PUD and  
7 lot subdivision**

File Numbers:  
**PUD-15-011 & LDS-15-012**

Applicant:  
**Michael T. Mahar**

Map/Taxlot:  
**371W28A TL 3306  
371W28AA TL 202**



-  Subject Area
-  Medford Zoning
-  UGB
-  Tax Lots
-  City Limits
-  PUD



02/27/2015