

# PLANNING COMMISSION AGENDA JULY 9, 2015



## Commission Members

Tim D'Alessandro  
Norman Fincher  
Joe Foley  
Bill Mansfield  
David McFadden  
Mark McKechnie  
Patrick Miranda  
Jared Pulver

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

July 9, 2015

5:30 PM

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

10. Roll Call

10.1 Appoint a Commissioner to the Site Plan and Architectural Commission and Joint Transportation Subcommittee.

20. Consent Calendar/Written Communications (voice vote)

20.1 CUP-15-054 Final Order for a request for a Conditional Use Permit to allow the construction of two multi-use trail ramp connections, portions of which lie within the Bear Creek Riparian Corridor. Subject trail connections will connect Bear Creek Greenway to the Highway 62/Interstate 5 interchange, located on the southwest and northwest corners of the interchange within the SFR-4 (Single Family Residential – 4 dwelling units per gross acre) and C-R (Regional Commercial) zone districts. (Jackson County, James Philp, Applicant/Agent)

30. Minutes

30.1. Consideration for approval of Minutes from the June 25, 2015, meeting.

40. Oral and Written Requests and Communications

50. Public Hearings—New Business

50.1 LDP-15-061 Request to create two parcels on a 1.01 acre lot located on the south side of Barnett Road between Black Oak Road and Murphy Road, within a C-C (Community Commercial) zoning district. (John Batzer, Applicant; Polaris Land Surveying, LLC, Agent)

50.2 LDS-15-067 Silky Oaks Subdivision Phase 4, creating six residential lots on 1.07 acres located on the north side of Maple Park Drive between Ross Lane and Silky Oaks Lane within the SFR-10 (single-family residential 10-dwelling units per gross acre) zoning district. (Ron Horton, Applicant; Scott Sinner Consulting, Inc., Agent)

50.3 CUP-15-066 Consideration of a request for a Conditional Use Permit to allow an electronic message sign at a location within 150 feet of a residential zone district on a property zoned C-S/P (Service Commercial and Professional Office) located on the south side of Barnett Road, approximated 400 feet west of Ellendale Drive. (Oregon Retina Center, Applicant; Steve Morgan, Designer Signs, Agent)

**50.4 CUP-15-075** Request for Conditional Use Permit to allow establishment and operation of a three-grade middle school, within an approximate 6,000 square foot building located on the west side of Riverside, approximately 60 feet south of Walnut Street, within a C-C ( Community Commercial ) zone district. (Valley School of Southern Oregon, Applicant; Maize & Associates, Inc., Agent)

60. Reports

60.1. Site Plan and Architectural Commission

60.2. Report of the Joint Transportation Subcommittee

60.3. Planning Department

70. Messages and Papers from the Chair

80. Remarks from the City Attorney

90. Propositions and Remarks from the Commission

100. Adjournment



**FINAL ORDER**

**CUP-15-054**

Residential – 4 dwelling units per gross acre) and C-R (Regional Commercial) zone districts, is hereafter supported by the findings referenced in the Staff Report dated June 18, 2015.

Accepted and approved this 9th day of July 2015.

CITY OF MEDFORD PLANNING COMMISSION

\_\_\_\_\_  
Planning Commission Chair

**ATTEST:**

\_\_\_\_\_  
Planning Department Representative



## Planning Commission

# Minutes

from Public Hearing on June 25, 2015

The regular meeting of the Planning Commission was called to order at 5:33 PM in the Council Chambers on the above date with the following members and staff in attendance:

### Commissioners Present

David McFadden, Chair  
Tim D'Alessandro  
Joe Foley  
Mark McKechnie  
Jared Pulver

### Staff Present

Jim Huber, Planning Director  
Bianca Petrou, Assistant Planning Director  
Kelly Akin, Principal Planner  
John Adam, Senior Planner  
Kevin McConnell, Deputy City Attorney  
Alex Georgevitch, Acting City Engineer  
Terri Rozzana, Recording Secretary  
Carla Paladino, Planner III  
Desmond McGeough, Planner II

### Commissioners Absent

Patrick Miranda, Vice Chair, Excused Absence  
Bill Mansfield, Excused Absence  
Norman Fincher, Excused Absence

### 10. Roll Call

### 20. Consent Calendar/Written Communications.

**20.1 ZC-15-058** Final Order for a request for a change of zone from SFR-00 (Single Family Residential, one dwelling unit per existing lot) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) of 0.22 acres located on the east side of Lozier Lane, south of West Main Street. David & Cathie Johnson, Applicant.

**20.2 ZC-15-041** Final Order for a request for a change of zone from MFR-20 (Multi-Family Residential – 20 dwelling units per gross acre) to C-C (Community Commercial) on one parcel at 955 North Phoenix Road (371W34 TL501), consisting of approximately 2.14 acres located at the southeast corner of East Barnett Road and North Phoenix Road. Rogue Federal Credit Union, Applicant; CSA Planning, Ltd., Agent.

Motion: Adopt the consent calendar.

Moved by: Chair McFadden

Seconded by: There was no second.

Voice Vote: Motion passed, 5-0.

30. Minutes

30.1. The minutes for June 11, 2015, were approved as submitted.

40. Oral and Written Requests and Communications. None.

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

50. Public Hearings—New business

**50.1 CP-13-078** Consideration for a Class A – Major Legislative Comprehensive Plan Amendment to modify the General Land Use Plan (GLUP) map from General Industrial, Commercial, Service Commercial, and Urban Residential to Airport for properties surrounding the Medford International Airport owned by Jackson County. (City of Medford, Applicant)

Carla Paladino, Planner III, reviewed the proposal, gave a brief background and read the comprehensive plan amendment approval criteria. Ms. Paladino stated that representatives from the airport were present tonight. Mr. Bern Case and his representative, Clark Stevens, are in the audience if the Commission would like to speak with them.

Commissioner McKechnie asked if the urban residential with wetlands was going to be discussed separately tonight or another time? Ms. Paladino reported that the applicant submitted a pre-application on just that property. Staff told them that their goal was to present this broader project this evening and incorporate that property with the rest of them and change it to the airport designation. The goal is to change the General Land Use Plan map from various designations to the airport designation.

Commissioner Pulver asked if the goal was to give the airport flexibility for lands the airport is going to use that currently has the various General Land Use Plan map designations? Ms. Paladino replied yes and to have a map that shows where the airport owns property contiguous to the airport. It is identifying that specific use within the City and to be able to identify it. The underlying zoning could be different.

The public hearing was opened and there being no testimony, the public hearing was closed.

**Motion:** Based on the findings and conclusions that all of the applicable criteria are either satisfied or not applicable, the Planning Commission forwards a favorable recommendation for approval of CP-13-078 to the City Council per the staff report dated June 18, 2015, including Exhibits A through D.

**Moved by:** Commissioner Pulver

**Seconded by:** Commissioner McKechnie

Roll Call Vote: Motion passed, 5–0.

**50.2 CUP-15-054** Consideration of a request for a Conditional Use Permit to allow the construction of two multi-use trail ramp connections, portions of which lie within the Bear Creek Riparian Corridor. Subject trail connections will connect Bear Creek Greenway to the Highway 62/Interstate 5 interchange, located on the southwest and northwest corners of the interchange within the SFR-4 (Single Family Residential – 4 dwelling units per gross acre) and C-R (Regional Commercial) zone districts. (Jackson County, James Philp, Applicant/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.

Desmond McGeough, Planner II, read the conditional use permit criteria and gave a staff report.

The public Hearing was opened.

Chair McFadden asked if there were going to be additional traffic lights or warning lights that pedestrians are crossing the entrances onto the freeway at those angles? Mr. McGeough replied that to his knowledge there was not going to be additional lighting for pedestrians. The idea was to extend the path out to the existing sidewalks on the corners. Mr. McGeough deferred the question to the applicant.

a. James Philp, Jackson County Roads, Project Engineer, 200 Antelope Road, White City, Oregon, 97503. Mr. Philp reported that currently on the north ramp there is no crossing. The sidewalk is closed. Pedestrians need to cross on the east side of I-5 to get to the south side. They will open the north crossing. There is a pedestrian walk that will be installed as part of this project on the north side. The Oregon Department of Transportation felt that the on-ramp to southbound was adequate with signage to slow traffic down. They are installing conduit for future use if there needs to be. Both ramps will be ADA accessible. Across the Bear Creek bridge they are going to improve the island to give the bike lane some additional width.

Commissioner McKechnie asked that when the Bear Creek bike path was constructed, was it a Criterion 1 or Criterion 2 finding? Mr. McGeough stated that the first improvement was in 1995 and he was not around at that time. If it is in the Riparian Corridor there is going to be conditions to work with Oregon Department of Fish and Wildlife.

Commissioner McKechnie asked Mr. Philp if he had any objections to the condition about informing the Oregon Department of Fish and Wildlife of this project? Mr. Philp

responded that Jackson County Roads would prefer to go with Criterion 1. It is 112 feet of impact.

Commissioner Foley asked if the City was opening up themselves to a liability issue by paving the pedestrian crossing and not changing any of the pedestrian controls? Mr. McConnell stated that any liability that the City may have would be recreational immunity.

Commissioner D'Alessandro asked the applicant was adding additional warning signage for pedestrian and bike crossing? Is any of it electronic or signs? Mr. Philp replied it was just signs. There is a push button electronic crossing for the north side that will be installed.

Commissioner Pulver asked if there was going to be a traffic signal/walk signal from the north edge to the island as well as from the island to the west side? Mr. Philp reported from the north edge to the island is a free movement without a traffic signal. The push button will be in the island to cross the other three lanes.

Commissioner Pulver asked on the north side of Highway 62 and the west side of the ramps there is no sidewalk? Mr. Philp replied that is correct.

The public hearing was closed.

Motion: Adopt the findings as recommended by staff and direct staff to prepare the Final Order for approval per the staff report dated June 18, 2015 including Exhibits A through J.

Moved by: Commissioner Pulver

Seconded by: Commissioner D'Alessandro

Roll Call Vote: Motion passed, 4-0-1, with Commissioner Foley abstaining.

## 60. Reports

### 60.1 Site Plan and Architectural Commission

Kelly Akin, Principal Planner, reported that the Site Plan and Architectural Commission met last Friday, June 19, 2015. They approved revisions to the proposed garage for the police station.

### 60.2 Report of the Joint Transportation Subcommittee. None.

### 60.3 Planning Department

Kelly Akin, Principal Planner, welcomed Commissioner Foley.

Jim Huber, Planning Director, approved riparian reduction request related to a subdivision that will come before the Planning Commission soon. It is off of Kings Highway. It is to reduce the riparian corridor from 50 feet to 25 feet.

There is a joint City Council and Planning Commission study session scheduled for Thursday, July 9, 2015, at noon in the Carnegie Building. Lunch is at 11:30 a.m. The discussion will be on marijuana.

The next regular Planning Commission study session scheduled for Monday, July 13, 2015, there are no business items scheduled so it may be cancelled. Staff will keep the Planning Commission informed.

There is business scheduled for both Planning Commission July meetings. There is also business scheduled for the second meeting in August.

Last week City Council approved the East Main alley vacation that the Planning Commission recommended at the end of May. Next week, the City Council will consider the 2015 Spring Cleaning Housekeeping amendments and the Lozier Lane Transportation Facility application.

The Planning Commission has Mr. Schwimmer' vacancy to fill. He served on the Site Plan and Architectural Commission and the Joint Transportation Subcommittee. Site Plan and Architectural Commission meets the 1<sup>st</sup> and 3<sup>rd</sup> Friday of the month at noon. The Joint Transportation Subcommittee is getting ready to moving. They are working on updating the Transportation System Plan. She does not know the time commitment that will be. There are three Planning Commissioners that sit on that subcommittee. Currently Commissioner D'Alessandro and Commissioner Fincher are on the Joint Transportation Subcommittee. These appointments will be added to the next Planning Commission meeting.

60. Messages and Papers from the Chair. None.

70. Remarks from the City Attorney.

Kevin McConnell stated that discussion for the joint study session with the City Council and Planning Commission on Thursday, July 9, 2015, at noon in the Carnegie Library will be regarding marijuana. Currently there is a moratorium where marijuana is not allowed. That may be changing. City Council is considering lifting the moratorium on marijuana businesses. The City Council is going to ask the Planning Commission is to come up with a reasonable time, place and manner restrictions regarding retail and medical business licenses such as dispensaries, marijuana processors, wholesalers and producers.

80. Propositions and Remarks from the Commission.

Chair McFadden welcomed Commissioner Foley to the Planning Commission.

Commissioner Pulver stated that he sat in on a City Council meeting when they were dealing with a vacancy on the Site Plan and Architectural Commission. What is the process for the Planning Commission vacancy? Ms. Akin replied that the City Council President asked staff to go back to the applicants from the fall to see how many were interested. She does not expect a long vacancy.

90. Adjournment

The meeting was adjourned at 6:22 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: July 9, 2015



# Planning Department

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

## STAFF REPORT

for a Type-C quasi-judicial decision: **Partition**

Project      Batzer Partition  
 Applicant: John Batzer; Agent: Polaris Land Surveying LLC

File no.      LDP-15-061

To              Planning Commission *for 07/09/2015 hearing*

From          Jennifer Jones, Planner II

Reviewer     Kelly Akin, Principal Planner *h*

Date          July 02, 2015

---

### BACKGROUND

#### Proposal

The creation of two parcels on a 1.01 acre lot located on the south side of Barnett Road between Black Oak Road and Murphy Road, within a C-C (Community Commercial) zoning district.

#### Subject Site Characteristics

Zoning	C-C	Community Commercial
GLUP	CM	Commercial
Use	Vacant	

#### Surrounding Site Characteristics

North	C-S/P	Hospital
South	C-C	Medical Offices
East	C-C	Medical Offices
West	C-C	Bank

#### Related Projects

AC-15-013 Starbucks Building & Site Development  
 E-15-060 Exception to Required Right-of-Way Dedication

#### Applicable Criteria

Medford Land Development Code (MLDC) §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 Barnett Stage LLC as the owner of the subject property. As per the State of Oregon Business Registry, Dan Thomas is listed as the registered agent.

#### **ISSUES AND ANALYSIS**

##### Project Summary

The subject site is partially developed with a bank operating on the western portion of the site. For the undeveloped portion, the Site Plan and Architectural Commission (SPAC) recently approved a proposal for a Starbucks. A future phase of the development

---

also includes an office building. This application seeks to partition the developed portion of the site (parcel 1) from the undeveloped portion (parcel 2).

#### *Right-of-Way Dedication*

As a part of the SPAC review, an exception was approved for a reduction in right-of-way dedication from 14-feet to eight-feet. It was determined that eight-feet of right-of-way dedication was adequate due to the fact that bicycle lanes would not be added to Barnett Road because of the proximity of Larson Creek Trail. Per the Public Works Report (Exhibit H), the applicant will be required to dedicate, as shown on the tentative plat, eight-feet of right-of-way along Barnett Road for Parcel 2. In addition, a ten-foot Public Utility Easement is required behind the street dedication, as shown on Exhibit B.

#### *Access*

Access to the two lots created by this partition is provided via the shared access easement to the south, only. However there will be required cross access between the two lots. There is no access directly from Barnett Road, which is classified as a major arterial street.

#### *Commercial Lot Standards*

The lots in this partition are zoned C-C, community commercial. The site development standards for C-C lots are outlined in MLDC §10.721. The minimum lot area for C-C lots is 15,000 square feet. Parcel 1 is proposed to be 18,341 square feet and parcel 2 is proposed to be 24,260 square feet. Both parcels meet the minimum size requirement. In addition, both proposed parcels meet the frontage requirement of 70-feet. Lot coverage, maximum floor area, setbacks, and height restrictions are currently met with development on Parcel 1 and will continue to be applied as Parcel 2 develops in the future.

No other issues were identified by staff.

#### **FINDINGS AND CONCLUSIONS**

Staff has reviewed the applicant's findings and conclusions (Exhibit D) and recommends the Commission adopt the findings as presented.

#### **RECOMMENDED ACTION**

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of LDP-15-061 per the staff report dated July 02, 2015, including Exhibits A through H.

**EXHIBITS**

- A Conditions of Approval, dated July 02, 2015
- B Tentative Partition Map, received May 13, 2015
- C Conceptual Grading and Drainage Plan, received May 21, 2015
- D Applicant's Findings of Fact, received April 17, 2015
- E Building Department Memo, received June 10, 2015
- F Fire Department Report, received June 10, 2015
- G Medford Water Commission Memo, received June 10, 2015
- H Public Works Report, received June 10, 2015  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**JULY 09, 2015**

**EXHIBIT A**

Batzer Partition  
LDP-15-061  
Conditions of Approval  
July 02, 2015

**CODE REQUIREMENTS**

Prior to approval of the final plat, the applicant shall:

1. Comply with the memo from the Medford Water Commission Memo received June 10, 2015 (Exhibit G).
2. Comply with the Public Works Report received June 10, 2015 (Exhibit H).

CITY OF MEDFORD  
EXHIBIT # A  
File # LDP-15-061



RECEIVED

MAY 21, 2015

PLANNING DEPARTMENT

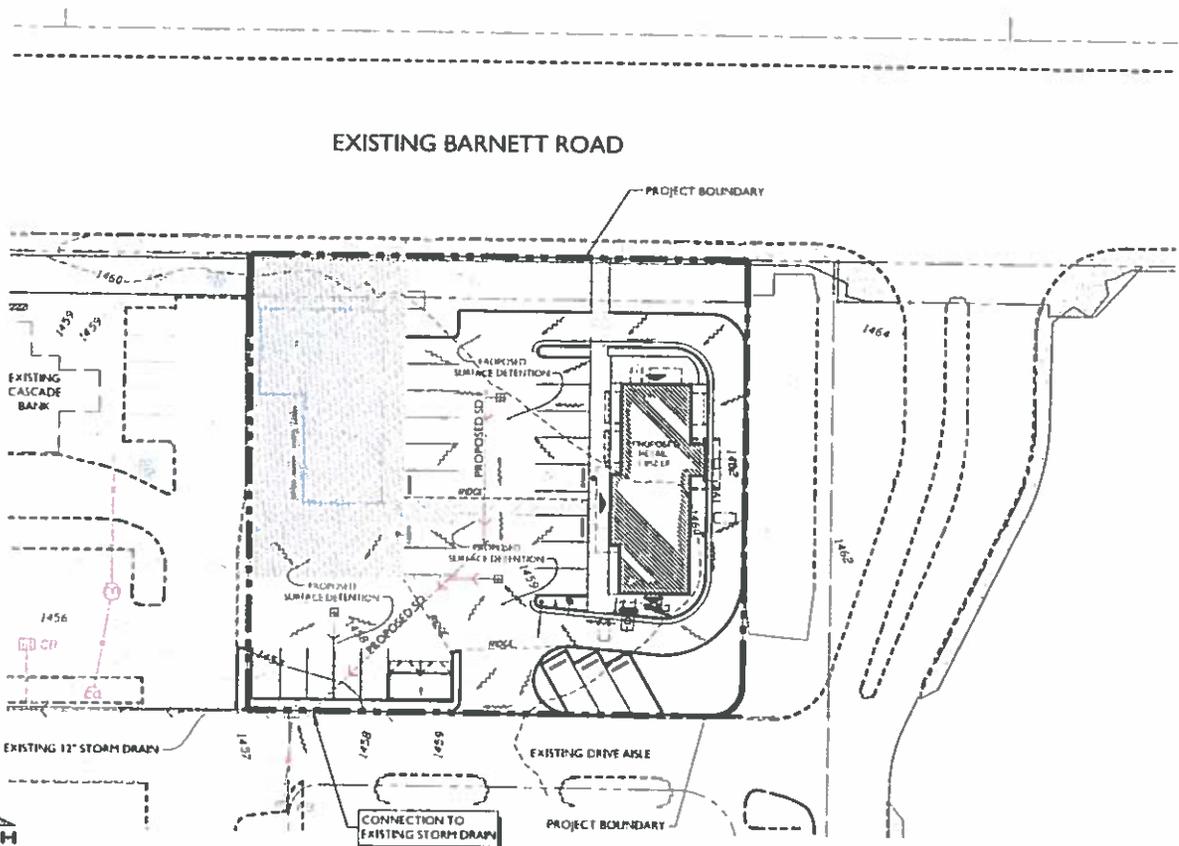
### EXHIBIT C.1

CITY OF MEDFORD  
BARNETT AVENUE STARBUCK'S  
CONCEPTUAL GRADING AND  
STORMWATER DRAINAGE FACILITY PLAN

Sheet: 514 - CONCEPT1.dwg (mg) PLSL 7/27/15

#### LEGEND

- SURFACE DRAINAGE DIRECTION
- PROPOSED STORM MAIN
- EXISTING STORM MAIN
- PROPOSED CATCH BASIN
- EXISTING CATCH BASIN
- EXISTING CONTOUR (1' INTERVAL)



**CONSTRUCTION ENGINEERING CONSULTANTS**  
P.O. BOX 1724 MEDFORD, OREGON 97501  
PH. (541) 779-5090 FAX (541) 779-3120

Drawn BY	WPH	DATE	3/15
CHECKED BY	MARK AMC	DATE	3/15
		DATE	

NO	REVISION	DATE	BY



**FINDINGS OF FACT**

**APPLICATION:** Request for approval of a two (2) parcel Land Partition on a 1.01 acre tract located on the south side of East Barnett Road, approximately 450 feet east of Black Oak Drive, within the City of Medford C-C (Community-Commercial) zoning district.

**APPLICANT:** John Batzer

**OWNER:** Barnett Stage LLC

**AGENT:** Polaris Land Surveying LLC  
P.O. Box 459  
Ashland, OR 97520

**BACKGROUND INFORMATION**

The subject parcel has an existing single-story, commercial use building located on the west portion of the subject property that will remain on proposed Parcel 1 of the Partition.

The subject parcel has approximately 300 feet of frontage along East Barnett Road, designated as a Major Arterial street. Access is served by Private Access Easements at the signalized intersection of East Barnett Road with the main entrance to Rogue Valley Hospital to the north and Siskiyou Surgery Center to the south, which are adjacent to the east and south property lines.

The existing parcel is adequately served with all City and private utilities including sanitary sewer, storm drainage, water, gas, phone, power and communication services.

**PROJECT OVERVIEW**

The applicant proposes to subdivide the subject property into two parcels. The west portion is developed with a commercial use building currently occupied by Bank of the Cascades and parking lot, the east portion remains undeveloped at this time. The partition line is proposed to be along the east line of the developed parcel.

**SUBMITTALS**

- Land Division Application Form
- Application Fee of \$ 1,110.00
- Tentative Partition Map (Full Size & Reduced)
- Findings of Fact
- Conceptual Grading Plan
- Conceptual Stormwater Facility Plan
- Medford Zoning Map
- Assessor's Map
- Mailing Labels
- Current Property Deed
- Owner's Agent Authorization

## APPROVAL CRITERIA

### MEDFORD LAND DEVELOPMENT CODE

#### LAND DIVISION CRITERIA – SECTION 10.270

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. *Contains streets, if applicable, and lots which are oriented to make maximum effective use of passive solar energy; exceptions to this provision may be granted whenever it is impractical to comply due to: (a) The configuration or orientation of the property; (b) The nature of surrounding circulation patterns, or other existing physical features of the site such as topography;*
7. *Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.*

## **FINDINGS OF FACT**

The Planning Commission has considered the following facts that are pertinent to the application request:

### **MEDFORD LAND DEVELOPMENT CODE - SECTION 10.270**

#### **LAND DIVISION CRITERIA**

#### **CRITERION NO. 1**

- 1. Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;*

### **FINDINGS OF FACT**

#### **Comprehensive Plan**

Medford's Comprehensive Plan provides the general goals and policies that guide the many land use decisions that the City will need to make. The goals and policies are implemented by the specific standards and requirements of the City's Land Development Code. The design standards for a land division are found in Article IV and V of the Code.

There are no Goals or Policies within Medford's Comprehensive Plan that by their language serve as relevant approval criteria.

#### **Neighborhood Circulation Plan**

The proposed Land Partition is not located within one the area of one of Medford's adopted street circulation plans and is not applicable for this proposed Land Partition.

#### **Local Wetland and Riparian Inventory**

Medford's Local Wetland and Riparian Inventory Maps indicate that there are no wetlands or riparian corridors located on the subject property.

#### **Slope**

Medford's Slope Map indicates that there are no slopes on the subject parcel that exceed 15 percent, which has been verified by the applicant's surveyor as reflected on the proposed Tentative Partition Map.

There are no other adopted plans that apply to the subject property.

**Design Standards**

**Lot Size Standards**

<b>Code Standards</b>		<b>Proposed Parcels</b>		
	<b>Minimum Standards</b>	<b>Parcel No. 1</b>	<b>Parcel No. 2</b>	
<b>Lot Area</b>	15,000 Sq. Ft.	18,341 sq. ft.	23,252 sq. ft.	
<b>Lot Width</b>	70 feet	131.0 ft.	166.7 ft.	
<b>Lot Depth</b>	100 feet	140.0 ft.	140.0 ft.	
<b>Lot Frontage</b>	70 feet	131.0 ft.	166.7	
<b>Maximum Lot Area</b>	none	N/A	N/A	
<b>Lot Coverage</b>	40% (max.)	13%	0%	

The proposed tentative map meets all lot standards of the Land Development Code.

**Street Dedication and Improvements**

East Barnett Road is designated as a Major Arterial Street on Medford's Street Functional Classification Plan. A strip of land, 14 feet wide along the Springbrook Road frontage of the subject parcel, will be dedicated in accordance with Medford's Transportation System Plan, which requires a total right-of-way width of 90 feet for a Major Arterial street.

**CONCLUSION OF LAW**

The Planning Commission concludes that the proposed tentative map is consistent with all of Medford's applicable adopted plans, including the Comprehensive Plan. The tentative plat also conforms with all of the applicable design standards of Articles IV and V, including density, lot size standards, street dedication.

## CRITERION NO. 2

2. *Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;*

### FINDINGS OF FACT

The subject property exists as a single tax lot, and none of the adjacent properties are under the same ownership. The access to adjoining parcels will be able to be accessed directly from East Barnett Road, or from other Private Access Easements, or public streets intersecting with East Barnett Road.

### CONCLUSION OF LAW

The Planning Commission concludes that the tentative map will not prevent development of or the access to adjoining land, since all adjoining land will be able take its access from various points of ingress and egress.

## CRITERION NO. 3

3. *Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;*

### FINDINGS OF FACT

The subject application is for a two parcel land partition that is not officially recognized by name and a name is not required or proposed.

### CONCLUSION OF LAW

The Planning Commission concludes that because the partition has no name, this criterion does not apply to the subject application.

#### **CRITERION NO. 4**

- 4. If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property unless the approving authority determines it is in the public interest to modify the street pattern;*

#### **FINDINGS OF FACT**

There are no public or private streets or alleys that will be created by the platting of the proposed land partition.

#### **CONCLUSION OF LAW**

The Planning Commission concludes that because no streets or alleys will be created, this criterion does not apply to the subject application.

#### **CRITERION NO. 5**

- 5. If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;*

#### **FINDINGS OF FACT**

There are no private streets or alleys that will be created by the platting of the proposed land partition.

#### **CONCLUSION OF LAW**

The Planning Commission concludes that because no private streets or alleys are proposed, this criterion does not apply to the subject application.

#### **CRITERION NO. 6**

- 6. Contains streets, if applicable, and lots which are oriented to make maximum effective use of passive solar energy; exceptions to this provision may be granted whenever it is impractical to comply due to: (a) The configuration or orientation of the property; (b) The nature of surrounding circulation patterns, or other existing physical features of the site such as topography;*

#### **FINDINGS OF FACT**

The layout for the proposed land partition is based upon the configuration of the parent parcel. The east/west orientation of Parcel 1 and Parcel 2 is such that buildings can be designated with passive solar elements that can make maximum use of the sun.

#### **CONCLUSION OF LAW**

The Planning Commission concludes that the size and configuration of the proposed lots will allow for the buildings on each lot to make maximum effective use of passive solar energy.

**CRITERION NO. 7**

7. *Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.*

**FINDINGS OF FACT**

The subject property adjoins lands to the south, east and west with C-C zoning. The abutting parcels to the north across East Barnett Road are C-SP zoning.

**CONCLUSION OF LAW**

The Planning Commission concludes as there are no adjoining lands that are zoned EFU, this criterion does not apply to the subject application.

**CONCLUSION**

Based upon the above Findings of Fact and Conclusions of Law, the Planning Commission concludes that the application for the tentative partition map for a two parcel land partition is consistent with the relevant decisional criteria found in Section 10.270 of Medford's Land Development Code.

Respectively Submitted,



Shawn Kampmann PLS, Agent

Polaris Land Surveying LLC  
P.O. Box 459  
Ashland, Oregon 97520  
(541) 482-5009 (Office)  
(541) 488-0797 (Fax)

Date: April 10, 2015

# Memo



RECEIVED  
JUN 10 2015  
PLANNING DEPT.

**To:** Jennifer Jones, Planner, Planning Department  
**From:** Tanner Fairrington, Building Department (541) 774-2352  
**CC:** John Batzer, Applicant; Polaris Land Surveying LLC., Agent  
**Date:** June 5, 2015  
**Re:** June 10, 2015 LDC Meeting: LDP-15-061 – Item #1

---

***Please Note:***

***This is not a plan review. Unless noted specifically as Conditions of Approval, general comments are provided below based on the general information provided; these comments are based on the 2014 Oregon Structural Specialty Code (OSSC) unless noted otherwise. Plans need to be submitted and will be reviewed by a commercial plans examiner, and there may be additional comments.***

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

***If you have questions, please contact the Building Department at (541) 774-2350 or [building@cityofmedford.org](mailto:building@cityofmedford.org). Tanner Fairrington can be contacted directly at (541) 774-2352 or [tanner.fairrington@cityofmedford.org](mailto:tanner.fairrington@cityofmedford.org).***

1. There are NO Conditions of Approval or significant comments from the Building Safety Department. Please see the general comments below.
2. For list of applicable Building Codes, please visit the City of Medford website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Code and Design Information" on left side of screen; click on "Design Criteria"; and select the appropriate design criteria.
3. All plans are to be submitted electronically. Information on the website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" on left side of screen for information.
4. A site excavation and grading permit will be required for any excavation that exceeds 50 cubic yards.

CITY OF MEDFORD  
EXHIBIT# E  
FILE # LDP-15-061



# Medford Fire Department

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

RECEIVED

JUN 10 2015

PLANNING DEPT.

## LAND DEVELOPMENT REPORT - PLANNING

To: Jennifer Jones

LD Meeting Date: 06/10/2015

From: Fire Marshal Kleinberg

Report Prepared: 06/04/2015

File #: LDP - 15 - 61

### Site Name/Description:

Request to create two parcels on a 1.01 acre lot located on the south side of Barnett Road between Black Oak Road and Murphy Road, within a C-C (Community Commercial) zoning district; John Batzer, Applicant (Polaris Land Surveying LLC., Agent). Jennifer Jones, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE
<u>Approved as Submitted</u> Meets Requirement: No Additional Requirements	

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

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

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

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

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

JUN 10 2015

PLANNING DEPT.



BOARD OF WATER COMMISSIONERS

**Staff Memo**

**TO:** Planning Department, City of Medford

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

**SUBJECT:** LDP-15-061

**PARCEL ID:** 371W33B TL 434

**PROJECT:** Request to create two parcels on a 1.01 acre lot located on the south side of Barnett Road between Black Oak Road and Murphy Road, within a C-C (Community Commercial) zoning district; John Batzer, Applicant (Polaris Land Surveying LLC., Agent). Jennifer Jones, Planner.

**DATE:** June 10, 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. Proposed Parcel 2 is required to have domestic metered water service. All water services are required to be installed during site development. If partition map is recorded prior to site development then a note on the final map is required for each parcel that states "No Domestic Water Service Currently Installed". Applicant shall coordinate with MWC engineering department staff for size and approved location water required water meter.
3. Installation of an MWC approved backflow device is required for all commercial, industrial, municipal, and multi-family developments. New backflow devices shall be tested by an Oregon certified backflow tester. See MWC website for list of certified testers at the following web link <http://www.medfordwater.org/Page.asp?NavID=35>.

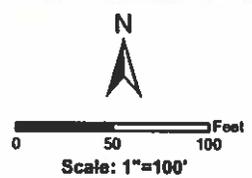
**COMMENTS**

1. Off-site water line installation is not required.
2. On-site water facility construction is not required.
3. MWC-metered water service does exist to this property. A 1.5-inch water currently serves domestic water to Bank of the Cascades; existing water meter is located near northwest property corner along Barnett Road.
4. Access to MWC water lines is available. There is a 10-inch water line located on north side of Barnett Road. There is also a 8-inch water line in the entrance way to Southern Oregon Surgery Center.

CITY OF MEDFORD

EXHIBIT# G

FILE # LDP-15-061



**Water Facility Map  
for  
LDP-15-061**

**Legend**

- ▲ Air Valve
- Sample Station
- Fire Service
- ⊕ Hydrant
- ▲ Reducer
- (+) Blow Off
- ⊕ Plugs-Caps

**Water Meters:**

- ⊙ Active Meter
- On Well
- Unknown
- Vacant

**Water Valves:**

- ⊕ Butterfly Valve
- ⊕ Gate Valve
- ⊕ Tapping Valve

**Water Mains:**

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

**Boundaries:**

- Urban Growth Boundary
- City Limits
- Tax Lots

**MWC Facilities:**

- C** Control Station
- P** Pump Station
- R** Reservoir



Map is not to be used for any other purpose without the express written consent of the Medford Water Commission. All rights reserved. © 2015 Medford Water Commission. All other rights reserved. Medford Water Commission. All other rights reserved.



Continuous Improvement Customer Service

RECEIVED  
JUN 10 2015  
PLANNING DEPT.

**CITY OF MEDFORD**

LD Meeting Date: June 10, 2015  
File Number: LDP-15-061

**PUBLIC WORKS DEPARTMENT STAFF REPORT  
John Batzer Partition, Barnett Road**

**Project:** Request to create two parcels on a 1.01 acre lot located on the south side of Barnett Road between Black Oak Road and Murphy Road, within a C-C (Community Commercial) zoning district;

**Applicant:** John Batzer

**NOTE:** Items I through V Shall be Completed and Accepted Prior to Approval of the Final Plat.

See Public Works Staff Report for AC-15-013 for the conditions for developing Parcel 2.

**I. STREETS**

**A. Dedications**

**Barnett Road** is classified as a major arterial street, and in accordance with Medford Land Development Code (MLDC) Section 10.428, it requires a total right-of-way width of 100 feet. The Developer shall dedicate sufficient area south of the centerline to provide 50 feet of right-of-way measured from centerline, which is half of the full 100 feet required by the MLDC. According to the Tentative Partition Map, the existing right-of-way south of the centerline appears to be 36 feet for the portion of the frontage along Parcel 2. It appears the width of right-of-way along Parcel 1 is already 50 feet. The Developer shall dedicate an amount of right-of-way necessary to result in a half-width measure of 50 feet along this Development. The amount of additional right-of-way needed appears to be 14 feet.

---

P:\Staff Reports\LDP\LDP-15-061 Barnett Rd\LDP-15-061, Staff Report, Barnett Road, John Batzer-DB.docx

Page 1

PUBLIC WORKS DEPARTMENT  
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET  
MEDFORD, OREGON 97501  
[www.ci.medford.or.us](http://www.ci.medford.or.us)

TELEPHONE (541) 774-2100  
FAX (541) 774-2552

The Developer has requested an Exception (E-15-060) to the City's right-of-way standards on Barnett Road to reduce the amount of right-of-way to be dedicated from 14 feet to 8 feet. The 6 feet of reduction would mean the elimination of a bike lane on Barnett Road in the future. Public Works and Planning has been involved with creating a multi-use path along Larson Creek parallel to Barnett Road and approximately 500 feet south, to provide bike facilities in this area in-lieu of Barnett Road. Based on this work, Public Works does not anticipate it will try to provide bike lanes on Barnett in the future, and would have no objection to this request.

**Public Utility Easements**, 10 feet in width, shall be dedicated along and adjacent to the street frontage of both Parcels within this Partition. (MLDC 10.471)

The dedications for public right-of-way and public utility easements shall appear on the final plat for this partition.

**Medical Center Drive** is a private drive and not public right-of-way. Applicant shall provide documentation of legal right to use Medical Center Drive for access to the proposed project.

## **B. Public Improvements**

### **1. Public Streets**

All standard street section improvements have been completed on Barnett Road, including pavement, curb and gutter, street lights, and sidewalk.

### **2. Lighting and Signing**

No further lighting or signing improvements are required as a condition of this application. The Developer shall preserve and protect the existing improvements during construction on Parcel 2. See Public Works Staff Report for AC-15-013 for conditions of developing Parcel 2.

### **3. Pavement Moratoriums**

There is a limitation on pavement cutting currently in effect along this frontage of Barnett Road until August of 2019. Therefore no pavement cutting shall be allowed on Barnett Road for this Development.

### **4. Access Limitations**

Access to this site shall be restricted to Medical Center Drive, and the existing direct entrance to Barnett Road west of the west boundary of this Partition. In accordance with the MLDC, Section 10.550, no additional direct access will be allowed to Barnett Road. The Developer shall

demonstrate they have legal access to the private road and driveway system on the west, south, and east side of this site.

### 1. Section 10.668 Analysis

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

#### 10.668 Limitation of Exactions

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

*(1) the record shows that there is an essential nexus between the exaction and a legitimate government purpose and that there is a rough proportionality between the burden of the exaction on the developer and the burden of the development on public facilities and services so that the exaction will not result in a taking of private property for public use, or*

*(2) a mechanism exists and funds are available to fairly compensate the applicant for the excess burden of the exaction to the extent that it would be a taking.*

#### **Nexus to a legitimate government purpose**

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

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

No mathematical formula is required to support the rough proportionality analysis. Furthermore, benefits to the development resulting from the dedication and improvements when determining “rough proportionality” have been considered, including but not limited to: increased property

values, intensification of use, as well as connections to municipal services and the transportation network.

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

### **Barnett Road:**

The additional right-of-way will provide the needed width for a future planter strip and bike lane on Barnett Road. Barnett Road is a 35 mile per hour facility, which currently carries approximately 16,000 vehicles per day. The 10' planter strip moves pedestrians a safer distance from the edge of the roadway. Barnett Road will be the primary route for pedestrians traveling to and from this development.

The City assesses System Development Charges (SDC's) to help pay for acquisition of right-of-way and construction of additional Arterial & Collector street capacity required as a result of new development. Because a mechanism exists in the form of SDC credit for right-of-way dedication in accordance with Medford Municipal Code (MMC) 3.815 and other applicable parts of the Code, to fairly compensate the applicant, the conditions of MLDC, Section 10.668 are satisfied.

## **II. SANITARY SEWERS**

The proposed development is situated within the Medford Sewer service area. The Developer shall construct the necessary public sanitary sewer facilities to City of Medford standards, and shall provide one service lateral to each Parcel prior to approval of the Final Plat.

The Developer shall cap any other remaining unused sewer laterals within the project frontage at the main.

## **III. STORM DRAINAGE**

### **A. Hydrology**

The site lies within the Larson Creek Drainage basin. See Public Works Staff Report for AC-15-013 for conditions of developing Parcel 2.

### **B. Grading, Stormwater Detention and Water Quality Treatment**

See Public Works Staff Report for AC-15-013 for conditions of developing Parcel 2..

### **C. Mains and Laterals**

All roof drains and foundation drains shall be connected directly to a storm drain system.

A storm drain lateral shall be constructed to Parcel 2 prior to approval of the Final Plat. Easements shall be shown on the Final Plat for storm drain laterals crossing property other than the one being served by the lateral. If the private storm drain system is being used to drain this site, the applicant shall provide a joint use maintenance agreement.

### **D. 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.

## **IV. SURVEY MONUMENTATION**

All survey monumentation shall be in place, field-checked, and approved by the City Surveyor prior to approval of the final plat.

## **V. System Development Charges**

Future 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 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.

Report Prepared by: Larry Beskow/Doug Burroughs

# SUMMARY CONDITIONS OF APPROVAL

## John Batzer LDP

LDP-15-061

### A. Streets

#### 1. Street Dedications to the Public:

Dedicate 8 feet of additional public right-of-way on Barnett Road along Parcel 2.

Dedicate 10 foot Public Utility Easement (PUE) along frontage of Barnett.

#### 2. Improvements:

Remove and replace broken sidewalk on Barnett Road.

A Pavement moratorium is currently in effect on Barnett Road.

### B. Sanitary Sewer:

Ensure or construct separate individual sanitary sewer connection on site or obtain easement from adjoining site.

### C. Storm Drainage:

Private storm drainage to be provided to new parcel. May need easements and joint use maintenance agreements

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.

# Vicinity Map

Application Name/Description:

**Batzer-Barnett Rd  
Partition**

Proposal:

**2 Lot Partition**

File Numbers:

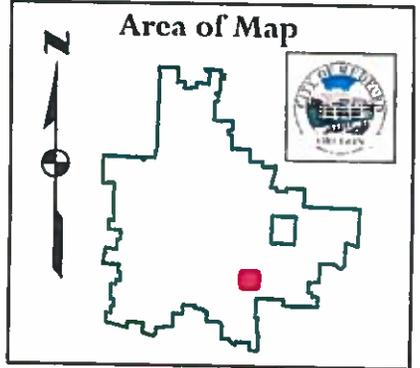
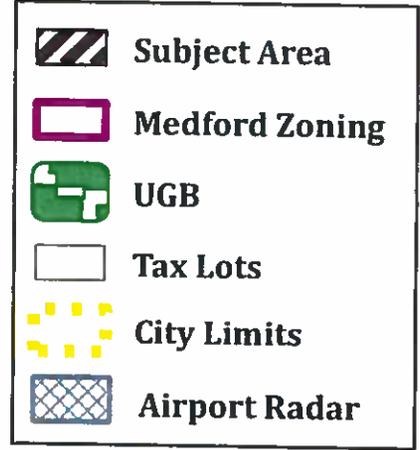
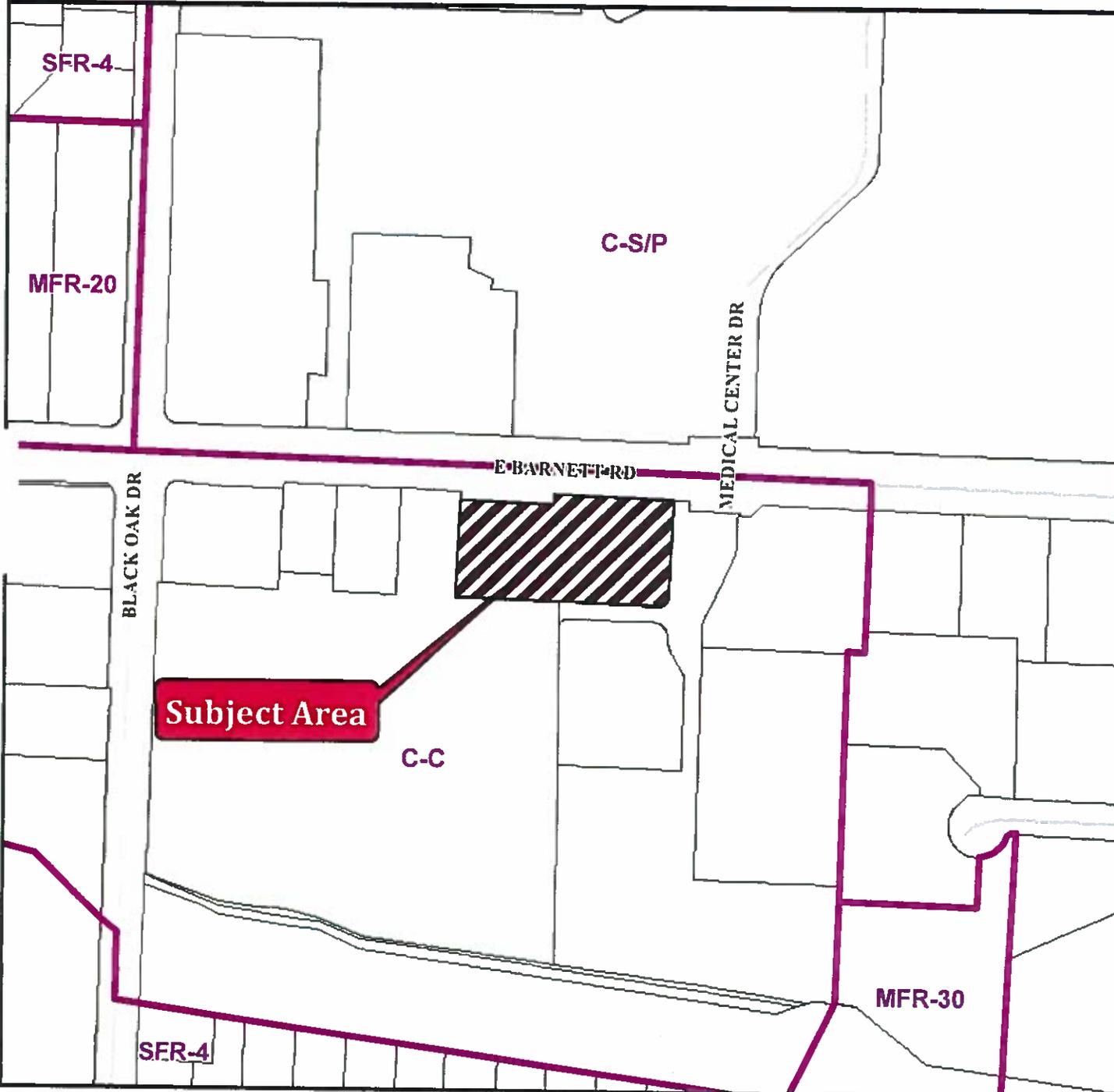
**LDP-15-061**

Applicant:

**John Batzer**

Map/Taxlot:

**371W33B TL 434**



04/20/2015



# Planning Department

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

## STAFF REPORT

for a Type-C quasi-judicial decision: **Subdivision**

Project Silky Oaks Subdivision, Phase 4  
 Applicant: Ron Horton; Agent: Scott Sinner Consulting, Inc.

File no. LDS-15-067

To Planning Commission *for 07/09/2015 hearing*

From Jennifer Jones, Planner II

Reviewer Kelly Akin, Principal Planner *[Signature]*

Date July 02, 2015

---

### BACKGROUND

#### Proposal

Silky Oaks Subdivision, Phase 4, creating six residential lots on 1.07 acres located on the north side of Maple Park Drive between Ross Lane and Silky Oaks Lane within the SFR-10 (single-family residential 10-dwelling units per gross acre) zoning district.

#### Subject Site Characteristics

Zoning	SFR-10	Single-family residential 10-dwelling units per gross acre
GLUP	UR	Urban Residential
Use	Residential	

#### Surrounding Site Characteristics

North	SFR-10	Single-Family Residential
South	SFR-10	Single-Family Residential
East	SFR-10	Single-Family Residential
West	SFR-00	Single-Family Residential

#### Related Projects

A-03-094 Annexation

ZC-03-289 Zone Change from SR 2.5 (Jackson County) to SFR-6

ZC-07-169 Zone Change from SFR-6 to SFR-10

LDS-14-051 Silky Oaks, Phase 3

### Applicable Criteria

Medford Land Development Code (MLDC) §10.270.

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

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

### **ISSUES AND ANALYSIS**

#### Background

The subject property was annexed in 2003 (A-03-094) and subsequently received approval of a zone change in 2003 from Jackson County SR 2.5 (Residential - minimum lot size 2.5 acres) to City SFR-6 (Single Family Residential – 6 units per acre). In 2007 the property received approval of a zone change from SFR-6 to SFR-10. In 2014, the

northern portion of the property was subdivided into eight lots, referred to as Silky Oaks, Phase 3. The applicant has also developed the property to the east as a 19-lot subdivision known as Silky Oaks Phases 1 and 2 (LDS-05-171).

#### Plat Analysis

The proposed tentative plat consists of six residential lots created from 1.07 acres, south of Silky Oaks Phase 3. The proposed lots in this subdivision, Silky Oaks Phase 4, include lots 28-33. Lots 28, 29, and 30 are accessed via a minimum access drive from Maple Park Drive. The minimum access drive is included as a part of lot 28. Lots 29 and 30 have frontage only to the minimum access drive. The standards of MLDC §10.430A regarding minimum access easements are satisfied with this configuration. Lots 31, 32, and 33 have frontage and access directly onto Maple Park Drive. The lot configuration is restricted by street layout and existing development. Per MLDC §10.450, the minimum access easement and corresponding flag lot are permitted and subsequently regulated; all standards are adequately satisfied.

#### *Density*

Based on the project's total gross acreage of 1.07 acres, the maximum number of lots permitted is 10.7 units. MLDC §10.708 requires the allowed maximum number of units be rounded down; thus the maximum number of lots permitted is ten. The minimum number of units required for the development is 6.42. MLDC requires the minimum number of units to be rounded to the nearest whole number; thus the minimum number of lots required is six. The applicant is proposing six residential lots which is within the allowable density.

#### *Residential Lot Standards*

Lot size, dimensional, and frontage standards for detached single-family dwellings are outlined in §10.710 of the Medford Land Development Code. Allowable lot sizes, in square feet, for lots in the SFR-10 zoning district range from 3,600 to 8,125. Lots 29, 30, 31, 32, and 33 are consistent with the allowable lot size. Lot 28 is proposed to be 14,452 square feet, which exceeds the maximum size allowed. However, §10.702(3)(a) outlines circumstances in which a large lot area is allowed, including the situation in this proposal, *when an existing residence and associated yard area, containing improvements and established landscaping, occupier a larger area.*

#### *Street Dedications*

This subdivision is adjacent to only one public right-of-way, Maple Park Drive, which is classified as a Standard Residential Street. MLDC §10.430 requires a total right-of-way width of 63-feet. Right-of-way dedication required with this project 6.5 feet, which is depicted on the plat. In addition, a ten-foot public utility easement will be dedicated along the frontage of each lot.

No other issues were identified by staff.

#### **FINDINGS AND CONCLUSIONS**

Staff has reviewed the applicant's findings and conclusions (Exhibit D) and recommends the Commission adopt the findings as presented.

#### **RECOMMENDED ACTION**

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of LDS-15-067 per the staff report dated July 02, 2015, including Exhibits A through H.

#### **EXHIBITS**

- A Conditions of Approval, dated July 02, 2015
- B Silky Oaks, Phase 4 Tentative Plat, received May 01, 2015
- C Conceptual Grading and Drainage Plan, received May 01, 2015
- D Applicants Findings of Facts, received May 01, 2015
- E Building Department Memo, received June 10, 2015
- F Fire Department Report, received June 10, 2015
- G Medford Water Commission Memo, received June 10, 2015
- H Public Works Report, received June 10, 2015  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**JULY 09, 2015**

**EXHIBIT A**

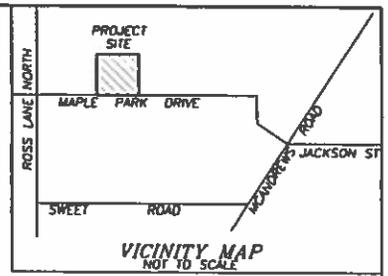
Silky Oaks Phase 4  
LDS-15-067  
Conditions of Approval  
July 02, 2015

**CODE REQUIREMENTS**

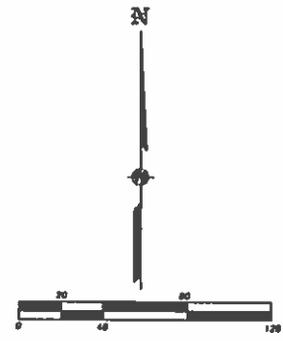
Prior to approval of the final plat, the applicant shall:

1. Construct the minimum access easement per MLDC§ 10.430A(1).
2. Comply with the Building Department Memo received June 10, 2015 (Exhibit E).
3. Comply with the Fire Department Report received June 10, 2015 (Exhibit F).
4. Comply with the memo from the Medford Water Commission Memo received June 10, 2015 (Exhibit G).
5. Comply with the Public Works Report received June 10, 2015 (Exhibit H).

**SILKY OAKS, PHASE 4**  
 In the S.E. 1/4 of Sec. 23, T.37S, R.2W, W.M. &  
 in the City of Medford Jackson County, Oregon



FILE NO: \_\_\_\_\_ DATE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 ZONING DISTRICT: \_\_\_\_\_  
 MAP LOT NO: \_\_\_\_\_ MAP LOT AREA: \_\_\_\_\_  
 NO. OF LOTS: \_\_\_\_\_  
 MAPS SHEET: \_\_\_\_\_  
 OWNER: \_\_\_\_\_  
 RECEIVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

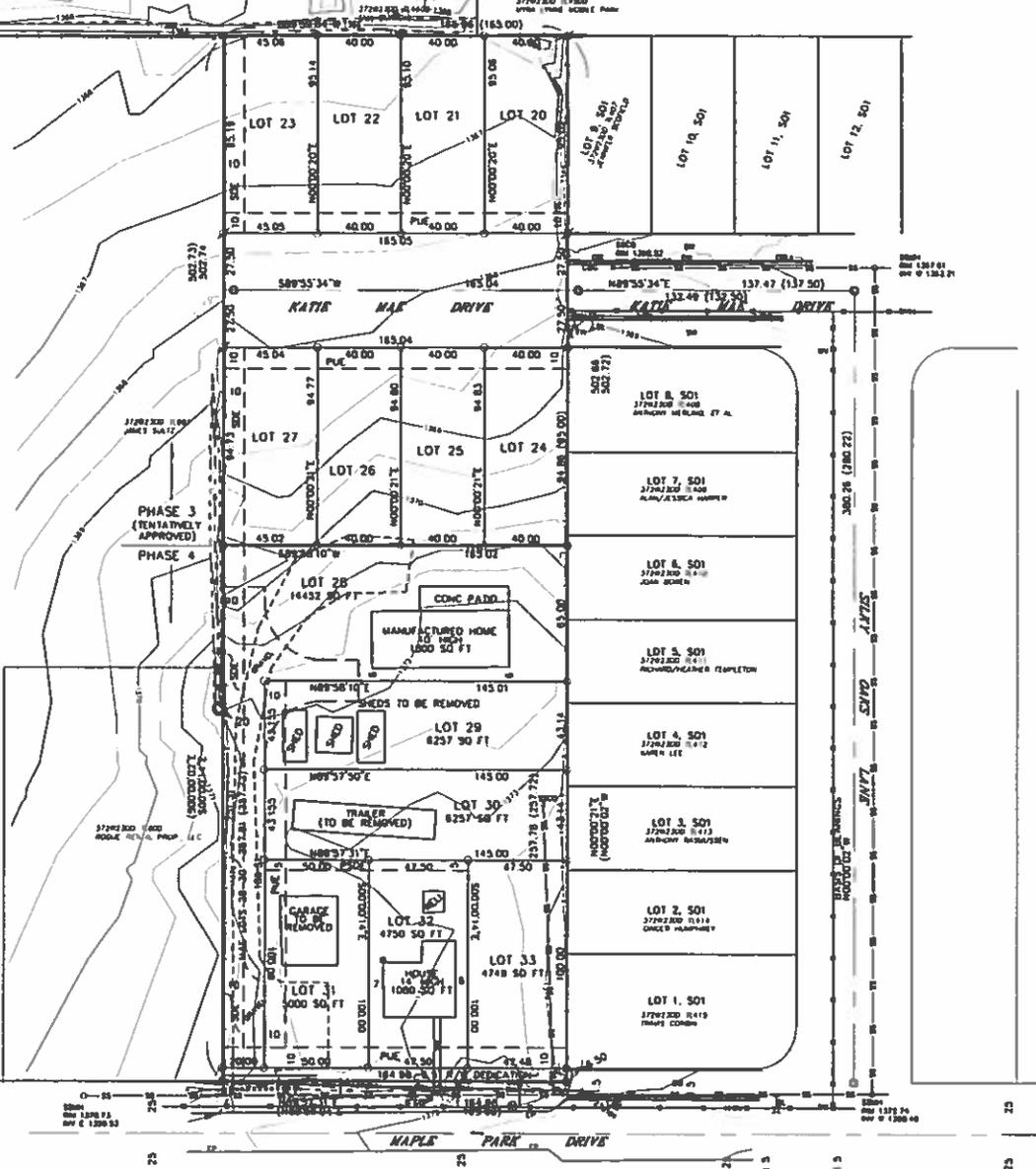


**NOTES:**  
 SCHOOL DISTRICT: MEDFORD 548C  
 WRECKING DISTRICT: N.A.D. (CURRENTLY BEING ASSESSED)  
 TOTAL GROSS ACREAGE = 1.07 AC  
 NET ACREAGE = 0.89 AC  
 PUE = PROPOSED PUBLIC UTILITY EASEMENT  
 SDE = PUBLIC STORM DRAINAGE EASEMENT  
 SOI = SILKY OAKS PHASE 1  
 SP = PROPOSED STREET PLUG  
 MAE = GRASSHOPPER ACCESS EASEMENT FOR LOTS 28-30  
 PSE = PRIVATE STORM DRAINAGE EASEMENT FOR LOTS 31-33  
 THIS PHASE CONSISTS OF LOTS 28-33

OWNER OF RECORD:  
 RON & CHRISTINE HORTON  
 PO BOX 3354  
 CENTRAL POINT, OR 97502

REGISTERED PROFESSIONAL LAND SURVEYOR  
*James T. Hobbs*  
 ONE/01  
 JULY 17, 1988  
 JAMES T. HOBBS  
 2234  
 RENEWAL DATE 6-30-15

FILE: TENTATIVE SUBMISSION PLAT  
 ADDRESS: MAP # 372W2300 IL500  
 APPLICANT:  
 RON HORTON  
 PO BOX 3354  
 CENTRAL POINT, OR 97502  
 L.J. FRAR & ASSOCIATES P.C.  
 CONSULTING LAND SURVEYORS  
 PO Box 1317 Medford, OR 97501  
 Phone: 541-753-7100  
 Fax: 541-753-7101

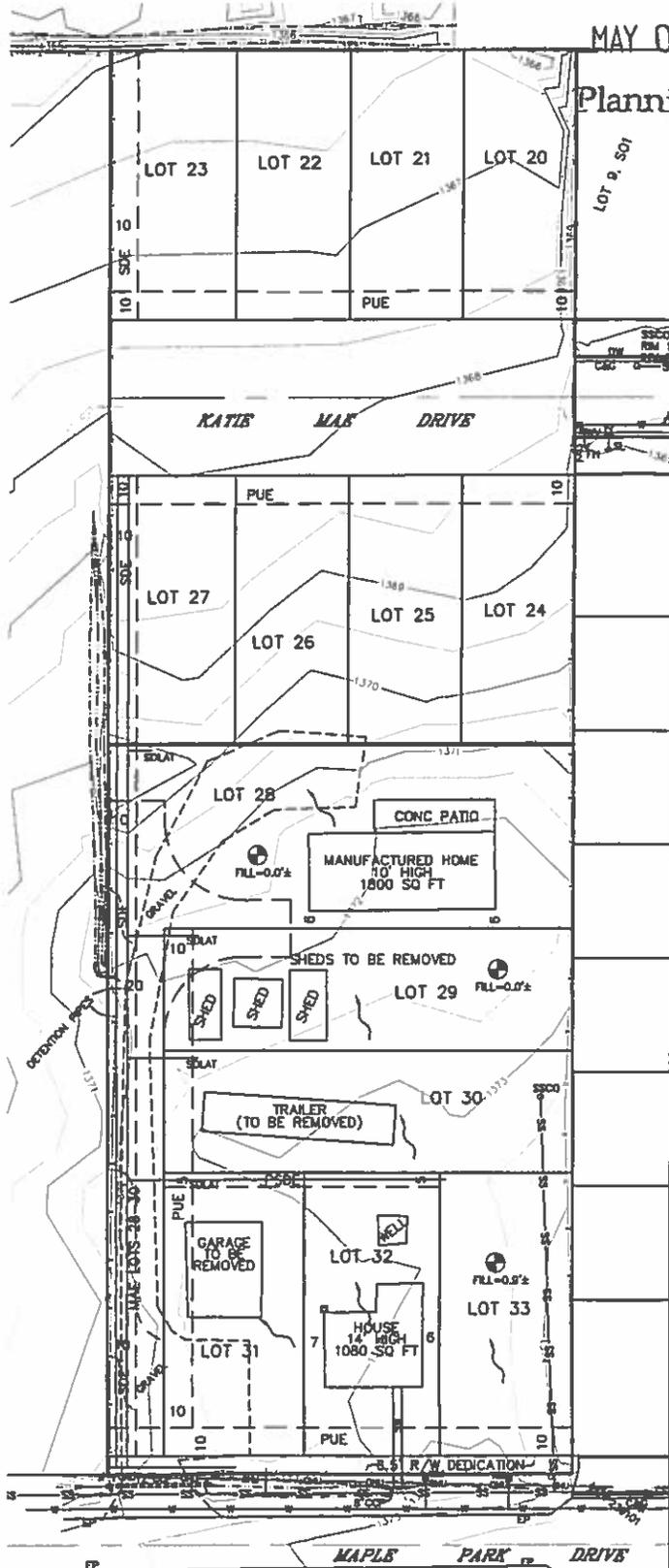


# SILKY OAKS, PHASE 4

RECEIVED

MAY 01 2015

Planning Dept.



**NOTES:**

PUE=PROPOSED PUBLIC UTILITY EASEMENT.  
 SDE=PUBLIC STORM DRAINAGE EASEMENT.  
 SP=PROPOSED STREET FLUG.  
 MAE=MINIMUM ACCESS EASEMENT FOR LOTS 28-30.  
 PSDE=PRIVATE STORM DRAINAGE EASEMENT FOR LOTS 31-33.  
 THIS PHASE CONSISTS OF LOTS 28-33.

**DRAINAGE NOTES:**

UPON DEVELOPMENT, EXCESS SPOILAGE WILL BE REMOVED BY THE CONTRACTOR FROM THE PROJECT IF, IN FACT, IT WILL CREATE AREAS OF DRAINAGE ONTO EXISTING PROPERTIES.

SITE DRAINAGE WILL BE DIRECTED INTO THE 24" DETENTION PIPE ON WEST BOUNDARY.

REGISTERED PROFESSIONAL LAND SURVEYOR

*James E. Hibbs*

OREGON  
 JULY 17, 1988  
 JAMES E. HIBBS  
 2234

RENEWAL DATE 6-30-15

TITLE: CONCEPTUAL GRADING & DRAINAGE PLAN  
 ASSessor's MAP #: 372W23DD TL500  
 FOR: RON HORTON  
 PO BOX 3354  
 CENTRAL POINT, OR 97502

DATE: 30 APR 2015  
 SCALE: 1 inch = 40 feet  
 DRAWN BY: JEH  
 CHK BY: JEH  
 ORG:

L.J. FRIAR & ASSC  
 CONSULTING LAND SURVEYORS  
 PO Box 1847, Prineville, OR 977  
 Phone: (541) 772-3782  
 Email: ljf@lshortar.net

CITY OF MEDFORD

EXHIBIT: C  
 FILE # LDS-15-067

FINDINGS OF FACT

RECEIVED

MAY 0 1 2015

Planning Dept.

BEFORE THE PLANNING COMMISSION OF THE CITY OF MEDFORD, OREGON:

IN THE MATTER OF AN APPLICATION FOR	)	
LAND DIVISION OF PROPERTY IDENTIFIED AS	)	FINDINGS OF FACT
T37-R2W-23DD-TL 500 APPLICANT	)	AND
RON HORTON	)	CONCLUSIONS
<u>SCOTT SINNER CONSULTING, INC. AGENT</u>	)	OF LAW

I. BACKGROUND INFORMATION

Applicant:

Ron Horton  
PO Box 3354  
Central Point, OR 97502

Agent:

Scott Sinner Consulting, Inc.  
4401 San Juan Dr.  
Medford, OR 97504  
541-772-1494  
scottsinner@yahoo.com

Property :

372W23DD TL 500  
Ron Horton  
1216 Maple Park Dr  
Medford, OR 97501  
1.90 Acres  
Single Family Residential 10 units per acre (SFR-10) City of Medford Zoning

Summary:

This application is submitted to comply with the Land Division Criteria contained within the City of Medford Land Development Code (MLDC). The subject property is 1.90 acres within the SFR-10 zoning district.

This application is Silky Oaks Phase 4. Silky Oaks Phase 3 was approved by the Planning Commission under LDS-14-051 on August 28, 2014 and at the time of submitting this application for Phase 4, Phase 3 is about to commence the construction of the approved infrastructure.

## FINDINGS OF FACT

Phase 4 includes the development of the portion of the property identified as Reserve Acreage in LDS-14-051. Phase 4 contains substantial existing development with three existing dwelling units.

Referring to the tentative plat submitted with this application, Lot 28 contains a 1,783 square foot 2003 manufactured home which will remain. Lot 30 contains a single wide trailer which will be removed prior to final plat, and Lot 32 has a 1,080 square foot dwelling that will remain.

The retention of existing development on this phase has dictated the design of this development. Lots 28, 29, and 30 will utilize a new Minimum Access Easement (MAE) for access. Lots 31, 32, and 33 will have access from Maple Park Drive.

The stormwater system for Phase 3 is approved and will be located on the western side of Phase 4 within the area of the MAE, and the stormwater system will also serve Phase 4.

The subject property is within the SFR 10 zoning district. The Tentative Plat is designed to comply with the design requirements of the Medford Land Development Ordinance (MLDC).

Lot 28 is proposed as 14,452 square feet. The maximum lot size for the SFR-10 zoning district is 8,125 square feet. MLDC section 10.702 (3) (a) provide for a lot size larger than the maximum for the zoning district when existing development and associated yard areas and improvement occupy a larger area. The existing residence and the area of the MAE result in the proposed lot size.

The property is not in a steep slope area and is not subject to the requirements of the Medford Hillside Ordinance. The property does not contain any wetlands or water features.

### **Relevant Approval Criteria**

The approval criteria for a land division are contained in the MLDC section 10.270 as stated below:

#### ***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:*

## FINDINGS OF FACT

*(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.*

### **Findings of Fact**

*(1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;*

The Tentative Plat submitted with this application has been designed to be consistent with the Comprehensive Plan, the General Land Use Plan Map (GLUP), Transportation System Plan (TSP), and all applicable design standards for the proposed public improvements as well as the lot design standards of the Medford Land Development Code (MLDC).

The lots established with this plat conform to the standards of the MLDC for length, width, square footage, lot frontage, and access. All lots proposed are suitable and

## FINDINGS OF FACT

intended to be developed as detached single family residential dwellings consistent with the standards for the SFR-10 zoning district.

Lot 28 is proposed as 14,452 square feet. The maximum lot size for the SFR-10 zoning district is 8,125 square feet. MLDC section 10.702 (3) (a) provides for a lot size larger than the maximum for the zoning district when existing development and associated yard areas and improvements occupy a larger area. The existing residence and the area of the MAE result in the proposed lot size and comply with the lot size allowance.

### Conclusions of Law

The Planning Commission can conclude the proposed tentative plat 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;*

The development proposed with this application will develop the reserve acreage portion of the subject property as approved in LDS-14-051, Silky Oaks 3. The approval and development of Silky Oaks Phase 4 will develop the entirety of the subject property.

The property to the east is developed to current urban densities as Silky Oaks Phase 1. The property to the west, TL 600, has direct access to Maple Park Drive and is developable to urban standards. TL 601 has access to Maple Park Drive and the extension of Katie Mae Drive approved with Silky Oaks Phase 3.

### Conclusions of Law

The Planning Commission can conclude the proposed tentative plat proposed development on the entire parcel at urban densities and the approval of this plat will not prevent development or access on adjoining properties.

*(3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;*

### Findings of Fact

## FINDINGS OF FACT

The subject subdivision is submitted as Silky Oaks, Phase 4. Ron Horton DBA Horton Homes, Inc. developed the adjacent Silky Oaks Phase 1 and Phase 2 under LDS 2005-171, and Phase 3 under LDS-14-051. Ron Horton is the applicant for this land division and the property is contiguous, consistent with the requirements of the MLDC.

### Conclusions of Law

The Planning Commission can conclude the proposed subdivision bears a name, Silky Oaks Phase 4, satisfies the criteria in the MLDC as the property is contiguous to land platted as Silky Oaks Phase 1, 2 and 3, and the Applicant Ron Horton is the same applicant for Silky Oaks Phase 1, 2, and 3.

*(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.*

### Findings of Fact

There are no City Council adopted street circulation plans in the vicinity of the subject property. The proposed plat is consistent with the approved plats and existing land development and neighborhood circulation patterns.

The approval on this application will allow for the development of one new Minimum Access Easement to serve lots 28, 29, and 30. Lots 31, 32, and 33 will take access directly from Maple Park Drive, which will be improved on the frontage of the subject property.

Maple Park Drive is classified as a standard residential street with a 63 foot right of way. The development of this plat would include a dedication of 6-1/2' of frontage for the required right of way.

The City has not adopted a circulation plan for this area however the approval of Silky Oaks Subdivision Phase 1, 2 and 3 created a street pattern for future development and this plat will facilitating urbanization in the area. The potential circulation pattern submitted with Silky Oaks 3 is included in this submittal.

### Conclusions of Law

The Planning Commission can conclude the street pattern proposed with this subdivision is consistent with approved plats and prior development in the area.

## FINDINGS OF FACT

*(5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;*

### Findings of Fact

There are no new public streets proposed with this application. The Minimum Access Easement will provide access for lots 28, 29 and 30 and complies with the design standards of the MLDO and the Transportation System Plan. The MAE provides access over land proposed for private ownership, being part of Lot 28.

### Conclusions of Law

The Planning Commission can conclude this application for a land division provides the compliant documentation for streets on the proposed plat.

*(6) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.*

### Findings of Fact

A review of the City of Medford Official Zoning map indicates there are no lands within the EFU zoning district and there are no special considerations necessary to protect agricultural lands.

### Conclusions of Law

The Planning Commission can conclude that subject property is not adjoining any agricultural lands within the EFU zoning district.

### Additional Applicable Criteria

The City of Medford land division application requires a complete application must demonstrate compliance with the Hillside Ordinance contained in section 10.929 to 10.933 and the Block Length Ordinance in sections contained within section 10.426, and consistency with adopted neighborhood circulation plans per 10.454

### Hillside Ordinance

*10.929 Hillside Ordinance, Purpose; Applicability*

*Sections 10.929 to 10.933 establish procedural requirements for development on Slopes in excess of fifteen percent (15%) to decrease soil erosion and protect public safety. Sections 10.929 to 10.933 apply in addition to all other requirements set forth by ordinance. In the case of conflict between Sections*

## FINDINGS OF FACT

*10.929 to 10.933 and other requirements set forth by ordinance, Sections 10.929 to 10.933 shall govern.*

The subject property is located on Maple Park Drive. As per the referenced section of the MLDC, the site is not within a high slope area and the requirements to comply with the hillside ordinance requirements, including the constraints analysis do not apply to this property and the current development application.

As required by the MLDC, this application contains the submittal the City of Medford Hillside Development Constraints Analysis Status Form signed by Staff and indicating the side has slopes of less than 2% and the requirements of the Hillside Ordinance have been met.

### **Conclusions of Law**

The Planning Commission can conclude the application complies with the requirements for compliance with the submittal requirements contained within the Medford Hillside Ordinance and the requirements of the relevant sections are not applicable to this application.

### **Block Length Ordinance**

The City of Medford has amended the MLDC to include the following Block Length sections to assure the City provides circulation and connectivity in land division applications.

#### *10.426 Street Circulation Design and Connectivity*

##### *A. Street Arrangement Suitability.*

*The approving authority shall approve or disapprove street arrangement. In determining the suitability of the proposed street arrangement, the approving authority shall take into consideration:*

- 1. Adopted neighborhood circulation plans where provided; and*
- 2. Safe, logical and convenient access to adjoining property consistent with existing and planned land uses; and*
- 3. Efficient, safe and convenient vehicular and pedestrian circulation along parallel and connecting streets; and*
- 4. Compatibility with existing natural features such as topography and trees; and*
- 5. City or state access management standards applicable to the site.*

##### *B. Street Connectivity and Formation of Blocks Required.*

## FINDINGS OF FACT

1. *Block layouts shall substantially conform to adopted neighborhood circulation plans for the project area if applicable. Street arrangement and location may depart from the adopted plan if the project will result in a comparable level of overall connectivity. Projects that depart from the neighborhood circulation plan shall conform to planned higher order streets adopted in the City of Medford Transportation System Plan.*
  
2. *Proposed streets, alleys and accessways shall connect to other streets within a development and to existing and planned streets outside the development, when not precluded by factors in Section 10.426 C.2 below. When a development proposes a cul-de-sac, minimum access easement or flag lot to address such factors, the provisions of Section 10.450 apply.*
  
3. *Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops and other neighborhood activity centers such as schools, office parks, shopping areas, and parks.*
  
4. *Streets shall be constructed or extended in projections that maintain their function, provide accessibility, and continue an orderly pattern of streets and blocks.*

### C. *Maximum Block Length and Block Perimeter Length.*

1. *Block lengths and block perimeter lengths shall not exceed the following dimensions as measured from centerline to centerline of through intersecting streets, except as provided in Subsections 10.426 C.2.*

#### MAXIMUM BLOCK LENGTH AND PERIMETER LENGTH

Table 10.426-1

Zone or District	Block Length	Block Perimeter Length
a. Residential Zones	660'	2,100'
b. Central Business Overlay District	600'	1,800'
c. Transit Oriented Districts (Except SE Plan Area)	600'	1,800'
d. Neighborhood, Community, and Heavy Commercial Zones; and Service Commercial-Professional Office Zones	720'	2,880'

## FINDINGS OF FACT

<i>e. Regional Commercial and Industrial Zones</i>	940'	3,760'
--	------	--------

2. *The approving authority may find that proposed blocks that exceed the maximum block and/or perimeter standards are acceptable when it is demonstrated by the findings that one or more of the constraints, conditions or uses listed below exists on, or adjacent to the site:*
  - a. *Topographic constraints, including presence of slopes of 10% or more located within the boundary of a block area that would be required by subsection 10,426 C.1.,*
  - b. *Environmental constraints including the presence of a wetland or other body of water,*
  - c. *The area needed for a proposed Large Industrial Site, as identified and defined in the Medford Comprehensive Plan Economic Element, requires a block larger than provided by section 10.426 C.1.e. above. In such circumstances, the maximum block length for such a Large Industrial Site shall not exceed 1,150 feet, or a maximum perimeter block length of 4,600 feet*
  - d. *Proximity to state highways, interstate freeways, railroads, airports, significant unbuildable areas or similar barriers that make street extensions in one or more directions impractical,*
  - e. *The subject site is in SFR-2 zoning district,*
  - f. *Future development on adjoining property or reserve acreage can feasibly satisfy the block or perimeter standards,*
  - g. *The proposed use is a public or private school, college or other large institution,*
  - h. *The proposed use is a public or private convention center, community center or arena,*
  - i. *The proposed use is a public community service facility, essential public utility, a public or private park, or other outdoor recreational facility.*
  - j. *When strict compliance with other provisions of the Medford Land Development Code produce conflict with provisions in this section.*
  
3. *Block lengths are permitted to exceed the maximum by up to 20% where the maximum block or perimeter standards would require one or more additional street connections in order to comply with both the block length or perimeter standards while satisfying the street and block layout requirements of 10.426 A or B or D,*

## FINDINGS OF FACT

4. *When block perimeters exceed the standards in accordance with the 10.426 C.2. above, or due to City or State access management plans, the land division plat or site plan shall provide blocks divided by one or more public accessways, in conformance with Sections 10.464 through 10.466.*

### *D. Minimum Distance Between Intersections.*

*Streets intersecting other streets shall be directly opposite each other, or offset by at least 200 feet, except when the approving authority finds that utilizing an offset of less than 200 feet is necessary to economically develop the property with the use for which it is zoned, or an existing offset of less than 200 feet is not practical to correct.*

### **Findings of Fact**

The City Planning Staff and the Planning Commission reviewed the Block Length compliance with the review and approval of Silky Oaks Phase 3 which extended Katie Mae Drive 165 feet. This plat and will not propose any new streets or street connections.

The distance from the western edge of Katie Mae Drive on this plat to Ross Lane North is approximately 550 feet. This distance will allow for infill and future development and connections to Ross Lane North and Maple Park Drive consistent with established street patterns in the vicinity and with the requirements of the Block Length Ordinance.

The block length between Katie Mae Drive and Maple Park Drive at Silky Oaks Drive is approximately 345 feet.

### **Conclusions of Law**

The Planning Commission can conclude the block length proposed with this application complies with the block length standards of the MLDC.

### **10.454 Neighborhood Circulation Plan, Adoption**

*Neighborhood circulation plans developed for areas of the City and urbanizable area shall be adopted as amendments to the Medford Comprehensive Plan and Medford Street Functional Classification Plan Map. Such neighborhood circulation plans shall identify the functional classification and location of existing and planned streets and alleys and applicable objectives and policies, if any, as well as planned circulation for pedestrians, bicyclists, and transit users. Transportation system design standards shall*

## FINDINGS OF FACT

*be applied as per this code, unless alternative standards are provided by the adopted neighborhood circulation plan.*

### **Findings of Fact**

The approval of this application does not create any new streets. There is no adopted circulation plan for this area and the approval of this plat will allow for the extension of the existing street pattern in the area.

### **Conclusions of Law**

The Planning Commission can conclude there is no adopted circulation plan at the location of this proposed subdivision, and the approval of this plat conforms to the existing street pattern in the area consistent with MLDC section 10.454.

### **Application Summary and Conclusions**

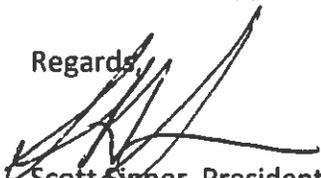
This application for a land division on the subject property demonstrates compliance with all relevant sections contained within the Medford Land Development Code. The proposed street circulation pattern is consistent with established street circulation patterns and the Transportation System Plan.

The construction of the proposed land division will allow for the extension urban services to the site and adjoining property owners fronting Maple Park Drive with development opportunities.

The lot dimensions and design standards are consistent with the requirements of the SFR-10 zoning district and the application has demonstrated compliance with the standards for urban development contained in the Medford Land Development Ordinance.

On behalf of the applicant, I respectfully request the approval of the application for Tentative Plat approval of Silky Oaks Phase 4 Subdivision.

Regards,



Scott Sinner, President  
Scott Sinner Consulting, Inc.



RECEIVED  
JUN 10 2015  
PLANNING DEPT.

# Memo

**To:** Jennifer Jones, Planning Department  
**From:** Mary Montague, Building Department  
**CC:** Ron Horton, Applicant  
**Date:** 06/18/2015  
**Re:** Silky Oaks Subdivision Phase 4; LDS-15-067

---

## **Building Department:**

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

1. Applicable Building Codes are 2014 ORSC with additional Oregon amendments to the 2011 ORSC; 2014 OPSC; and 2014 OMSC. For list of applicable Building Codes, please visit the City of Medford website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "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](http://www.ci.medford.or.us) Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.
3. Obtain Demolition Permit for all structures being removed.
4. Obtain a grading permit for any Storm, Sewer, Water, etc. or excavation that meets the requirements for a grading permit. (Attached)
5. No other comments at this time.



# Medford Fire Department

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

RECEIVED

JUN 10 2015

PLANNING DEPT.

## LAND DEVELOPMENT REPORT - PLANNING

To: Jennifer Jones

LD Meeting Date: 06/10/2015

From: Greg Kleinberg

Report Prepared: 06/04/2015

Applicant: Ron Horton, Applicant (Scott Sinner Consulting, Inc., Agent)

File #: LDS - 15 - 67

### Site Name/Description: Silky Oaks Subdivision Phase 4

Silky Oaks Subdivision Phase 4, creating six residential lots on 1.07 acres located on the north side of Maple Park Drive between Ross Lane and Silky Oaks Lane, within the SFR-10 (single-family residential 10-dwelling units per gross acre) zoning district; Ron Horton, Applicant (Scott Sinner Consulting, Inc., Agent). Jennifer Jones, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE
----------------------------	-----------

<b>Requirement MINIMUM ACCESS ADDRESS SIGN</b>	<b>OFC 505</b>
--	----------------

For the lots that take access from a minimum access driveway:

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

<b>Requirement FIRE HYDRANTS</b>	<b>OFC 508.5</b>
----------------------------------	------------------

Fire hydrants with reflectors will be required for this project.

Hydrant locations shall be as follows: One fire hydrant is required on Maple Park Drive adjacent to the minimum access driveway.

Additional hydrants may be required to comply with the requirement of proximity to fire department connections (for fire sprinkler and standpipe systems, the fire department connection shall be located at an approved location away from the building and within 75' of a fire hydrant. The fire department connection shall be located on the same side as the fire department access route.).

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

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

<b>Requirement "NO PARKING-FIRE LANE" SIGNS REQUIRED</b>	<b>OFC 503.3</b>
--	------------------

Parking along the minimum access driveway and in the fire department turn-around areas shall be prohibited. The driveway shall be posted as stated below.

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

CITY OF MEDFORD



# 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 - PLANNING

To: Jennifer Jones

LD Meeting Date: 06/10/2015

From: Greg Kleinberg

Report Prepared: 06/04/2015

Applicant: Ron Horton, Applicant (Scott Sinner Consulting, Inc., Agent)

File #: LDS - 15 - 67

Site Name/Description: Silky Oaks Subdivision Phase 4

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

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

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

**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.**



**TO:** Planning Department, City of Medford

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

**SUBJECT:** LDS-15-067

**PARCEL ID:** 372W23DD TL 500

**PROJECT:** Silky Oaks Subdivision Phase 4, creating six residential lots on 1.07 acres located on the north side of Maple Park Drive between Ross Lane and Silky Oaks Lane, within the SFR-10 (single-family residential 10-dwelling units per gross acre) zoning district; Ron Horton, Applicant (Scott Sinner Consulting, Inc., Agent). Jennifer Jones, Planner.

**DATE:** June 10, 2015

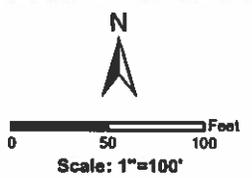
I have reviewed the above plan authorization application as requested. Conditions for approval and comments are as follows:

**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. The two (2) existing water meters along Maple Park Drive are required to be protected in place and shall serve domestic water to proposed Lots 32 and 33. If proposed driveways are in conflict with existing water meter locations, the water meters will be required to be abandoned and new water meters installed in approved location.
4. Applicant's civil engineer shall coordinate with Medford Fire Department for proposed fire hydrant locations.

**COMMENTS**

1. Off-site water line installation is not required.
2. On-site water facility construction is required. (See Condition 3 above)
3. MWC-metered water service does exist to this property. There are two (2) ¾" water meters located along Maple Park Drive that serve domestic water to 1216 & 1220 Maple Park Drive, and also to 1224 Maple Park Drive. (See Condition 4 above)
4. Access to MWC water lines is available. An 8-inch water line is located in Katie Mae Drive and Silky Oaks Drive.



**Water Facility Map for LDS-15-067**

**Legend**

- A Air Valve
- Sample Station
- Fire Service
- Hydrant
- Reducer
- Blow Off
- Plug-Caps
- Water Meters:**
  - Active Meter
  - On Well
  - Unknown
  - Vacant
- Water Valves:**
  - Butterfly Valve
  - Gate Valve
  - Tapping Valve
- Water Mains:**
  - Active Main
  - Abandoned Main
  - Reservoir Drain Pipe
  - Pressure Zone Line
- Boundaries:**
  - Urban Growth Boundary
  - City Limits
  - Tax Lots
- MWC Facilities:**
  - C Control Station
  - P Pump Station
  - R Reservoir



Page 59

Map was created on a 2008 aerial photograph. All other information is based on a 2008 aerial photograph. All other information is based on a 2008 aerial photograph. All other information is based on a 2008 aerial photograph.



Continuous Improvement Customer Service

RECEIVED  
JUN 10 2015  
PLANNING DEPT.

**CITY OF MEDFORD**

Date: 6/10/2015  
File Numbers: LDS-15-067  
(Reference: A-03-094, ZC-03-289, ZC-07-169, LDS-14-051)

**PUBLIC WORKS DEPARTMENT STAFF REPORT  
SILKY OAKS SUBDIVISION, PHASE 4**

**Project:** Silky Oaks Subdivision Phase 4, creating six residential lots on 1.07 acres.

**Location:** The north side of Maple Park Drive between Ross Lane North and Silky Oaks Lane.

**Applicant:** Ron Horton, Applicant (Scott Sinner Consulting, Inc., Agent).

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

**A. STREETS**

**1. Dedications**

**Maple Park Drive** is classified as a Standard Residential Street, and in accordance with Medford Land Development Code (MLDC) Section 10.430, it requires a total right-of-way width of 63 feet. The developer shall dedicate for public right-of-way, sufficient width of land along the frontage of this development to comply with the half width of right-of-way, which is 31.5 feet. The existing right-of-way west of the centerline appears to be 25 feet. **The amount of additional right-of-way needed appears to be 6.5 feet.** (MLDC 10.451).

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

The right-of-way and easement dedication shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: the right-of-way and easement dedication; a copy of a current Lot Book Report, Preliminary Title Report, or Title

Policy; a mathematical closure report (if applicable), and the Planning Department File Number; for review and City Engineer acceptance signature prior to recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or mortgages on the right-of-way and PUE area.

## **2. Public Improvements**

### **a. Public Streets**

**Maple Park Drive** shall be improved to Standard Residential Street standards with 36-foot wide paved sections, complete with curbs, gutters, 8-foot wide park strips, 5-foot wide sidewalks and street lights in accordance with MLDC 10.430 (1). The Developer shall improve the north half plus 12 feet south of the centerline along the frontage of this development.

### **b. Street Lights and Signing**

All street lights and signing for public streets shall be installed to City of Medford specifications.

The following street lighting and signing installations will be required:

#### Street Lighting - Developer Provided & Installed

##### **A. 1 – 100W HPS street light**

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

### **c. Pavement Moratoriums**

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

### **d. Soil Testing**

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

### **e. Access to Public Street System**

In accordance with MMC 10.430A(1), lots 28, 29 and 30 shall take access via a 20-foot wide minimum access easement. The tentative plat shows the minimum access easement situated along the west boundary, and providing access from Maple Park Drive. The Developer shall record a shared access maintenance agreement for the mutual benefit and responsibility of all three parcels, including the maintenance of stormwater run-off from the asphalt.

In accordance with MMC 10.430B Table IV-1, the minimum access drive shall have a minimum paved width of 18 feet. The minimum access drive shall be designed by a civil engineer licensed

in the State of Oregon and plans submitted to the Public Works-Engineering Division for approval. A drainage system shall be incorporated into the paved access design to capture stormwater and direct it to the storm drain system.

### 3. Section 10.668 Analysis

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

#### 10.668 Limitation of Exactions

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

*(1) the record shows that there is an essential nexus between the exaction and a legitimate government purpose and that there is a rough proportionality between the burden of the exaction on the developer and the burden of the development on public facilities and services so that the exaction will not result in a taking of private property for public use, or*

*(2) a mechanism exists and funds are available to fairly compensate the applicant for the excess burden of the exaction to the extent that it would be a taking.*

#### Nexus to a legitimate government purpose

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

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

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

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

**Maple Park Drive:** In determining rough proportionality, the City averaged the lineal footage of roadway per dwelling unit for road improvements and averaged square foot of right-of-way per dwelling unit for dedications. The proposed development has 6 dwelling units and will improve approximately 165 lineal feet of roadway which equates to 27.5 lineal feet per dwelling unit. Also the development will dedicate approximately 1,073 square feet of right-of-way which equates to approximately 179 square feet per dwelling unit.

To determine proportionality a neighborhood with similar characteristics was used. The development used was Evergreen Country Estates located between Diamond St. and Orchard Home Court and Columbus Ave. and Orchard Home Dr. and consisted of 10 dwelling units. The previous development improved approximately 658 lineal feet of roadway and dedicated approximately 9,960 square feet of right-of-way (GIS data used to calculate, approximations only). This equates to approximately 65.8 lineal feet of road per dwelling unit and approximately 996 square feet of right-of-way per dwelling unit.

- a. Dedication will ensure that new development and density intensification provides the current level of urban services. This development will create an additional 6 Lots within the City of Medford and increase vehicular traffic by approximately 57 average daily trips. The proposed street improvements will provide a safe environment of all modes of travel (vehicular, bicycles, & pedestrians) to and from this development.
- b. Dedication will ensure adequate street circulation is maintained. The street layout and connectivity proposed in this development will provide alternate route choices for the residents that will live in this neighborhood. This will decrease emergency vehicle response times and will decrease overall vehicle miles traveled.
- c. Dedication will provide access and transportation connections at urban level of service standards for this development. Each Lot in this development will have direct access to a public street with facilities that will allow for safe travel for vehicles, bicycles and pedestrians. There is also sufficient space for on-street parking. The connections proposed in this development will enhance the connectivity for all modes of transportation and reduce trip lengths. As trip lengths are reduced, it increases the potential for other modes of travel including walking and cycling.
- d. Dedication of PUE will benefit development by providing public utility services, which are out of the roadway and more readily available to each Lot being served.

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

**B. SANITARY SEWERS**

This site lies within the Rogue Valley Sanitary Sewer (RVSS) service area. Contact RVSS for availability and connection. A sanitary sewer lateral shall be constructed to each lot prior to approval of the Final Plat.

**C. STORM DRAINAGE**

**1. Hydrology**

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

**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 per MLDC, Section 10.481.

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

**3. Grading**

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

**4. Mains and Laterals**

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

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

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

#### **5. Wetlands**

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

#### **6. Erosion Control**

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

#### **D. SURVEY MONUMENTATION**

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

#### **E. General Conditions**

##### **1. Design Requirements and Construction Drawings**

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

##### **2. Construction Plans**

Construction drawings for any public improvements for this project shall be prepared by a professional engineer currently licensed in the State of Oregon, and submitted to the Engineering Division of Medford Public Works Department for approval. Approval shall be obtained prior to beginning construction. Only a complete set of construction drawings (3 copies) shall be accepted for review, including plans and profiles for all streets, minimum access drives, sanitary sewers, storm drains, and street lights as required by the Planning Commission's Final Order, together with all pertinent details and calculations. The Developer shall pay a deposit for plan review and construction inspection prior to final plan approval. Public Works will keep track of all costs associated with the project and, upon our acceptance of the completed project, will reconcile the accounting and

either reimburse the Developer any excess deposit or bill the Developer for any additional amount not covered by the deposit. The Developer shall pay Public Works within 60 days of the billing date or will be automatically turned over for collections.

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

### **3. Phasing**

The Tentative Plat shows this as phase 4 of Silky Oaks Subdivision.

### **4. Draft of Final Plat**

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

### **5. Permits**

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

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

### **6. System Development Charges**

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

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

## **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: Doug Burroughs

**SUMMARY CONDITIONS OF APPROVAL**  
**Silky Oaks Subdivision, Phase 4**  
LDS-15-067

**A. Streets**

**1. Street Dedications to the Public:**

- Dedicate additional Maple Park Drive right-of-way of approximately 6.5 feet wide.
- Dedicate 10 foot public utility easements (PUE).

**2. Improvements:**

a. Public Streets

- Construct Maple Park Drive, half plus 12 feet, to Standard 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:**

A private lateral shall be constructed to each lot prior to Final Plat. RVSS District.

**C. Storm Drainage:**

Provide an investigative drainage report.

The site requires water quality and detention facilities.

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

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

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

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

**D. 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.



# Vicinity Map

Application Name/Description:

**Silky Oaks Subdivision  
Phase 4**

Proposal:

**6 lot residential  
subdivision**

File Numbers:

**LDS-15-067**

Applicant:

**Ron Horton**

Map/Taxlot:

**372W23DD TL 500**

	Subject Area
	Medford Zoning
	UGB
	Tax Lots
	City Limits
	PUD

Area of Map

05/04/2015





# Planning Department

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

## STAFF REPORT

for a Type-C quasi-judicial decision: Conditional Use Permit Revision

PROJECT Oregon Retina Center Electronic Message Sign CUP  
 Applicant: Oregon Retina Center; Agent, Steve Morgan, Designer Signs

FILE NO. CUP-15-066

TO Planning Commission for 07/09/2015 hearing

FROM Desmond McGeough, Planner II *DM*

REVIEWER Kelly Akin, Principal Planner *KA*

DATE July 2, 2015

### BACKGROUND

#### Proposal

Consideration of a request for a Conditional Use Permit to allow an electronic message sign at a location within 150 feet of a residential zone district on a property zoned C-S/P (Service Commercial and Professional Office) located on the south side of Barnett Road, approximately 400 feet west of Ellendale Drive.

#### Subject Site Characteristics

Zoning C-S/P  
 GLUP SC (Service Commercial)  
 Use Currently vacant, future Oregon Retina Center offices

#### Surrounding Site Characteristics

North	MFR-30	Multiple Family Residential
	C-C	Office Uses
South	SFR-10/PUD	Larson Creek Riparian Corridor, Greenway, Vacant property for PUD office use
East	C-C	Commercial-Medical Supplies
West	C-S/P	Medical Office, Eye Surgery Center

### Related Projects

AC-14-098 Oregon Retina Specialists Site Plan

### Applicable Criteria

Medford Municipal Code

### **Conditional Use Permit Approval Criteria, §10.248**

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

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

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

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

## ISSUES AND ANALYSIS

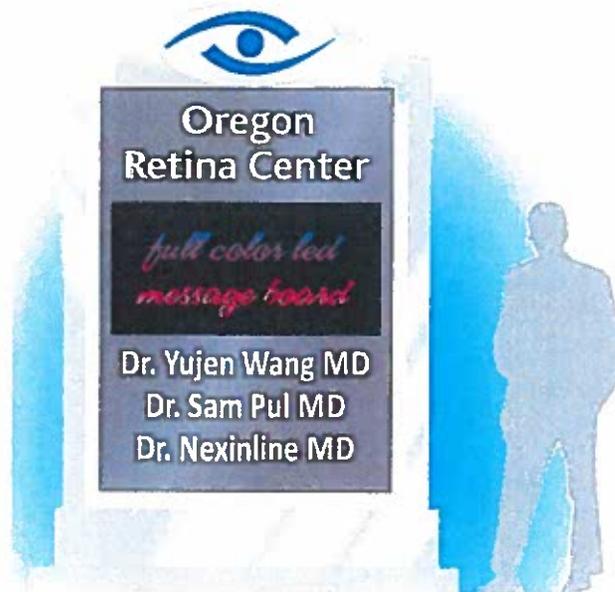
### Project History

On January 16, 2015, the Site Plan and Architectural Commission a site plan application for the construction of a 4,087 square foot medical office building on the subject site. The building plans for the Oregon Retina Center have recently been submitted for review by the city.

## FINDINGS AND CONCLUSIONS

The approval criteria for Conditional Use Permit states that the Commission must conclude the application is consistent with either 10.248 (1) or (2). The Applicant's findings demonstrate that the application is consistent with the criterion provided in Section 10.248 (1), noting that the subject electronic message board will cause no significant adverse impact to the livability, value, or appropriate development of abutting property, nor on the surrounding area when compared to impacts of permitted development.

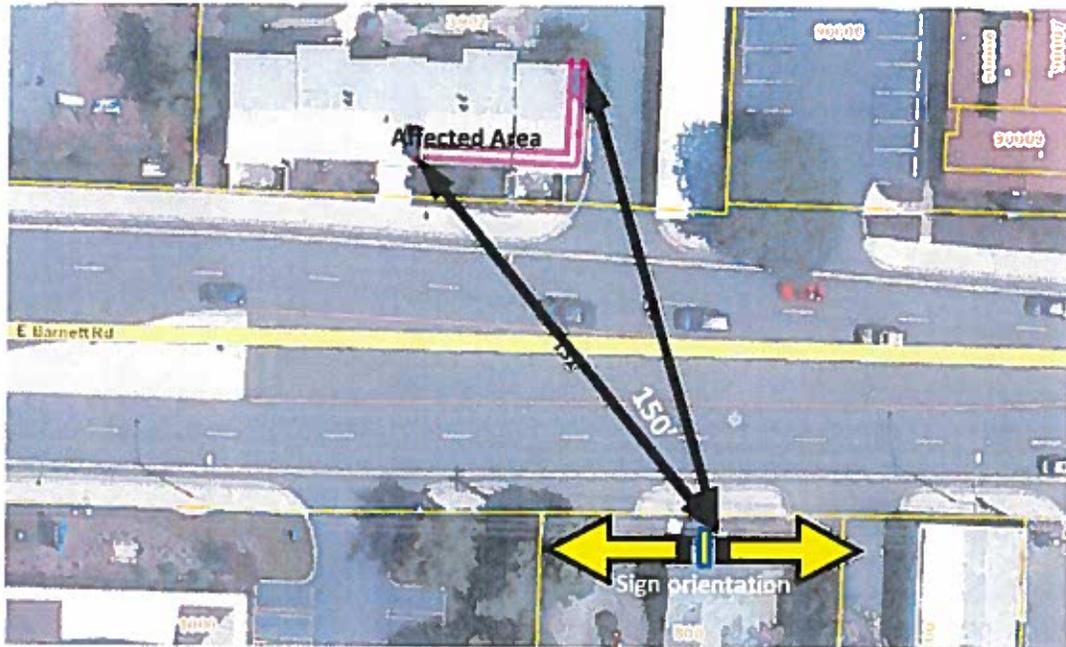
In summary, the overall height of the sign is 9 feet (shown below). However, it should be noted that the small 2' X 4' message board is orientated perpendicularly to the street in an east to west direction and does not face the apartment complex directly across the north side of the street. Additionally the small message board is located approximately 4 to 6 feet above grade at standing eye level.



Proposed Sign:  
2 sided - east/west facing  
LED Readerboard area measures 2' x 4'  
Square footage of sign area. 32 square feet  
Overall height 9'

As shown below, only the southeast portion of the apartment complex is located within the 150 foot radius from the proposed electronic message board sign.

150 foot radius



The exhibit below provide a street view perspective of the 150 foot radius affected area from the approximate location of the message board sign.



Since the message board is located no more than a height of six feet above grade, the areas most potentially affected would be first floor windows within 150 feet from the sign. However, the closest windows on the first floor are screened by a 5 foot high fence, which would prohibit much of the light from entering the adjoining room or outdoor space. The third and most westerly window on the first floor is approximately 144' away from the proposed sign, which is at the periphery of the 150 foot area of concern. The message sign will be of little, if any, impact to this unit due to the distance from the sign and due to the sign orientation, which faces due west towards the street rather than toward north toward the apartment complex.

On the second floor the closest window is located approximately 125 feet away from the proposed sign and the furthest window is located 144 feet. As these windows are approximately 6 to 8 feet above the sign and due to the westwardly direction of the sign which is horizontal to the apartments, staff believes that there will be minimal, if any impact to the second story of the structure caused by the electronic message board.

Staff has reviewed the applicant's findings of fact and conclusions of law pertaining to the impact of the electronic message board and concludes that there is no impact caused by the sign to the multi-family residential apartment complex. Thus, the Commission may find that the proposal causes no significant adverse impact on the livability, value, or appropriate development of abutting property, and find that Criterion # 1 is met.

#### Requested setback for electronic message board sign

The applicant has requested an exception to the standard setback for ground signage which is five feet within a C-S/P zone district. The subject request is to allow the sign to encroach into to the required 5 foot sign setback by placing the sign at the front property line. The basis of this request pertains to sign visibility concerns of the applicant due to the building to the east is a legal nonconforming building having little or no front yard setback from the right-of-way line.

Staff notes that exception requests may only be granted in relation to standards contained in Article 4 and Article 5 of the Land Development Code under MLDC 10.251. Exceptions may not be granted pertaining to any regulation of the sign code in Article 6, including setback provisions of ground signs. The Planning Commission does not have the authority to grant the requested sign encroachment into the five foot setback provided for the C-S/P zone.

#### Conclusion

Staff has reviewed the applicant's findings and conclusions (Exhibit B) and recommends the Commission adopt the findings as presented for permitting an electronic message

sign upon the property, subject to the placement of the sign at the Land Development Code setback standard of five feet from the front property line. Staff also recommends that the Commission not adopt applicant's findings pertaining to the requested encroachment, as the Commission does not have the discretion to consider the request.

#### **RECOMMENDED ACTION**

Adopt the findings as recommended by staff and direct staff to forward a Final Order for approval per the staff report dated July 2, 2015, including Exhibits A through J.

#### **EXHIBIT**

- A Conditions of Approval, dated July 2, 2015
- B Applicant's Findings of Fact, received April 30, 2015
- C Schematic Site Plan, received April 30, 2015
- D Ground Sign Elevation, received April 30, 2015
- E Site Photos, received April 30, 2015
- F Public Works Staff Report, dated June 16, 2015
- G Medford Water Commission Memo, dated June 26, 2015
- H Fire Department Report, prepared June 11, 2015
- I Building Department Memo, dated June 16, 2015
- J E-mail correspondence from ODOT Region 3, received June 24, 2015.  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**JULY 2, 2015**

**EXHIBIT A**

Oregon Retina Center Electronic Message Board Conditional Use Permit  
CUP-15-066  
Conditions of Approval  
July 2, 2015

**CODE CONDITIONS**

1. Comply with the Public Works Staff Report, dated June 16, 2015 (Exhibit F);  
and
2. Comply with the Medford Water Commission Memo, dated June 26, 2015  
(Exhibit G).

CITY OF MEDFORD  
EXHIBIT # "A"  
File # CUP 15-066  
10F1

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

IN THE MATTER OF A CONDITIONAL USE )  
PERMIT TO ALLOW AN ELECTRONIC )  
MESSAGE SIGN ON LAND LOCATED )  
WITHIN A C-S/P ZONE WHERE THE SIGN )  
IS TO BE LOCATED NEARER THAN 150 FT )  
TO A RESIDENTIAL ZONE ON LAND )  
LOCATED ON BARNETT ROAD WITHIN )  
THE CORPORATE LIMITS OF THE CITY )  
OF MEDFORD; AND TO ALLOW A VARIANCE )  
TO THE SETBACK REQUIREMENT IN VIEW )  
OF THE DEEP SETBACK CONDITIONS )  
CREATED BY AN ODOT EASEMENT )

Applicant: Oregon Retina Center )  
Agent: Designer Signs LLC )

PROPOSED NARRATIVE  
AND FINDINGS

I. NARRATIVE

The purpose of this application is for Oregon Retina Center ("Applicant") to seek approval of a conditional use permit (CUP) in order to install an Electronic Message Sign (Sign) on their property ("the Property") where soon will be built their new medical building at 1510 E. Barnett Road, Medford, Oregon 97504.

The CUP is being applied for because per Medford Land Development Code ("Code"), businesses located in C-S/P zoning may apply for a CUP to allow for the installation of an Electronic Message Sign if it is within 150 feet of a residence, provided that the sign complies with the other provisions of the MLDC sign code regulations (cited in Section IV below).

In addition, as part of this CUP variance Applicant seeks a zero setback for the sign due to the ODOT easement located between Property and sidewalk. The ODOT easement was acquired through eminent domain as part of the now-completed 5 freeway on-ramp retrofit project. This easement pushes back the northern property line 10 feet from the sidewalk. When combined with the 5 ft. setback required for signs in C-S/P zoning, this would create an unusually deep setback condition for a commercially zoned business, rendering the sign difficult to spot, particularly for elderly patients with vision problems.

II. REQUIRED SUBMITTALS SUPPORTING THIS APPLICATION

- Findings of Fact addressing approval criteria
- Application Form

CITY OF MEDFORD  
EXHIBIT # "B"  
File # CUP-15-066

- Assessor's Map
- Site Plan (20 copies)
- Sign Drawing
- Photos of Proposed Sign Location and surrounding area
- Written Consent of Owner
- Signed Statement Regarding Posting of Public Hearing Signs
- Application Fee
- Mailing Labels

### III. RELEVANT APPROVAL CRITERIA

#### 10.248 Conditional Use Permit

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

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

### IV. RELEVANT SIGN REGULATIONS

#### 10.1400 Signs in Service Commercial and Professional Offices (C-S/P); Basic Regulations:

Signs shall be permitted only as follows in the C-S/P district:

- (1) Ground Signs: Each parcel of land is permitted one (1) ground sign per street frontage, subject to the following limitations:
  - (a) Maximum Height: 9 feet
  - (b) Maximum Square Footage: 32 square feet per sign.
  - (c) Minimum Setback: 5 feet from any lot in a residential zoning district or from a street right-of-way.
  - (d) Electronic Message Signs are permitted as a ground sign subject to the following limitations:
    - (i) Each parcel of land is permitted one (1) electronic message sign if the sign is 150 feet or farther from any residential zoning district. An electronic message sign located less than 150 feet from any lot in a residential zoning district shall require the approval of a Conditional Use Permit. Such sign must meet the other provisions of this section.

- (ii) All text displayed on an electronic message sign must be static for a minimum of five seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.
- (iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.
- (iv) The conversion of an existing, conforming ground sign to an electronic message sign is permitted.
- (v) The conversion of an existing, nonconforming ground sign to an electronic message sign is prohibited.

## V. FINDINGS SUPPORTING THIS APPLICATION

1. **Property Location:** Property is located on Lot 800 on the south side of Barnett Rd. The address is 1510 E. Barnett Road, Medford, OR 97504.
2. **Applicant:** Applicant is Oregon Retina Center.
3. **Ownership:** Oregon Retina Center is owned by Perrla LLC.
4. **Property Description:** Property consists of a single parcel having .71 acres.
5. **Property Line** – The distance from the Property line and the inside edge of the sidewalk is 10 feet. There is a 10 foot wide easement that is owned by ODOT between the sidewalk and the property line acquired through eminent domain for the now-completed highway onramp project at Barnett/Highland.
5. **Zoning:** The Property is zoned C-S/P, Commercial Service Professional.
6. **Existing Land Use:** Vacant Lot. Oregon Retina Center's new building will soon be under construction.
7. **Area Description / Surrounded Land Use:**
  - North:** On the north side of Barnett Road adjacent to applicant's new location are the Woodcreek Apartments ("Apartments"). Two of these units are within 150 of the proposed sign. Running north between the property line and the sidewalk is a 10 foot easement appropriated by ODOT through eminent domain for the 5 Freeway onramp project.
  - East:** To the East is General Commercial zoning.
  - West:** To the West is Commercial-Service/Professional zoning.
  - South:** There is residential zoning to the South but there are no residences within 150 feet and the new medical building will completely block any signage from that viewpoint.

## VI. CONCLUSIONS

Per MLDC 10.248, the approval criteria allows for the granting of a conditional use permit in the case that:

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

The MLDC allows that if one of the above criteria is met, this provides sufficient basis upon which to approve a conditional use permit application. Applicant chooses the first criteria as the basis in support of this application. The sign proposed will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, nor on the surrounding area when compared to the impacts of permitted development not classified as conditional.

**Sign Conclusions:**

- Two apartments in the Woodcreek development on the north side of Barnett are less than 150 from the proposed Sign. No significant windows in these apartments face Barnett or proposed Sign. All other residences in the Woodcreek Apartments are over 150 feet away from the proposed Sign. Woodcreek borders commercial zones on three sides.
- The south end of Woodcreek sits along Barnett Rd. which has some of the busiest arterial traffic in the Rogue Valley, with 30,000 cars passing on the average day. In addition to the heavy traffic, commercial signage (including 2 existing LED readerboards), ambulances lights and sirens, and two large controlled intersections (Barnett/Highland and Barnett/Ellendale) with traffic lights changing all night create such a high visual and noise impact that the second floor back windows of the Apartment are already exposed to such a high level of stimuli that the addition of a small 4' readerboard sign will be insignificant.
- The sign will not be angled toward the apartments, but will be perpendicular and across the street, facing east and west toward traffic to serve as way-finding for eye patients approaching by car. The light of an led readerboard sign is greatly diminished when viewed from almost a 90° angle.
- A photocell will be installed with the sign. A photocell responds to ambient light conditions regardless of the time of day adjusting brightness to levels stricter than Code dimming requirements.

**Setback Conclusions:**

- The normal setback for C-S/P zoning is 5 feet from the street right-of-way (usually the sidewalk). The ODOT easement pushes the Property back 10 feet from the sidewalk. Applicant is asking for a Conditional Use Permit to allow the same setback requirement as commercial zoning because a 15 foot setback from the inner edge of the sidewalk will make the building signage significantly more difficult to spot for eye patients

approaching by car. In addition, a 15 foot setback would cause the sign to be pushed right up against the medical building, crowding the building in a manner not aesthetically pleasing, and creating other potential conflicts with awnings, etc.

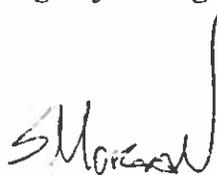
- The businesses to the East (Southern Oregon Medical Equipment) and West (Cataract & Laser) of Sign will block the view because of their shallow setbacks. Southern Oregon Medical Equipment's building itself has almost a zero setback from the sidewalk. Cataract & Laser's monument sign to the west is setback 5' from the sidewalk. Applicant's sign may be missed entirely if it is setback is more than 10 feet.
- This will create problems for patients approaching on Barnett. Patients of the Oregon Retina Center average 70 years of age and have vision problems. There could be potential traffic slowdowns as these people search for the signage that is set back unusually deep for a commercially zoned business. Potential slowdowns could result.
- It is unlikely that ODOT will ever use the 10 foot easement since the freeway project is now complete. In addition, Southern Oregon Medical Equipment's building would have to be moved as it sits within the easement.
- There are no utilities running through this easement that would prevent the readerboard sign from being relocated if it should ever be necessary to do so.
- We are simply requesting the same setback as in a Commercial zone, which requirements stipulate that "(sign) shall not project into the public right of way."

The proposed sign complies with all other MLDC sign code regulations (cited in Section IV above) including operation of the proposed sign which will be consistent with the standards for Electronic Message Signs.

Based on the above Findings and the Exhibits attached herein, applicant respectfully asks that the Planning Commission grant the issuance of the requested conditional use permit.

DESIGNER SIGNS *-Agent for Oregon Retina Center*

Stephen R. Morgan  
Owner



Attachments: 1. Application Form, 2. Assessor's Map, 3. Site Plan (20 copies), 4. Sign Drawing, 5. Photos of Proposed Sign Location and Surrounding Area, 6. Written Consent of Owner, 7. Signed Statement Regarding Posting of Public Hearing Signs

RECEIVED  
APR 30 2015  
Planning Dept.

3901  
0.20 AC

Woodcreek

Ellendale

Site Plan

Existing LED Sign

Existing LED Sign

Highland

Controlled Intersection

BARNETT ROAD  
30,000 cars per day

150 ft view radius

Existing LED Sign  
Controlled Intersection

- 1 Proposed Glass Location
- 2 Proposed Sign Location
- 3 OCOT Cabroom
- 4 Unimob Drive
- 5 Trees
- 6 Woodcreek Apts
- 7 Caltract & Laser Sign
- 8 S.O. Medical Bldg

New Oregon  
Retina Center  
Building

300

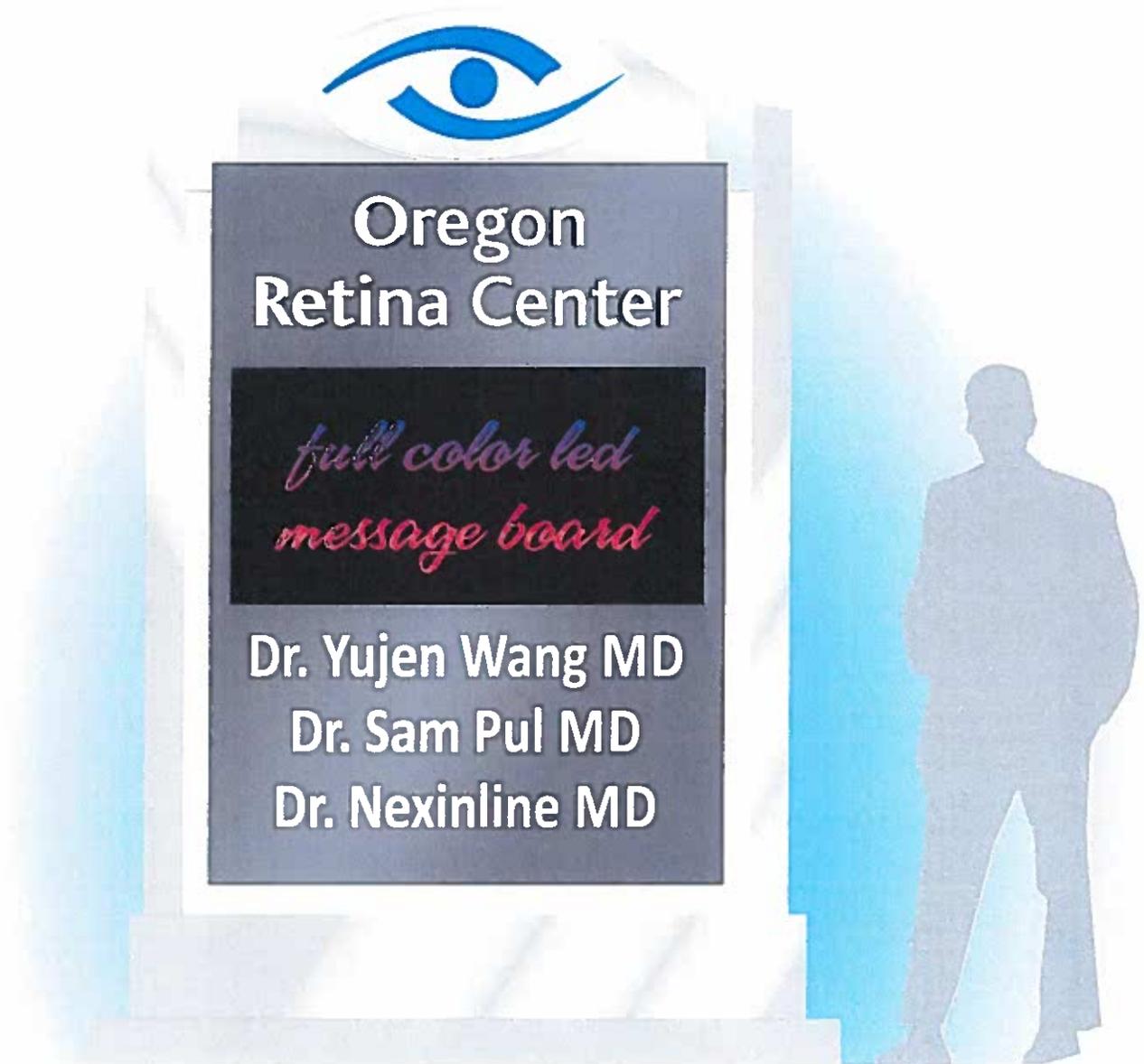
2300  
2.65 AC

Page 83

CITY OF MEDFORD  
EXHIBIT # CP-15-166

CITY OF MEDFORD  
EXHIBIT # CP-15-166

5

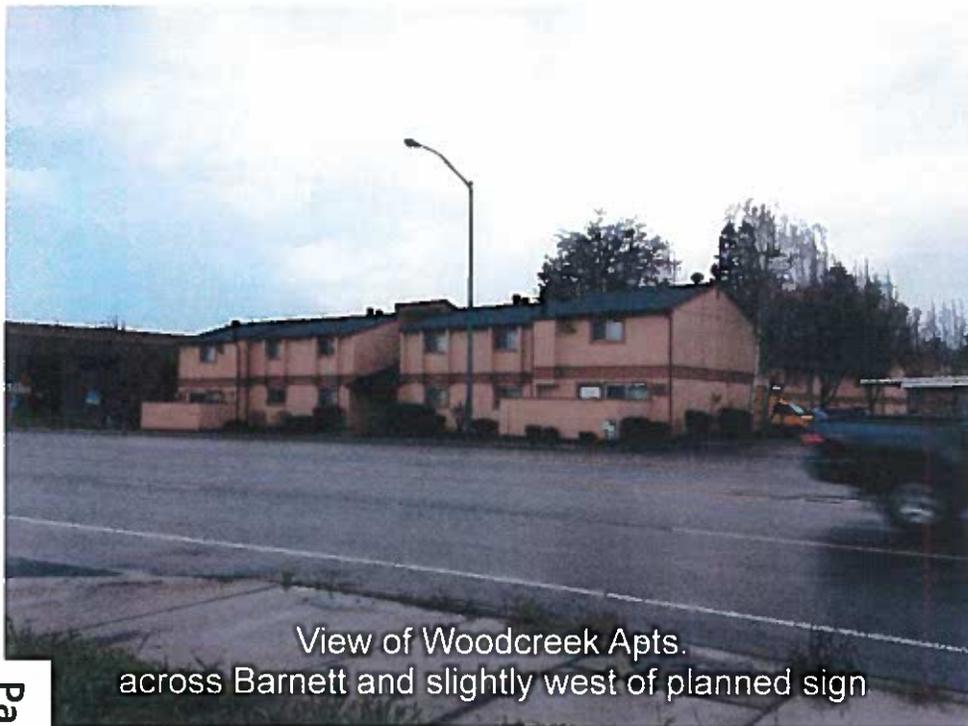


Proposed Sign:  
2 sided - east/west facing  
LED Readerboard area measures 2' x 4'  
Square footage of sign area: 32 square feet  
Overall height 9'

RECEIVED

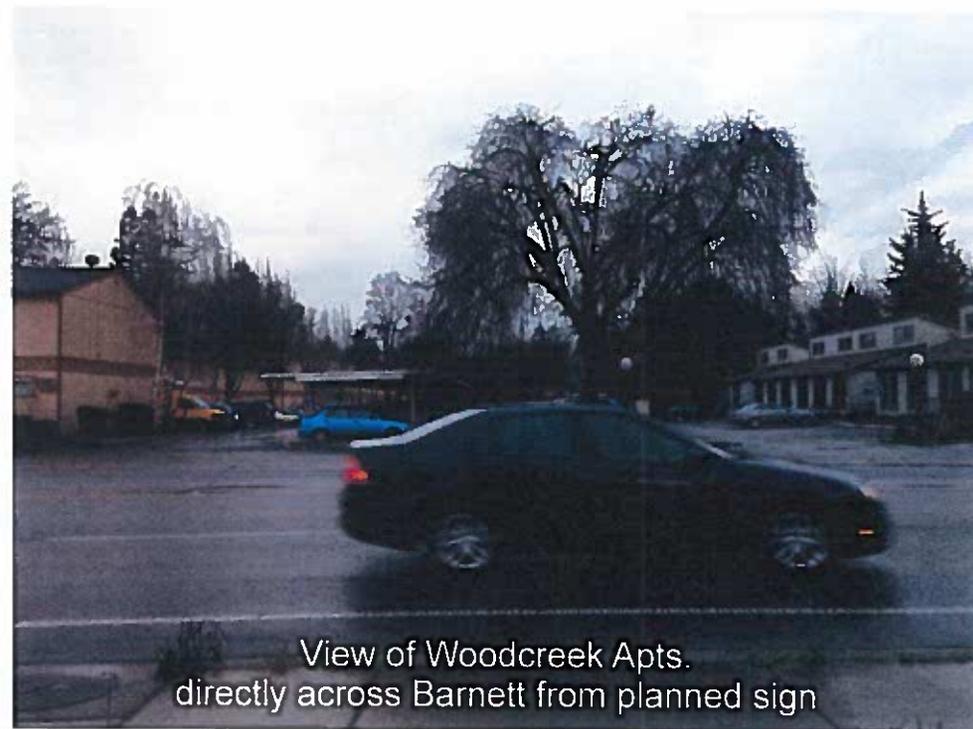
APR 30 2015

Planning Dept.

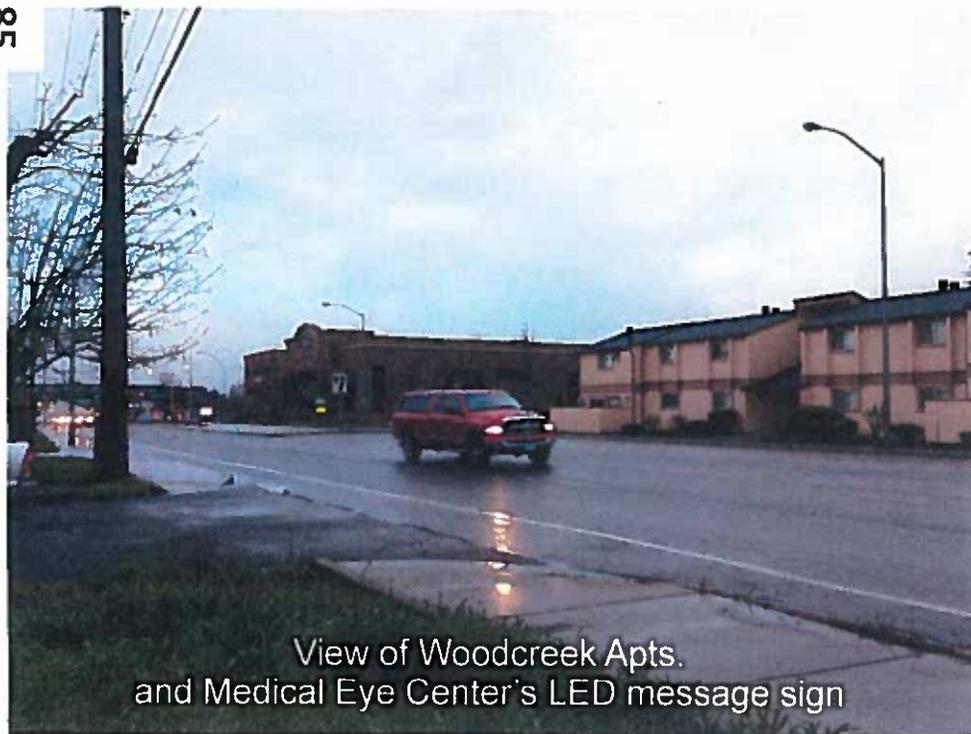


View of Woodcreek Apts.  
across Barnett and slightly west of planned sign

Page 85



View of Woodcreek Apts.  
directly across Barnett from planned sign

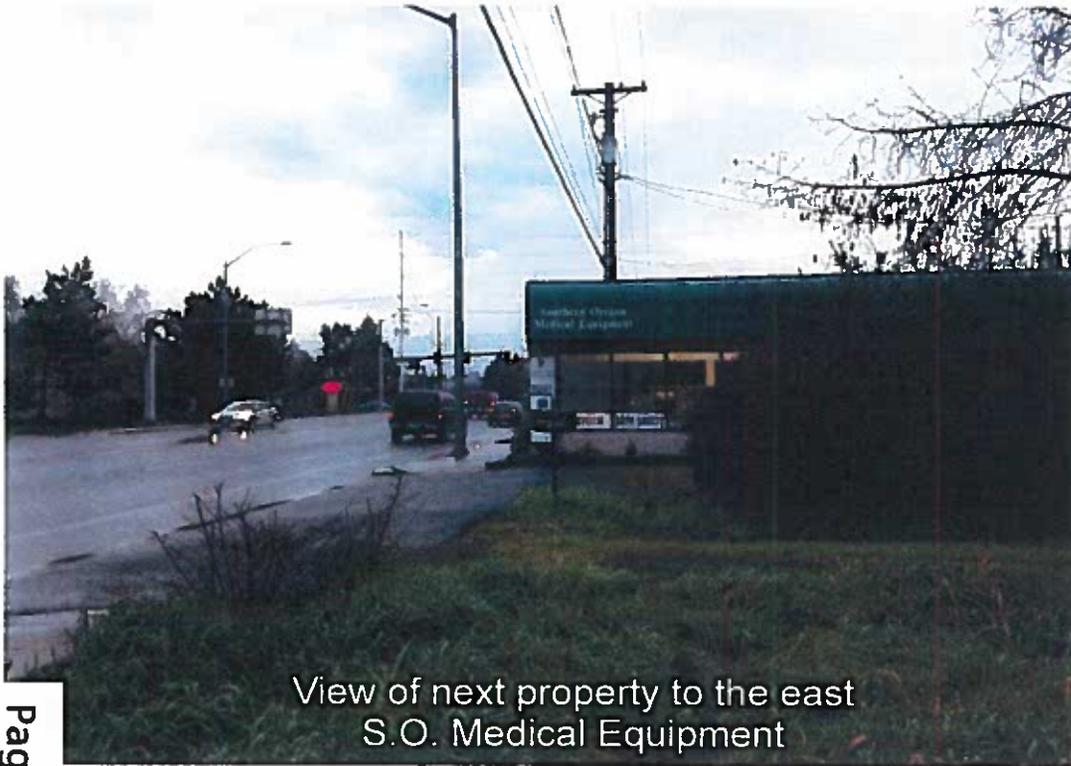


View of Woodcreek Apts.  
and Medical Eye Center's LED message sign

CITY OF MEDFORD  
EXHIBIT # "E"  
File # CMP-15-066  
1023

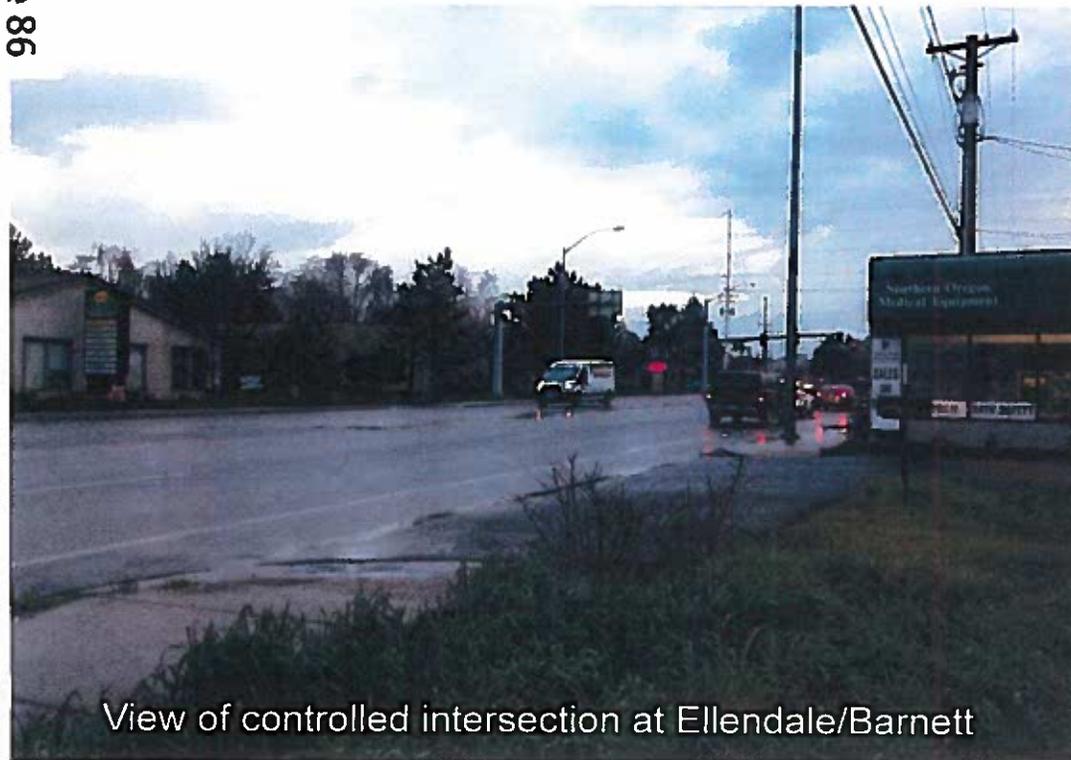
2

RECEIVED  
APR 30 2015  
Planning Dept.

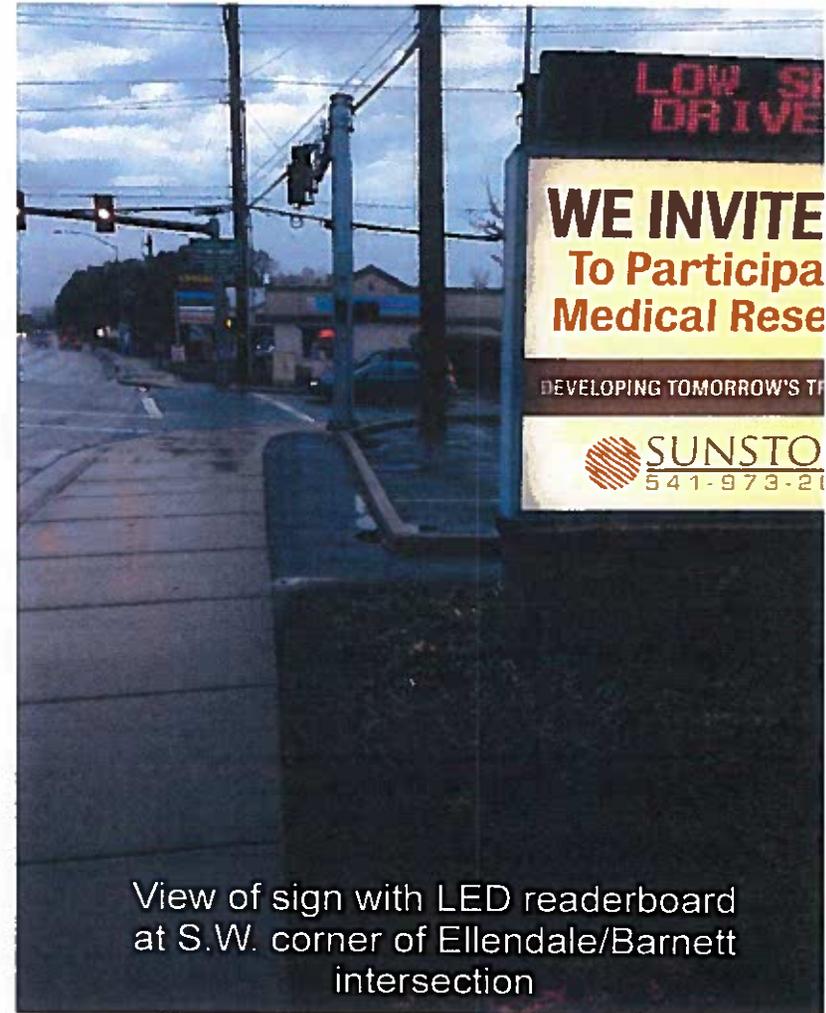


View of next property to the east  
S.O. Medical Equipment

Page 86



View of controlled intersection at Ellendale/Barnett

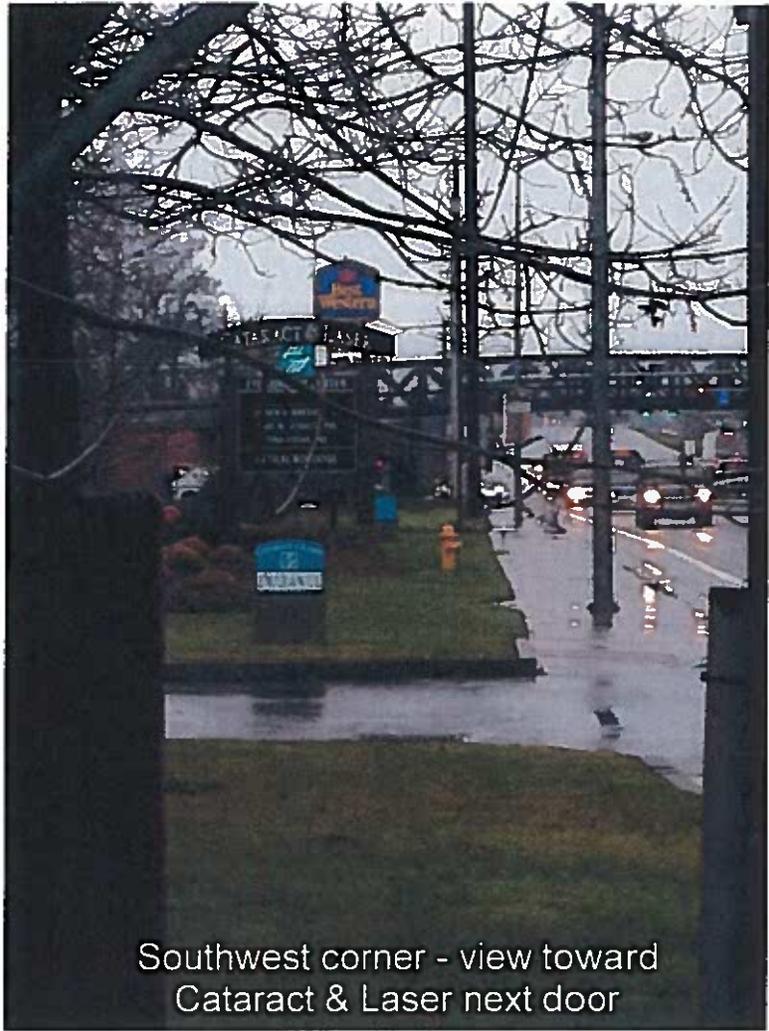


View of sign with LED readerboard  
at S.W. corner of Ellendale/Barnett  
intersection

CITY OF MEDFORD  
EXHIBIT # "E"  
File # CWP-15-066  
2 of 3 CR



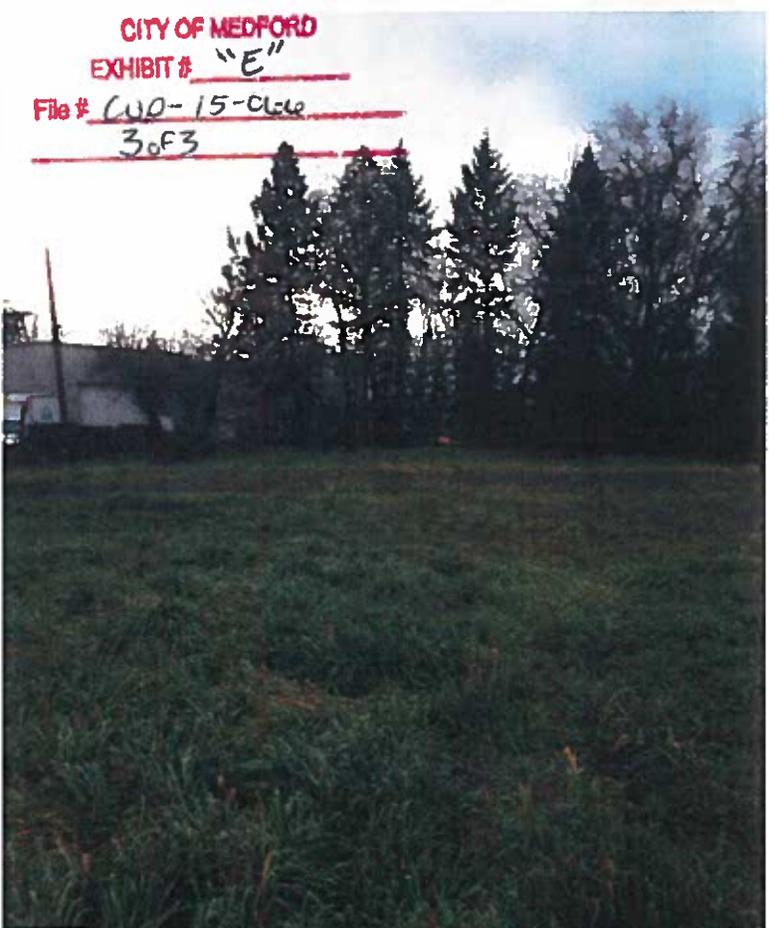
Southeast corner of property



Southwest corner - view toward Cataract & Laser next door



View from position of proposed sidewalk west toward Medical Eye Center



CITY OF MEDFORD  
EXHIBIT # "E"  
File # CUD-15-066  
3 of 3

View of property (facing south)

**CITY OF MEDFORD**  
**INTEROFFICE MEMORANDUM**

**TO: Desmond McGeough, Planning Department**

**DATE June 16, 2015**

**FROM: Doug Burroughs, Engineering Division of Public Works**

**SUBJECT: 1. CUP-15-066**

---

Consideration of a request for a Conditional Use Permit to allow an electronic message sign at a location within 150 feet of a residential zone district on a property zoned C-S/P (Service Commercial and Professional Office) located on the south side of Barnett Road, approximated 400 feet west of Ellendale Drive; Oregon Retina Center, Applicant (Designer Signs, Agent). Desmond McGeough, Planner.

**Public Works Department comments:**

1. The proposed sign shall be out of the site triangle of the driveway.
2. The Developer shall coordinate the location of the proposed sign with the public utilities benefiting from the Public Utility Easement (PUE).



BOARD OF WATER COMMISSIONERS  
**Staff Memo**

**TO:** Planning Department, City of Medford  
**FROM:** Rodney Grehn P.E., Water Commission Staff Engineer  
**SUBJECT:** CUP-15-066  
**PARCEL ID:** 371W32BA TL 800  
**PROJECT:** Consideration of a request for a Conditional Use Permit to allow an electronic message sign at a location within 150 feet of a residential zone district on a property zoned C-S/P (Service Commercial and Professional Office) located on the south side of Barnett Road, approximated 400 feet west of Ellendale Drive; Oregon Retina Center, Applicant (Designer Signs, Agent). Desmond McGeough, Planner.  
**DATE:** June 26, 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. The existing water meter shall remain in place and shall have a minimum of 5-feet of separation between meter box and proposed sign foundation.

**COMMENTS**

1. Off-site water line installation is not required.
2. On-site water facility construction is not required.
3. MWC-metered water service does exist to this property. There is an existing 1-inch water meter located approximately mid-lot that is required to be protected in place.
4. Access to MWC water lines is available. There is a 12-inch water line on north side of Barnett Road.

CITY OF MEDFORD  
EXHIBIT # "6"  
File # CUP-15-066  
1 of 1



# Medford Fire Department

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

## LAND DEVELOPMENT REPORT - PLANNING

To: Desmond McGeough

LD Meeting Date: 06/17/2015

From: Fire Marshal Kleinberg

Report Prepared: 06/11/2015

File #: CUP - 15 - 66

### Site Name/Description:

Consideration of a request for a Conditional Use Permit to allow an electronic message sign at a location within 150 feet of a residential zone district on a property zoned C-S/P (Service Commercial and Professional Office) located on the south side of Barnett Road, approximated 400 feet west of Ellendale Drive, Oregon Retina Center, Applicant (Designer Signs, Agent). Desmond McGeough, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE
<u>Approved as Submitted</u> Meets Requirement: No Additional Requirements	

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

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

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

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

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

CITY OF MEDFORD  
 EXHIBIT # "H"  
 File # B' CUP-15-0602  
10/1

# Memo



**To:** Desmond McGeough, Planner, Planning Department  
**From:** Tanner Fairrington, Building Department (541) 774-2352  
**CC:** Oregon Retina Center, Applicant; Designer Signs, Agent  
**Date:** June 16, 2015  
**Re:** June 17, 2015 LDC Meeting: CUP-15-066 – Item #1

---

**Please Note:**

*This is not a plan review. Unless noted specifically as Conditions of Approval, general comments are provided below based on the general information provided; these comments are based on the 2014 Oregon Structural Specialty Code (OSSC) unless noted otherwise. Plans need to be submitted and will be reviewed by a commercial plans examiner, and there may be additional comments.*

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

*If you have questions, please contact the Building Department at (541) 774-2350 or [building@cityofmedford.org](mailto:building@cityofmedford.org). Tanner Fairrington can be contacted directly at (541) 774-2352 or [tanner.fairrington@cityofmedford.org](mailto:tanner.fairrington@cityofmedford.org).*

1. There are NO Conditions of Approval or significant comments from the Building Safety Department. Please see the general comments below.
2. For list of applicable Building Codes, please visit the City of Medford website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Code and Design Information" on left side of screen; click on "Design Criteria"; and select the appropriate design criteria.
3. All plans are to be submitted electronically. Information on the website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" on left side of screen for information.
4. If sign will be 10' or taller, a permit will be required. If the sign is a separate structure, any electrical will be included with the permit. If the sign is less than 10', or attached to a building, a separate electrical permit will be required.

CITY OF MEDFORD  
EXHIBIT #   I    
File #   CUP-15-066    
  1021

**Desmond M. McGeough**

---

**From:** MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>  
**Sent:** Wednesday, June 24, 2015 2:36 PM  
**To:** Desmond M. McGeough  
**Subject:** CUP-15-066

Desmond,

Thank you for sending agency notice of a consideration of a request for a Conditional Use Permit to allow an electronic message sign at a location within 150 feet of a residential zone district on a property zoned C-S/P (Service Commercial and Professional Office) located on the south side of Barnett Road, approximated 400 feet west of Ellendale Drive. 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 # "J"  
File # CUP-15-066

---



# Vicinity Map

Application Name/Description:

**Oregon Retina Center**

Proposal:

**CUP for electronic message sign within 150 ft of residential zoning**

File Numbers:

**CUP-15-066**

Applicant:

**Oregon Retina Center**

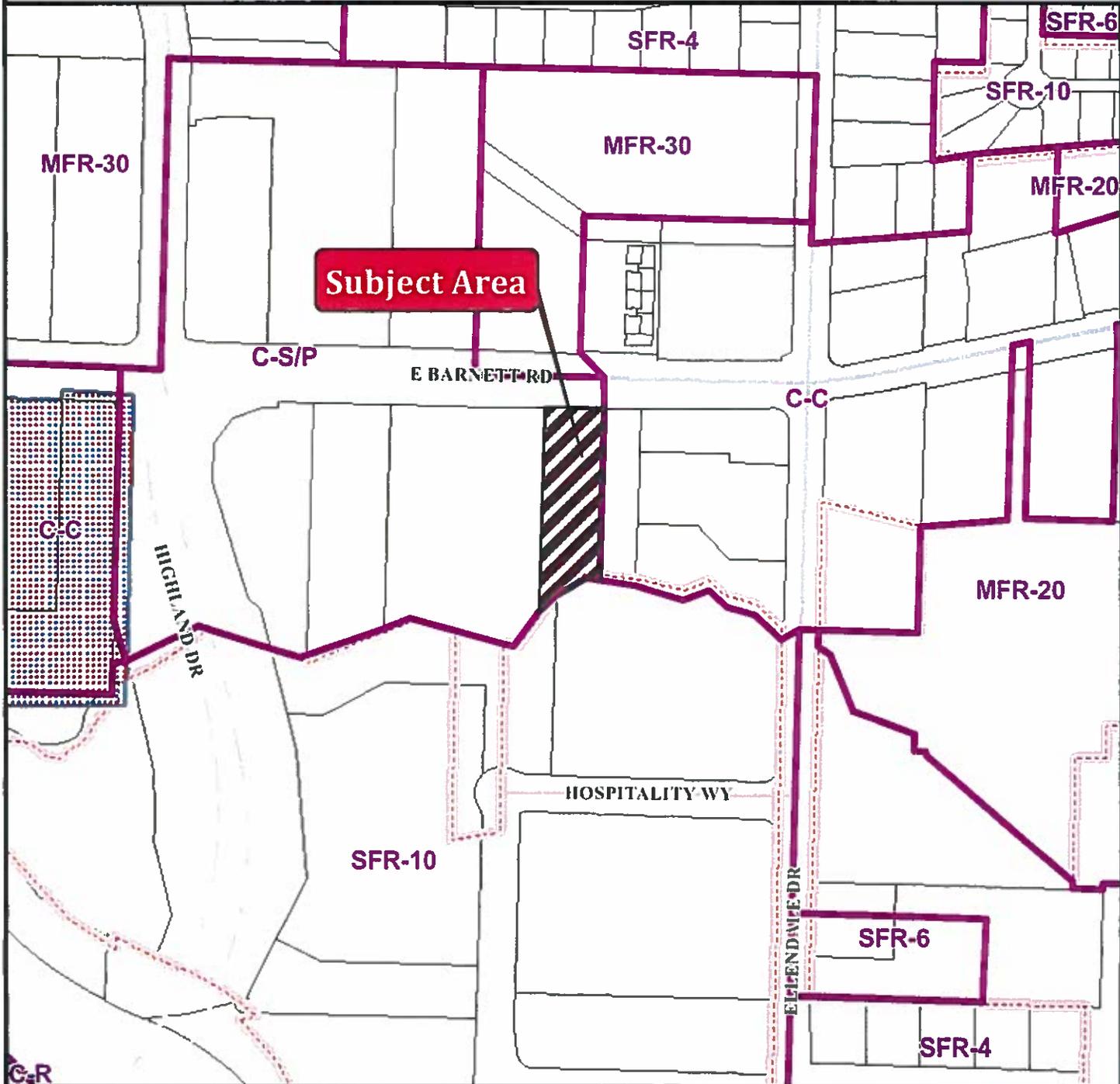
Map/Taxlot:

**371W32BA TL 800**

	Subject Area
	Medford Zoning
	UGB
	Tax Lots
	City Limits
	PUD

Area of Map

05/01/2015



**BEFORE THE MEDFORD PLANNING COMMISSION  
STATE OF OREGON, CITY OF MEDFORD**

IN THE MATTER OF PLANNING COMMISSION FILE CUP-15-075 )  
APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY ) **ORDER**  
THE VALLEY SCHOOL OF SOUTHERN OREGON )

ORDER granting approval of a request for Conditional Use Permit to allow establishment and operation of a three-grade middle school, within an approximate 6,000 square foot building located on the west side of Riverside, approximately 60 feet south of Walnut Street, within a C-C ( Community Commercial ) zone district, as provided for in the City of Medford's Land Development Code.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.246 and 10.247; and,
2. The Medford Planning Commission has duly held a public hearing on the matter of an application for a conditional use permit to allow establishment and operation of a three-grade middle school, within an approximate 6,000 square foot building located on the west side of Riverside, approximately 60 feet south of Walnut Street, within a C-C (Community Commercial) zone district, with a public hearing a matter of record of the Planning Commission on July 9, 2015.
3. At the public hearing on said application, evidence and recommendations were received and presented by the applicant's representative and Planning Department staff; and,
4. At the conclusion of said public hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded, granted a conditional use permit to allow establishment and operation of a three-grade middle school, within an approximate 6,000 square foot building located on the west side of Riverside, approximately 60 feet south of Walnut Street, within a C-C ( Community Commercial ) zone district, and directed staff to prepare a final order with all conditions and findings set forth for the granting of a conditional use permit.

THEREFORE LET IT BE HEREBY ORDERED that the application of The Valley School of Southern Oregon stands approved in accordance per the Staff Report dated July 2, 2015.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for Conditional Use Permit to allow establishment and operation of a three-grade middle school, within an approximate 6,000 square foot building located on the west side of Riverside, approximately 60 feet south of Walnut Street, within a C-C (Community Commercial) zone district, is hereafter supported by the findings referenced in the Staff Report dated July 2, 2015.

Accepted and approved this 9th day of July 2015.

CITY OF MEDFORD PLANNING COMMISSION

\_\_\_\_\_  
Planning Commission Chair

ATTEST:

\_\_\_\_\_  
Planning Department Representative



**STAFF REPORT**

for a Type-C quasi-judicial decision: Conditional Use Permit

PROJECT The Valley School of Southern Oregon CUP  
Applicant: The Valley School of Southern Oregon; Agent: Maize & Associates, Inc.

FILE NO. CUP-15-075

TO Planning Commission for 7/9/2015 hearing *DA*

FROM Desmond McGeough, Planner II

REVIEWER Kelly Akin, Principal Planner

DATE July2, 2015

---

**BACKGROUND**

Proposal

Consideration of a request for Conditional Use Permit to allow establishment and operation of a three-grade middle school, within an approximate 6,000 square foot building located on the west side of Riverside, approximately 60 feet south of Walnut Street, within a C-C (Community Commercial) zone district.

Subject Site Characteristics

Zoning C-C  
GLUP CM (Commercial)  
Use Cobble Stone Village Center

Surrounding Site Characteristics

North	C-C	Cobblestone Village offices
South	C-C	Cobblestone Village parking area, office buildings
East	C-C	Lithia Toyota
West	C-C	Cobblestone village, multi-unit office building

### Applicable Criteria

#### Medford Municipal Code

#### **Conditional Use Permit Approval Criteria, §10.248**

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

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

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

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

## **ISSUES AND ANALYSIS**

### **Background**

The Valley School of Southern Oregon applied for charter school status to the Medford School District 549 C. The District Board of Directors approved the application for charter school status on May 18, 2015.

The Valley School of Southern Oregon will be a middle school consisting of 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> graders. The applicant requests the establishment and operation of a middle school for up to 100 students. The school intends to occupy an existing building and patio area in the Cobblestone Village development. The structure has been occupied by restaurant uses since its construction in 1984. No changes are proposed to height of the building, the building interior or building exterior.

The school year will coincide with the Medford 549C school calendar, generally running from September to June. An optional summer school will also be offered from the middle of July through August.

### **Public Interest**

While the applicant has made findings that the proposed development meets Land Development Code §10.248(1), noting there is no impact generated by the use upon the surrounding community, the applicant has also made findings pertaining to Medford Land Development Code §10.248(2) which allows the approval of Conditional Use Permit requests when the development proposal is in the public interest. Should the Commission find that the development proposal causes some adverse impacts; conditions may be imposed to produce a balance between the conflicting interests.

This proposal is clearly in the public interest as it is necessary in order to accommodate educational alternative options for middle school students preferring a different focus and approach to learning by a school that has received its charter from the Medford School District 549C.

## **FINDINGS AND CONCLUSIONS**

The approval criteria for Conditional Use Permit states that the Commission must conclude the application is consistent with either 10.248 (1) or (2). The Applicant's findings demonstrate that the application is consistent with the criterion provided in Section 10.248 (1), as the use of the property will cause no impact to the surrounding neighborhood. Staff concurs with this assessment based on the following:

Cobblestone Village currently has 132 parking spaces (16 of which will be utilized as a play area subject to approval) for the mix of tenants. While the previous restaurant use

required a total of 54 parking spaces based upon 6,000 square feet, the school will only require 10 total parking spaces, which is 44 spaces less than required by the restaurant use. The ITE suggests that the school will generate approximately 1.29 average daily trips per student, for a total potential vehicular generation of 129 trips per day. Assuming 20 trips per day will be generated by the teachers and staff, 109 trips would be established by the parents picking up and dropping off kids at the school. This would generate approximately 55 AM trips and 55 PM trips.

A major number of trips made in the AM by parent drop-off would be prior to most of offices within the center opening for the day, thus there would be little conflict in the parking area associated with the morning drop-off and parent use of parking spaces. The parking lot activity for the afternoon pick-up may be more active than the morning pick up with perhaps higher concentration of students leaving at the same time.

Though center is currently not fully occupied, the office component of the development if it was fully occupied would generate the need for 83 spaces based on its square footage. The school would require 10 spaces, leaving open 23 spaces within the parking lot for parents to use for a brief period during the afternoon pick up. If the parking lot was fully occupied, there is on street parking permitted on Walnut and Niantic Street approximately (33 spaces). Staff does not anticipate the brief afternoon pick up time to become an issue. Staff notes that many schools do not have on-site parent pick up areas nor are they required by Code. Additionally, public streets are often where children are picked up. The afternoon pick-up time should be easily accommodated by the extra 23 spaces on site, which may be more depending on occupancy of the center, and by the adjoining public streets. Combined, on-street parking and off-street parking together can handle the afternoon pick up of children.

Nothing is changing regarding the physical nature of the site, with exception of the black top area to the south of the office buildings that will be used for a recreation area. Travel to and from the recreation facility will be through the center of the office center campus for safe passage and will not be through the parking area.

#### Public Testimony

Staff received a letter from Mike E. Miles (Exhibit J), a nearby resident of Cobblestone Village. Mr. Miles notes that the addition of a Montessori school in the Liberty Park Neighborhood would be a tremendous asset for the community and supports this application.

#### **CONCLUSION**

Staff has reviewed the applicant's findings and conclusions (Exhibit B) and recommends the Commission adopt the findings as presented. In summary, the applicant has

provided findings 10.248 (1) and (2). Staff recommends that the Commission find that the application meets Criterion 1. However, if the Commission finds issues need to be mitigated through conditions of approval, staff recommends that the Commission adopt the findings provided for Criterion 2, as public benefit for the proposal has been clearly established.

#### **RECOMMENDED ACTION**

Adopt the applicant's findings for Criterion 1 or 2 and adopt the Final Order for Approval as recommended, per the staff report dated July 2, 2015, including Exhibits A through J.

#### **EXHIBITS**

- A Conditions of Approval dated June 04, 2015
- B Applicant's Findings of Fact, received June 24, 2015
- C Proposed Site Plan, received June 24, 2015
- D Site Photos, received May 18, 2015
- E Public Works Staff Report, dated July 1, 2015
- F Medford Water Commission Memo, dated June 10, 2015
- G Fire Department Report, prepared June 4, 2015
- H Building Department Memo, dated June 10, 2015
- I E-mail correspondence from ODOT, Region 3, received June 24, 2015
- J Public Comment from Mike Miles, received July 10, 2015  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**JULY 9, 2015**

**EXHIBIT A**

The Valley School of Southern Oregon Conditional Use Permit  
CUP-15-075  
Conditions of Approval  
July 2, 2015

**CODE CONDITIONS**

1. Comply with the Public Works Staff Report, dated July 1, 2015 (Exhibit E);

CITY OF MEDFORD  
EXHIBIT # 12  
File # CUP-15-075  
1 of 1

**REVISED FINDINGS OF FACT AND CONCLUSIONS OF LAW  
BEFORE THE MEDFORD PLANNING COMMISSION**

**IN THE MATTER OF AN APPLICATION FOR A  
CONDITIONAL USE PERMIT FOR THE  
ESTABLISHMENT AND OPERATION OF A  
MIDDLE SCHOOL**

**APPLICANT'S  
EXHIBIT 1**

**APPLICATION:** Request for a Conditional Use Permit to allow for the establishment and operation of a three-grade middle school, within an approximate 6,000 square foot building located on the west side of Riverside Avenue, approximately 60 feet south of Walnut Street, within a C-C (Community Commercial) zoning district.

**APPLICANT:** The Valley School of Southern Oregon  
P.O. Box 1225  
Medford, OR 97501

**OWNER:** Lewis H. Campbell, LLC  
724 S. Central Ave., Ste 101  
Medford, OR 97501

**AGENT:** Maize & Associates, Inc.  
P.O. Box 628  
Medford, OR 97501  
(541) 776-4142

**A. BACKGROUND INFORMATION**

The Valley School of Southern Oregon proposes to establish and operate a public charter middle school in an existing building in Medford. Details of the school's site and operation are included in the following section.

A charter school in Oregon is a public school operated by a group of parents, teachers and/or community members as a semi-autonomous school of choice within a school district. It is given the authority to operate under a contract or "charter" between the members of the charter school community and the local board of education (sponsor), in this case, the Medford School District 549C. Under Oregon law, ORS Chapter 338, a charter school is a separate legal entity operating under a binding agreement with a sponsor and is subject to certain laws pertaining to school district public schools, and is released from others but must operate consistent with the charter agreement.

CITY OF MEDFORD  
EXHIBIT # 6  
File # COP-15-075  
1 of 16

Application has been made by The Valley School of Southern Oregon to the Medford School District 549C, and the district Board of Directors will act upon that application at their May 18, 2015 meeting.

The Valley School's mission is to create a middle school where 6<sup>th</sup> through 8<sup>th</sup> grade students are inspired, challenged, engaged and supported as they are held to high standards. The hands-on, project-based curriculum emphasizes the STEM subjects of Science, Technology, Engineering and Math, with thoughtful integration of the arts and humanities. Guided by Montessori teaching philosophies, they trust students with responsibilities, teach them how to take ownership over their learning, and build their awareness about the connections they have with themselves, their community and their world.

From the Valley School's charter school application is their description of the school's operation. *"The Valley Middle School differs from the local junior high schools in many ways. One, it offers the middle school experience beginning in 6th graders. Two, grades and classes are multi-age, mixed groups of 6th, 7th and 8th grade. Subjects are not taught in a separate block schedule approach, but integrated as much as possible within the context of themed units. When needed, students are grouped based on skill level and will remain flexible, with students moving around as needed. Three, with a STEM focus, students will use technology as an integrated component of their learning. One-to-one technology devices increase collaborative learning opportunities and minimizes paper use. Finally, as a Montessori school, classrooms in the Valley School will not look like typical middle school classrooms with students sitting in desks and teachers delivering lecture-style lessons. Montessori schools are what educational experts describe as "active learning" models. Students will be working actively with the information that they are acquiring themselves through researching, investigating, reading, and interviewing. Montessori students are outside of the classroom learning in the "real world" every week. This real world learning comes in different forms. Students do site visits locally. Field studies are used for studying such fields as ecology, biology, geology, ichthyology, forestry, native plant identification, hydrology, oceanography, meteorology, ecosystems and botany. Additionally, the school forms a cooperative relationship with a local farm where students learn sustainable life skills in food production, farming, running a food stand, breeding animals, recycling, harvesting, cooking and composting. It is also important that the school nurtures local business partnerships where students learn business and entrepreneurship skills of design and innovation. With Montessori classrooms where learning is project-based, a teacher's role is to become a guide and facilitator, and learning is student-centered."*

## **B. PROPOSAL AND SCOPE OF THE APPLICATION**

The applicant Valley School of Southern Oregon, requests the establishment and operation of a charter middle school for up to 100 students in grades 6

through 8 that will occupy an existing building and patio area in the Cobblestone Village development, that has been occupied by a restaurant since its construction in 1984. No changes are proposed to be made to either the building's exterior or interior. The format of the school's floor plan will be basically one large open space, containing several teaching stations. The school year will generally coincide with the calendar of the Medford public school calendar with the 2015/2016 school year running from September 8 to June 11, with an extended period running through June 25. The teaching staff will operate an optional summer school from the middle of July through August.

The initial school year (2015/2016) will include a total of 75 students comprised of 37 students in 6<sup>th</sup> grade, 30 students in 7<sup>th</sup> grade, and 8 students in 8<sup>th</sup> grade. The staff will include 3 full-time teachers, 1 School Director, 2 full-time Instruction Assistants, and a part-time office manager.

The Valley School's plan for their second year (2016/2017) will include a total of 100 students (33 in 6<sup>th</sup> grade, 37 in 7<sup>th</sup> grade, and 30 in 8<sup>th</sup> grade). The staff will increase with the addition of one full-time teacher.

The number of students and staff in the third and future years will remain the same as the 2016/2017 school year, with the only exception being the mix of students in the three grades (30 students in 6<sup>th</sup> grade, 33 students in 7<sup>th</sup> grade, and 37 students in 8<sup>th</sup> grade).

The school will operate Monday through Friday from 8:30 am to 3:30 pm, with students arriving between 7:00 - 8:30 am and departing between 3:30 - 3:45 pm. The school will have breakfast available between 7:00 - 7:30 am, with study/tutoring and music instruction between 7:30 - 8:30 am. The students will not be able to leave the school site during school hours, unless accompanied by a parent or staff member.

The school plans on utilizing approximately one-half of the parking lot at the south end of Cobblestone Village for an outdoor exercise and stretching area for up to one hour per day, with a basketball hoop installed in an appropriate location. The students will be supervised at all times by an adult.

The school may also lease additional space within the Cobblestone Village development for office use and exercise/stretching up to one hour per day during times of inclement weather when the outdoor area is not available.

The site plan shows that all aspects of the site design standards found in the Land Development Code will be met. A discussion of the existing and proposed site elements has been included in the Findings of Fact (Section "F") below.

The Standard Industrial Classification 821 includes and defines elementary and secondary schools as those that “furnish academic courses, ordinarily for kindergarten through grade 12,” which include the proposed middle school request. According to Section 10.337 of the Code shown below, a middle school is a conditional use in the subject C-C zoning district, and an application for that purpose must be approved by the Planning Commission before the use can commence. The purpose of this application is to satisfy that requirement.

**10.337 Uses Permitted in Commercial and Industrial Zoning Districts**

**82 EDUCATIONAL SERVICES.** This major group includes establishments furnishing formal academic or technical courses, correspondence schools, commercial and trade schools, and libraries, but not including job training.

**Table 1**

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
<b>821</b>	Elementary and Secondary Schools	C	C	C	C	C	X	X	X
<b>822</b>	Colleges and Universities	P	P	P	P	P	P	X	X
<b>823</b>	Libraries	P	P	P	P	P	P	X	X
<b>824</b>	Vocational Schools	P	P	P	P	P	P	X	X
<b>829</b>	Schools & Educational Services, nec	P	P	P	P	P	P	X	X

"P" = Permitted Uses.

"C" = Conditional uses - permitted subject to the approval of a Conditional Use Permit.

"X" = Uses specifically prohibited.

Section 10.246 of the Land Development Code states that a development that is classified as a Conditional Use shall be reviewed by the Conditional Use Permit process in order to assure its appropriateness for the site and allow for adjustments to be made to assure compatibility with adjacent land uses.

The applicant’s findings below identify that the scope of the request is limited to the establishment and operation of a middle school on the subject parcel.

**C. ADJACENT USES**

The submitted Aerial Vicinity Map and Structural Footprint Map shows the following adjacent uses, which are all within the C-C zoning district.

North – A single-story multi-unit office building containing several offices and salons within the Cobblestone Village development, abuts to the north, with the Walnut Street right-of-way immediately to the north of those offices. On the north side of Walnut Street are commercial businesses including Nelson’s Brake and Alignment and a single-family residence.

West – Directly to the west is another multi-unit office building, also within the Cobblestone Village containing offices, modeling agencies, and a medical office use. Further to the west is the Niantic Street right-of-way with commercial businesses and single-family residences beyond.

South – Abutting directly to the south is the main parking lot that serves the Cobblestone Village development, and further to the south and southwest, are two multi-unit office buildings also within Cobblestone Village that contain offices and salons. On separate lots further to the south are the DMZ Paintball, iCars used car dealership, and ServiceMaster Cleaning Service businesses, and a secondary parking lot serving Cobblestone Village. The Manzanita Street right-of-way is situated to the south of those uses.

East – Adjoining to the east is the North Riverside Avenue right-of-way, and beyond that to the east are portions of the Lithia Toyota dealership and a 5-unit commercial building.

#### **D. APPLICANT'S SUBMITTALS**

Section 10.247 of the Land Development Code, below lists the required materials that need to be submitted with an application for a Conditional Use Permit.

*An application for a conditional use permit shall contain the following:*

- (1) Vicinity map drawn at a scale of 1" = 1,000' identifying the location of the proposed site.*
- (2) Assessor's map with subject site identified.*
- (3) Site plan drawn to scale on an eighteen inch by twenty-four inch (18" x 24") sheet. Site plan shall identify all existing and proposed buildings, parking, drives, vegetation or landscaping, adjacent development.*
- (4) Property owner's (and agent's) names, addresses, and map and tax lot numbers within 200 feet of the subject site, typed on mailing labels.*
- (5) Findings prepared by the applicant or his/her representative addressing the criteria set forth in Section 10.248, Conditional Use Permit Criteria.*

#### **Findings of Fact**

The Planning Commission has considered the following facts that are pertinent to the application requirement. The submitted application consists of the following:

1. A vicinity map and site plan showing the location of the school site.

2. A Jackson County Assessor's map identifying the site of the school.
3. A site plan drawn to scale identifying the existing buildings, landscaped areas, parking areas and driveways. Exhibit "5" shows the adjacent development.
4. Mailing labels consisting of the property owners' names, addresses, and map and tax lot numbers for all parcels within 200 feet of the subject site.
5. Findings of Fact and Conclusions of Law prepared by the applicant's agent, which address the Condition Use Permit criteria found in Section 10.248.

Conclusion of Law

The Planning Commission concludes that all of the submittal requirements of Section 10.247 have been met.

**APPLICANT'S SUBMITTAL MATERIALS**

Exhibit 1	Revised Findings of Fact and Conclusions of Law
Exhibit 2	Site Plan, revised June 21, 2015
Exhibit 3	Vicinity Map
Exhibit 4	Jackson County Assessor's Map showing Subject Site
Exhibit 5	Structural Footprint Map
Exhibit 6	Medford Zoning Map showing Subject Site
Exhibit 7	Aerial Photograph showing Subject Site
Exhibit 8	Site Photographs
Exhibit 9	Mailing Labels

**E. RELEVANT APPROVAL CRITERIA**

**CONDITIONAL USE PERMIT CRITERIA – SECTION 10.248**

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

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

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

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

#### MITIGATION OF IMPACTS – SECTION 10.249

*A development requiring the mitigation of impacts under Section 10.248, Conditional Use Permit Criteria, must do one of the following:*

- (1) Preserve unique assets of interest to the community.*
- (2) Provide a public facility or public nonprofit service to the immediate area or community.*
- (3) Otherwise provide for a development that is consistent with the overall needs of the community in a location that is reasonably suitable for the purpose.*

## F. FINDINGS OF FACT AND CONCLUSIONS OF LAW

### CONDITIONAL USE PERMIT CRITERIA – SECTION 10.248

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

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

#### Findings of Fact

The Medford Planning Commission has considered the following facts that are pertinent to the approval criteria relevant to the application requesting approval of the subject Conditional Use Permit.

It has been established that Section 10.337 of the Land Development Code requires that the Planning Commission find that the establishment and operation of a middle school meet the Conditional Use Permit criteria of Section 10.248. That criteria includes two independent standards, one of which must be met for the Conditional Use Permit to be approved.

Criterion #1, (Section 10.248[1]) requires the Planning Commission to find that the school will cause no significant adverse impact on the surrounding area when compared to the impacts of permitted development, which are not classified as conditional.

The Planning Commission could also, in the alternative, approve the application by finding that the application meets Criterion #2 (Section 10.248[2]), in that the middle school is in the public interest, and although there may be some adverse impacts created, conditions have been included that will create a balance between the public benefit of the school, and the interests of the those in the surrounding area.

The applicant will address approval Criteria #1 in the findings which follow, to allow the Planning Commission to conclude that the establishment and operation of a middle school will not cause any significant adverse impacts when it is compared to those impacts that are typically caused by development permitted outright in the C-C zoning district. Should the Planning Commission

conclude that the middle school might cause some adverse impacts, findings have also been provided showing that the middle school is in the public interest, and that a balance exists between the public benefit of the school and those interests of the abutting property, or the surrounding area through conditions that have been stipulated to by the applicant and have been accepted by the Planning Commission as creating that balance. The Planning Commission could then approve the application under CUP Criteria #2.

#### CRITERION #1

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

Medford's Community Commercial (C-C) zoning district provides commercial facilities servicing the shopping needs of the community. The findings below compare the potential impacts of the school upon the surrounding area with the impacts of several representative uses permitted in the C-C zone, to show that no significant adverse impacts will be caused.

#### Findings of Fact

##### *1. Vehicular Trips*

According to the projections found in *Trip Generation*, ITE 6<sup>th</sup> Edition, an elementary school will generate approximately 1.29 Average Daily Trips (ADT) per student, for a total potential vehicular generation of 129 ADT from the 100-student middle school.

Looking at the historic use of the 6,000 square-foot subject building, a restaurant would generate between 540 ADT for a quality restaurant, and 782 ADT for a high turnover sit down restaurant.

In addition, other appropriate representative uses that are permitted in the C-C zoning district are shown in the table below.

**Table 2  
Trip Generation by Use showing The Valley School  
and Several Other Possible Uses in the C-C Zone**

Use	Trip Generation Rate (ADT per 1,000 ft <sup>2</sup> on weekdays)	Total Trip Generation (ADT on weekdays)
Middle School (Proposed)	*	129
Health - Fitness Club	32.93	198
Single Office Building	11.57	69
Medical/Dental Office	36.13	217
Specialty Retail Center	44.32	266
Supermarket	102.24	613
Restaurant (quality)	89.95	540
Restaurant (high-turnover/sit down)	130.34	782

\* 1. ADT per student

Also, the City of Medford utilizes general trip generation rates to assess the number of trips that a particular acreage within the City is expected to generate upon its development. For the C-C zoning district, the City uses a generation rate of 1,500 ADT per acre. The school building, its parking and maneuvering area, a reasonable area around the building, and southern parking lot use, total about 24,000 square feet, or approximately one-half acre. At the 1,500 ADT per acre rate, the City would expect that the uses that are permitted on the subject site in the C-C zone would on average generate approximately 750 ADT.

It is expected that because several of the families are close friends living in the same neighborhoods, that approximately 10 students that will participate in car-pooling between 8:15 am and 8:30 am, reducing the number of trips generated by the school.

Rogue Valley Transit District's Route #40 also runs along Riverside Avenue.

*2. Parking and Access*

There are 10 parking spaces required for the school – 1 space for each of the 8 staff members, and 2 spaces for the students, based on the prescribed rate of 1 parking space per 2.4 classrooms, figuring a public school average of approximately 25 students per classroom. The spaces for staff members will be located at the far southeast corner of the parking lot. The site plan shows a total of 114 existing parking spaces within the Cobblestone Village development.

**Table 3  
Parking Requirement by Use showing The Valley School  
and Several Other Possible Uses in the C-C Zone**

Use	Minimum Parking Rate (per 1,000 gross ft <sup>2</sup> )	Total Parking Spaces Required
Proposed Middle School (6,000 ft <sup>2</sup> )	*	10
Office (over 4,000 ft <sup>2</sup> )	2.6	16
Restaurant, Standard (6,000 ft <sup>2</sup> )	8.0	48
Commercial Use (under 25,000 ft <sup>2</sup> )	4.0	24

\* 1 space per staff; plus one space per 2.4 classrooms

The school proposes to install two bicycle parking spaces near the front entrance to the school, as shown on Exhibit "2".

The Cobblestone Village development has three driveways that access North Riverside Avenue and the 86 space parking area, consisting of two ingress and one egress driveway. An ingress/egress driveway on Niantic Street accesses the 30 space parking area at the southern end of the development.

*4. Building and Landscaping*

The building's exterior and interior will not be changed, as it will allow for the teaching spaces to be created. The Valley School will use approximately one-half of the existing 30-space southern parking lot for use as a student exercise area. Because of the surplus number of 38 parking spaces that the restaurant's use required over the school's requirement, the minimum parking requirement of the Code will be maintained.

The only change to the landscaped area will be the creation of a small raised-bed garden area for student use adjacent to the front entrance of the school.

Conclusion of Law

Based upon the above Findings of Fact, the Planning Commission concludes that there is no evidence to show that the middle school will cause a significant adverse impact on the livability, value, or appropriate development of abutting property, when compared to the impacts of permitted development types. The number of vehicular trips for the school is significantly less than other uses that are permitted in the C-C zone; the number of required parking spaces for the school is also significantly less than those required for most other uses that are permitted in the C-C zone; and the North Riverside vehicular access points will allow for a safe and efficient vehicular access to the school. The Planning Commission can therefore, approve the application as it meets Criterion #1 of Section 10.248.

## CRITERION #2

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

The applicant's findings below address CUP Criterion #2, which states that *"The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests."*

Not all conditional uses are necessarily "in the public interest" and in order to determine whether or not a proposed conditional use is in the public interest and may, therefore, some adverse impacts may be produced, giving the Planning Commission the ability to approve a plan with conditions that create a balance between the public interest and the adverse impacts. The Planning Commission has consistently interpreted the following Section 10.249 below to provide a test for the proposed use as to whether or not the development is in the public interest.

### MITIGATION OF IMPACTS – SECTION 10.249

*A development requiring the mitigation of impacts under Section 10.248, Conditional Use Permit Criteria, must do one of the following:*

- (1) *Preserve unique assets of interest to the community.*
- (2) *Provide a public facility or public nonprofit service to the immediate area or community.*
- (3) *Otherwise provide for a development that is consistent with the overall needs of the community in a location that is reasonably suitable for the purpose.*

If the proposed development can be found to be in the public interest by satisfying at least one of the above standards, and certain impacts of the proposed development are going to be mitigated, then at least one of the provisions of that code section, needs to be met. The applicant addresses (2) and (3), and the Planning Commission, based upon the findings below, can conclude that the proposed development provides *"for a development that is consistent with the overall needs of the community in a location that is reasonably suitable for the purpose"* and provides *"a public facility or public nonprofit service to the immediate area or community."*

## Findings of Fact

The Valley School will enable middle school students with an opportunity to learn through the STEM system, which is not available to all middle school students participating in the 549C curriculum. One of the important tenants of the Valley School is to involve the parents to a high degree and to create community-based partnerships. The students are encouraged and expected to participate through volunteer and internship work within their communities. Another important goal of the school is to promote social interaction with others to produce thoughtful young adults.

The Valley School's vision is "... *that together, we will imbue our next generation with fearless, compassionate leaders equipped with a strong academic foundation, effective communication skills, a passion for learning, and the confidence gained through a positive middle-school experience.*"

The Valley School's anticipated ratio of students to adults will be 12-15 students per adult, which is considerably lower than the 32 students per class goal of the 549C district.

Although the Medford School District Long Range Facilities Plan, (August 2014) indicates that the district's 2 middle schools are currently somewhat below their available capacities, the study states that within 5-10 years, they will be reaching the capacity limit. A study commissioned by the district by Johnson Reid, LLC in December 2011, Demographic and Enrollment Forecast, found that "*At the 7-8 grade level, Hedrick and McLoughlin Middle Schools are 16% and 19% below capacity, respectively. These current low enrollment levels are a function of the elementary school enrollment trough exhibited in the mid-2000s. However, the early grade enrollment bump underway since 2009 is likely to trigger the need for an additional middle school by the end of the decade, as both schools exceed capacity.*"

The district estimated that the cost to build a new middle school with a capacity of 1,200 students would be approximately \$77,000,000. The proposed middle school will help to reduce that need and the cost to the community.

The school site offers several benefits because of its generally central location within the City of Medford and the district. It is located on North Riverside Avenue and close to Court Street, both arterial streets.

With the commercial zoning of the adjacent areas, it follows that the relative impacts will be minimal.

### Conclusion of Law

The Planning Commission concludes that the middle school provides a public facility to the immediate area and community and consistent with the overall needs of the community in a location that is reasonably suitable.

With the conclusion that Section 10.249(2) and (3) being met, the Planning Commission has established that the school use is in the public interest, and the following Conditional Use Permit Criterion #2 Section 10.248 is applicable and can, therefore, be addressed with this application.

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

### Findings of Fact

The Medford Planning Commission has considered the following facts that are pertinent to the application requesting approval of a Conditional Use Permit.

The following section discusses individual elements of the school use that may have the potential to cause impacts that could be considered to be adverse. A discussion of each of these elements has been included to show how the applicant has considered each of those potential factors so that there is a balance between the public interest of the school use, and the interests of the adjacent properties.

#### Traffic

The findings above show that the proposed middle school will generate approximately 24 percent of the daily trips that a quality restaurant would generate and 16 percent of a high-turnover/sit-down restaurant of the same size. The school will also generate less than most of the reasonable uses expected on the proposed site. With car-pooling, the difference is even greater.

#### Access

The three driveways along North Riverside and Niantic Avenues provide safe and convenient access points to the school.

#### Parking

The 10 parking spaces required for the school are approximately 20 percent of the required spaces for a restaurant of equal size, and approximately 60 percent of the spaces required for offices and approximately 40 percent of the spaces required for commercial uses of the same size.

The 86-space parking area adjacent to Riverside Avenue, the 15-space parking area accessible from Niantic Avenue, and the diagonal parking spaces along Niantic Avenue provide a surplus of parking spaces for the Cobblestone Village development in a safe and convenient location.

#### Lighting/Glare

Exterior lighting will not change from the existing lighting system.

#### Neighbor Visibility

The school and its ancillary parts are generally oriented toward the internal Cobblestone Village courtyard. The building's exterior and its surrounding landscaping will not be significantly changed. The only exterior changes to the Cobblestone Village site will be the addition of a basketball hoop in the southern parking lot that will be utilized by students as a supervised student exercise area.

#### Conclusion of Law

The above Findings of Fact identify the various elements of the proposed school that have the potential to produce adverse impacts. Based on those findings, the Planning Commission concludes that the middle school is conducive to become compatible with the surrounding area. The Planning Commission further concludes that because the development proposal is in the public interest, and although the development proposal may cause some adverse impacts, the Planning Commission has determined that there are no additional conditions that need to be imposed, other than those stipulated to below. The Planning Commission finally concludes that there will be a balance between the public benefit and those interests of the abutting property, or the surrounding area, and therefore the application for a middle school meets Criterion No. 2 of Section 10.248

#### SPECIAL USE STANDARDS

A review of Land Development Code Sections 10.815 – 10.817 shows that there are no Special Use Standards that apply to schools.

#### **G. APPLICANT'S STIPULATIONS**

Although there are no anticipated adverse impacts that the Valley School will generate, the applicant agrees to stipulate to several conditions of approval.

1. Parking spaces for staff will be at the southeast corner of the parking lot.

2. There will be adult supervision of students at all times when they are out of school building.

#### H. ULTIMATE CONCLUSION

The Planning Commission concludes that based upon the Findings of Fact and Conclusions of Law in Section "F" above, the application for a Conditional Use Permit for the proposed middle school is consistent with the relevant decisional criteria found in Section 10.248 of Medford's Land Development Code, and can, therefore be approved.

In regard to Criterion #1 of Section 10.248, the Planning Commission finds that the office addition will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area, when compared to the impacts of permitted development that is not classified as conditional.

In regard to Criterion #2 of Section 10.248, the Planning Commission finds that the middle school is in the public interest since it provides a facility that is consistent with the overall needs of the community in a location that is reasonably suited for that purpose. The Planning Commission also finds that although the school may cause some adverse impacts, its operation with the listed stipulations is in the public interest and is balanced with the interests of those of the surrounding area.

Respectively Submitted,

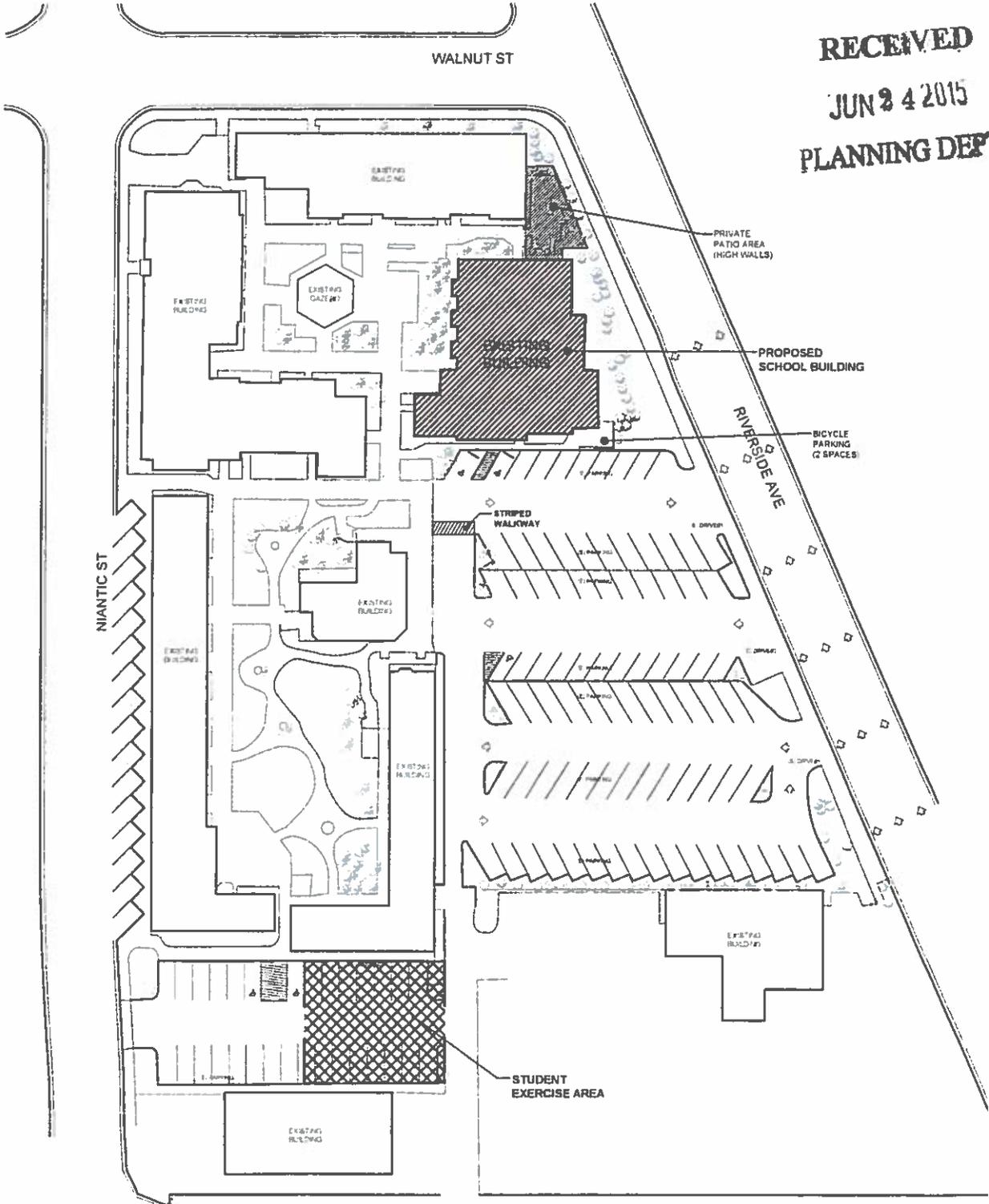
Maize & Associates, Inc.



Jim Maize  
Agent for Applicant, The Valley School of Southern Oregon

# THE VALLEY SCHOOL OF SOUTHERN OREGON

**RECEIVED**  
**JUN 24 2015**  
**PLANNING DEPT.**



**A1 SITE PLAN**  
 SCALE: 1" = 50'-0"

**APPLICANT'S EXHIBIT**  
 " 2 "

**CITY OF MEDFORD**  
 EXHIBIT # 10  
 File # 10P 15-075  
1061

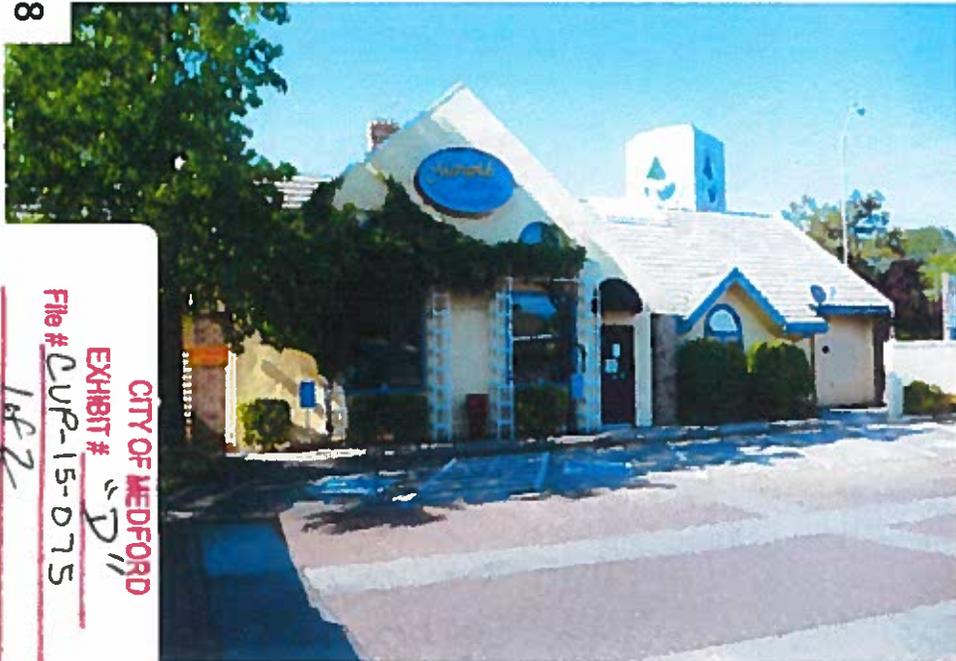
**SITE PHOTOGRAPHS**



**SCHOOL BUILDING FROM EAST**



**SCHOOL BUILDING FROM SOUTH**



**SOUTH BUILDING FROM SOUTH**



**BUILDING FRONT ENTRANCE**

CITY OF MEDFORD  
EXHIBIT # "D"  
File # CVR-15-075  
162

**RECEIVED**  
MAY 18 2015  
PLANNING DEPT.

**SITE PHOTOGRAPHS**



**INTERIOR COURTYARD**



**STUDENT EXERCISE AREA**

**RECEIVED**  
MAY 18 2015  
PLANNING DEPT.

CITY OF MEDFORD  
EXHIBIT # *DP*  
File # QUP-15-075  
282

**CITY OF MEDFORD**  
**INTEROFFICE MEMORANDUM**

**TO: Desmond McGeough, Planning Department**

**Revised Date: July 1, 2015**

**FROM: Doug Burroughs, Engineering Division of Public Works**



**SUBJECT: CUP-15-075**

---

**Request for Conditional Use Permit to allow establishment and operation of a three-grade middle school, within an approximate 6,000 square foot building located on the west side of Riverside, approximately 60 feet south of Walnut Street, within a C C (Community Commercial) zone district; The Valley School of Southern Oregon, Applicant (Maize & Associates, Inc., Agent). Desmond McGeough, Planner.**

The Developer is proposing to not have a designated drop-off or pick-up area. If drop-off or pick-up activities occur and impact traffic on Riverside Avenue then the Developer shall provide a designated drop-off or pick-up area and provide a traffic analysis to demonstrate that traffic queuing during drop-off or pick-up times will not impact traffic on Riverside Avenue or show the drop-off and pick-up area to be off Niantic Street.

CITY OF MEDFORD  
EXHIBIT # 411  
File # CUP-15-075  
1 of 1



BOARD OF WATER COMMISSIONERS  
**Staff Memo**

**TO:** Planning Department, City of Medford

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

**SUBJECT:** CUP-15-075

**PARCEL ID:** 372W24AD TL 2700

**PROJECT:** Request for Conditional Use Permit to allow establishment and operation of a three-grade middle school, within an approximate 6,000 square foot building located on the west side of Riverside, approximately 60 feet south of Walnut Street, within a C-C (Community Commercial) zone district; The Valley School of Southern Oregon, Applicant (Maize & Associates, Inc., Agent). Desmond McGeough, Planner.

**DATE:** June 10, 2015

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

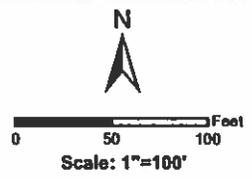
**CONDITIONS**

1. No Conditions.

**COMMENTS**

1. Off-site water line installation is not required.
2. On-site water facility construction is not required.
3. MWC-metered water service does exist to this property. There is a 1.5-inch water meter that serves domestic water to the building located at 1253 N Riverside Avenue; and there is a 2-inch water meter serves the buildings with addresses 1237 thru 1263 N Riverside Avenue.
4. Access to MWC water lines is available. There is a 6-inch water main in N Riverside Avenue.

CITY OF MEDFORD,  
EXHIBIT # F  
File # CUP-15-075  
10F2



**Water Facility Map for CUP-15-075**

**Legend**

- Air Valve
- Sample Valve
- Fire Service
- Hydrant
- Reducer
- Blow Off
- Plugs-Caps
- Water Meters:**
  - Active Meter
  - On Well
  - Unknown
  - Vacant
- Water Valves:**
  - Butterfly Valve
  - Gate Valve
  - Tapping Valve
- Water Mains:**
  - Active Main
  - Abandoned Main
  - Reservoir Drain Pipe
  - Pressure Zone Line
- Boundaries:**
  - Urban Growth Boundary
  - City Limits
  - Tax Lots
- MWC Facilities:**
  - Control Station
  - Pump Station
  - Reservoir



This is a plan view of a water facility map. It is not intended to be used as a legal document. The Medford Water Commission is not responsible for any errors or omissions in this map. The Medford Water Commission is not responsible for any damages or injuries resulting from the use of this map.



# Medford Fire Department

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

## LAND DEVELOPMENT REPORT - PLANNING

To: Desmond McGeough

LD Meeting Date: 06/10/2015

From: Fire Marshal Kleinberg

Report Prepared: 06/04/2015

File #: CUP - 15 - 75

### Site Name/Description:

Request for Conditional Use Permit to allow establishment and operation of a three-grade middle school, within an approximate 6,000 square foot building located on the west side of Riverside, approximately 60 feet south of Walnut Street, within a C C (Community Commercial) zone district; The Valley School of Southern Oregon, Applicant (Maize & Associates, Inc., Agent). Desmond McGeough, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE
<u>Approved as Submitted</u> Meets Requirement: No Additional Requirements	

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

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

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

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

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

CITY OF MEDFORD  
 EXHIBIT # "G"  
 File # CUP-15-075  
10F1

# Memo



**To:** Desmond McGeough, Planner, Planning Department  
**From:** Tanner Fairrington, Building Department (541) 774-2352  
**CC:** The Valley School of Southern Oregon, Applicant; Maize & Associates, Inc., Agent  
**Date:** July 1, 2015  
**Re:** June 10, 2015 LDC Meeting: CUP-15-075 – Item #3

---

**Please Note:**

*This is not a plan review. Unless noted specifically as Conditions of Approval, general comments are provided below based on the general information provided; these comments are based on the 2014 Oregon Structural Specialty Code (OSSC) unless noted otherwise. Plans need to be submitted and will be reviewed by a commercial plans examiner, and there may be additional comments.*

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

*If you have questions, please contact the Building Department at (541) 774-2350 or [building@cityofmedford.org](mailto:building@cityofmedford.org). Tanner Fairrington can be contacted directly at (541) 774-2352 or [tanner.fairrington@cityofmedford.org](mailto:tanner.fairrington@cityofmedford.org).*

1. There are NO Conditions of Approval or significant comments from the Building Safety Department. Please see the general comments below.
2. For list of applicable Building Codes, please visit the City of Medford website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Code and Design Information" on left side of screen; click on "Design Criteria"; and select the appropriate design criteria.
3. All plans are to be submitted electronically. Information on the website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" on left side of screen for information.
4. Please consult with the building department for any permits or other information that may be needed or required.

CITY OF MEDFORD  
EXHIBIT # 14  
File # AE CUP-15-075  
10 of 1

**Desmond M. McGeough**

---

**From:** MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>  
**Sent:** Wednesday, June 24, 2015 2:33 PM  
**To:** Desmond M. McGeough  
**Subject:** CUP-15-075

Desmond,

Thank you for sending agency notice of a consideration of a request for a Conditional Use Permit to allow the establishment and operation of a three-grade middle school, within an approximate 6,000 square foot building located on the west side of Riverside, approximately 60 feet south of Walnut Street, within a C-C (Community Commercial) zone 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 #   I    
File #   CUP-15-075    
  1 of 1

Dear James Huber,, City of Medford Planning Department:

JUL 01 2015

RECEIVED

We, Miles Family Properties with property at 1203-1212 N. Riverside are so excited and pleased that a Montessori School will be located near us.

I am divorced and as a father I only have visitation rights of my children. If I had custody of my 7<sup>th</sup> grade daughter I would place her in this school this fall.

I predicted twenty years ago that the Liberty Park area will become a haven for pre-schools do to the location.

We now have Kids Unlimited School. And the Salvation Army has an after school program Monday through Thursday in which Bus 20 from Wilson Elementary School goes directly to the Church.

At the Salvation Army church auxiliary building where the no fee after school program is conducted, the children spend the first hour in study hall then there are crafts or outside recreation depending on the weather.

Why I am mentioning the above? There is a lot of synergy, and options for parents in regards to education in the Liberty Park Neighborhood, (Kids Unlimited School). There are also many schools within walking distance of the Liberty Park Neighborhood such as McLaughlin Jr. High, Wilson Elementary School, Grace Christian School as well as North Medford High School.

The Montessori school would be a tremendous asset to the Liberty Park Neighborhood.

Mike E. Miles

*Mike E. Miles*

CITY OF MEDFORD  
EXHIBIT # 3  
File # CVE-15-075  
101



# Vicinity Map

Application Name/Description:

**The Valley School of Southern Oregon**

Proposal:

**CUP for a school located within a C-C zone**

File Numbers:

**CUP-15-075**

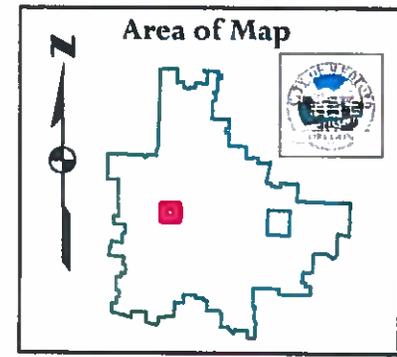
Applicant:

**The Valley School of Southern Oregon**

Map/Taxlot:

**372W24AD TL 2700**

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



05/20/2015

