

PLANNING COMMISSION

AGENDA

MAY 28, 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 28, 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)

20.1. **PUD-15-011 / LDS-15-012** Final Orders for 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.

30. Minutes

30.1. Consideration for approval of Minutes from the May 14, 2015, meeting.

40. Oral and Written Requests and Communications

50. Public Hearings—New Business

50.1. **SV-15-023** Consideration of a request to vacate a portion of a public alley measuring 16 feet in width and 150 linear feet located between East Main Street and Euclid Avenue, approximately 295 feet east of Academy Place. Raimond Peterson, Elizabeth Martin, Joseph Henry, and Karen Henry, Applicants; Neathamer Surveying, Inc., Agent.

50.2 **PUD-15-043 / LDS-15-044** Consideration of a request for a revision to the Cedar Landing Planned Unit Development (PUD) and for approval of the tentative plat for High Cedars Subdivision Phases 1 through 5. The PUD revision request applies only to the portion south of Cedar Links Drive and consists of: 1) reconfiguring the entire area into the High Cedars subarea, phases 1 through 5; 2) changing all commercial, multi-family, and condominium uses to single family detached residential; 3) removing the below grade pedestrian crossing at Cedar Links Drive; 4) creating a single access point to Foothill Road at Normil Terrace and eliminating the second access point at Tree Top Drive; and 5) relocating pedestrian 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; CSA Planning Ltd., 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
 - 70.1 Downtown Design Committee
- 80. Remarks from the City Attorney
- 90. Propositions and Remarks from the Commission
- 100. Adjournment

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE PUD-15-011)
APPLICATION FOR REVISION TO 10th FAIRWAY OFFICE PARK SUBMITTED) ORDER
BY MICHAEL T. MAHAR)

ORDER granting approval 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.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.245(A), Revision of a Preliminary or Final Planned Unit Development Plan; and
2. The Medford Planning Commission has considered in an open meeting the applicant's 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; and
3. Evidence and recommendations were received and presented by the applicant's representative and Planning Department staff; and
4. After consideration and discussion, the Medford Planning Commission, upon a motion duly seconded, 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.

THEREFORE LET IT BE HEREBY ORDERED that the approval 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, per the Planning Commission Report dated May 14, 2015.

Accepted and approved this 28th day of May, 2015.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF TENTATIVE PLAT APPROVAL OF)
) ORDER
10TH FAIRWAY OFFICE PARK [LDS-15-012])

ORDER granting approval of a request for tentative plat approval for 10th Fairway Office Park.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.265 through 10.267; and
2. The Medford Planning Commission has duly held a public hearing on the request for consideration of tentative plat 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, and a revision to 10th Fairway Office Park Planned Unit Development, 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, with the public hearing a matter of record of the Planning Commission on May 14, 2015.
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat approval and directed staff to prepare a final order with all conditions and findings set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for 10th Fairway Office Park stands approved per the Planning Commission Report dated May 15, 2015, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Planning Commission Report dated May 14, 2015.

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

Accepted and approved this 28th day of May, 2015.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



Planning Department

Working with the community to shape a vibrant and exceptional city

PLANNING COMMISSION REPORT

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

PROJECT 10th Fairway Office Park PUD
Applicant: Michael Mahar; Agent: CSA Planning

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

DATE May 14, 2015

BACKGROUND

Proposal

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 (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 10th Fairway PUD is located near the 10th 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.

Decision: The Commission voted to approve the request to allow both medical and general office uses.

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.

Decision: The Commission voted to approve the signage as requested.

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.

Decision: The Commission voted to allow the reduced bufferyard as requested.

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.

Decision: The applicant's Findings included a request to allow the final plat to show between three and six lots in addition to the common area and remainder. The purpose is to avoid having to vacate lot lines in the future to accommodate a single building constructed over two parcels. Staff's example was that Lots 1 and 2 may be combined into a single lot on the final plat. MLDC 10.279(4)(a) requires the final plat to be substantially consistent with the approved tentative. The Commission approved the applicant's request and applied a discretionary condition of approval.

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.

ACTION TAKEN

Adopted the findings as recommended by staff and directed staff to prepare a Final Order for approval of PUD-15-011/LDS-15-012 per the Planning Commission Report dated May 14, 2015, including Exhibits A-1 through T.

EXHIBITS

- A-1 Conditions of Approval dated May 14, 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
- T Letter from Judson M. Parsons received May 11, 2015
Vicinity map

MEDFORD PLANNING COMMISSION

David McFadden, Chair

PLANNING COMMISSION AGENDA:

MAY 14, 2015
MAY 28, 2015

EXHIBIT A-1

10th Fairway PUD Revision & Commercial Subdivision
PUD-15-011 / LDS-15-012
Conditions of Approval
May 15, 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.
3. The final plat may represent not less than three and not more than six lots in addition to the common area and remainder. Lots 1 and 2 may be combined, Lots 3 and 4 may be combined, and Lots 5 and 6 may be combined or identified separately on the final plat.

CODE CONDITIONS

Land Division

Prior to Final Plat approval the applicant must:

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

EXHIBIT A-1

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

Planned Unit Development

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

RECEIVED

MAY 11 2015

PLANNING DEPT.

124 Stark Street
Medford, OR 97504
May 7, 2015

City of Medford Planning Commission
200 South Ivy. Lausman Annex Room 240
Medford, OR 97501

Re: PUD-15-011/LDS-15-012

Dear Chairman McFadden and Commission Members,

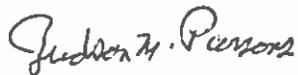
There is a request for zone change, from SFR-4 to Commercial, on the south side of North Phoenix Road near the Rogue Valley Country Club golf course. I suggest that this property continue to be zoned for residential use, perhaps SFR-6.

Directly across North Phoenix Road from applicant's property vacant land is zoned for commercial use. Apparently there is no pressing demand for increased commercial activity in the area, so it would seem unnecessary to destabilize the established residential neighborhood across the road and adjacent to subject property. If a zone change is indicated, SFR-6 would help the city meet its goal of 6.6 living units per acre without intruding with a conflicting use.

I am a Medford property owner and resident, and on this issue I speak only for myself.

Thank you for the opportunity to be heard, and please include my comments in the record.

Sincerely yours,



Judson M. Parsons

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



Planning Commission

Minutes

from Public Hearing on May 14, 2015

The regular meeting of the Planning Commission was called to order at 5:32 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
Chris MacMillan
Bill Mansfield
Mark McKechnie
Jared Pulver
Alec Schwimmer

Staff Present

Bianca Petrou, Assistant Planning Director
Kelly Akin, Principal Planner
John Adam, Senior Planner
Kevin McConnell, Deputy City Attorney
Alex Georgevitch, Acting City Engineer
Greg Kleinberg, Fire Marshal
Terri Rozzana, Recording Secretary
Joe Slaughter, Planner IV

Commissioners Absent

Tim D'Alessandro, Excused Absence
Norman Fincher, Excused Absence

10. Roll Call

20. Consent Calendar/Written Communications. None.

30. Minutes

30.1. The minutes for April 23, 2015, were approved with a correction to page 7 of the agenda packet, sixth paragraph, it reads, "Commissioner McKechnie clarified that this is not a zone change not a General Land Use Plan map change." It should read "...that this is not a zone change but a General Land Use Plan map change."

40. Oral and Written Requests and Communications. None.

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

50. Public Hearings—New business (Taken out of order)

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., Agent.

Chair McFadden inquired whether any Commissioners have a conflict of interest or ex parte communication they would like to disclose. None were disclosed.

Chair McFadden inquired whether anyone in attendance wishes to question the Commission as to conflicts of interest or ex-parte contacts. None were disclosed.

Kelly Akin, Principal Planner, stated that a letter, emailed to the Commissioners and placed at their seats was received from Mr. Judson Parsons and would be submitted into the record as Exhibit T. Ms. Akin read the planned unit development and land division criteria and gave a staff report.

Commissioner McKechnie asked that since the commercial plat has expired are there any ramifications with what was being presented tonight? Ms. Akin replied no.

Chair McFadden asked if the remnant lot was developable and had access from North Phoenix Road? Ms. Akin replied that she thought it shared access with the lot to the south. Ms. Akin deferred the question to Mr. Stone to better address Chair McFadden's question.

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

a. Craig Stone, 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504-9173. Mr. Stone stated that he was present tonight on behalf of the applicant Michael T. Mahar. The principal change to what is being presented is the allowance of medical offices. When first approved this property was encumbered with traffic issues that prompted the applicant to design the project with general offices because they have a lesser traffic as well as parking impact. Several years after the original approval many of the traffic improvements that were needed were built. The applicant updated a traffic study, put it before the City Public Works and Planning Director's and they removed the condition that dealt with the traffic impacts that now allows the applicant to present to the Planning Commission seeking medical offices being an allowable use. The applicant desires to create building lots that would accommodate twice the number of buildings in a smaller amount of square footage. There would be a greater parking requirement that can be accommodated.

Mr. Stone addressed Chair McFadden's question regarding the remnant parcel stating that it has access through the adjacent development to the south.

Commissioner McKechnie stated that the applicant has provided the maximum amount of building for the parking available if it were all medical offices. If one of the lots was a general office user would the applicant expect the building to become larger and max out their allowable shared parking? Mr. Stone replied that when the developer gets to the last building to be built he will have to assess how much parking remains and how large an office can be accommodated for that amount of parking versus how large a medical office and then size the building accordingly or reduce the parking in some fashion. The uncertainty of coming forward with just lots and do not know the size of the building is as good as the applicant can do at this point. The applicant offered as a stipulation going forward to the Site Plan and Architectural Commission each time there is a new building and they will keep an accounting of the amount of parking to ensure there is a sufficient supply whether is it medical or some other commercial use.

The public hearing was closed.

Motion: 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 and adding Exhibit T and a discretionary condition of approval showing the final plat to show not less than three and not more than six lots in addition to the common area and remainder parcel.

Moved by: Vice Chair Miranda

Seconded by: Commissioner Pulver

Roll Call Vote: Motion passed, 7-0.

Old Business (Taken out of Order)

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.

Joe Slaughter, Planner IV, reviewed the background of the Urban Growth Boundary expansion project and staff's recommended alternatives.

Chair McFadden presented his recommendation that is a combination of staff's recommended Alternatives 1 and 2, deleting the northwestern part of MD-3, a portion of MD-4, and adding a part of MD-5 south of Cherry Lane.

Commissioner Pulver stated that he shares the thought that the northwest portion of MD-3 and a portion of MD-4 should be eliminated. It makes sense to leave a portion of Foothills Road that has high-density residential. He agreed that the addition of some portion of MD-5 to tie in Chrissy Park would be beneficial. He said he struggles with the southern portion of MD-5 east of Centennial. He sees logic in Chair McFadden's recommendation.

Commissioner McKechnie stated that he is hard pressed to add anything to the recommendations that were given by staff, especially since the Commission needs to find some place to cut. He is not one hundred percent convinced that adding a little portion of MD-5 will help the cause. He does think that all of MD-4 could be eliminated. He does agree with the concern of adding additional commercial space at the corner of Hillcrest and North Phoenix Road when there is a major neighborhood commercial space approximately two blocks away. That is ill advised.

Chair McFadden stated that his addition of the portion of MD-5 was approximately 100 acres. He thinks the deletion of MD-3 and a portion of MD-4 is greater than his addition of the MD-5 portion. He does not know how Commissioner McKechnie's recommendation would further adjust the acreage concern.

Mr. Slaughter reported MD-4 is approximately 275 acres. The northern portion of MD-4 in the first alternative is approximately 175 acres, as are each of the other two alternatives in MD-3. Removing all the southeast portion of MD-3 is approximately 175 acres. Removing the northwest corner and a small portion of the southeast corner of MD-3 is approximately 175 acres. Chair McFadden's recommended portion of MD-5 is approximately 100 acres. If looking at concerns for trail construction and connectivity and possibly low point for gravity sewer flow the logical extension boundary based on those criteria would be to bring it out a little further to the east and include an area that staff has calculated to be approximately 180 acres. If bringing in just the three tax lots that were Chair McFadden's recommendation one would not be getting the same kinds of benefits for the trail construction and connectivity and sewer flow.

Commissioner Pulver asked if the 180 acres in MD-5 would be an addition to Chair McFadden's 100 acre recommendation. Mr. Slaughter replied that it would be a total of 180 acres.

Commissioner Mansfield stated that staff believes 175 acres needs to be removed from the original recommendation in order to satisfy LCDC. He asked

why staff favors Alternative 1 over Alternative 2 . Mr. Slaughter replied that Alternative 1 is the preferred alternative because of its ability to handle a portion of the employment land need in that vicinity while adding additional capacity for residential development.

Commissioner Schwimmer stated that it is his opinion that staff made a correct determination in removing the 135 acres 1000 Friends of Oregon referenced in their memorandum. He supports Alternative 1. It provides the most diversification and options for the City at this point. He has concerns deviating from staff's recommendations like offering MD-5. MD-5 did not meet objective criteria. When one took all the items in determining its value in the criteria, and whether it should be included, it did not score sufficiently to be included. He said he understands the beneficial reasons why it should be included, but said that if they go and start including things like that for more subjective reasons, they deviate from the objective criteria used to include the properties. He said Alternative 1 provides the best opportunity for affordable housing closer to commercial areas. He added that they should stick to legal property lines.

Commissioner MacMillan stated that he agrees with Commissioner Schwimmer, that they should stick to legal property lines. He asked if part of Chair McFadden's recommendation of including a portion of MD-5 is to facilitate a connection of Chrissy Park to Bear Creek Trail along the trail system . He asked staff how much of that trail had been completed so far, and if in twenty years if staff anticipates that it will be at a stage where including the portion of MD-5 would be beneficial. Mr. Slaughter reported that he would have a hard time speculating how much of it would be constructed over the next twenty years. He reported a few facts he did have: The connection of Larson Creek Trail to Bear Creek Trail is currently being worked out. There is a portion that is being constructed. There is still a lot of work to do in determining the exact route of the trail from Ellendale to North Phoenix Road. There is a portion of Larson Creek Trail east of North Phoenix Road that will be constructed as that area develops.

Vice Chair Miranda stated that the coarse filters were objective in nature which the Commission needed to be able to quantify and qualify the decisions and recommendations that are being made. However, when they reached the stage of the public hearings the subjective portion of the evaluation came into play. He remembers the testimony revolving around public facilities, the trail system and the benefits to the public. He is leaning towards the recommendation that Chair McFadden submitted. It not only serves the functional aspects of the Urban Growth Boundary amendment but it embodies the spirit of it as well.

Commissioner MacMillan asked staff to clarify why that portion of MD-5 was excluded in the beginning. Mr. Slaughter stated that it made it through the coarse filter, so it was included in the external study area (ESA) group. It was

then ranked for sewer, water, and transportation; it did not score well in aggregate. In addition, the types of land uses in that area are expected to be primarily residential. There is a lot of other areas that residential can be put in, but it is harder to find land for employment. Also, the proximity to existing developments was considered.

Commissioner McKechnie asked if it is safe to say that area would end up being low-density residential, such as four units to the acre or less? Unlike some of the other areas that have higher density this is a long way from any kind of roadway. Mr. Slaughter reported that the southeast area is commercial. The north central area is medium density. The areas to the east and northwest are low density. The southwest area is parks and schools. The southeast area is larger lots with lower-density type of development. Staff recommends leaving out the larger lot area if that property were brought into the Urban Growth Boundary.

Commissioner MacMillan commented that, based on how far that is out from developed land at this point, he agrees with Commissioner Mansfield in supporting Alternative 1.

Motion: Remove a portion of MD-4 from staff's recommendation for the Urban Growth Boundary expansion and direct staff to prepare findings for recommendation to the City Council and have staff return with the recommendation and revised findings for approval at the June 11, 2015, Planning Commission meeting.

Moved by: Vice Chair Miranda Seconded by: Commissioner Mansfield

Commissioner Pulver stated that with the motion on the table as it stands now, he would vote no. He would be a proponent of taking staff's recommendations of Alternative 1 and 2 and adding a portion of MD-5 that Mr. Slaughter has shown and Chair McFadden discussed. It is his opinion that MD-3 as shown by staff also has a healthy amount of undeveloped land in the vicinity of it. To some of Commissioner MacMillan's questions it is his opinion that if the portion of MD-5 is not brought in the trail is not going to be built in the next twenty years. Those types of things are funded by development around them. MD-5 is a portion of the Southeast Plan that is well planned.

Commissioner MacMillan stated that he would like to see the trail system completed and no longer supports Alternative 1 but supports Chair McFadden's alternative.

Commissioner McKechnie reported that he supports the motion. He is concerned that by adding the portion of MD-5 is adding a lot more estate-sized lots in this town and they have already committed to an average density of 6.6 units per acre. The trail system is important. During the public hearings the

Commission heard from a number of residents that they cannot get sewer yet. It is his opinion, that if these citizens are in the City, it is the City's obligation to see that they have sewer. The portion that remains at Hillcrest for the orchards has multiple uses. It could serve as higher-density housing. The Commission needs to seriously looking at increasing the overall density in Medford in creative ways. He does not see MD-5 doing that.

Vice Chair Miranda stated that he does not fully disagree with Commissioner McKechnie's comments. The Commission needs to keep in mind that the 6.6 burden is not being assigned to a single MD designation. That burden is to be spread across the entire urban growth boundary expansion. He envisions a City that supports not only the density requirements of the State but the complacency requirements of its citizens. He agrees with Commissioner MacMillan and has been swayed by Commissioner Pulver's comments.

Commissioner Pulver stated that the material he researched regarding the portion of MD-5 being discussed that it is close to the 6.6 density requirement.

Roll Call Vote: Motion failed, 3-4, with Commissioner MacMillan, Commissioner Pulver, Vice Chair Miranda and Chair McFadden voting no.

Motion: Use a modification for Alternatives 1 and 2 and the addition of the documented area in MD-5, approximately 183 acres, for the Urban Growth Boundary expansion, and direct staff to prepare findings for recommendation to the City Council, and have staff return with the recommendation and revised findings for approval at the June 11, 2015, Planning Commission meeting.

Moved by: Vice Chair Miranda Seconded by: Commissioner Pulver

Friendly Amendment made by Commissioner Pulver: Include the southeast corner of MD-3.

Vice Chair Miranda agreed to including the southeast corner, approximately 30 acres in MD-3.

Chair McFadden reported that years ago when they started this process City shape was always an important consideration. He can see the inclusion maintaining a City shape that makes sense.

Commissioner McKechnie stated that he agrees. Taking that 30 acres of MD-3 out is really odd. Since they are taking out approximately two thirds of MD-4 they can certainly take 30 more acres out to compensate for leaving it in MD-3.

Mr. Slaughter suggested that staff come back with numbers and fine tune the recommendation at the June 11, 2015, Planning Commission meeting.

Roll Call Vote: Motion passed, 4–3, with Commissioner Schwimmer, Commissioner Mansfield and Commissioner McKechnie voting no.

60. Reports

60.1. Site Plan and Architectural Commission

Commissioner Schwimmer reported that he was unable to attend the Site Plan and Architectural Commission and deferred the report to Kelly Akin, Principal Planner.

Ms. Akin reported that at the last Site Plan and Architectural Commission meeting they had a continuance. The Commission had a study session at the end of their regular meeting and she would talk more about it under the Planning Department report.

60.2. Report of the Joint Transportation Subcommittee. None.

60.3. Planning Department

Kelly Akin, Principal Planner, reported that the Site Plan and Architectural Commission had a study session that was a “meet and greet” session. It was very informative and helpful where they learned one another’s background and history.

The next Planning Commission study session is scheduled for Monday, May 25, 2015, which is Memorial Day. There will not be a study session on that day.

There is business scheduled for the Planning Commission meetings on Thursday, May, 28, 2015, Thursday, June 11, 2015, and Thursday, June 25, 2015.

On May 7, 2015, the City Council approved a revision to the Disposition and Development Agreement for the Northgate project allowing Site Plan and Architectural Commission to have some authority over street locations and site designs. The City Council also approved the beekeeping ordinance.

During the City Council meeting on May 21, 2015, the Landmarks and Historic Preservation Commission will present awards to different developments that have remarkable restoration or rehabilitation work. One of the awards is for the Greyhound portal. Also, they will hear the East Jackson General Land Use Plan amendment that the Planning Commission heard at their last hearing and from the Site Plan and Architectural Commission there was an appeal filed on the Sky Park project.

John Adam, Senior Planner, reported that last year the Planning Commission went through the process of doing a code amendment to allow outdoor storage containers for seasonal use. The City Council gave it one season to see how it went and put in a sunset clause which is June 30, 2015. Staff has been advised by legal counsel that the Planning Commission needs to go through the recommendation process to the City Council to either lift the sunset clause or

not. Mr. Adam suggested including it on the June 11, 2015, Planning Commission agenda with the Spring Cleaning 2015 code amendment.

Chair McFadden asked if there was a study and report done of last year's use of the storage units? Mr. Adam reported that there was no study or report. There were no complaints received.

Vice Chair Miranda recommended putting it on the June 11, 2015, Planning Commission agenda.

70. Messages and Papers from the Chair. None.
80. Remarks from the City Attorney. None.
90. Propositions and Remarks from the Commission. None.
100. Adjournment

The meeting was adjourned at 7:44 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Terri L. Rozzana
Recording Secretary

David McFadden
Planning Commission Chair

Approved: May 28, 2015



Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT

for a type-B decision: Vacation

PROJECT Euclid & Academy Alley Vacation
 Applicants: Raimond Peterson, Elizabeth Martin, Joseph Henry, Karen Henry

FILE NO. SV-15-023

TO Planning Commission for 05/28/2015 hearing

FROM Sarah Sousa, Planner IV

REVIEWER Kelly Akin, Principal Planner *KA*

DATE May 21, 2015

BACKGROUND

Proposal

Consideration of a request to vacate a portion of a public alley measuring 16 feet in width and 150 linear feet located between East Main Street and Euclid Avenue, approximately 295 feet east of Academy Place.

Subject Site Characteristics

Zoning Single Family Residential – 6 dwelling units per gross acre
 GLUP Urban Residential
 Use Single Family Homes

Surrounding Site Characteristics

North

Zoning: SFR-6
 Use: Single Family Homes

South

Zoning: SFR-6
 Use: Single Family Homes

East

Zoning: SFR-6
Use: Single Family Homes

West

Zoning: SFR-6
Use: Single Family Homes / Elementary School

Applicable Criteria

Oregon Revised Statue Chapter 271.130 (Exhibit B)

Medford Municipal Code §10.202, Vacation Criteria

A request to vacate shall only be approved by the approving authority (City Council) when the following criteria have been met:

- (1) Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.
- (2) If initiated by petition under ORS 271.080, the findings required by ORS 271.120.
- (3) If initiated by the Council, the applicable criteria found in ORS 271.130.

ISSUES AND ANALYSIS

Background

The owners of two properties on Euclid Avenue have requested to vacate the portion of an alley that abuts their property to the rear. The alley is located off of Academy Place between Euclid Avenue and East Main Street. Consents have been obtained from the three other affected property owners off of East Main Street.

According to the Applicant's Findings of Fact, the section of alley requested for vacation is not currently being used for alley way purposes in regards to access (Exhibit C). The abutting properties will continue to receive access from East Main Street and Euclid Avenue.

Ownership after Vacation

The Applicant's Findings of Fact note that the alley was originally dedicated as part of the Conroy Clancy Subdivision back in 1910. The portion of the alley to be vacated is the most easterly 150 feet. If approved by the City Council, the Jackson County Assessor will

determine the ownership of the vacated portion. Generally, public right-of-way reverts to the owners of abutting parcels.

Easements

Comments have been received regarding existing utilities within the subject area of the vacation. A letter from Century Link requests a 10-foot utility easement (Exhibit F). The Public Works Report makes it clear that the entire portion of the alley to be vacated needs to be reserved as an easement for utilities including sanitary sewer, water, and all other public utilities (Exhibit E). A condition has been included requiring an easement for the entire area to be vacated (16 feet wide by 150 linear feet).

COMPLIANCE WITH VACATION CRITERIA

A request to vacate shall only be approved by the approving authority (City Council) when the following criteria have been met:

(1) Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.

The Applicant's Findings demonstrates that the subject vacation is in compliance with the Goals and Policies. The alley terminates to the east behind Tax Lots 6200 & 6300 of Jackson County Assessor's Map 371W29BB and therefore does not extend currently to the nearest cross street for circulation (Exhibit G). Criterion 1 has been met.

(2) If initiated by petition under ORS 271.080, the findings required by ORS 271.120.

The proposed vacation was not initiated by petition; therefore, the findings required by ORS 271.120 are not necessary.

(3) If initiated by the Council, the applicable criteria found in ORS 271.130.

The proposal will comply with the requirement of ORS.271.130 if the City Council can make the following findings:

- a. That the owners of more than 50% of the affected area do not object in writing; and,
- b. That the vacation will not substantially affect the market value of any abutting property where the owner objects, unless the City provides for paying damages to the owner.

The City Council initiated the vacation on April 16, 2015 by Resolution No. 2015-33; therefore, this criterion applies. To date, no written objections have been received. The vacation will not substantially affect the market value of any abutting property. The findings that address Criterion 3 can be made at the public hearing.

Committee Comments

No comments were received from the Bicycle and Pedestrian Advisory Committee regarding the vacation.

FINDINGS AND CONCLUSIONS

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

RECOMMENDED ACTION

Forward a favorable recommendation to the City Council for SV-15-023 per the Staff Report dated May 21, 2015, include Exhibits A-H.

EXHIBITS

- A Conditions of Approval dated May 21, 2015
- B Oregon Revised Statue Chapter 271.130
- C Applicant's Finding of Fact received February 13, 2015
- D Legal Description of alley to be vacated received February 13, 2015
- E Public Works Report received April 29, 2015
- F Century Link Letter received March 30, 2015
- G Jackson County Assessor's Map received February 13, 2015
- H Aerial Photograph
Vicinity map

PLANNING COMMISSION AGENDA:

MAY 28, 2015

EXHIBIT A

Euclid & Academy Alley Vacation
SV-15-023
Conditions of Approval
May 21, 2015

CODE CONDITIONS

The applicant must:

1. Comply with the Public Works Department Report dated April 29, 2015 (Exhibit E);
2. Comply with the letter from Century Link received March 30, 2015 (Exhibit F).

EXHIBIT B

GENERAL PROVISIONS

271.005 Definitions for ORS 271.005 to 271.540. As used in ORS 271.005 to 271.540:

(1) "Governing body" means the board or body in which the general legislative power of a political subdivision is vested.

(2) "Governmental body" means the State of Oregon, a political subdivision, the United States of America or an agency thereof.

(3) "Political subdivision" means any local government unit, including, but not limited to, a county, city, town, port, dock commission or district, that exists under the laws of Oregon and has power to levy and collect taxes. [1981 c.787 §2]

VACATION

271.080 Vacation in incorporated cities; petition; consent of property owners. (1)

Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

(2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing. [Amended by 1999 c.866 §2]

271.090 Filing of petition; notice. The petition shall be presented to the city recorder or other recording officer of the city. If found by the recorder to be sufficient, the recorder shall file it and inform at least one of the petitioners when the petition will come before the city governing body. A failure to give such information shall not be in any respect a lack of jurisdiction for the governing body to proceed on the petition.

271.100 Action by city governing body. The city governing body may deny the petition after notice to the petitioners of such proposed action, but if there appears to be no reason why the petition should not be allowed in whole or in part, the governing body shall fix a time for a formal hearing upon the petition.

CITY OF MEDFORD

EXHIBIT # 8

File # Sr-15-023 1

271.110 Notice of hearing. (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.

(2) Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.

(3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor. [Amended by 1991 c.629 §1; 2005 c.22 §196]

271.120 Hearing; determination. At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

271.130 Vacation on city governing body's own motion; appeal. (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.

(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.

(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases. [Amended by 1995 c.658 §101]

271.140 Title to vacated areas. The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. If a public square is vacated the title thereto shall vest in the city. [Amended by 1981 c.153 §58]

271.150 Vacation records to be filed; costs. A certified copy of the ordinance vacating any street or plat area and any map, plat or other record in regard thereto which may be required or provided for by law, shall be filed for record with the county clerk. The petitioner for such vacation shall bear the recording cost and the cost of preparing and filing the certified copy of the ordinance and map. A certified copy of any such ordinance shall be filed with the county assessor and county surveyor.

271.160 Vacations for purposes of rededication. No street shall be vacated upon the petition of any person when it is proposed to replat or rededicate all or part of any street in lieu of the original unless such petition is accompanied by a plat showing the proposed manner of replatting or rededicating. If the proposed manner of replatting or rededicating or any modification thereof which may subsequently be made meets with the approval of the city governing body, it shall require a suitable guarantee to be given for the carrying out of such replatting or rededication or may make any vacation conditional or to take effect only upon the consummation of such replatting or rededication.

271.170 Nature and operation of statutes. The provisions of ORS 271.080 to 271.160 are alternative to the provisions of the charter of any incorporated city and nothing contained in those statutes shall in anywise affect or impair the charter or other provisions of such cities for the preservation of public access to and from transportation terminals and navigable waters.

271.180 Vacations in municipalities included in port districts; petition; power of common council; vacating street along railroad easement. To the end that adequate facilities for terminal trackage, structures and the instrumentalities of commerce and transportation may be provided in cities and towns located within or forming a part of any port district organized as a municipal corporation in this state, the governing body of such cities and towns, upon the petition of any such port, or corporation empowered to own or operate a railroad, steamship or other transportation terminal, or railroad company entering or operating within such city or town, or owner of property abutting any such terminal, may:

(1) Authorize any port commission, dock commission, common carrier, railroad company or terminal company to occupy, by any structure, trackage or machinery facilitating or necessary to travel, transportation or distribution, any street or public property, or parts thereof, within such city or town, upon such reasonable terms and conditions as the city or town may impose.

(2) Vacate the whole or any part of any street, alley, common or public place, with such restrictions and upon such conditions as the city governing body may deem reasonable and for the public good.

(3) If any railroad company owns or has an exclusive easement upon a definite strip within or along any public street, alley, common or public place, and if the city governing body determines such action to be to the advantage of the public, vacate the street area between the strip so occupied by the railroad company and one property line opposite thereto, condition that the railroad company dedicates for street purposes such portion of such exclusive strip occupied by it as the city governing body may determine upon, and moves its tracks and facilities therefrom onto the street area so vacated. The right and title of the railroad company in the vacated area shall be of the same character as previously owned by it in the exclusive strip which it is required by the city governing body to surrender and dedicate to street purposes.

271.190 Consent of owners of adjoining property; other required approval. No vacation of all or part of a street, alley, common or public place shall take place under ORS 271.180 unless the consent of the persons owning the property immediately adjoining that part of the street or alley to be vacated is obtained thereto in writing and filed with the auditor or clerk of the city or town. No vacation shall be made of any street, alley, public place or part thereof, if within 5,000 feet of the harbor or pierhead line of the port, unless the port commission, or other bodies having jurisdiction over docks and wharves in the port district involved, approves the proposed vacation in writing.

271.200 Petition; notice. (1) Before any street, alley, common or public place or any part thereof is vacated, or other right granted by any city governing body under ORS 271.180 to 271.210 the applicant must petition the governing body of the city or town involved, setting forth the particular circumstances of the case, giving a definite description of the property sought to be vacated, or of the right, use or occupancy sought to be obtained, and the names of the persons to be particularly affected thereby. The petition shall be filed with the auditor or clerk of the city or town involved 30 days previous to the taking of any action thereon by the city governing body.

(2) Notice of the pendency of the petition, containing a description of the area sought to be vacated or right, use or occupancy sought to be obtained, shall be published at least once each week for three successive weeks prior to expiration of such 30-day period in a newspaper of general circulation in the county wherein the city or town is located.

271.210 Hearing; grant of petition. Hearing upon the petition shall be had by the city governing body at its next regular meeting following the expiration of 30 days from the filing of the petition. At that time objections to the granting of the whole or any part of the petition shall be duly heard and considered by the governing body, which shall thereupon, or at any later time to which the hearing is postponed or adjourned, pass by a majority vote an ordinance setting forth the property to be vacated, or other rights, occupancy or use to be thereby granted. Upon the expiration of 30 days from the passage of the ordinance and the approval thereof by the mayor of the city or town, the ordinance shall be in full force and effect.

271.220 Filing of objections; waiver. All objections to the petition shall be filed with the clerk or auditor of the city or town within 30 days from the filing of the petition, and if not so filed shall be conclusively presumed to have been waived. The regularity, validity and

correctness of the proceedings of the city governing body pursuant to ORS 271.180 to 271.210, shall be conclusive in all things on all parties, and cannot in any manner be contested in any proceeding whatsoever by any person not filing written objections within the time provided in this section.

271.230 Records of vacations; fees. (1) If any town or plat of any city or town is vacated by a county court or municipal authority of any city or town, the vacation order or ordinance shall be recorded in the deed records of the county. Whenever a vacation order or ordinance is so recorded, the county surveyor of such county shall, upon a copy of the plat that is certified by the county clerk, trace or shade with permanent ink in such manner as to denote that portion so vacated, and shall make the notation "Vacated" upon such copy of the plat, giving the book and page of the deed record in which the order or ordinance is recorded. Corrections or changes shall not be allowed on the original plat once it is recorded with the county clerk.

(2) For recording in the county deed records, the county clerk shall collect the same fee as for recording a deed. For the services of the county surveyor for marking the record upon the copy of the plat, the county clerk shall collect a fee as set by ordinance of the county governing body to be paid by the county clerk to the county surveyor. [Amended by 1971 c.621 §31; 1975 c.607 §31; 1977 c.488 §2; 1979 c.833 §30; 1999 c.710 §12; 2001 c.173 §5]

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FEB 13 2015

Planning Dept.

**ALLEY VACATION
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**BEFORE THE MEDFORD CITY COUNCIL,
JACKSON COUNTY, OREGON**

**IN THE MATTER OF AN APPLICATION FOR
THE APPROVAL OF AN ALLEY VACATION
LOCATED IN THE CITY OF MEDFORD,
OREGON.**

**APPLICANTS/
OWNERS:** Raimond Peterson & Elizabeth C. Martin
1426 Euclid Avenue
Medford, Oregon 97501

Joseph A. Henry & Karen D. Henry
1430 Euclid Avenue
Medford, Oregon 97501

OWNERS: Jane S. Brown
1431 East Main Street
Medford, Oregon 97504

Janet L. Pearle, Trustee
Janet L. Pearle Revocable Living Trust
259 E. Barnett Road, #3 PMB 141
Medford, Oregon 97501

Deborah Leigh Trautman, Trustee
Deborah Leigh Trautman Living Trust
1008 Pumpkin Ridge
Eagle Point, Oregon 97524

AGENT: Neathamer Surveying, Inc.
P.O. Box 1584
Medford, OR 97504

A. BACKGROUND INFORMATION

The subject alley is a 16.00 foot wide strip of land located northerly of East Main Street, and Southerly of Euclid Avenue. Access to the subject alley is taken from Academy Place. The alley was dedicated to the public per the CONROY CLANCY SUBDIVISION TO MEDFORD OREGON, filed for record in May 1910, in Volume 2 of Plats at Page 29, of the Records of Jackson County, Oregon. The portion of the alley to be vacated is the most easterly 150 feet of said alley.

Findings of Fact and Conclusions of Law
Medford City Council
Alley Vacation Application
Raimond Peterson & Elizabeth C. Martin, Joseph A. Henry & Karen D. Henry, Applicants

Page 1 of 5

CITY OF MEDFORD
EXHIBIT # C
File # SV-15-023

Said alley is abutting the properties located at 1426 and 1430 Euclid Ave. Medford, Oregon and 1427, 1429 and 14031 Main St. Medford, Oregon (Jackson County Assessor's Map Number 37 1W 30AA, Tax Lots 10100, 10200, 10300, 10400 and 10500).

The portion of the alley to be vacated is being (and has been) occupied by said abutting properties and is not being used for purposes related to alley and access. It is the intent of this application to vacate said alley to reflect the current use of the subject land.

B. SCOPE, PURPOSE, AND OVERVIEW OF THE APPLICATION

The purpose of said application is to vacate the alley way abutting Tax Lots 10100, 10200, 10300, 10400, 10500 (Jackson County Assessor's Map Number: 37 1W 30AA), as described hereinabove.

C. APPROVAL CRITERIA

CITY OF MEDFORD LAND DEVELOPMENT CODE (MLDC)

SECTION 10.202 – VACATION CRITERIA

Section 10.202 of the Medford Land Development Code states that:

A request to vacate shall only be approved by the approving authority (City Council) when the following criteria have been met:

- (1) Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.*
- (2) If initiated by petition under ORS 271.080, the findings required by ORS 271.120.*
- (3) If initiated by the Council, the applicable criteria found in ORS 271.130.*

OREGON REVISED STATUTES (ORS)

SECTION 271.130 – VACATION ON CITY GOVERNING BODY'S OWN MOTION: APPEAL.

Section 271.130 of the Oregon Revised Statutes states that:

- (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners.*

Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.

- (2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.*
- (3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.*
- (4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases.*

E. FINDINGS OF FACT AND CONCLUSIONS OF LAW

MLDC CRITERION NO. 1

- (1) Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.*

FINDINGS OF FACT

As previously stated, the subject portion of the alley is not being used for alley way purposes. The vacation of the alley will correct this inconsistency and reflect the current use of the land. No other development is being proposed at this time. The abutting properties will continue to be able to receive access from East Main. and Euclid Avenue. Furthermore, as no other properties abutting the subject portion of the alley are using the alley for access, they are not affected by the vacation of such.

MLDC CRITERION NO. 2

- (2) If initiated by petition under ORS 271.080, the findings required by ORS 271.120.*

FINDINGS OF FACT

The applicants are requesting the City Council to initiate the alley vacation.

MLDC CRITERION NO. 3

(3) If initiated by the Council, the applicable criteria found in ORS 271.130.

FINDINGS OF FACT

As previously stated, the applicants are requesting the alley vacation to be initiated by City Council. The applicable approval criteria per the Oregon Revised Statutes, Section 271.130 are addressed hereinafter.

ORS CRITERION NO. 1

(1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.

FINDINGS OF FACT

Written consent has been provided for those properties abutting the subject portion of the alley and have been submitted as part of this application. All other matters pertaining to the vacation of said alley will be made in accordance to ORS 271.080 and 271.110.

ORS CRITERION NO. 2

(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

FINDINGS OF FACT

This alley vacation application is only for a portion of a single alley way.

ORS CRITERION NO. 3

(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.

FINDINGS OF FACT

Before an ordinance to vacate the subject area is passed, all city liens and taxes will have been paid.

ORS CRITERION NO. 4

(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases.

FINDINGS OF FACT

All matters pertaining to the vacation of said alley will be made in accordance to ORS 271.080 and 271.110 and any other applicable criteria. The opportunity exists for an affected property owner to appeal the City Councils decision.

CONCLUSION OF LAW

Based upon the submitted application materials and the above Findings of Facts, the Medford City Council concludes that the application complies with the applicable provisions of all city and state ordinances.

G. ULTIMATE CONCLUSION

The Medford City Council concludes that the proposed alley vacation is consistent with the relevant Land Vacation approval criteria of Section 10.202 of the City of Medford Land Development Code and Section 271.130 of the Oregon Revised Statutes, and can therefore be approved.

Respectively Submitted,


Robert V. Neathamer, President
Neathamer Surveying, Inc.

Agent for Applicants:

Raimond Peterson & Elizabeth C. Martin; Joseph A. Henry & Karen D. Henry

Dated: December 5, 2014

EXHIBIT "A"

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Planning Dept.

**ALLEY VACATION
DESCRIPTION SHEET**

A portion of a 16.00 foot wide alley being located within the Northeast One-quarter of the of Northeast One-quarter of Section 30, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon. Said portion of the alley being more particularly described as follows.

The easterly 150.00 feet of that 16.00 foot alley in Block One of the CONROY CLANCY SUBDIVISION TO MEDFORD OREGON, filed for record on May 9, 1910, in Volume 2 of Plats at Page 29, of the Records of Jackson County, Oregon.

Said alley vacation contains 2,400 square feet, more or less.

Prepared by: **NEATHAMER SURVEYING, INC.**
3126 State Street, Suite 203
PO Box 1584
Medford, OR 97501-0120
Phone: (541) 732-2869
Facsimile: (541) 732-1382
Project: 14055

Date: December 5, 2014

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert V. Neathamer

OREGON
JULY 19 1994
ROBERT V. NEATHAMER
2675

RENEWAL DEC. 31, 2014

City of Medford
EXHIBIT D
File # SV-15-023

8



Continuous Improvement Customer Service

CITY OF MEDFORD

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APR 29 2015

PLANNING DEPT.

Date: 4/29/2015

File Number: SV-15-023

PUBLIC WORKS DEPARTMENT STAFF REPORT
Alley Vacation

Project: Consideration of a request to vacate a portion of a public alley, measuring 16 feet in width and 150 linear feet in length.

Location: Between East Main Street and Euclid Avenue, approximately 295 feet east of Academy Place.

Applicant: Peterson/Martin/Henry

The alley under consideration is identified as "Alley F-31". It is currently not on a list of alleys the Public Works Department intends to vacate. There is a public sanitary sewer and waterline within this section of the alley right-of-way, but it is unknown whether there are any other public utilities within the alley.

The westerly 295 feet of the alley is improved with a granite surface. The portion of the alley under consideration for vacation has no alley improvements and appears to be currently incorporated into the back yards of the adjoining properties. Public Works concurs with the request to vacate the subject existing right-of-way, with the condition that an easement over the entire area shall be reserved for sanitary sewer, water, and any other public utility improvements currently existing therein. The easement shall include the right to access, maintain, and construct these utilities within the easement area.

Prepared by: L.B., 4/24/15



March 25, 2015

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MAR 30 2015
PLANNING DEPT.

Sarah Sousa
City of Medford
Lausmann Annex, Room 240
200 South Ivy Street
Medford, Oregon 97501

Re: Vacation File SV-15-023 alley btwn. East Main St. and Euclid Ave., Medford

Dear Ms. Sousa,

In response to your vacation notification dated March 1, 2015, I have reviewed these areas with our engineer and determined that CenturyLink currently has facilities in the above-mentioned area. **It is imperative that CenturyLink rights be preserved in this area.** We need to maintain a minimum of a 10' utility easement.

If this is to become private property, a perpetual non-exclusive easement to CenturyLink would be acceptable, if this is to remain a public right-of-way, please verify the rights of CenturyLink will be retained during and after any change. **Please advise if CenturyLink needs to take any action to ensure our rights are retained.**

If you have any questions, please feel free to give me a call at (503) 242-8597.

Sincerely,

CENTURYLINK QC

A handwritten signature in cursive script that reads "Debbie Isenstein".

Debbie Isenstein
CenturyLink Right-of-Way Department
8021 SW Capitol Hill Road
Portland, Oregon 97219

CITY OF MEDFORD
EXHIBIT # F
File # SV-15-023

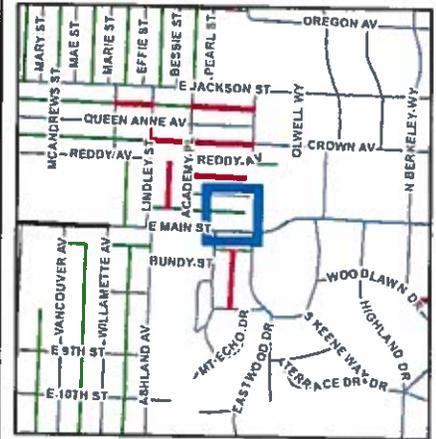
SV-15-023

Euclid and Academy Alley Vacation

Legend

-  Subject Area
-  Subject Alley (ID labeled)
-  Taxlots
-  Taxlots abutting subject area

Area map with alleyways



-  Alley with X Designation
-  Alley



4.10.15





Vicinity Map

Application Name/Description:
**Euclid and Academy
Alley Vacation**

Proposal:
**Alley vacation abutting
referenced tax lots**

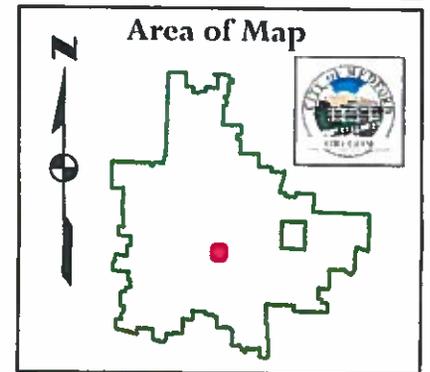
File Numbers:
SV-15-023

Applicant:
Neathamer Surveying, Inc.

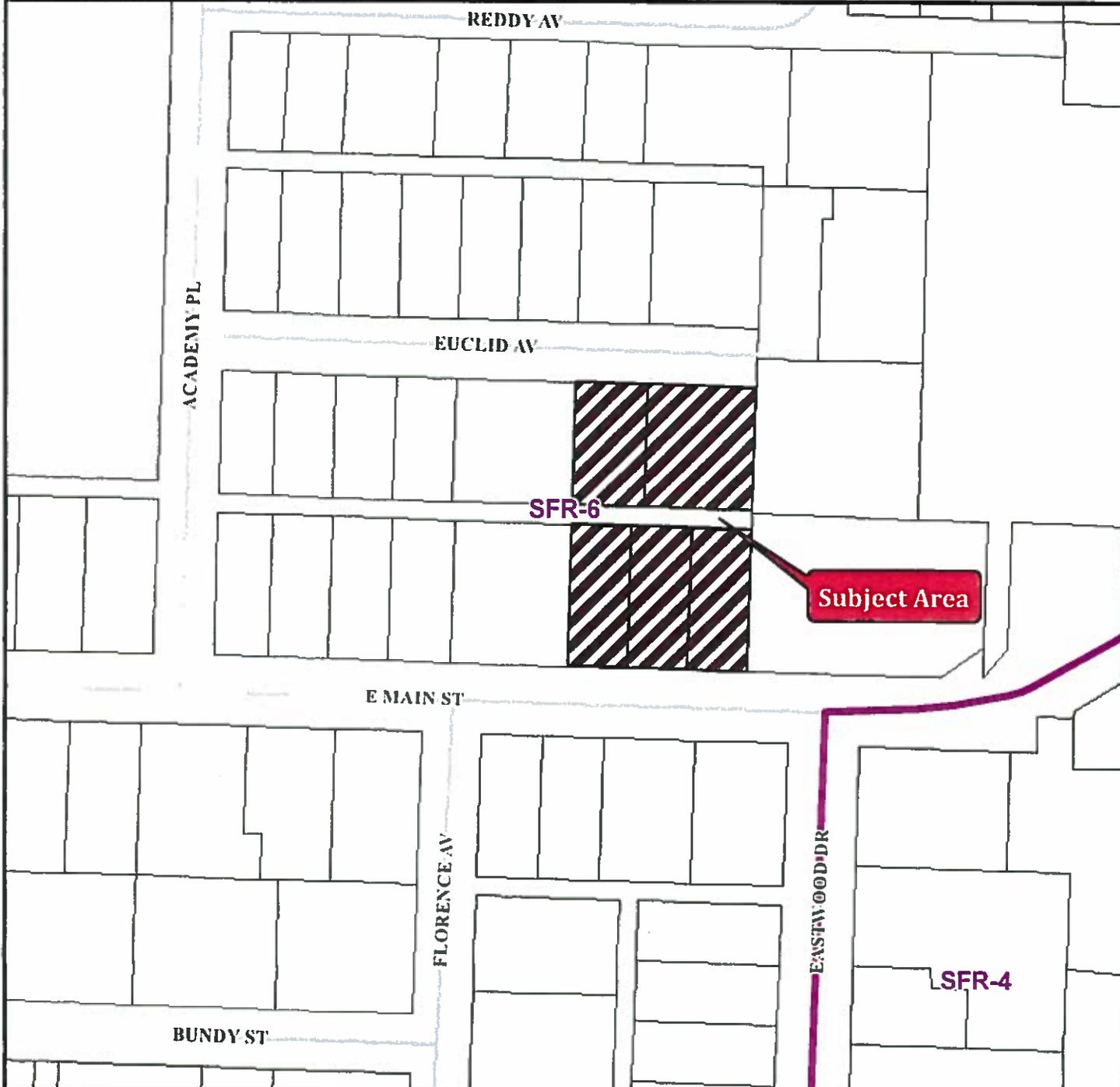
Map/Taxlot:
371W30AA

TL's 10100 through 10500

-  Subject Area
-  Medford Zoning
-  UGB
-  Tax Lots
-  Central Business
-  Historic



02/17/2015





STAFF REPORT

for a Type-C quasi-judicial decision: PUD Revision and Tentative Plat

PROJECT Cedar Landing
Applicant: Cedar Investment Group LLC; Agent: CSA Planning Ltd.

FILE NO. PUD-15-043 / LDS-15-044

TO Planning Commission for 05/28/2015 hearing

FROM Jennifer Jones, Planner II

REVIEWER Kelly Akin, Principal Planner *KA*

DATE May 21, 2015

BACKGROUND

Proposal

Consideration of a request for a revision to the Cedar Landing Planned Unit Development (PUD) and for approval of the tentative plat for High Cedars Subdivision Phases 1 through 5. The PUD revision request applies only to the portion south of Cedar Links Drive and consists of: 1) reconfiguring the entire area into the High Cedars subarea, phases 1 through 5; 2) changing all commercial, multi-family, and condominium uses to single family detached residential; 3) removing the below grade pedestrian crossing at Cedar Links Drive; 4) creating a single access point to Foothill Road at Normil Terrace and eliminating the second access point at Tree Top Drive; and 5) relocating pedestrian 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.

Subject Site Characteristics

Zoning SFR-4
GLUP UR (Urban Residential)
Use Vacant Golf Course

Surrounding Site Characteristics

North SFR-4 Single Family Dwellings
South SFR-4 Single Family Dwellings

East	SFR-4	Single Family Dwellings
West	SFR-4	Single Family Dwellings

Related Projects

PUD-05-035	Cedar Landing PUD
LDS-05-036	Cascade Terrace Subdivision
LDS-05-037	Sky Lakes Subdivision
PUD-05-035	Termination of 5.47 acre portion of PUD for park property in 2011
LDS-13-121	Sky Lakes Village Subdivision Phases 7A & 7B
PUD-13-119	PUD Revision
E-14-059	Exception to required right-of-way dedication
PUD-14-136	PUD Revision
LDS-14-137	Sky Lakes Village Phase 1 Tentative Plat
LDS-14-138	The Village at Cedar Landing Phase 1 Tentative Plat

Applicable Criteria

Medford Municipal Code

Planned Unit Development, §10.235(C)

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

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

- 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.
6. Determinations of compliance with this criterion shall be based upon standards of public facility adequacy as set forth in this Code and in goals and policies of the *Comprehensive Plan* which by their language and context function as approval criteria for comprehensive plan amendments, zone changes or new development. In instances where the Planning Commission determines that there is insufficient public facility capacity to support the development of a particular use, nothing in this criterion shall prevent the approval of early phases of a phased PUD which can be supplied with adequate public facilities.
6. If the Preliminary PUD Plan includes uses proposed under Subsection 10.230(D)(8)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.248.
7. If approval of the PUD application includes the division of land or the approval of other concurrent development permits applications as authorized in Subsection 10.230(C), approval of the PUD shall also be subject to compliance with the substantive approval criteria in Article II for each of the additional development applications.

Revision or Termination of a PUD, §10.245(A)(3)

3. **Burden of Proof; Criteria for Revisions:** The burden of proof and supporting findings of fact and conclusions of law for the criteria in Subsections 10.235(D) or 10.240(G), as applicable, shall be strictly limited to the specific nature and magnitude of the proposed revision. However, it is further provided that the design and development aspects of the whole PUD may be relied upon in reaching findings of fact and conclusions of law for the criterion at Subsection 10.235(D)(5). It is further provided that before the Planning Commission can approve a PUD Plan revision, it must determine that the proposed revision is compatible with existing developed portions of the whole PUD.

Land Division, §10.270

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

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

- (5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;
- (6) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

Corporate Names

The application lists Cedar Investment Group, LLC as the owner of the subject property. As per the State of Oregon Business Registry, Eric Artner is listed as the registered agent.

ISSUES AND ANALYSIS

Project History

On April 27, 2006, the Planning Commission approved Cedar Landing Planned Unit Development (PUD-05-035), a master plan for the redevelopment of the 122.12-acre site to provide a mixture of residential uses, commercial development and a preservation of existing open space. The overall project is organized into four sub areas with multiple phases that are described as follows:

1. High Cedars (43.0 ± acres) consists of five (5) phases including single-family lots, 55 and older, pad lots and common area/open space.
2. The Village at Cedar Landing (21.42 ± acres) is made up of five (5) phases of single-family lots, condominiums, retirement facilities and common area/open space.
3. Cascade Terrace (15.4 ± acres) is comprised of two (2) phases of small single-family lots targeted for detached dwellings and residents aged 55 or older.
4. Sky Lakes Village (41.6 ± acres) consists of single-family residential lots and common area/open space.

Three phases of the original project have final plan and plat approvals. Sky Lakes Village Phases 5, 6, and 7A have received final plat and plan approvals. In addition, a request was approved to allow the termination of portions of Cascade Terrace and Sky Lakes Village. The 5.47 acre terminated portion of the project was sold to the City for use as a public park.

In 2013, a revision to the PUD was approved which included modifications for naming, numbering, and design. An important item discussed in the Public Works Report at that

time was the realignment of Cedar Links Drive at Foothills Road. A traffic signal and the realigned intersection have recently been completed.

In January 2015, an exception was approved for the reduction of required right-of-way dedication for Cedar Links Drive. The Planning Commission approved modifications to the street design as part of the original approval in order to preserve existing Cedar trees on the north side of Cedar Links Drive. An Exception was necessary in order to reduce the amount of right-of-way dedication.

Most recently, in April 2015 the Planning Commission approved a revision to the PUD regarding changes to the north side of Cedar Links Drive and tentative plats for Sky Lakes Phase 1 and The Village Phase 1. The changes to the PUD on the north side of Cedar Links Drive are similar to those presented in this application and specifically addressed street design, number of lots, the relocation of paths, a reduction in the front yard setback, and an increase in maximum lot coverage.

Project Update

The applicant is now requesting a PUD revision for the portion of the PUD south of Cedar Links Drive. Specifically, the revisions consists of reconfiguring the entire area into 5 phases; changing all commercial, multi-family, and condominium uses to single-family detached residential; removing the below grade pedestrian crossing at Cedar Links Drive; creating a single access point to Foothill Road at Normil Terrace and eliminating the second access point at Tree Top Drive; relocating the pedestrian paths. In addition, the applicant is seeking approval of the tentative plat for High Cedars Phases 1 through 5. In addition, this revision includes minor modifications necessary for the project to ensure compliance with all code provisions.

Phasing

The phasing has been changed slightly to adjust for the changes in uses and subareas. The commercial area adjacent to Cedar Links Drive was previously a part of The Village subarea (phase 4). Now, as proposed all detached single-family residential, the entire portion of the PUD south of Cedar Links Drive makes up the High Cedars subarea, consisting of phases 1 through 5.

Changes to Proposed Uses

The most significant and substantive revision proposed is that of the land uses for the portion of the PUD south of Cedar Links Drive. Previous versions of the PUD included a mixture of commercial uses, and various housing types, in addition to detached single-family residential units in this area south of Cedar Links Drive. This current revision proposes to remove all other land uses and housing types, leaving the entire area (approximately 48 acres) as detached single-family residential homes, situated on 176

lots. The proposed revision also reduces the amount of open space provided to just over 11 total acres, including the open space easements.

Land Use/Housing Type	Previous Approvals	Proposed Revision PUD-15-044
Commercial Lots (sq ft)	42,630 sq ft	0
Senior Single-Family Dwellings	34	0
Condominium Units	13	0
Detached Single-Family Dwellings	65	176
Duplex Units	22	0
Townhomes	36	0
Open Space Area & Easements (sq ft)	689,234 sq ft / 15.82 Ac	489,444 sq ft / 11.24 Ac
<i>Sources: PUD Plan PUD-14-136; Applicant's Exhibit 7 Preliminary PUD Plan</i>		

These proposed revisions to the PUD do not result in a significant change in density. The approximate 114 acres included in the PUD with the underlying zoning of SFR-4, results in an allowable residential density range of roughly 285 units up to about 547 units with a 20 percent density bonus due to the large nature of the PUD. Although the housing types are now proposed to be all detached-single family, the total number of proposed units increases only slightly from 170 total units to 176 total units in this portion of the PUD. Together with the northern portion of the PUD, the total number of proposed housing units is 461, which falls well within the allowable range.

Pedestrian Crossing

The original PUD plan for Cedar Landing included a below-grade pedestrian crossing to be constructed at Cedar Links Drive. This was an element only briefly described in the applicant's written narrative with the original proposal in 2005. The applicant is now requesting that the Commission eliminate the requirement for this pedestrian crossing. There is adequate pedestrian connectivity provided within both the north and south portion of the PUD, although this change would result in no clearly designated pedestrian connection across Cedar Links Drive.

Access to Foothill Road

As proposed, access to Foothill Road will now be limited to a single access point from within this portion of the PUD south of Cedar Links Drive. The connection point will be at Normil Terrace. A second connection was previously proposed as what was then referred to as Timbered Ridge (now Tree Top Drive).

It is likely that development of this project will begin to occur furthest from Foothill Road due to the associated improvements. Until such time as the Foothill Road connection is constructed at Normil Terrace, the Fire Department has agreed that a 12-foot wide emergency only access road connecting Fallen Oak Drive to Cedar Links Drive would be sufficient as a secondary access in order to lift the fire sprinkler requirement (Exhibit J).

Pedestrian Paths

Following the approved revisions to the north side of the PUD, the relocation of the pedestrian paths on the south side are essentially the same. Through past iterations of this project, the location of pedestrian and bicycle paths behind residential lots, connecting to open space areas, has been an issue with neighbors. The original design placed these paths between the rear yards of existing homes and the rear yards of future homes within this project. Privacy and safety concerns were raised with this design. These paths are proposed to be relocated to open space easements along the front of the some lots. However, it should be noted that this shift has resulted in some existing homes south of this project to now back up directly to another lot, rather than to open space as previously approved.

The applicant has provided a cross section of the proposed path (Exhibit E) which illustrates the open space easements to be located along the front of approximately 32 lots in High Cedars Phases 1, 2, 3, and 5. The open space areas will be maintained by the Homeowner's Association and are proposed to consist of a seven foot meandering path with grass planter strips and a street tree per lot, on each side of the path.

Additional Considerations

As this is a very large, complex project there are additional issues the Commission should consider with this PUD revision and tentative plat proposal.

Through Lots

The applicant's findings provide for stipulations to which they agree for items such as completing the necessary property line adjustments, street vacations, and the like (Exhibits A, G). One item included in this list by the applicant is that of restricted access for particular lots with double frontage. Per MLDC §10.440 restricting the access for lots that border a collector or arterial, in this instance proposed lots 124-128 and 147-148 in Phase 4 and lots 149-156 in Phase 5 which all back to Foothill Road, is appropriate.

Proposed lots 5 and 6 in Phase 1 have frontage to both Morning View Drive and Callaway Drive, both which are residential streets. The layout of these specific lots require approval through the PUD itself per MLDC §10.230(D)(1). Therefore, the applicant is actually requesting the Commission to also approve lot layout – two through lots fronting on to residential streets – as a sixth revision item to the PUD.

All proposed through lots would be restricted to a single vehicular access from the street to which they front within the Cedar Landing PUD. Proposed lots 5 and 6 would have access from Morning View Drive only. Proposed lots 124-128 and 147-156 would have access from High Cedars Lane only. Although lots 128 and 147 are actually bound

by streets on three sides (they are also adjacent to Normil Terrace) their access would be limited to High Cedars Lane.

Minor Modifications

In order for the revised PUD to fully comply with all current provisions of the Land Development Code, the applicant requests that the Commission approve these minor modifications.

Modification	Applicable Area	Rationale
Side-Yard Setback*	Lots: 75, 85, 106, 107, 110	To accommodate adjacent commonly owned open space lots, if necessary. Open space easements are preferred and depicted on the plans.
Front-Yard Setback of 33-feet	Lots: 36-57, 89-90, 158-165	To accommodate the meandering path.
Block Length	Two interior blocks (of 820 and 920 feet respectively) bound by Caldera Ln, Obsidian Ridge, Fallen Oak Dr, Morning View Dr, & Farmington Ave	Removal of commercial area adjacent to Cedar Links Drive results in the relocation of Fallen Oak Drive further north to account for standard residential lots. Pedestrian connections provided via pathways and sidewalks to open space.
<i>*Applicant requests the option of a 4-foot setback ONLY if open space easements are not utilized.</i>		

Property Line Adjustments and Rights-of-Way

Changes in the proposed land uses and overall lot layout necessitate property line adjustments in order to align property lines with the proposed phase boundaries. This should be completed before final plat of any affected phases.

Similarly, a previously recorded plat, Sky Lakes Village Phase 7A, created rights-of-way that do not accurately reflect this proposed revision. The applicant agrees to vacate and dedicate the applicable portions of right-of-way to create appropriate rights-of-way which conform to this proposed plat (Exhibit A, C).

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant’s findings and conclusions (Exhibit G) and recommends the Commission adopt the findings with the following modifications.

- PUD revision for the allowance of the proposed lot layout including through lots and access restrictions.
- Minor modifications to allow for: 33-foot front yard setbacks, extended block lengths, and a four-foot side setback, as applicable.

RECOMMENDED ACTION

Adopt the modified findings as recommended by staff and direct staff to prepare a Final Order for approval per the staff report dated May 21, 2015, including Exhibits A through P.

EXHIBITS

- A Conditions of Approval
- B Revised PUD Plan for Cedar Landing, received March 26, 2015
- C Tentative Map for High Cedars at Cedar Landing Phases 1-5, received March 26, 2015
- D Conceptual Grading and Drainage Plan, received March 26, 2015
- E Proposed Path Detail, received March 26, 2015
- F Street Tree Master Plan, received March 26, 2015
- G Applicant's Findings of Fact, received March 26, 2015
- H Public Works Staff Report, received May 06, 2015
- I Fire Department Report, received May 06, 2015
- J Fire Department Letter and Secondary Access Agreement, received April 16, 2015
- K Medford Water Commission Memo, received May 06, 2015
- L ODOT Letter, received May 07, 2015
- M Address Technician Memo, received May 06, 2015
- N Building Department Memo, received May 06, 2015
- O Medford Irrigation District Letter, received April 28, 2015
- P Letter from Mr. Robert J. White, received April 14, 2015
Vicinity map

PLANNING COMMISSION AGENDA:

MAY 28, 2015

EXHIBIT A

Cedar Landing PUD Revision and Subdivision Plat
PUD-15-043 / LDS-15-044
Conditions of Approval
May 21, 2015

All conditions of the Preliminary PUD plan approval (PUD-05-035) are still in effect, other than those modified by this revision request.

DISCRETIONARY CONDITIONS

1. Comply with all *Agreed to Stipulations* outlined in the Findings of Fact (Exhibit G);
2. Necessary property line adjustments, right-of-way vacations, and right-of-way dedications shall be completed prior to final plat of the affected phases;

CODE CONDITIONS

3. Comply with the Public Works Staff Report received May 06, 2015 (Exhibit H);
4. Comply with the Medford Water Commission Memorandum received May 06, 2015 (Exhibit K);
5. Comply with the Medford Fire Department Report received May 06, 2015 (Exhibit I);
6. Comply with the Medford Fire Department Letter and Secondary Access Agreement received April 16, 2015 (Exhibit J); and
7. Comply with the Address Technician Memorandum received May 06, 2015 (Exhibit M).

TENTATIVE MAP

HIGH CEDARS AT CEDAR LANDING PHASE 1
HIGH CEDARS AT CEDAR LANDING PHASE 2
HIGH CEDARS AT CEDAR LANDING PHASE 3
HIGH CEDARS AT CEDAR LANDING PHASE 4
HIGH CEDARS AT CEDAR LANDING PHASE 5

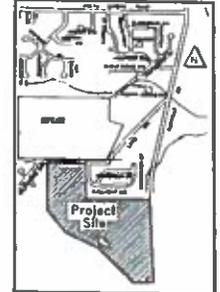
SITUATED IN THE SE 1/4, SECTION 16, TOWNSHIP 37 SOUTH, RANGE 1 WEST, V.M. IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON
137 NW 1/4 TAX LOT 1458 L
137 NW 1/4 TAX LOT 1459

APPLICANT/OWNER Cedar Investment Group, L.L.C.
1700 West Main Street #2 Medford, Oregon 97504 541-755-8881

SURVEYING Hoffmeyer & Associates, Inc.
600 East New St., Suite 201 Medford, Oregon 97504 541-775-4211

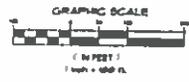
SCHOOL DISTRICT: SACO DISTRICT, GLEBE DISTRICT, GLEBE DISTRICT, CITY OF MEDFORD
AREA: 100.00 ACRES AND 100' x 50' PER ACRES OF 100.00 ACRES
EXISTING USE: VACANT
PROPOSED USE: RESIDENTIAL

VICINITY MAP



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MAR 26 2015
CITY OF MEDFORD
PLANNING DEPARTMENT



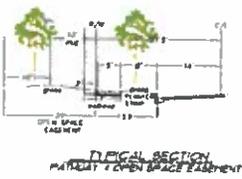
AMBLEGREEN ESTATES UNIT NO. 3, PHASE 1

AMBLEGREEN ESTATES UNIT NO. 3, PHASE 2

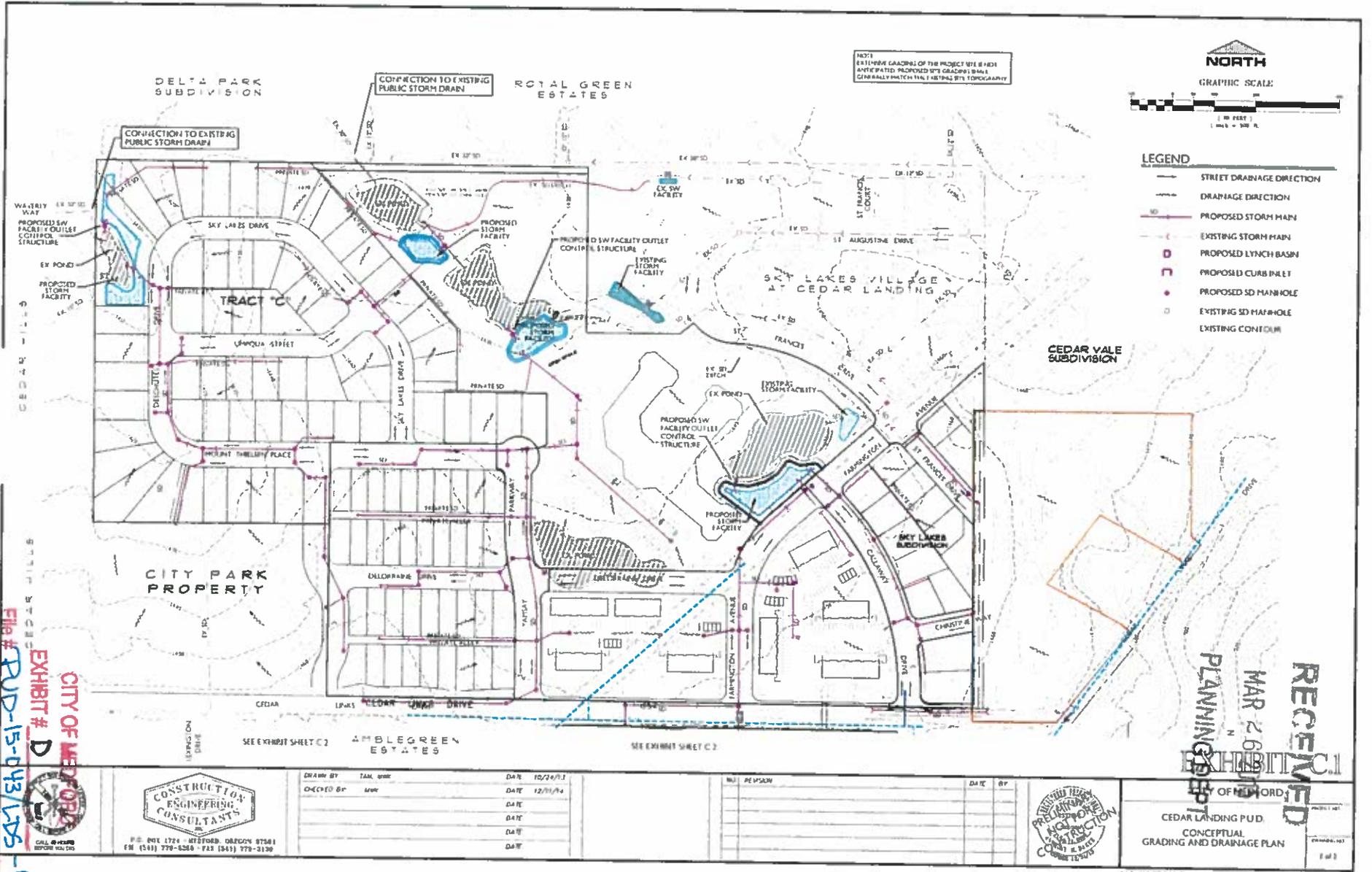
WILLOW GLEN SUBDIVISION UNIT NO. 2

WILLOW GLEN SUBDIVISION UNIT NO. 3

FOOTHILL SUBDIVISION



File # RVD-15-043
EXHIBIT C
17



CITY OF MEYER
 EXHIBIT # D
 FILE # PUD-15-043/LDS
 -15-044



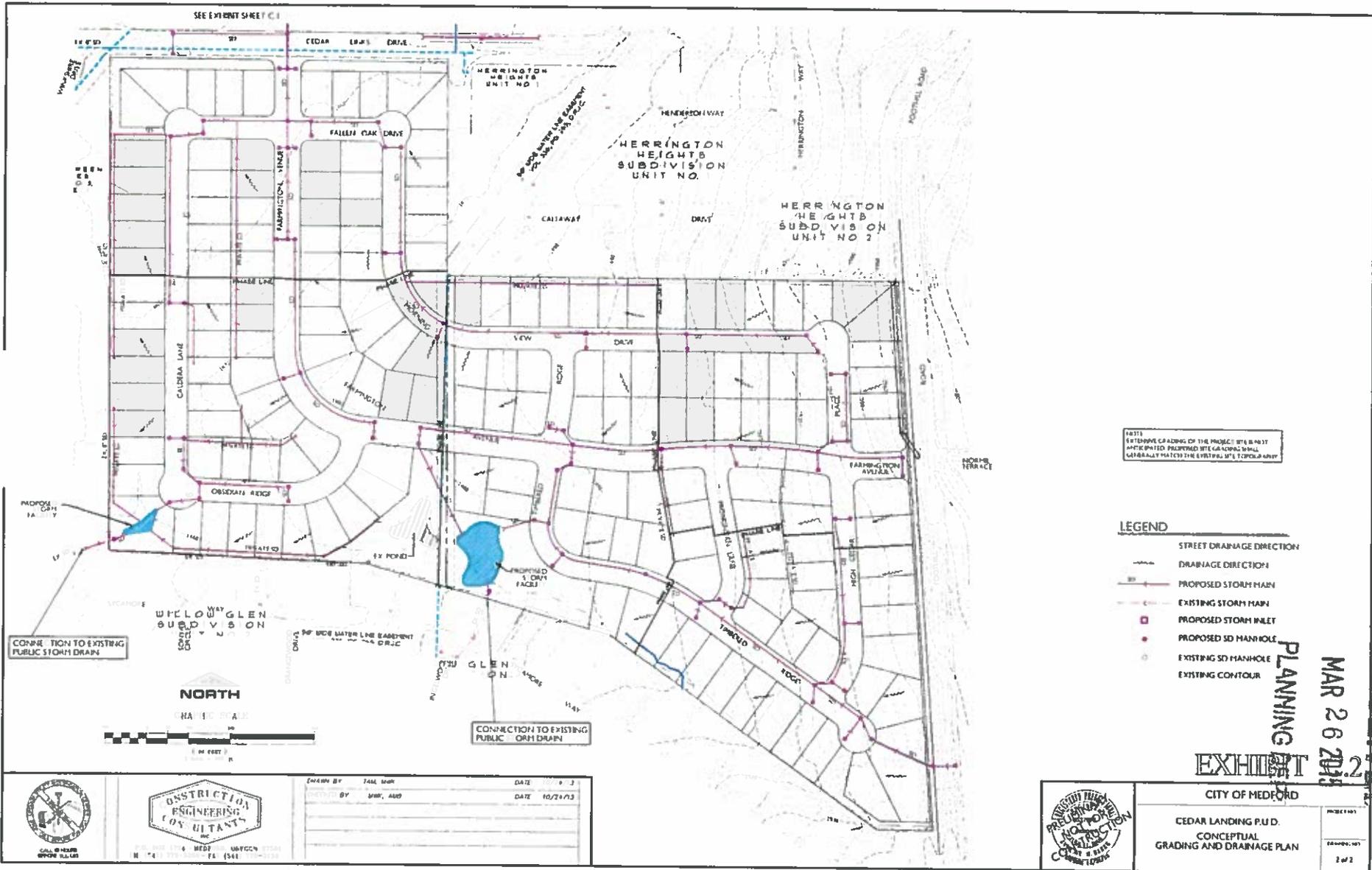
P.O. BOX 1724 - MEYER, OREGON 97531
 PH (503) 778-5269 - FAX (503) 975-2120

DRAWN BY	TAK	DATE	10/24/11
CHECKED BY	MM	DATE	12/7/14
		DATE	

NO.	REVISION	DATE	BY



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 PLANNING DEPT
 CITY OF MEYER
 CEDAR LANDING PUD
 CONCEPTUAL
 GRADING AND DRAINAGE PLAN



NOTE: EXTENSIVE GRADING OF THIS PROJECT SITE MUST BE COMPLETED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION TO ENSURE THAT THE EXISTING SITE TOPOGRAPHY IS MAINTAINED.

- LEGEND**
- STREET DRAINAGE DIRECTION
 - DRAINAGE DIRECTION
 - PROPOSED STORM MAIN
 - EXISTING STORM MAIN
 - PROPOSED STORM INLET
 - PROPOSED SD MANHOLE
 - EXISTING SD MANHOLE
 - EXISTING CONTOUR

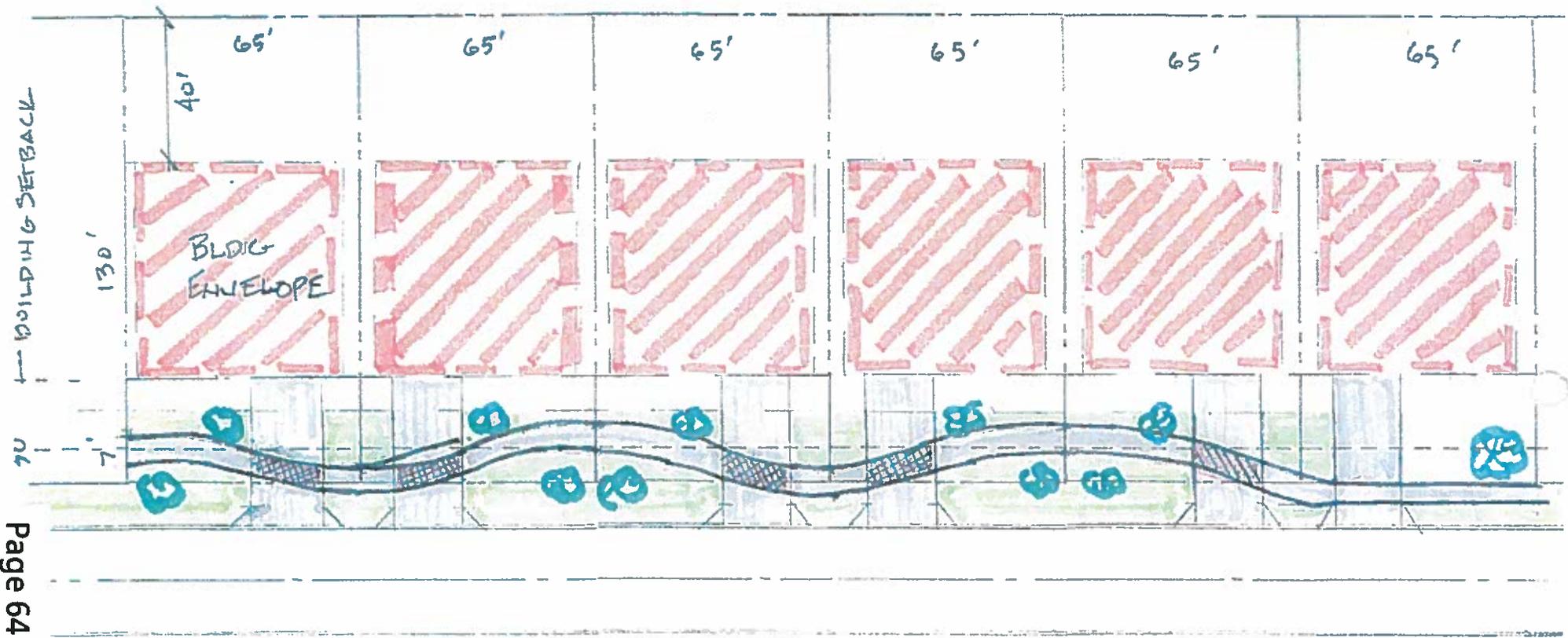
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 MAR 26 2014
 PLANNING DEPT
 CITY OF MEDFORD



EXHIBIT C-1 CITY OF MEDFORD	
CEDAR LANDING P.U.D. CONCEPTUAL GRADING AND DRAINAGE PLAN	PROJECT NO. DRAWING NO. 1 of 2



DESIGNED BY	JAM SHAR	DATE	10/13/13
CHECKED BY	WMP, AND	DATE	10/21/13



← BUILDING SETBACK
 130'
 7'
 7'
 Page 64

PROPOSED PATH DETAIL

1" = 40'

20' OPEN SPACE
EASEMENT

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 PLANNING DEPT
 EXHIBIT 13

CITY OF MEDFORD
 EXHIBIT # **E**
 File # R15-043/LDS-15-044

BEFORE THE PLANNING COMMISSION

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

RECEIVED

MAR 26 2015

PLANNING DEPT.

IN THE MATTER OF AN APPLICATION)
 TO AMEND THE CEDAR LANDING)
 PLANNED UNIT DEVELOPMENT PLAN)
 (FILE NO's. PUD-05-35; PUD-13-119; and)
 PUD-14-136) AND TO AUTHORIZE A)
 NEW TENTATIVE SUBDIVISION PLAT)
 FOR THE HIGH CEDARS SUBAREA)
 INCLUDING PHASES 1-5 (PREVIOUSLY)
 PHASES 1 THROUGH 4 OF HIGH)
 CEDARS & PHASE 1 OF THE VILLAGE))
 AND LIMITED TO THAT PORTION OF)
 THE PUD WHICH IS SITED ENTIRELY ON)
 THE SOUTH SIDE OF CEDAR LINKS)
 DRIVE ON 116.58 ACRES OF LAND)
 ZONED SFR-4 ON LAND THAT IS)
 LOCATED APPROXIMATELY 1,000 FEET)
 WEST OF NORTH PHOENIX ROAD IN)
 THE CITY OF MEDFORD, OREGON)
)
 Applicant: Cedar Investment Group, LLC)
 Agent: CSA Planning, Ltd.)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Applicant's Exhibit 1

NATURE AND SCOPE OF APPLICATION

This application involves revisions to the south half of the Cedar Landing Planned Unit Development (PUD) — that portion of the PUD lying south of Cedar Links Drive in incorporated Medford. There are in fact two applications which have been contemporaneously filed concerning this matter:

- Preliminary PUD Plan
- Tentative Plan for Land Division

The proposed PUD amendments seek the following changes:

1. All PUD lands south of Cedar Links Drive will become part of High Cedars Subarea reconfigured into Phases 1 through 5 as illustrated on attached Tentative Plans (Exhibits 7 & 8).
2. All commercial, multi-family and condominium lands lying south of Cedar Links Drive are to be converted to single family detached residential in accordance with the Exhibit 8 Tentative Plat.

CITY OF MEDFORD

EXHIBIT # 6

File # PUD-15-043/LDS-15-044



9

3. The below-grade pedestrian crossing at Cedar Links Drive would not to be constructed.
4. Creation of a single access point to Foothills Road designed to properly align with Normil Terrace. A second access point at Tree Top Drive (as earlier approved as part of PUD-13-119) will be eliminated and not recreated elsewhere.
5. Relocate pedestrian paths from the perimeter of the High Cedars Subarea to the interior.

This document, entitled *Findings of Fact and Conclusions of Law* is submitted into evidence as Applicant's Exhibit 1. Its purpose is to present facts relevant to the applications and show how these support the Planning Commission's final decision. Applicant's Exhibit 1 demonstrates how the evidence, in this instance, supports affirmative decision to approve the applications. Applicant urges that this document and the evidence therein referenced are adopted by the Planning Commission in support of any affirmative decisions the Commission may reach.

II

EVIDENCE SUBMITTED WITH APPLICATION

Applicant herewith submits the following evidence in support of its applications seeking approval for Preliminary PUD Plan and Tentative Land Division Plat:

- Exhibit 1.** The proposed Findings of Fact and Conclusions of Law (this document) which demonstrates how these modified Preliminary PUD Plans and Land Division applications comply with the applicable substantive criteria of the MLDC
- Exhibit 2.** Jackson County Assessor plat maps T37S-R1W-Sections 16 and 16ca which depict the subject properties. Plat maps T37S-R1W Section 16da is also included to illustrate residual portions of the PUD not proposed to be modified
- Exhibit 3.** City of Medford Zoning depicted on an Aerial Map
- Exhibit 4.** City of Medford General Land Use Plan (GLUP) Map
- Exhibit 5.** Copy of Sky Lakes Village at Cedar Landing Phase 7A Plat
- Exhibit 6.** Aerial Map from 2014 showing improvements to date.
- Exhibit 7.** Preliminary PUD Plan showing the proposed amendments and which reflects modifications currently pending review under City file numbers: PUD-14-136, LDS-14-137 & LDS-14-138
- Exhibit 8.** Proposed Tentative Plat Map
- Exhibit 9.** Proposed Landscape Plan
- Exhibit 10.** Phasing and Infrastructure Plans
- Exhibit 11.** Preliminary Grading and Stormwater Detention Plan
- Exhibit 12.** Foothill Road Preliminary Grading Plan
- Exhibit 13.** Pedestrian Path Detail



- Exhibit 14. Neighborhood Meeting Sign-in Sheet and letters of support from neighboring property owners
- Exhibit 15. Public Notice Area Map
- Exhibit 16. Wetlands Plan
- Exhibit 17. Rationale for PUD pursuant to MLDC 10.235(B)(3)
- Exhibit 18. Proposed Property Line Adjustment Maps and Legal Descriptions
- Exhibit 19. Completed application forms for Preliminary PUD and Tentative Subdivision Plat and powers of attorney from the record owner of the subject property which permits CSA Planning, Ltd. to act procedurally in its name

III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

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

A. PLANNED UNIT DEVELOPMENT (Revision of an Already Approved PUD)

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.

B. APPROVAL OF A (NEW) PRELIMINARY PUD PLAN

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.

C. 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



Findings of Fact and Conclusions of Law

CEDAR LANDING PUD: Application to Revise a PUD by Approving Preliminary PUD Plat and Tentative Plat
Cedar Investment Group, LLC: Applicant

- 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.

IV

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 entirety of the Cedar Landing PUD includes the properties identified in the table herein below. The parcels affected by the proposed amendments are reported in below Table 1 and indicated in the column titled "Part of Amendment." The subject property includes lands within the Cedar Landing PUD which are located south of Cedar Links Drive and identified on the Sky Lakes Village at Cedar Landing Phase 7A plat as Lots 95, 96, 97, 98 and 99. The subject property is also described on the Assessor's plat map as Township 37 South, Range 1 West, Section 16, Tax Lot 1400 and Township 37 South, Range 1 West, Section 16CA, Tax Lot 2200.¹

Table 1

PUD Ownership and Value; Authority to Amend the PUD

Sources: Jackson County Assessor; CSA Planning, Ltd.

Map & Tax Lot	Acreage	Ownership of Record	Assessed Improvements	Assessed Land	Part of Amendment
37-1W-16-1400	25.58	Cedar Investment Group LLC	0	748,230	Yes
37-1W-16-800	32.72	Cedar Investment Group LLC	453,120	731,670	
37-1W-16-802	1.25	Jantzer Monty R/Theresa	0	0	
37-1W-16-803	5.42	Medford City	0	0	
37-1w-16AC-1100	0.65	Horton Craig Dean/Mary Jane	402,770	112,050	
37-1W-16BD-200	14.73	Cedar Investment Group LLC	0	867,080	
37-1W-16BD-211	0.55	Jantzer Monty R/Theresa	0	0	
37-1W-16BD-214	0.4	Jantzer Monty R/Theresa	0	0	
37-1W-16BD-300	3.32	Jantzer Monty R	750	125,230	
37-1W-16BD-400	2.73	Jantzer Monty Ray/Theresa L	87,150	116,390	
37-1W-16CA-2200	22.45	Cedar Investment Group LLC	0	658,140	Yes

¹ The Sky Lakes Village at Cedar Landing Phase 7A plat was recently recorded. As the plat is processed by the Jackson County Assessor the property will be assigned new tax lot numbers, one for each of the lots created in said plat.



Cedar Links Drive R.O.W	31				
Saint Frances, Saint Augustine, & Wheat Ridge Drive	23				
	115.2				

2. **Property Location:** The Cedar Landing PUD property is located on both sides (north and south) of Cedar Links Drive, approximately 1,000 feet of west of North Phoenix Road, comprising what was formerly the Cedar Links Golf Course. The portion proposed to be amended (and subject to these applications) is located south of Cedar Links Drive. The property is within the corporate limits of Medford 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 4

3. **Comprehensive Plan and Zoning:** The property has a General Land Use Plan (GLUP)² designation of Urban Residential (UR) and is zoned SFR-4. See, Exhibits 3 and 4

4. **Background; Relevant Prior City Approvals:** The City of Medford has taken several land use actions concerning this property and others are still pending as reported below:
 - **PUD-05-35:** On April 27, 2006, the City of Medford Planning Commission approved PUD-05-35 is a planned unit development (PUD) named Cedar Landing with four sub-areas, each with their own phasing plan, covering approximately 122 acres. The four subareas were as follows:
 - The Village at Cedar Landing with 5 Phases including retirement facilities; mixed use commercial / residential; single family residential and common area / open space
 - Cascade Terrace with Phases with single family residential and open space
 - Sky Lakes Village with Phases with single family residential and open space
 - High Cedars with Phases including 55 and older lots, duplexes, townhomes, single family lots and common area/open space.

Of the original Cedar Landing PUD, two phases — Phases 5 & 6 of Sky Lakes Village — have received final plat approval by the City and have been developed.

 - **Termination of 5.47 acres for City of Medford Park:** On April 14, 2011 the City of Medford approved the termination of 5.47 acres within Phase 1 of the Sky Lakes Village and Phases 1 and 2 of the Cascade Terrace. The same 5.47 acre was acquired by the City of Medford for a future Neighborhood Park.
 - **PUD-13-119** On February 27, 2014 the City of Medford Planning Commission approved PUD-13-119, an amendment to PUD-05-35. PUD-13-119 dissolved remaining portions of Cascade (following termination noted herein above) into The

² Also known as a Comprehensive Plan Map Designation.



Village subarea and renumbered the phases within The Village subarea. The portion formerly within Cascade became phase 1 of The Village.

- **Property Line Adjustments:** Property line adjustments reconfiguring lots 37-1W-16BD-400 and 300 to their current configuration.
 - **LDS-13-121 Final Plat for Sky Lakes Phase 7** creating 16 lots on 4.33 acres. Creation of 9 reserve acreage lots throughout the PUD coincident with subarea and phase boundaries. The portion lying south of Cedar Links Drive was recorded as Plat Sky Lakes Village at Cedar Landing Phase 7A (A Planned Community) creating lots 96 through 99 thereof.
 - **E-14-136:** Exception to right of way width on north side of Cedar Links Drive currently pending City review.
 - **PUD-14-136, LDS-14-137 and LDS-14-138:** Pending revision to the westerly half of Cedar Landing PUD lying north of Cedar Links Drive; Pending minor revisions to roads and lot configurations within Phase 1 of Sky Lakes (Formerly Phases 1-4) creating 60 lots; Pending revision to Phase 1 of The Village (formerly part of Cascade Terrace) creating 38 lots
5. **Surrounding Land Uses:** All surrounding lands are zoned SFR-4 as shown on Exhibit 3. With exception of lot 37-1W-16D-3600 lying east of Foothill Road that is comprised of more than 50 acres is owned by PacifiCorp that is partially developed with a substation. All surrounding lands are developed single family residential lots and dwellings.
6. **PUD Ownership and Structural Development Summary:** The following Table 2 reports the development status of the various parcels/portions of the PUD and Table 3 reports Vacant Acreage Ownership:

Table 2

PUD Ownership by Tax Lot

Sources: Jackson County Assessor; CSA Planning, Ltd.

Map & Tax Lot	Acreage	Ownership	Development Status	Assessed Improvements	Assessed Land	Total Assessed Value
37-1W-16-1400	25.58	Cedar Investment Group LLC	Vacant	0	770670	770670
37-1W-16-800	32.72	Cedar Investment Group LLC	Club House & Related Parking	466710	753620	1220330
37-1W-16-802	1.25	Jantzer Monty R/Theresa	Vacant (<i>open space common area</i>)	0	0	0
37-1W-16-803	5.42	Medford City	Vacant (<i>Portion of Former Golf Course Parking Lot for Club House</i>)	0	0	0
37-1w-16AC-1100	0.65	Horton Craig Dean/Mary Jane	Single Family Dwelling	358100	164500	522600
37-1W-16BD-200	14.73	Cedar Investment Group LLC	Vacant (<i>Portion of Former Golf Course Small Parking Lot</i>)	0	893090	893090
37-1W-16BD-211	0.55	Jantzer Monty R/Theresa	Vacant (<i>Portion Former Golf Kart Path</i>)	0	0	0
37-1W-16BD-214	0.4	Jantzer Monty R/Theresa	Vacant (<i>open space common area</i>)	0	0	0
37-1W-16BD-300	3.32	Jantzer Monty R	Vacant (<i>small shed was removed</i>)	770	128980	129750
37-1W-16BD-400	2.73	Jantzer Monty Ray/Theresa L	Single Family Dwelling & Pool	89750	119890	209640
37-1W-16CA-2200	22.45	Cedar Investment Group LLC	Vacant	0	677880	677880



Table 3

Vacant PUD Ownership Totals and Percentages

Sources: Jackson County Assessor; CSA Planning, Ltd.

Vacant Ownership	Vacant Acreage	Percent of Vacant Acreage	Value of Vacant Acreage	Percent of Vacant Property Values
CIG	62.76	85%	\$2,341,640	95%
Jantzer	5.52	7%	\$129,750	
City of Medford	5.42	7%	0	
Totals	73.7		\$2,471,390	100%

Cedar Investment Group LLC (CIG) owns 85 percent of the vacant land within the PUD area and 95 percent of assessed value of the vacant lands.

7. **Topography:** Most of the property is gently sloped and drains to the northwest with slopes of approximately 2 to 3 percent. The steepest portions of the property proposed for development are those lying along Foothill Road where there are slopes of approximately 12 percent. See item 11 herein below related to slopes in excess of 15%.
8. **Floodplain; Wetlands; Drainage:** There is no 100-year mapped floodplain on the property. Portions of the property contain wetlands as indicated on Exhibit 16. Drainage is generally to the northwest. Applicant's drainage plan is submitted as Exhibit 11. Wetlands within the property have been delineated and preservation/mitigation plans have been approved by the required State and Federal agencies as a part of the approval of Cedar Landing PUD. This application will not result in development that will impact any of the identified wetland areas and the proposed PUD plans are consistent with the approved wetland mitigation plan.
9. **Neighborhood Circulation Plan:** The proposed subdivision is not located within one of Medford's Adopted Neighborhood Circulation Plans, however is located within the approved Cedar Landing PUD Master Plan.

10. Proposed PUD Revisions:

The entirety of the Cedar Landing PUD lying south of Cedar Links Drive is the area subject to the proposed changes. With exception of Phase nomenclature, neither PUD13-119 nor PUD14-136 (currently pending review) modified or will have the effect of changing any portion of the PUD lying south of Cedar Links Drive. The following is a comparison of what was approved for the subject area under the original PUD05-35 and carried forward through PUD14-136 to what is now proposed.



Table 4

Comparison of Current versus Proposed Uses within Area of Change

Sources: Jackson County Assessor; CSA Planning, Ltd.

Use Comparison on Lands South of Cedar Links Drive	Approved per PUD-05-035; PUD-13-119 and Pending PUD-14-136	Proposed
Commercial (square feet)		
N/C-S/P commercial	23,016	0
Residential (units)		
Senior SINGLE FAMILY DWELLING	34	0
Condominium Units	13	0
SFR	65	176
Duplex Units	22	0
Townhomes	36	0
Total Residential Units	170	176

Applicant herewith testifies that because of neighborhood concerns and market demand, the commercial and multi-family elements have been removed from the High Cedars subarea. *The congregate care and commercial components of the overall PUD that are situated north of Cedar Links Drive are unchanged by this application.* Applicant further testifies that the proposed changes will better comport with the permitted uses and intent of the underlying SFR-4 zone (because this proposal contains fewer deviations from the base standards of the MLDC) and will produce maintain better compatibility with the surrounding residential neighborhood.

The following explains the nature and extent of the Project in relation to the proposed changes herewith sought:

- A. **Land Division; Lot Layout:** The proposed land division is depicted on the Exhibit 8 Tentative Plat Map. The plan for land division proposes the creation of up to 176 single family residential lots and approximately 5.0 acres of common area open space consisting of walking paths, a larger open space of roughly 2.5 acres is located centrally along the property's south boundary and two small open space nodes along the pedestrian paths at the east and west ends of the property along its south boundary. The trails/paths are interconnected with street-side sidewalks and provide enhanced pedestrian and bicycle opportunities. The large open space is intended to provide passive recreation opportunities for residents of the neighborhood.
- B. Of the approximately 5.0 acres, approximately 3.9 acres is to be in common lot ownership³ and the remaining 1.1 acres is by way of open space easements where the pedestrian paths traverse the fronts of lots. Both categories of open space are

³ Common ownership means owned in common by the unit owners within the PUD.



to be maintained by the homeowners' association. The areas shown in green on Exhibits 7 and 9 constitute the common areas just explained.

- a. **Setbacks:** All proposed lots can and will comply with the standard structural setbacks for the underlying SF-4 zone with the following exceptions, which constitute minor modifications from the strict provisions of the MLDC. See, Exhibit 7.
 - i. To accommodate the proposed meandering path as further explained in in Item C below, Lots 36 – 57, 89 – 90, and 158 – 165 propose a front yard setback of 33 feet. This will allow for not less than a 20-foot deep parking area within the driveway between the path and the structural improvements. The setbacks are assured through the establishment of building envelopes. Also see Exhibit 13, a detail of the pedestrian path in relation to dwellings and driveways.
 - ii. Applicant seeks flexibility under the PUD provisions herein related to the side-yard setbacks on lots 75, 85, 106, 107 & 110 where (in Exhibit 8) each of these lots is shown as accommodating an open space easement. Applicant requests the option of either utilizing an easement (as depicted on the preliminary plans in Exhibits 7 and 8 or be allowed to accommodate the open space areas as lots reserved for open space and owned in common by the Association of Unit Owners. If said area is perfected as an open space lot, Applicant requests a four-foot side-yard setback for structural improvements to the open space lot side. If the said areas are perfected as an open space easements, the standard side yard setbacks would apply.
- b. **Block Lengths:** *All block lengths are consistent with the original approved PUD.* The two interior blocks bound by Caldera Lane, Obsidian Ridge, Fallen Oak Drive, Morning View Drive and Farmington Avenue (primarily within Phases 1 and 2) are 820 and 920 feet respectively. Accordingly the blocks exceed the 660-foot maximum block length prescribed in MLDC 10.426(2)(C). The 920-foot block includes a pedestrian path crossing at approximately 660 feet. Based on the north-south street orientation, pedestrians are able to easily connect with the open space lands by way of the proposed pathways and sidewalks (either of which connect all lots in the project). Additional cross streets between the blocks would serve little purpose to accommodate neighborhood interconnectivity, would create additional crossing impediments for pedestrians using the north-south path system (which connects residences to the open space areas) and impinges on the cost effective delivery of housing by devoting land to public streets without, in this instance, significant purpose. The same would also require future public maintenance of the additional streets.
- c. **Double Frontage/Through-Lots:** See Item 10(E)(d) herein below.

C. Residential Density Calculations (Overall PUD): The following constitutes facts which relate to the entire Cedar Landing PUD:

- a. Density Facts

- i. Total PUD acreage: 116.58 acres
 - ii. SFR-4 Allowable Density Range: 291 to 466 units
 - iii. 20% Allowable PUD Density Bonus: 93 units
 - iv. Maximum allowed units including density bonus: 559 units
 - v. Congregate Living Single Family Residential Equivalency: 0.70
 - b. Proposed Densities with Revisions
 - i. Single Family Lots: 335 units
 - ii. Condominium Units: 21 units
 - iii. Congregate Living (150 units @ 0.7): 105 units
 - iv. Total Units 461
 - v. Open Space Acres: 17.9
 - vi. Open Space Percent of Project: 15.35%
 - c. Density Results:
 - i. Percent of total units at SFR-4 Density: 98.9% (465 of 466)
- D. **Path:** The previous plan contemplated a multi-use path around a significant portion of the development's exterior perimeter which produced criticism and opposition from existing neighborhood residents. In response, the paths in the proposed plan have been relocated to the Project's interior, with near unanimous support. The pathways continue to tie the residential neighborhood to common area open space lands. Following are details related to the proposed interior path.
 - a. See attached Path Diagram (Exhibit 13)
 - b. 20-foot open space easement
 - c. Meandering 7-foot wide path
 - d. Two street trees per frontage
 - e. House front setback of 33 feet from edge of right of way to accommodate appropriate driveway parking

E. Streets and Transportation

a. General Layout / Frontage

The proposed street layout is similar to what is presently approved and all streets are proposed to be dedicated as city residential streets (See, Exhibits 7 and 8 for layouts and cross sections). The design is such that the development has two points of access in and out of the area. Farmington Avenue connects with Cedar Links Drive, a city major collector at the north end and Normil Terrace connects with Foothill Road, a city major arterial at the southeast end. As illustrated in the attached Phasing plans (Exhibit 10) temporary emergency

vehicle turn-arounds will be provided at street stubs⁴ commensurate to each phase.

b. Connection at Foothill Road

The Proposal in these applications serves to eliminate an approved connection to Foothill Road at High Cedars in favor of the single connection at Normil Terrace. The connection at Timbered Ridge (now Tree Top Drive) was approximately 550 feet from the Normil Terrace connection, a distance acceptable along a major arterial but less than ideal, prompting Applicant to eliminate the additional connection. The second connection at Timbered Ridge (Tree Top Drive) was not necessary to accommodate traffic volumes. Nor was it necessary to address traffic safety concerns. In fact, its elimination will benefit traffic safety along Foothill Road by minimizing the connections along this major arterial. Approval of the amended master plan for Cedar Landing PUD contained a design for a vertical separation feature along the Foothills Road frontage which will be constructed as part of this project. The separation See, Exhibit 12 for a detail of the design.

As evidenced by the attached Tentative Plan, there is adequate area to accommodate all necessary improvements along Foothill Road consistent with prior approvals.

Applicant is aware that improvements to Foothills Road will be necessary as part of its project. However, Applicant is aware that the City of Medford is now undertaking a study (the Foothills Corridor Study) to ascertain the best solutions for improving Foothills Road. The study has not yet been approved by the City Council. As such, the results of that study and improvement requirements to Foothills Road may necessitate minor design changes to the proposed Tentative Plat which would be reflected in the Final Plat for this land division.

c. Rights-of-Way to Be Vacated

Sky Lakes Village at Cedar Landing Phase 7A created rights-of-way for Normil Terrace and Farmington Avenue that were accepted by the City and have been recorded. The rights-of-way were necessary to provide frontage and lawful access to the five lots created under said division.⁵ As a condition of approval, Applicant agrees to stipulate to partial vacation of portions of the right of way that do not comport with the proposed tentative plans. Commensurate with the vacations will be requests for portions of rights of way as shown on the attached plan to be accepted by the City – in order to assure appropriate frontage for and access to each underlying lot. The existing right-of-way dedications to be vacated and the new rights-of-way to

⁴ The terminus of each street to less than its planned length is referred to as a street stub. The City may also require a “street plug” in each location.

⁵ This was done so that each of the then contemplated phases would have lawful access under the MLDC.



be dedicated as part of the Final Plat for this land division are shown on Exhibit 8.

d. Access Restrictions; Double Frontage/Through Lots

Proposed Lots 5 and 6 of Phase 1 will have frontage on both Morning View Drive and Callaway Drive. Proposed Lots 124-128 and Lots 147 -148 will of Phase 4 and proposed Lots 149-156 of Phase 5 will have frontage on High Cedars Lane and Foothill Road.

As a condition of approval, Applicant has agreed to stipulate to restrict access for Lots 5 and 6 to Morning View Drive only. Direct access to lots 5 and 6 will not be permitted from Callaway Drive. Similarly, access for Lots 124-128 and 147-156 will not be permitted from Foothill Road. Said lots will be permitted access from High Cedars Lane only. Lots 128 and 147 (which also front upon Normil Terrace) will be permitted access from High Cedars Lane only.

Agreed to stipulations are summarized in Section VI.

e. Cul-de-sacs

The development includes one small cul-de-sac situated in the southeast corner of Phase 4, off of High Cedars Drive a proposed local city street. The configuration and dimensions of the cul-de-sac are illustrated on the attached plans. The cul-de-sac is needed to provide access to a corner of the property that meets at an oblique angle which makes access otherwise difficult. See, Exhibit 8. Lot frontages within the cul-de-sac range from 31 feet to 53 feet and the paved cul-de-sac curve radii is 45', consistent with MLDC 10.450(2).

Pursuant to MLDC 10.450 cul-de-sacs are only permitted under certain circumstances. These include circumstances where it is not possible to create a street pattern which meets the design requirements for streets. In this instance the cul-de-sac here proposed arguably just barely meets that terms definition but is needed because the cul-de-sac cannot reasonably be extended. It cannot be extended to the east due to severe grade changes and the creation of a "too-close" intersection at Foothills Road in relation to the nearby intersection with Sycamore Way. A new intersection would similarly need to be located on a curve in Foothills Road and produce an avoidable safety issue. The cul-de-sac similarly cannot be extended south to connect with Sycamore Way as doing so in this location would impermissibly Sycamore in a location that is too near its intersection with Foothills Road. For these reasons, Applicant has elected to place a cul-de-sac in the location specified and asserts that through the findings of fact thus offered above, that this Proposal complies with the requirements in MLDC 10.450 to enable use a cul-de-sac.

f. Intersection of Cedar Links Drive and Foothill Road

A condition of approval for PUD-05-035 required a new signalized intersection with Cedar Links Drive and Foothill Road. Said offsite improvement has been recently completed and is pending acceptance by the City.

g. Transportation General

The original Cedar Landing PUD included a Traffic Impact Analysis (TIA) that related to the entire Cedar Landing PUD project. As described herein above, this proposal results in a significant reduction in areas to be devoted to commercial uses and access to a major arterial (Foothills Road) has to be reduced from two to one. The significant reduction in commercial land (and its potential uses) in turn reduces the number and types of vehicular trips at the intersections then studied. In short, this Proposal results in reductions in potential traffic loading in comparison to the PUD plans now approved. Additionally, this Proposal reduces the number of connections to Foothill Road from two to one and the same will increase safety consistent with objectives expressed in the TSP which seek to minimize access to major arterials for better traffic throughput. Based on the foregoing, there is no need for additional analysis of transportation impacts.

F. Landscaping

Applicant's Exhibit 9 is a landscape plan depicting all proposed vegetative plantings. Note that the plan calls for two street trees per frontage for lots crossed by the proposed meandering pathway, including Lots 36 – 57, 89 – 90, and 158 – 165.

G. Phasing

- a. The plan proposed five phases within the High Cedars subarea as illustrated on Exhibits 7-11. The improvements associated with each phase are identified on the Phasing Plan, Exhibit 10.
- b. As explained herein above, temporary emergency access will be provided at street stubs commensurate with the development of each phase.
- c. As a condition of approval, Applicant has agreed to stipulate to providing temporary emergency vehicular access turn-arounds with each phase. See, Section VI.

H. Property Line Adjustments

Property line adjustments associated with this project are necessary in order to align the underlying property lines with proposed phase boundaries for purposes of financing and potential sale. Applicant has agreed to stipulate to execute the appropriate property line adjustments to serve this objective. There are sections of roadway proposed to provide access to some of the proposed tracts and these are proposed simply to prevent the future tax lots from being landlocked and conforming to similar requirements in the MLDC. The street stubs will not produce issues with traffic circulation because there will not be any traffic generated by these future phases until they are first finally approved by the City. Before housing and supporting public facilities can be built on each of the future phases, the City must first approve a Final Plat for land division.

I. Summary of Comparative PUD Modifications

The proposed PUD request includes minimal modifications of the MLDC. See, Section IV(10)(B) herein above.

- Table 4 herein above summarizes the proposed changes to the south half of Cedar Landing PUD.
- Section IV, Items 10(B)(a) and (b) herein above describe the three minor requests for modifications of the code related to: flexibility in application of a side-yard setback for specific interior lots, increased front-yard setback for lots that are crossed by the proposed multi-use path and a slight modification to the minimum block-length standards.

Block length standards are found in MLDC 10.426. Residential setback standards are found in MLDC 10.710. Authority to flex the above standards is found under MLDC 10.230(D)(1)-(5).

- 11. Hillside:** A very small amount of land in this project exceeds 15%. These steeper slopes are isolated in a narrow band adjacent to Foothills Road and the Medford Irrigation District canal that came about because of their construction, creating the sometimes steep embankment. The entire area will likely be eliminated when the anticipated Foothill Road widening/improvement project takes place and the irrigation canal is likely to be placed underground. There will be resulting fill slopes from the new construction that also will exceed 15 percent per the plans in Exhibit 12 where the slopes are to be terraced, landscaped and integrated into the vertical separation feature for Foothills Road. A detail for the separation feature is shown on the Exhibit 9 Landscape Plan submitted with this application. See also Exhibit 12.
- 12. Neighborhood Meeting:** 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 February 4, 2015 and was attended by no less than 24 property owners (sign-up sheet attached). Applicant asserts that the surrounding neighborhood appeared near unanimous in its support of the plans now proposed while the earlier approved plan (proposed here to be replaced, in part) was strongly opposed.
- 13. Impacts to Essential (Category "A") Public Facilities:** Due to the reduction in commercial uses, 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. An analysis of adequacy of public facilities and services, including those denoted as Category A, are not required as part of the instant applications unless there are "proposed uses not allowed in the underlying zone pursuant to MLDC 10.230(D)(7)(c)." In this instance, no new uses of that category are proposed and in fact the same are being reduced over the amounts earlier approved by the City. The reductions come by way of exchanging commercial land/uses for single family detached housing. It is well established that single family dwellings on average produce less traffic than that which is generated by the kinds of shopping, offices and other commercial uses that this project originally contemplated.



V

CONCLUSIONS OF LAW

The following conclusions of law are based on the evidence enumerated in Section II and the findings of fact contained in above Section IV and which 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.

The Conclusions of Law are separated and addressed in four parts which seek the following approvals:

- A. **Approval for Revision of an Approved PUD.** Here the Commission concludes with respect to threshold standards whether this PUD can be revised.
- B. **Approval of the Preliminary PUD Plan.** In this portion of the Conclusions of Law the Commission concludes with respect to the changes sought in this application for the PUD by issuing its conclusions regarding the standards and criteria for Preliminary PUD Plan approval.
- C. **Approval of the Tentative Plat for Land Division.** Here the Commission concludes with respect to standards and criteria in the MLDC prerequisite to approving the first step of a land division.⁶

A. PLANNED UNIT DEVELOPMENT (Revision of an Already Approved PUD)

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 Cedar Investment Group, LLC is the Applicant and is an entity that owns more than 50 percent of the vacant land covered by the approved PUD and also owns more than 50 percent of the total assessed value of the of the vacant portion of the PUD. Based upon the record, the Planning Commission further

⁶ Subdivisions (land divisions) are a two-step process



concludes that 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. As such, the Commission concludes that this application is consistent with PUD Revision Criterion 1.

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 Applicant in this instance has not requested a consolidated review for both Preliminary and Final PUD Plan.

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 in its consideration of this matter. The developed portion of the PUD includes single family residential development in an area not adjacent to or within close proximity to the proposed changes. The Planning Commission concludes the proposed single family units are compatible with the developed single family portions nearby and there is nothing in the proposal that is incompatible. For these reasons, the Commission concludes that this application is consistent with PUD Revision Criterion 3.

Summary Conclusions of Law: Based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that it is lawfully possible (and desirable) to permit the revision of the Cedar Landing PUD because the revisions are within the clearly established eligibility standards which have been cited and addressed above as PUD Revision Criterion 1 through 3. Therefore, the Planning Commission concludes that this proposed PUD revision can proceed.

B. APPROVAL OF A PRELIMINARY PUD PLAN
(Approval of an New Preliminary PUD Plan to Replace the Plan Already Approved)



MLDC 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:⁷

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 that the existing PUD includes a mixture of residential housing types, commercial uses and planned open spaces and the proposed (revised) PUD will also contain mixtures of residential housing types, commercial land uses and common trails and open spaces. The PUD will also continue to preserve important natural features (such as the large pond) which were once a part of the Cedar Links Golf Course. For the reasons stated, the Commission concludes that this application to revise the PUD with this new Preliminary PUD Plan is consistent with PUD Criterion 1.

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
 - 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 this criterion is in three subparts, each of which is addressed as follows:

PUD Criterion 2, Subpart ‘a’: With respect to Subpart ‘a’ the Commission concludes that the Proposed Modified Applications of the Code (“the deviations”) have been carefully set forth in the findings of fact in Section IV and consist of the following:

- Minor modification to minimum block lengths.
- Reduced side-yard setbacks for lots adjacent to interior open space, in the event said open space is established as common lot in lieu of easement
- Increased front-yard setback for lots crossed by the proposed multi-use path.

⁷ 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.



Moreover, Applicant has explained the rationale for the PUD as required in MLDC 10.235(B)(3) and the same is included in Exhibit 17. The proposed modifications are consistent with and deemed to specifically relate to the implementation of stated rationale.

PUD Criterion 2, Subpart ‘b’: With respect to Subpart ‘b’ the Commission concludes that the Proposed Modified Applications of the Code (“the deviations”) enhance the development as a whole resulting in a more desirable project. The setback flexibility is related to the implementation of open space and path network serving the neighborhood. Said amenities enhance the development as a whole.

PUD Criterion 2, Subpart ‘c’: With respect to Subpart ‘c’ the Commission concludes that the Proposed Modified Applications of the Code (“the deviations”) will in no way impair the function, safety, or efficiency of the circulation system or the development as a whole. The entirety of lands surrounding the proposed site, are comprised of fully-built residential neighborhoods without any street connections into the subject property, thereby making it impossible to create local street connections in a manner that can accommodate the maximum required block lengths. The proposed street connections with Cedar Links Drive and Foothill Road were previously evaluated and deemed both safe and adequate in prior approvals. Nothing in the proposal will materially impair the the safety, efficiency or functionality of the circulation system or development as a whole.

Based on the Section II Attached Evidence, Section IV Findings of Fact and discussion herein above, the Planning Commission concludes that overall, there is nothing in the proposed PUD revisions that changes the rationale and basis for the code modifications under the PUD ordinance already approved. With respect to the specific request for modifications to the block length and option to reduce setbacks adjacent to interior open space common lots, the Planning Commission relies on the evidence provided in Section II and Findings of Fact Section IV and concludes the proposed modifications are consistent with all subsections a, b and c herein.

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 named limitations and there is nothing in this PUD revision application that would cause it to become subject to any of the above. Prior approvals required the installation and completion of a traffic signal at the intersection of Cedar Links Drive and Foothill Road which has since been completed. However, the earlier condition which required that public facility improvement did not (and does not now) constitute a moratorium, public facilities strategy or limited service area. Therefore, Based upon the foregoing findings of fact and conclusions of law, the Planning Commission

concludes that the application is consistent with the requirements of PUD Criterion 3.

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 common elements in this PUD consist of the open spaces, including its trails interconnected with sidewalks, large and small open space nodes as shown on Applicant's plans in Exhibits 7, 8 and 9. The function of the open space elements is explained in the findings of fact in Section IV. Applicant asserts and the Commission agrees that Applicant's plans speak for themselves with respect to the location, size, shape and character of the planned open space common elements and the Commission further agrees that these are appropriate for the intended use and function, consistent with PUD Criterion 4.

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: Based upon the findings of fact in Section IV the Planning Commission concludes that with the net overall reduction of commercial uses by 23,000 square feet, the demand on Category A public facilities is likely to be less than that which was previously approved and nothing about the changes are expected to negatively affect the demand for public sanitary sewerage collection and treatment, water supply, storm drainage or traffic upon public streets. In fact, traffic resulting from the proposed PUD revisions will appreciably reduce projected traffic levels. Therefore, Based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that the application is consistent with the requirements of PUD Criterion 5.

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 herein sought does not include uses subject to conditional use permit criteria. To the contrary, this application seeks to reduce uses that trigger the necessity to show compliance with the conditional use permit criteria pursuant to PUD Criterion 6 above. Moreover, to the extent that portions of the PUD, not subject to this request for modification, were approved for commercial uses, the Planning Commission also holds that the same uses are now permitted, not subject to this PUD revision application, and do not require additional consideration at this time and the nature of this revision is such that it does not require these uses to be approved anew. For the reasons above stated, and based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that the application is consistent with the requirements of PUD Criterion 6.

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 that Applicant has requested a land division, the approval criteria for which are addressed herein below and the same are incorporated here, thus establishing the basis for the Commission to conclude, as it does, that this application is consistent with PUD Criterion 7.

C. 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 herein above and where block length and interior side yard setbacks 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 Commission concludes that the only remainder of the property owned by Applicant are portions of the overall Cedar Land PUD located on the north/opposite side of Cedar Links Drive from the property subject to these applications. The portions of Cedar Landing PUD one opposite sides of Cedar Links Drive do not have transportation interconnections other than across Cedar Links Drive. As such this approval will not prevent or adversely affect development of the portion north of Cedar Links Drive. There is nothing in the proposed PUD revisions to suggest that it will in any way prevent development of other portions (owned by Applicant) on the north side of Cedar Links Drive.

There is also no evidence to suggest that the proposed land divisions will prevent the development of other adjoining land or access thereto because, in fact, all land surrounding the subject property is fully developed with the exception of some land on the opposite side of Foothills Road from the subject property, with which it is concluded to be infeasible and undesirable to interconnect with access. For the reasons thus described, the Planning Commission concludes that this application is consistent with Land Division Criterion 2 because this land division will not prevent development of the remainder of the property under the same ownership or of adjoining land or of access thereto.

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 include the name High Cedars at Cedar Landing, Phases 1 through 5. This name was approved by the Planning Commission in 2006 as part of the original approval under PUD05-035 and there is no evidence to suggest that the proposed names are not presently available.

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 include new public streets and as evidenced by Exhibits 7 through 10, the connections with surrounding lands are in a manner that conforms to all existing and proposed street layouts, none of which contemplated interconnections with the development



of the subject property. As such, based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that the application is consistent with the requirements of Land Division Criterion 4.

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 proposal does not include private streets and Land Division Criterion 5 is concluded to be inapplicable.

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 zoning district and will not, therefore, create an unmitigated land use conflict with adjoining agricultural lands.

VI

AGREED TO STIPULATIONS

Applicant herewith agrees to stipulate to the following matters if the same are made conditions attached to the approval of this application:

1. **Property Line Adjustment.** Applicant will execute property line adjustments that modify the existing underlying lot configurations to coincide with phase boundaries approved as part of this application and as shown on Exhibit 18.
2. **Street Vacations.** Prior to recording the Final Plat for any of the five phases in High Cedars at Cedar Landing, those portions of Normil Terrace and Farmington Avenue which lie within the subject property but outside the rights-of-way on the plans herein proposed are to be vacated whether by Applicant or, at Applicant's request, by the City of Medford on the City Council's own motion as provided by Oregon law.
3. **Street Dedications.** Applicant will cause the following street dedications:
 - a. Prior to or concurrent with recording of the property line adjustments described in #1 above, portions of Normil Terrace within the rights-of-way on the plans proposed herein and lying between Foothill Road and the easterly boundary of



- adjusted lot 97 (coincident with the easterly boundary of Phase 3) shall be dedicated as unimproved right-of-way in order to assure access and frontage to said Lot 97.
- b. Prior to or concurrent with recording of the property line adjustments described in #1 above, portions of Farmington Avenue within the rights-of-way on the plans proposed herein, lying between Foothill Road and the northerly boundary of adjusted lot 96 (coincident with the northerly boundary of Phase 2) shall be dedicated as unimproved right-of-way in order to assure access and frontage to said Lot 96.
4. **Restricted Access.** Certain lots in the project shall have the following access restrictions:
- a. **Lots 5 and 6** shall have restricted access only to Morning View Drive; no direct access shall be permitted to Callaway Drive.
- b. **Lots 124-128 and 147-156** shall have restricted access only to High Cedars Lane; no direct access shall be permitted to Foothill Road.
- c. **Lots 128 and 147** shall have restricted access only to High Cedars Lane; no direct access shall be permitted to Normil Terrace.
5. **Vehicular Access Turn-Arounds.** At the terminus of each phase, Applicant will provide temporary emergency vehicular access turn-arounds which will be constructed to temporary standards to be approved by the Medford Fire Department. As streets are extended, the temporary turn-arounds will be replaced with permanent street improvements and, if needed, new temporary turn-arounds will be installed.

VII

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.

Dated: March 25, 2015

Respectfully submitted on behalf of Applicant Cedar Investment Group, LLC:

CSA PLANNING, LTD.



Craig A. Stone
President





Continuous Improvement Customer Service

CITY OF MEDFORD

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PLANNING DEPT.

L.D. Meeting Date: May 6, 2015

File Number: PUD 15-043/LDS-15-044

(Reference: PUD-14-136, LDS-14-137, and LDS-14-138)

PUBLIC WORKS DEPARTMENT STAFF REPORT CEDAR LANDING PUD (South-side of Cedar Links Dr.) - REVISION & HIGH CEDARS SUBDIVISION PHASE 1-5

Project: Consideration of a request for a revision to the Cedar Landing Planned Unit Development (PUD) and for approval of the tentative plat for HIGH CEDARS SUBDIVISION, Phases 1 through 5. The PUD revision request applies only to the portion south of Cedar Links Drive and consists of: 1) reconfiguring the entire area into the High Cedars subarea, Phases 1 through 5; 2) changing all commercial, multi-family, and condominium uses to single family detached residential; 3) removing the below grade pedestrian crossing at Cedar Links Drive; 4) creating a single access point to Foothill Road at Normil Terrace and eliminating the second access point at Tree Top Drive; and 5) relocating pedestrian paths.

Location: North and south side of Cedar Links Drive, west of Foothill Road on approximately 114 acres, within an SFR-4/PD zoning district.

Applicant: Cedar Investment Group, LLC

Applicability: The Medford Public Works Department's conditions of Preliminary Plan Approval for Cedar Landing PUD were adopted by Order of the Medford Planning Commission on April 27, 2006 (PUD-05-035). The approval for Cedar Landing PUD received a minor amendment on July 14, 2008 through a De minimis revision by the Planning Director. A portion of the PUD was terminated by the Planning Commission on April 14, 2011. A revision to the PUD was approved on February 27, 2014 (PUD-13-119) and included name changes, phase re-numbering, and lot reconfiguration. An exception for reduced right-of-way along the northerly section of Cedar Links Drive was approved on January 22, 2015 (E-14-059). Cedar Landing PUD on the north side of Cedar Links Drive was amended and approved by the Planning Commission on April 23, 2015 (PUD-14-136, LDS-14-137, and LDS-14-138). The adopted conditions by each of these actions shall remain in full force as originally adopted except as amended or added to below.

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PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET
MEDFORD, OREGON 97501
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EXHIBIT# H

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

The Public Works Department has no objections to the five (5) revision requests stated above for the portion of the Cedar Landing PUD south of Cedar Links Drive. They are described in more detail below as needed. Public Works does have a comment on the width of the proposed pathways adjacent to the public right-of-way, which is discussed under "Access and Circulation" below.

A. STREETS

1. Dedications

Foothill Road is an existing County road, which lies along the easterly boundary of the portion of Cedar Landing PUD, which is south of Cedar Links Drive. It is classified as a major arterial street, which has a required total right-of-way width of 100 feet, or 50 feet on each side of the centerline along the frontage of the proposed Development. The necessary right-of-way was previously dedicated as part of the final plat for "Sky Lakes Village at Cedar Landing, Phase 7A". **No other right-of-way is needed with this Development.**

Cedar Links Drive is an existing City street, which lies along the northerly boundary of this portion of Cedar Landing PUD, which is south of Cedar Links Drive. It is classified as a major collector street, which has a required total right-of-way width of 74 feet, or 37 feet on each side of the centerline along the frontage of the proposed Development. The necessary right-of-way was previously dedicated as part of the final plat for "Sky Lakes Village at Cedar Landing, Phase 7A". **No other right-of-way is needed with this Development.**

Farmington Avenue and Normil Terrace are proposed as Standard Residential Streets with a right-of-way width of 63 feet in accordance with Medford Land Development Code (MLDC) Section 10.430. The Developer shall dedicate the length and width of the proposed streets as shown on the Tentative Plat. Normil Terrace shall intersect with Foothill Road in the same alignment with Normil Terrace on the east side of Foothill Road.

On the plat of "Sky Lakes Village at Cedar Landing, Phase 7A", right-of-way for Farmington Ave. and Normil Terrace was dedicated to provide access to Lots 96 and 97. The proposed revised PUD and tentative plat for High Cedars Subdivision will necessitate vacating portions of the existing right-of-way and dedicating new areas. This can be done in several ways, but the timing of any vacations must be coincident with dedicating new right-of-way so that Lots 96 and 97 will always have 63 feet of right-of-way width available to their boundaries.

Caldera Lane, Obsidian Ridge, Morning View Drive, Fallen Oak Drive, Noble Fir Drive, Tree Top Drive, Pronghorn Lane, and High Cedars Lane are each proposed as Minor Residential Streets with a right-of-way width of 55 feet in accordance with MLDC Section 10.430. The 'Knuckles and Cul-de-sac shown shall also be dedicated with a minimum of a 45

foot radius to the right-of-way line. **The Developer shall dedicate the length and width of the proposed streets as shown on the Tentative Plat.**

Streets as shown on the Tentative Plat in which any portion terminates at the boundary line of a phase of this subdivision shall be dedicated to within one foot of the boundary line, and the remaining one foot shall be granted in fee, as a **non-access reserve strip** to the City of Medford per MLDC 10.439.

In accordance with MLDC, Section 10.471, the property owner shall **dedicate 10 foot wide Public Utility Easements (PUEs)** adjoining all lot lines abutting a street.

A minimum of a 15 foot radius shall be provided at the Lot corners at each intersection, in accordance with the MLDC, Section 10.445.

The Developer shall provide a pedestrian easement for any portion of a public sidewalk or pathway located outside of the public right-of-way.

If dedicated by documentation separate from the final plat, public rights-of-way and public utility easements shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: the right-of-way and easement dedication; a copy of a current Lot Book Report, Preliminary Title Report, or Title Policy; a mathematical closure report (if applicable), and the Planning Department File Number; for review and City Engineer acceptance signature prior to recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or mortgages on the right-of-way and PUE area.

2. Public Improvements

a. Public Streets

Foothill Road, adjacent to this development, shall be improved to Major Arterial Street Standards with a 70-foot paved section (designed to City of Medford Standards), complete with curbs, gutters, 10-foot wide park strips, 5-foot wide sidewalks and street lights in accordance with the MLDC, Section 10.428. The developer shall improve the west half plus 12-feet, or to the existing edge of pavement, whichever is greater, east of the centerline along the frontage of this development.

In accordance with the Commission Report for PUD-05-035, Cedar Landing PUD, the Developer is required to:

1. Prepare a final Street Tree and Commercial Area Master Plan for Cedar Landing PUD, which includes a detailed plan component for the Foothill Road Arterial Street Frontage Landscape feature that will be installed within Phase 3 of High Cedars Subdivision.
2. Include a minimum 8-foot high vertical separation feature along the Foothill Road frontage prior to the final plat of High Cedars, Phase 3.

Cedar Links Drive, adjacent to the northerly boundary of this Development shall be improved

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when considering the placement of the proposed street lights. The required mounting height shall be 35 feet, and the power lines may need to be adjusted to accommodate the new street lights.

In addition, pedestrian street lights, including base mounted cabinets, shall be designed and constructed in accordance with the MLDC, Section 10.380. Pedestrian lights shall be designed by an engineer per City of Medford Specifications and shall be submitted to the Engineering Division as part of the public improvement drawings described under General Conditions, Section 'E' of this report.

All street lights shall be operating and turned on at the time of the final "walk through" inspection by the Public Works Department.

c. Pavement Moratoriums

There is no pavement cutting moratorium currently in effect along this frontage.

3. Section 10.668 Analysis

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

This application is a revision of the previously approved Cedar Landing PUD, and the conditions stated herein were required as a condition of the original PUD and subsequent DeMinimus changes. The one new condition indicated in this application is new street lights on the northerly right-of-way line of Cedar Links Drive, but the applicant will receive S.S.D.C. credits for the additional lights, which will fairly compensate the applicant for the excess burden of the exaction to the extent that it would be a taking in accordance with the MLDC, Section 10.668.

4. Access and Circulation

The Public Works Department has no objection to the request to eliminate the Tree Top Drive connection to Foothill Road. This will also eliminate the need for the raised median in Foothill Road. Normil Terrace shall be the only street to intersect with Foothill Road within this P.U.D.

No Lot or Parcel shall be allowed to take direct access to Cedar Links Drive or to Foothill Road.

The Public Works Department also has no objection to the request within this PUD to remove the below grade pedestrian crossing on Cedar Links Drive.

B. SANITARY SEWERS

This site lies within the Medford sewer service area. A private sanitary sewer lateral shall be constructed to each Lot prior to approval of the Final Plat. All public sanitary sewers shall be located in public streets, or within public sanitary sewer easements. All sanitary sewer manholes

not located within public streets or alleys shall be accessible via paved surfaces having a width of at least 12-feet.

All public sanitary sewers shall be constructed to the standards of the Department of Environmental Quality in addition to the City of Medford design standards.

C. STORM DRAINAGE

1. Hydrology

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

2. Stormwater Detention and Water Quality Treatment

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

Upon completion of the project, the Engineer of Record shall provide written certification to the Engineering Division that the construction of the controlled storm water release drainage system was constructed per plan. This letter shall be received by the City of Medford Public Works Engineering Department prior to approval of the Final Plat.

3. Grading

The Engineer of Record shall submit for approval with the public improvement plans a comprehensive grading plan showing the relationship between adjacent property and the proposed subdivision. Grading on this development shall not block drainage from an adjacent property or concentrate drainage onto an adjacent property without an easement. The Developer shall be responsible that the final grading of the development shall be in compliance with the approved grading plan.

4. Mains and Laterals

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

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

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

5. Wetlands

The Developer shall contact the Division of State Lands for the approval and/or clearance of the subject property with regards to wetlands and/or waterways, as they are present on the site.

6. Erosion Control

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

D. SURVEY MONUMENTATION

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

E. General Conditions

1. Design Requirements and Construction Drawings

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

2. Construction Plans

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

days of the billing date or will be automatically turned over for collections.

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

3. Phasing

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

4. Draft of Final Plat

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

5. Permits

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

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

Excavation and private plumbing shall require a separate permit from the Building Department.

6. System Development Charges

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

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

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

7. Pavement Moratoriums

The developer shall be responsible for notifying by certified letter all utility companies, as well as all current property owners of parcels which are adjacent to any public street being constructed or paved as part of this project. The letter shall inform the utility companies and property owners of the City's street moratorium policy with respect to pavement cutting for future utility services. The utility companies and property owners shall be given the opportunity to install utility services within the right-of-way prior to paving and the subsequent moratorium. Notifications shall be mailed by the Developer at least 6 months before a street is resurfaced or rebuilt per Medford Municipal Code (MMC), Section 3.070. Copies of the certifications shall be submitted to the City Engineer with the submittal of the preliminary construction drawings.

8. Construction and Inspection

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

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

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

Prepared by: Larry Beskow, 5-4-15

Revised by: Doug Burroughs

SUMMARY CONDITIONS OF APPROVAL
Cedar Landing PUD – REVISION/High Cedars Subdivision
PUD 15-043/LDS-15-044

Applicability of previously adopted conditions of approval remains in effect. See full report.

A. Streets

1. Street Dedications to the Public:

- Dedicate Farmington Ave. and Normil Terrace rights-of-way sixty three (63) feet wide.
- Dedicate Caldera Lane, Obsidian Ridge, Morning View Drive, Fallen Oak Drive, Noble Fir Drive, Tree Top Drive, Pronghorn Lane, and High Cedars Lane rights-of-way fifty five (55) feet wide. “Knucles” and Cul-de-sac dedicate 45 foot radius minimum.
- Dedicate 10 foot public utility easements (PUE).

2. Improvements:

a. Public Streets

- Construct Foothill Road to major arterial street standards. Construct the west half plus a minimum of 12 foot east of centerline
- Prepare final Street Tree Mater Plan for Foothill Road frontage
- Construct 8-foot high vertical separation along Foothill Road frontage
- Construct Cedar Links Drive to major collector street standards. Construct the south half plus a minimum of 12 foot north of centerline
- Construct Farmington Avenue and Normil Terrace to Standard Residential Street standards.
- Construct Caldera Lane, Obsidian Ridge, Morning View Drive, Fallen Oak Drive, Noble Fir Drive, Tree Top Drive, Pronghorn Lane, and High Cedars Lane to Minor Residential Street standards.

b. Lighting and Signing

- Developer supplies and installs all street lights at own expense.
- City installs traffic signs and devices at Developer's expense.

B. Sanitary Sewer:

Developer installs public mains to serve lots and provides a private service lateral constructed to each lot prior to Final Plat.

C. Storm Drainage:

Developer provides an investigative drainage report.

Development includes above ground water quality and detention facilities.

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

Provide a storm drain lateral to each building lot. In the event lots drain to the back, a private system will be required.

The developer shall contact Division of State Lands for approval and/or clearance of the development with regards to wetlands.

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

D. Survey Monumentation

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

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



Medford Fire Department

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PLANNING DEPT.

LAND DEVELOPMENT REPORT - APPLICANT

To: Jennifer Jones

LD Meeting Date: 05/06/2015

From: Greg Kleinberg

Report Prepared: 05/05/2015

Applicant: Cedar Investment Group LLC., Applicant (CSA Planning Ltd., Agent)

File #: PUD - 15 - 43

Associated File #'s: LDS - 15 - 44

Site Name/Description: Cedar Landing PUD, and High Cedars Subdivision

Consideration of a request for a revision to the Cedar Landing Planned Unit Development (PUD) and for approval of the tentative plat for High Cedars Subdivision Phases 1 through 5. The PUD revision request applies only to the portion south of Cedar Links Drive and consists of: 1) reconfiguring the entire area into the High Cedars subarea, phases 1 through 5; 2) changing all commercial, multi-family, and condominium uses to single family detached residential; 3) removing the below grade pedestrian crossing at Cedar Links Drive; 4) creating a single access point to Foothill Road at Normil Terrace and eliminating the second access point at Tree Top Drive; and 5) relocating pedestrian 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 (CSA Planning Ltd., Agent). Jennifer Jones, Planner.

DESCRIPTION OF CORRECTIONS

REFERENCE

Requirement FIRE HYDRANTS

OFC

508.5

Fire hydrants with reflectors will be required for this project.

Hydrant locations shall be as follows: Twenty one (21) total fire hydrants are required located at the following locations: One on the corner of Farmington/High Fallen Oak near lot #21; One on the corner of Fallen Oak/Morning View near lot #11; One on Caldera in front of lot #36; One on Caldera in front of lot #39; One on Caldera in front of lot #43; One on Caldera in front of lot #47; One on Obsidian in front of lot #61; One on the corner of Farmington/Obsidian in front of lot #58; One on Farmington in front of lot #69; One on Morning View in front of lot #15; One on Morning View in front of lot #107; One on the corner of Morning View/Noble Fir in front of lot #103; One on Morning View in front of lot #133; One on the corner of Morning View/High Cedars in front of lot #129; One on the corner of Normil Terrace/Noble Fire in front of lot #87; One on the corner of Normil Terrace/Pronghorn Lane in front of lot #141; One on the corner of Normil Terrace/High Cedars in front of lot #145; One on High Cedars in front of lot #175; One on Tree Top in front of lot #92; One on the corner of Tree Top/Pronghorn in front of lot #171; and one on the corner of High Cedars/Tree Top in front of lot #173.

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 ADDL. FD ACCESS REQUIRED-1 & 2 FAMILY DWELLINGS

OFC

D107.1

Lots/Units Affected: All Phases-Two access roads are required as stipulated below unless all the homes are protected with home fire sprinkler systems.

CITY OF MEDFORD

EXHIBIT# I

FILE # PUD-15-043/LDS-15-044



Medford Fire Department

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

LAND DEVELOPMENT REPORT - APPLICANT

To: Jennifer Jones

LD Meeting Date: 05/06/2015

From: Greg Kleinberg

Report Prepared: 05/05/2015

Applicant: Cedar Investment Group LLC., Applicant (CSA Planning Ltd., Agent)

File #: PUD - 15 - 43

Associated File #'s: LDS - 15 - 44

Site Name/Description: Cedar Landing PUD, and High Cedars Subdivision

Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

Exceptions:

1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, access from two directions shall not be required.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses (D104.3).

A minimum size 3/4" x 3/4" water meter is normally required to supply the required water flow for a residential fire sprinkler system. Consult the Medford Water Commission for additional information.

Requirement MEDFORD CODE STREET DESIGN OPTIONS	MEDFORD	10.430
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Section 10.430 of the Medford Code states the following:

In order to ensure that there is at least twenty (20) feet of unobstructed clearance for fire apparatus, the developer shall choose from one of the following design options:

- (a) Clustered, offset (staggered) driveways (see example) (design approved by Fire Department), and fire hydrants located at intersections with the maximum fire hydrant spacing along the street of 250-feet.
- (b) All dwellings that front and take access from minor residential streets to be equipped with a residential (NFPA 13D) fire sprinkler system, and fire hydrants located at intersection with the maximum fire hydrant spacing along the street of 500-feet.
- (c) Total paved width of 33-feet with five-and-a-half (5 ½) foot planter strips.

When the clustered-offset driveway option is chosen, a note indicating driveway locations shall be included on the final plat.



Medford Fire Department

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

LAND DEVELOPMENT REPORT - APPLICANT

To: Jennifer Jones

LD Meeting Date: 05/06/2015

From: Greg Kleinberg

Report Prepared: 05/05/2015

Applicant: Cedar Investment Group LLC., Applicant (CSA Planning Ltd., Agent)

File #: PUD - 15 - 43

Associated File #'s: LDS - 15 - 44

Site Name/Description: Cedar Landing PUD, and High Cedars Subdivision

Requirement FIRE DEPARTMENT TURN-AROUND

OFC

503.2.5

Phasing will require temporary fire department turn-arounds at the ends of Caldera, Farmington, Morning View, and Noble Fir.

Dead-end Fire Apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

The Fire department turn-around area must be posted with "NO PARKING-FIRE LANE" signs. These signs shall be spaced at 50' intervals along the fire lane and at fire department designated turn-around's.

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).

Requirement ADDITIONAL REQUIREMENTS/COMMENTS

MEDFORD

OTHER

If all the homes are protected with home fire sprinklers, the following requirements are changed:

1. The design of clustered/offset driveways is not required
2. Max. fire hydrant spacing throughout the project is 500' o.c. (will reduce total number of fire hydrants required for overall project)
3. Temporary fire department turn-arounds are not required

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.

Jennifer M. Jones

RECEIVED

From: Greg G. Kleinberg
Sent: Thursday, April 16, 2015 8:32 AM
To: Jennifer M. Jones
Subject: Cedar Landing PUD-15-043: LDS-15-044
Attachments: Secondary Access Agreement.pdf

APR 16 2015

PLANNING DEPT.

Follow Up Flag: Follow up
Flag Status: Flagged

Jennifer,

See the attached agreement. The fire sprinkler requirement will be lifted with the addition of this is secondary access.

Thank You,

Greg Kleinberg
Deputy Chief - Fire Marshal
Medford Fire-Rescue
541-774-2317



CSA Planning, Ltd

4497 Brownridge, Suite 101
Medford, OR 97504

Telephone 541.779.0569
Fax 541.779.0114

Mike@CSAplanning.net

April 15, 2015

Jennifer Jones, Planner
City of Medford Planning
200 South Ivy Street,
Lausmann Annex, Room 240
Medford, OR 97501

RE: *Secondary Emergency Access; Cedar Landing; Files: PUD-15-043 & LDS-15-44*

Dear Ms. Jones:

Please accept this letter and the attached illustration into the record for the above files. The applicant herewith agrees to stipulate to providing a secondary emergency-only access consistent with the attached as a condition of approval should the applications be approved. We met with City of Medford Fire & Rescue to discuss this request and they have found the proposal sufficient.

If you have any questions, please do not hesitate to contact myself or Mark Kamrath with CEC Engineering.

Very truly yours,

CSA Planning, Ltd.

A handwritten signature in black ink, appearing to read 'Michael Savage', written in a cursive style.

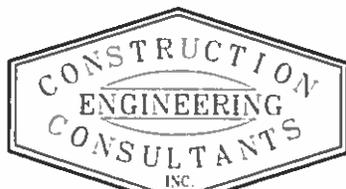
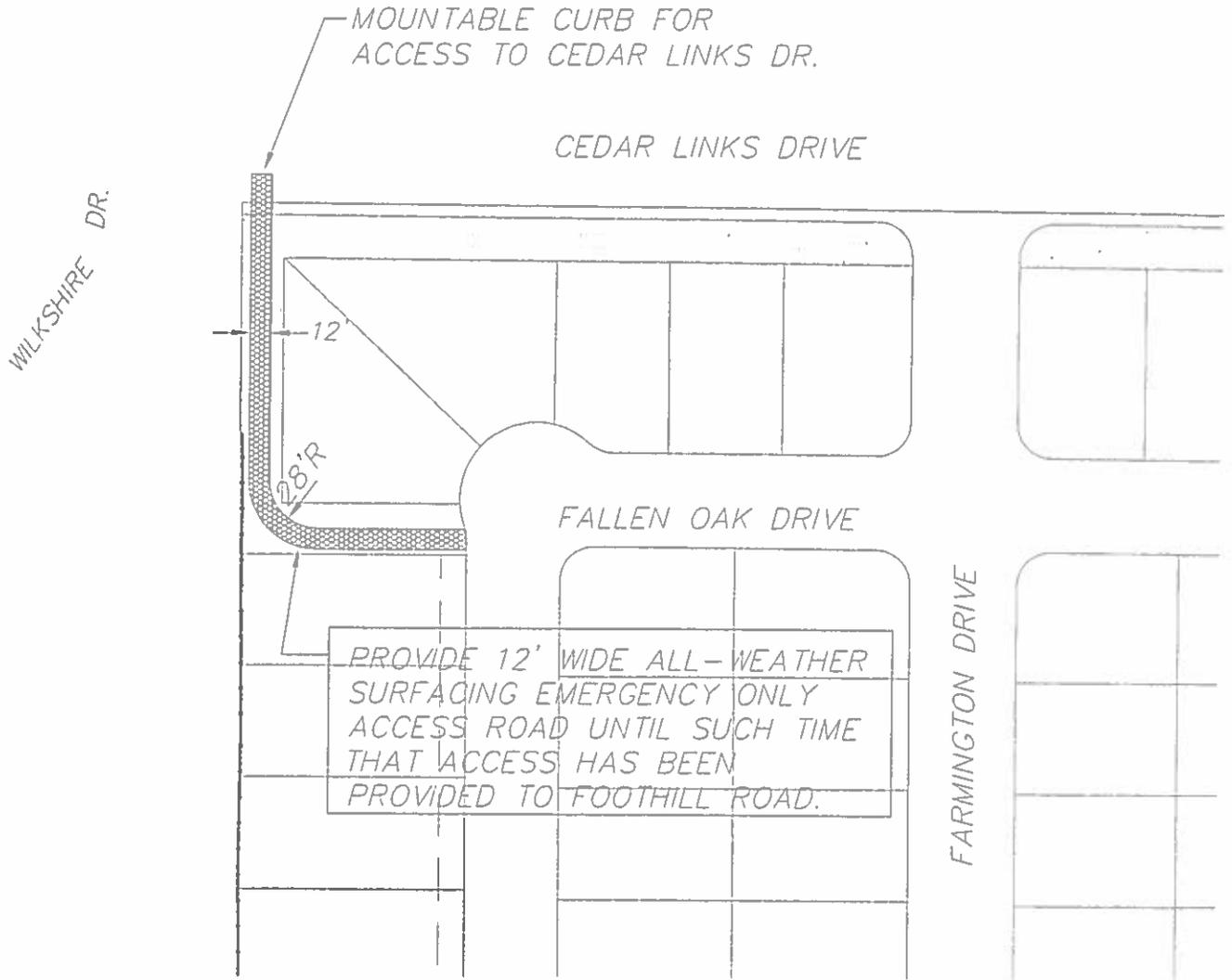
Michael Savage
Associate

cc. File; Client; CEC Engineering; City of Medford Fire & Rescue

GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft



P.O. BOX 1724 • MEDFORD, OREGON 97501
PH: (541) 779-5288 • FAX (541) 779-3139

CITY OF MEDFORD	SHEET
CEDAR LANDING PUD	
CEDAR LINKS DRIVE	OF
SECONDARY EMERGENCY FIRE ACCESS	
DATE: 4-14-15	

MAY 06 2015



BOARD OF WATER COMMISSIONERS

Staff Memo

PLANNING DEPT.

TO: Planning Department, City of Medford

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

SUBJECT: PUD-15-043 & LDS-15-044

PARCEL ID: 371W16 TL 1400 & 371W16CA TL 2200

PROJECT: Consideration of a request for a revision to the Cedar Landing Planned Unit Development (PUD) and for approval of the tentative plat for High Cedars Subdivision Phases 1 through 5. The PUD revision request applies only to the portion south of Cedar Links Drive and consists of: 1) reconfiguring the entire area into the High Cedars subarea, phases 1 through 5; 2) changing all commercial, multi-family, and condominium uses to single family detached residential; 3) removing the below grade pedestrian crossing at Cedar Links Drive; 4) creating a single access point to Foothill Road at Normil Terrace and eliminating the second access point at Tree Top Drive; and 5) relocating pedestrian 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 (CSA Planning Ltd., Agent). Jennifer Jones, Planner.

DATE: May 5, 2015

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

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. Installation of 8-inch water lines is required to be installed in all proposed streets of all proposed phases of this development with connections to existing water lines in both Cedar Links Drive and N Foothill Road.
4. The existing water meter located near the northwest property corner of TL 1400 is required to be abandoned.
5. Applicants Civil Engineer shall coordinate with Medford Fire Department for proposed fire hydrant locations.



6. Applicants Civil Engineer shall coordinate with Medford Water Commission for water line and water meter layout for all five (5) proposed phases of this development.

COMMENTS

1. Off-site water line installation is not required.
2. On-site water facility construction is required. (See Condition 3 above)
3. This development is located within two (2) of MWC's pressure zones. Static water pressure for the Lots located within the "Gravity" pressure zone will be between 40 psi and 55 psi; and the static water pressure for the Lots the "Zone 1A" pressure zone will be between 44 psi and 100 psi. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".
4. MWC-metered water service does exist to this property. A ¾-inch water meter serves the old Cedar Links Golf Course Maintenance Building located near the northw est property corner of TL 1400. (See Condition 4 above)
5. Access to MWC water lines is available. There is an existing 8-inch water line in Cedar Links Drive, and a 12-inch water line in N Foothill Road. There is also an existing 24-inch welded steel water transmission line (Big Butte Springs Line #2) located near the existing property line between TL 2200 and TL 1400; extreme care shall be taken when working around the 24-inch Big Butte Springs Line #2. There will be no connections allowed off the BBS #2 24" water transmission main.

Jennifer M. Jones

From: MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>
Sent: Thursday, May 07, 2015 2:47 PM
To: Jennifer M. Jones
Subject: PUD-15-043/ LDS-15-044

RECEIVED

MAY 07 2015

PLANNING DEPT.

Follow Up Flag: Follow up
Flag Status: Flagged

Jennifer,

Thank you for sending agency notice of a consideration of a request for a revision to the Cedar Landing Planned Unit Development (PUD) and for approval of the tentative plat for High Cedars Subdivision Phases 1 through 5. The PUD revision request applies only to the portion south of Cedar Links Drive and consists of: 1) reconfiguring the entire area into the High Cedars subarea, phases 1 through 5; 2) changing all commercial, multi-family, and condominium uses to single family detached residential; 3) removing the below grade pedestrian crossing at Cedar Links Drive; 4) creating a single access point to Foothill Road at Normil Terrace and eliminating the second access point at Tree Top Drive; and 5) relocating pedestrian 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. We reviewed this and determined that it would not significantly affect state transportation facilities under the State Transportation Planning Rule (OAR 660-012-0060) or State Access Management Rule (OAR 734-051-000). We have no further comments at this time.

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

CITY OF MEDFORD

EXHIBIT# L

FILE # PUD-15-043/LDS-15-044

STAFF MEMO

To: Jennifer Jones
From: Jennifer Ingram, Address Technician
Date: 5/6/2015
Subject: PUD-15-043/LDS-15-044

Obsidian Ridge still needs an acceptable street suffix (e.g., Drive, Lane, Street or Way).

The proposed street names **Noble Fir Drive** & **Tree Top Drive** are acceptable replacements for **Timbered Ridge**.



RECEIVED
MAY 06 2015
PLANNING DEPT.

Memo

To: Jennifer Jones, Planning Department
From: Mary E. Montague, Building Department
CC: Cedar Investment Group LLC.,
Date: May 6, 2015
Re: File No. PUD-15-043 & LDS-15-044

Building Department Requirements:

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

Please contact the front counter for fees.

1. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" for information.
3. A site/excavation permit is required for all private work being done. i.e. storm drains, sewer lines, water lines, or private streets. Also, permit required for Proposed Storm Facilities.

RECEIVED

APR 28 2015

PLANNING DEPT.

MEDFORD IRRIGATION DISTRICT

P.O. BOX 70
5045 Jacksonville Hwy
Jacksonville, Oregon 97502
Office (541)899-9913

City of Medford
Planning Department
Lausmann Annex, Room 240
200 South Ivy St.
Medford, OR 97501

April 24, 2015

Subject: Cedar Investment Group, LLC

The Medford Irrigation District currently has this acreage with two tax lots: TL 1400 with 23.90 acres and TL 2200 with 20.50 acres of irrigation rights.

The owner/Developer will need to supply water to all the lands or transfer off any portions that will not be able to receive irrigation water any longer. Also, the District's East Main canal runs on the west side of Foothills Rd. parallel with the road. The canal is in the cross hatched portion of the map. What are the plans for this area?

The District requests to be kept informed as this development goes forward.

Thank You,



Carol Bradford, District Manager

CITY OF MEDFORD

EXHIBIT# 0

FILE # PUD-15-043/LDS-15-044

RECEIVED

APR 14 2015

Robert J. White
3113 Sycamore Way
Medford OR 97504

4-14-15

Jennifer Jones
Medford Planning Dept.
200 S. IVY ST. 2nd Floor
Medford OR 97501

PLANNING DEPT.

Re: Cedar Landing Planned Development
Restoration of Lone Pine Creek

Dear Ms. Jones,

My neighbors and I, who live adjacent to the Southern boundary of the Cedar Landing Proposed Development, are concerned about the unusually high level of the water table here during the winter and that the development will worsen that problem. Currently the water table is a couple of inches below the existing sewer grate in the S.W corner of the development. The sewer grate allows water to drain into Lone Pine Creek which is buried along the southern property line. Because of the high water table, all of the homes on Sycamore have standing water in the crawl space below the ground floor. During heavy rains water actually overflows my water meter box in front of my house.

We believe the developer has not adequately addressed the drainage from the S.W corner of the development. He doesn't even mention Lone Pine Creek. It is as if he doesn't even recognize that it exists.

Background

About 30 years ago the City approved the expansion of Cedar Links Golf Course to the south side of Cedar Links Drive. They allowed the owners to put Lone Pine Creek into a concrete pipe and bury it between Foothill and Kerrisdale. This creek used to drain the property. After it was put into the pipe, the water table rose up to 10 feet because the ground water could no longer get into the creek. Now is the time to fix this problem.

CITY OF MEDFORD

EXHIBIT# P

(2)

This could be done by either restoring the creek back to its original configuration or at least doing something to the pipe to allow ground water to flow into the creek.

I have seen several versions of what the developer proposes for this location. They include leaving the area above the creek alone as open space, filling in that area and allowing the wetlands there to drain into a newly created pond in the S.W. corner, and selling that land with the newly developed houses. Nothing has been said of reducing the water table in this area by allowing the ground water to flow into the creek.

This issue must be addressed before any development is allowed to proceed. I hold the City liable for any damage to the surrounding home caused by an increased water table. Please keep me informed of what changes are being made to eliminate this problem.

Sincerely,
Robert J. White



Vicinity Map

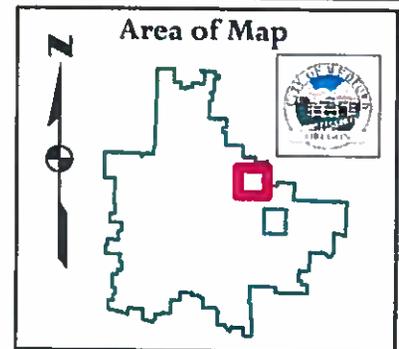
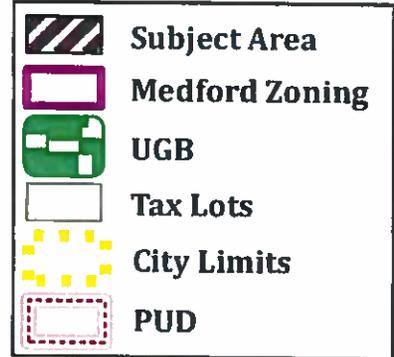
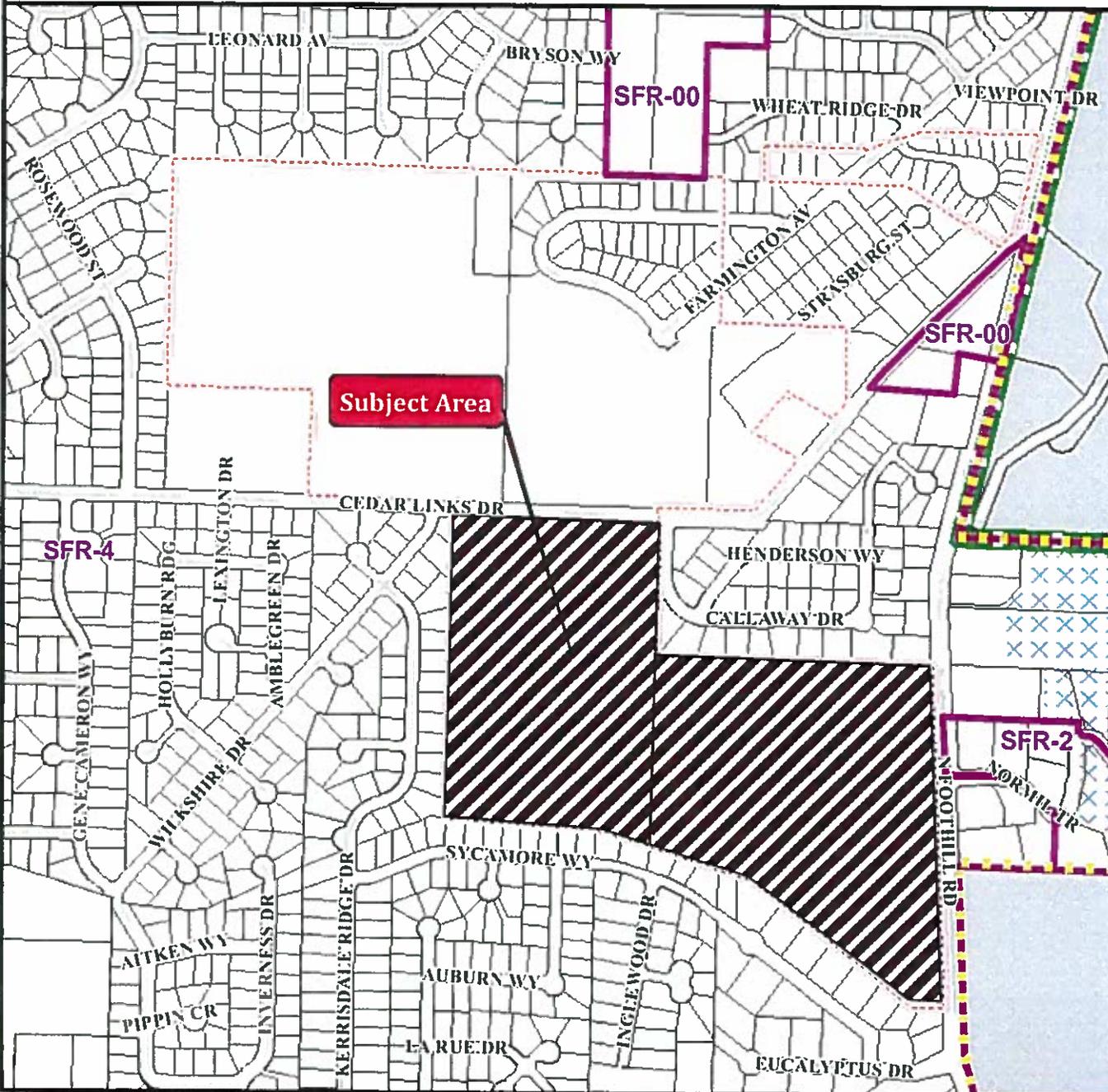
Application Name/Description:
Cedar Landing PUD

Proposal:
Revisions to PUD and 176 lot subdivision

File Numbers:
PUD-15-043 & LDS-15-044

Applicant:
Cedar Investment Group LLC

Map/Taxlot:
371W16 TL1400
371W16CA TL 2200



03/27/2015



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

MEMORANDUM

SUBJECT Subcommittee Authorization for Downtown Design Standards
TO Planning Commission, Historic Commission, Site Plan and Architectural Commission
FROM Aaron Harris, Comprehensive Planning
DATE May 15, 2015

OVERVIEW

The Planning Department is forming a subcommittee to produce architectural design standards for new development in the downtown commercial core (generally along Main Street, 8th Street, 10th Street, Riverside Avenue, and Central Avenue). Staff seeks the input of local architects and other professionals to help guide this process. Proposed standards would regulate design elements such as setbacks, off-street parking, and building materials. Staff is asking each commission to appoint a liaison to serve on the subcommittee.

The subcommittee will meet Tuesday evenings from 5:30–7:00pm beginning June 16, 2015. Subsequent meetings will be held on June 23rd, June 30th, July 14th, and July 21st. The department has been tasked with developing design standards elsewhere in the city, and may ask the committee to reconvene in the future. The remaining subcommittee members will be composed of architects that want to participate, and staff will send letters to local professionals in an effort to recruit them.

Please notify Aaron Harris at 541.774.2389 or aaron.harris@cityofmedford.org when your commission has selected its subcommittee liaison. I am also available to answer any questions you might have. Your time and input is greatly appreciated.