

# PLANNING COMMISSION AGENDA AUGUST 13, 2015



## Commission Members

Tim D'Alessandro  
David Culbertson  
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

**Jackson County Courthouse  
Auditorium  
10 South Oakdale  
Medford, OR 97501**



# Agenda

## Public Hearing

August 13, 2015

5:30 PM

Jackson County Courthouse Auditorium  
10 South Oakdale, Medford, Oregon

10. Roll Call
20. Consent Calendar/Written Communications (voice vote)
  - 20.1 LDS-15-055 Final Order of a request for tentative plat approval for Summerfield at South East Park Subdivision Phase 22, a 27 lot residential subdivision between Autumn Hills Drive and Waterstone Drive on approximately 10.50 acres. The request also includes a tentative plat for six reserve acreage tracts of Phases 16-21 of Summerfield at South East Park Subdivision, generally located south of Cherry Lane and north of Barnett Road within the SFR-4 & SFR-10/SE/RZ (Single Family Residential – 4 dwelling units per gross acre/Single Family Residential – 10 dwelling units per gross acre/Southeast Overlay/Restricted Zoning) zoning district. (Crystal Springs Development Group, A Joint Venture, Applicant; Neathamer Surveying, Inc., Agent)
30. Minutes
  - 30.1 Consideration for approval of minutes from July 23, 2015, hearing.
40. Oral and Written Requests and Communications
50. Public Hearings
  - New Business
    - 50.1 DCA-15-052 Consideration of an amendment to allow stores to have up to 20 portable storage containers on the store property for storage during holiday seasons. (City of Medford, Applicant)
    - 50.2 LDP-15-080 Consideration of a request for a land partition to create two parcels from a 4.74 acre lot located at 2000 Crater Lake Avenue, on the east side of Crater Lake Avenue, between Roberts Road and Brookhurst Street, within the MFR-20 (Multiple-Family Residential – 20 dwelling units per gross acre) zoning district. (Terry Buntin Et. Al., Applicant; Richard Stevens & Associates, Agent)
    - 50.3 LDS-15-039 / CUP-15-089 / E-15-090 Consideration of a request for a proposed tentative plat for a 29-lot residential subdivision, with a conditional use permit for a riparian street crossing and drainage facilities, and an exception to the hillside ordinance, right-of-way width, and lot depth on a 5.69 acre parcel at the eastern terminus of Nobility Drive, approximately 660 feet east of Kings Highway. (VP & Trading, LLC, Applicant; Steven Swartsley, Agent)

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- 60. Reports**
  - 60.1 Site Plan and Architectural Commission
  - 60.2 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**

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF TENTATIVE PLAT APPROVAL OF )  
 ) ORDER  
SUMMERFIELD AT SOUTH EAST PARK SUBDIVISION PHASE 22 [LDS-15-055] )

ORDER granting approval of a request for tentative plat approval for Summerfield at South East Park Subdivision Phase 22.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.265 through 10.267; and
2. The Medford Planning Commission has duly held a public hearing on the request for consideration of tentative plat approval for Summerfield at South East Park Subdivision Phase 22, a 27 lot residential subdivision between Autumn Hills Drive and Waterstone Drive on approximately 10.50 acres. The request also includes a tentative plat for six reserve acreage tracts of Phases 16-21 of Summerfield at South East Park Subdivision, generally located south of Cherry Lane and north of Barnett Road within the SFR-4 & SFR-10/SE/RZ (Single Family Residential – 4 dwelling units per gross acre/Single Family Residential – 10 dwelling units per gross acre/Southeast Overlay/Restricted Zoning) zoning district, with the public hearing a matter of record of the Planning Commission on July 23, 2015.
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat approval and directed staff to prepare a final order with all conditions and findings set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for Summerfield at South East Park Subdivision Phase 22 stands approved per the Planning Commission Report dated July 23, 2015, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Planning Commission Report dated July 23, 2015.

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

Accepted and approved this 13th day of August, 2015.

CITY OF MEDFORD PLANNING COMMISSION

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Planning Commission Chair

ATTEST:

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



## PLANNING COMMISSION REPORT

for a type-C quasi-judicial decision: Land Division

PROJECT Summerfield at South East Park Phase 22 & Six Reserve Acreage Tracts  
Applicant: Crystal Springs Development Group;  
Agent: Neathamer Surveying, Inc.

FILE NO. LDS-15-055

DATE July 23, 2015

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### BACKGROUND

#### Proposal

Consideration of a request for tentative plat approval for Summerfield at South East Park Subdivision Phase 22, a 27 lot residential subdivision between Autumn Hills Drive and Waterstone Drive on approximately 10.50 acres. The request also includes a tentative plat for six reserve acreage tracts of Phases 16-21 of Summerfield at South East Park Subdivision, generally located south of Cherry Lane and north of Barnett Road within the SFR-4 & SFR-10/SE/RZ (Single Family Residential – 4 dwelling units per gross acre/Single Family Residential – 10 dwelling units per gross acre/Southeast Overlay / Restricted Zoning) zoning district.

#### Subject Site Characteristics

Zoning SFR-4 / SFR-10  
Overlays Southeast/Restricted Zoning  
GLUP Urban Residential  
Use Single Family Home / Vacant Land

#### Surrounding Site Characteristics

##### North

Zoning: SFR-00 (Single Family Residential – 1 dwelling unit per lot)  
SFR-2 (Single Family Residential – 2 dwelling units per gross acre)  
Use: Single Family Homes / Vacant Land

##### South

Zoning: EFU (Exclusive Farm Use) Outside the City Limits / Within the Urban Growth Boundary)  
Use: Single Family Homes

East

Zoning: EFU (Exclusive Farm Use) Outside the Urban Growth Boundary  
Use: Vacant Land

West

Zoning: SFR-4 / SFR-10 / MFR-20 (Multiple Family Residential – 20 dwelling units per gross acre)  
Use: Single Family Homes / Vacant Land

Related Projects

LDS-12-004 Land Division for Summerfield at Southeast Park Subdivision Phases 14-21  
LDS-12-005 Exception to the length of a Residential Lane

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

According to the Oregon Secretary of State Business Name Registry, the authorized representative for Crystal Springs Development Group is John Hassen and the registrant is Michael Mahar.

### **ISSUES AND ANALYSIS**

#### Background

The Planning Commission adopted the Final Order for approval of Phases 14-21 of Summerfield at South East Park Subdivision on April 26, 2012 (LDS-12-004). The approval included a reserve acreage tract, which is the subject of this review (Phase 22). Since then, Phase 14 has received Final Plat approval.

#### Project Summary

The project consists of a tentative plat for Phase 22 of Summerfield at South East Park Subdivision and six reserve acreage tracts. Phase 22 would be developed in four sub-phases A-D. All of the proposed lots within Phase 22 meet site development standards, other than Lot 648, which is an oversized lot. The six reserve acreage tracts follow the boundaries of Phases 16-21, which have tentative plat approval. By platting Phases 16-21 individually, it allows each of them to be sold separately.

#### Density

The proposed subdivision (Phase 22) is within Sub-area 2 of the Southeast Plan Overlay, and is therefore designated for standard residential lots. The standard density calculation for the SFR-4 zone is between 2.5 and 4.0 dwelling units per acre. Medford Land Development Code Section 10.708 allows oversize residential lots to be removed from the calculation. As Lot 648 is an oversize lot, its acreage is removed from the overall size of the project. Therefore, the permitted density range for Phase 22 is between 18 to 29 dwelling units. The applicant is proposing 27 lots in four sub-phases which meet the minimum and does not exceed the maximum number of units.

### Hillside Ordinance

Medford Land Development Code Sections 10.929-933 regulates development on properties with areas of 15 percent slopes or greater. The Code allows for an applicant to demonstrate that development will not occur on these steeper areas in order to be exempted from the Hillside Ordinance.

Although there are areas in Phase 22 that are greater than 15 percent slopes, the applicant provided information to show that those areas will not be developed with streets, structures, and driveways (Exhibit H).

### Street Circulation

The street circulation has already been determined by the tentative plats of Phases 14-21. The current proposal does not change this already planned street system other than to add one short cul-de-sac named Silver Leaf Lane and a minimum access easement off of it to serve the oversized lot (Lot 648).

### Block Length

The Applicant's Findings state that the block length for Phase 22 slightly exceeds the standard due to the existence of the oversized lot that is currently fully developed (Exhibit J). To create another east-west connection would create an unnecessarily small block of approximately 300 feet. A pedestrian access way from Silver Leaf Lane helps to alleviate this situation. The subdivision as a whole (Phase 16-21) has been developed with through streets that do not exceed block length standards. Staff recommends the Commission exercise discretion under Medford Land Development Code Section 10.426(C)(2) in order to allow Phase 22 to exceed the maximum block length due to topographic constraints and a significant unbuildable area, which make an additional street connection impractical.

### Street & Pedestrian-Scale Lighting

Medford Land Development Code Section 10.380 designates special Southeast Overlay standards for street lighting and pedestrian-scale lighting and references the *City of Medford Street Lighting Standards and Specifications*. One street light shall be installed at each street intersection and at any pedestrian street crossing. Pedestrian-scale lighting is required on both sides of lower order streets at least every eighty feet within the planter strips. A condition has been included requiring compliance with this prior to final plat for each phase.

### Street Trees

Another requirement of projects within the Southeast Overlay is that a street tree plan be submitted with development applications. The applicant submitted a street tree plan that was previously approved for Summerfield at Southeast Park Phases 14-21. However, since that time the City's street tree list has been modified. As a result, some of the species shown on the plan are no longer acceptable. The Parks Department Memo requires that the three of the species be replaced with approved street trees (Exhibit P).

### Phasing

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

### **FINDINGS AND CONCLUSIONS**

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

### **ACTION TAKEN**

Directed staff to prepare a Final Order of Approval per the staff report dated July 23, 2015, including Exhibits A-1 through P.

### **EXHIBITS**

- A-1 Revised Conditions of Approval dated July 23, 2015
- B Tentative Plat of Phase 22 received June 25, 2015
- C Tentative Plat including reserve acreage tracts received June 25, 2015
- D Preliminary Grading & Drainage Plan received April 7, 2015
- E Tentative Plat of Summerfield Subdivision Phases 14-21 received April 7, 2015
- F Street Tree Plan of Summerfield Subdivision Phases 14-21 received April 7, 2015
- G Aerial Photo of oversize lot received May 13, 2015
- H Slope Exhibit received May 22, 2015
- I Southeast Circulation Plan Map received April 7, 2015
- J Applicant's Findings of Fact & Conclusions of Law received June 25, 2015
- K-1 Revised Public Works Staff Report received July 21, 2015
- L Fire Department Report received July 1, 2015
- M Building Department Memo received July 1, 2015
- N Address Technician Memo received July 1, 2015
- O Medford Water Commission Memo received July 1, 2015

P Parks Department Memo received June 26, 2015  
Vicinity map

## **MEDFORD PLANNING COMMISSION**

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**David McFadden, Chair**

**PLANNING COMMISSION AGENDA:**

**JULY 23, 2015**

**AUGUST 13, 2015**

**EXHIBIT A-1**

Summerfield Phase 22 & 6 Reserve Acreage Tracts  
LDS-15-055  
Revised Conditions of Approval  
July 23, 2015

**DISCRETIONARY CONDITIONS**

1. The Commission authorizes a 5-year approval period allowed for phased projects as per Medford Land Development Code Section 10.269(2).

**CODE CONDITIONS**

2. Prior to Final Plat approval of the first phase, the applicant shall:
  - a. Submit a revised street tree plan in compliance with the Parks Department Memo received June 26, 2015 (Exhibit P).
3. Prior to Final Plat approval of each phase, the applicant shall:
  - a. Comply with the street lighting standards required in Medford Land Development Code Section 10.380;
  - b. Comply with the Revised Public Works Department Report received July 21, 2015 (Exhibit K-1);
  - c. Comply with the Fire Department Report received July 1, 2015 (Exhibit L);
  - d. Comply with the Address Technician Memo received July 1, 2015 (Exhibit N);
  - e. Comply with the Medford Water Commission Memo received July 1, 2015 (Exhibit O).



Continuous Improvement Customer Service

**RECEIVED**

JUL 21 2015

PLANNING DEPT.

**CITY OF MEDFORD**

Revised Date: 7/20/2015  
File Numbers: LDS-15-055

**PUBLIC WORKS DEPARTMENT STAFF REPORT  
Summerfield Subdivision, Phase 22**

**Project:** Consideration of a request for tentative plat approval for Summerfield at South East Park Subdivision, Phase 22, a 27 lot residential subdivision between Autumn Hills Drive and Waterstone Drive on approximately 10.50 acres. The request also includes a tentative plat for six reserve acreage tracts of Phases 16-21 of Summerfield at South East Park Subdivision, generally located south of Cherry Lane and north of Barnett Road, within the SFR-4 & SFR-10/SE/RZ (Single Family Residential – 4 dwelling units per gross acre/Single Family Residential – 10 dwelling units per gross acre/Southeast Overlay/Restricted Zoning) zoning district;

**Applicant:** Crystal Springs Development Group (Agent: Neathamer Surveying, Inc.)

**NOTE 1:** Items I through IV Shall be Completed and Accepted Prior to Approval of the Final Plat.

**NOTE 2:** No development will occur as a result of the Final Plat for the six Reserve Acreage Tracts being done with this Subdivision apart from the planning authorizations already approved for each Tract, which represents different phases of Summerfield, Phases 14 through 21. The following conditions related to the Tracts, are based on this stipulation. For the purpose of this report, “no development” includes any building permit for a new residence, or any other structure.

**I. STREETS**

**A. Dedications**

All the streets surrounding the exterior boundary of this development will be dedicated, in full,

as part of the surrounding Development, Summerfield at Southeast Park, Phases 16 through 19.

**Silver Leaf Lane** is being proposed as a residential lane with a cul-de-sac and a minimum access drive to serve Lots 647 and 648. A residential lane requires a right-of-way width of 33 feet, and the cul-de-sac shall have a minimum radius of 45 feet in accordance with Medford Land Development Code (MLDC) Sections 10.430(3) & 10.450, respectfully.

The **minimum access drive** shall be private and constructed in accordance with MLDC Section 10.430A(1) and have a minimum width of 20 feet.

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

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

## **B. Public Improvements**

### **1. Public Streets**

**Silver Leaf Lane**, shall be improved to residential lane standards with 26-foot wide paved sections, complete with curbs, gutters, 5-foot wide sidewalks and street lights. The cul-de-sac shall be improved to a minimum 37 foot radius to the face of curb, a 5 foot wide curbside concrete sidewalk, and street lights in accordance with Medford Land Development Code (MLDC) Sections 10.430(3) & 10.450, respectfully.

### **2. Minimum Access Drive**

The minimum access drive shall be improved to a minimum width of 18 feet with AC pavement. The minimum TI for the structural section shall be 3.5, the minimum AC section shall be 3” thick, and the base aggregate shall extend one foot beyond the edge of pavement. 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. 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:

#### Traffic Signs and Devices – City installed

1 – Street name sign

#### Street Lighting - Developer Provided & Installed

2 – 100W HPS street lights

In addition, the pedestrian street lights shall be constructed at 80-foot intervals per MMC. Base mounted cabinets (BMC) shall be installed to serve the pedestrian lights, and provided as needed depending on load placement and calculations. The pedestrian lights shall be designed per City of Medford Specifications by an engineer licensed in the State of Oregon, and shall be submitted to the Engineering Division as part of the public improvement drawings described under Section E, 1. and E, 2. of this report. The design shall include conduit, wire and load calculations for review.

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

#### 4. 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.

#### 5. 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.

**Silver Leaf Lane:** In determining rough proportionality, the City averaged the lineal footage of roadway per dwelling unit for road improvements and averaged square foot of right-of-way per dwelling unit for dedications. The proposed development has 26 proposed dwelling units and will improve approximately 200 lineal feet of roadway which equates to 7.7 lineal feet per dwelling unit. Also the development will dedicate approximately 9670 square feet of right-of-way which equates to approximately 372 square feet per dwelling unit.

To determine proportionality, a neighborhood with similar characteristics was used. Previously developed phases of Summerfield Subdivision located between Stanford Avenue and Lone Oak Drive and Cherry Lane and Shamrock Drive consisted of a sum of 152 dwelling units. This previous development improved approximately 7,530 lineal feet of roadway and dedicated approximately 425,230 square feet of right-of-way (GIS data used to calculate, approximations only). This equates to approximately 50 lineal feet of road per dwelling unit and approximately 2,800 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 26 Lots within the City of Medford and increase vehicular traffic by approximately 249 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. 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.

## **II. SANITARY SEWERS**

This site lies within the City of Medford service area. All public sanitary sewers shall be constructed to the standards of the Department of Environmental Quality in addition to standards approved by the City of Medford.

All public sanitary sewers shall be located in public streets or alleys, or within public sanitary sewer easements. All sanitary sewer manholes not located within public streets or alleys shall be accessible via paved surfaces having a width of at least 15-feet.

The public sanitary sewer system constructed to serve this subdivision shall extend to the boundary of the area designated as Reserve Acreage. The system shall be constructed such that future development of the Reserve Acreage does not require work beyond its boundaries in order to serve its entire area within.

A sanitary sewer lateral shall be constructed to each tax lot prior to approval of the Final Plat. The existing house within the area designated as Reserve Acreage shall be connected to public sanitary sewer prior to approval of the final plat if not already so connected.

## **III. 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.

The public storm drainage system constructed to serve this subdivision shall extend to the boundary of the area designated as Reserve Acreage, such that future development of the Reserve Acreage does not require work beyond its boundaries in order to serve its entire area within.

## **2. Stormwater Detention and Water Quality Treatment**

This site lies within the Larson Creek Drainage Basin. This development shall provide stormwater detention in accordance with MLDC, Section 10.486, and water quality treatment in accordance with the Rogue Valley Stormwater Quality Manual per MLDC, Section 10.481. . Since this development is over five acres, Section 10.486 requires that the development set a minimum of 2% of the gross area as open space to be developed as open ponds for stormwater detention and treatment. The Developer has indicated the stormwater detention pond will be offsite near its southwest corner, which will also meet this section of the Code.

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. Any ground, which is disturbed by construction shall be hydroseeded or covered with straw and tackified prior to final "walk-thru".

## **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.

## **IV. 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.

## **V. 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 that this portion of the original subdivision will be developed in four (4) phases. The Engineering Department recommends that any public improvements, which correspond with a particular phase, be improved at the time each phase is being developed. The public improvements that are not included within the phase being developed but are needed to

serve each respective phase shall be constructed with each phase as needed.

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

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

#### **5. Permits**

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

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

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

Buildings in this development are subject to sanitary sewer collection and 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: Larry Beskow/Doug Burroughs

## **SUMMARY CONDITIONS OF APPROVAL**

### **Summerfield Subdivision, Phase 22**

LDS-15-055

**Note: No development shall take place on the six Reserve Acreage Tracts being platted with this Subdivision except as already approved as part of Summerfield, Phase 14 through 21.**

#### **I. Streets**

##### **A. Street Dedications to the Public:**

- All the streets surrounding the exterior boundary of this development will be dedicated, in full, as part of the surrounding Development, Summerfield at Southeast Park, Phases 16 through 19.
- Dedicate right-of-way needed for Silver Leaf Lane and its cul-de-sac. Silver Leaf shall be a residential lane, which requires a minimum width of 33 feet for right-of-way and can only serve up to 8 Lots. (5 with this development, 3 additional in future)
- Dedicate 10 foot public utility easements (PUE).

##### **B. Improvements:**

###### **1. Public Streets**

- Construct Silver Leaf Lane to Residential Lane standards, and the cul-de-sac with a 37 foot radius to the face of curb.

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

- Developer supplies and installs all street lights at own expense. (Ped lights & 2 residential street lights)
- City installs traffic signs and devices at Developer's expense.

#### **II. Sanitary Sewer:**

A private lateral shall be constructed to each lot prior to Final Plat. Extend sewer as needed to serve future lots and to limit pavement cutting.

#### **III. 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.

#### **IV. 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.

#### **V. GENERAL CONDITIONS**

##### **1. Phasing:**

The Tentative Plat shows that this portion of the original subdivision will be developed in four (4) phases. The Engineering Department recommends that any public improvements, which correspond with a particular phase, be improved at the time each phase is being developed. The public improvements that are not included within the phase being developed but are needed to serve each respective phase shall be constructed with each phase as needed.

##### **2. 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.

**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.**



# Minutes

from Public Hearing on July 23, 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  
David Culbertson  
Norman Fincher  
Joe Foley  
Bill Mansfield  
Mark McKechnie  
Jared Pulver

**Staff Present**

Jim Huber, Planning Director  
Kelly Akin, Principal Planner  
John Adam, Senior Planner  
John Huttel, Deputy City Attorney  
Alex Georgevitch, City Engineer  
Terri Rozzana, Recording Secretary  
Aaron Harris, Planner II  
Desmond McGeough, Planner II  
Sarah Sousa, Planner IV

**Commissioners Absent**

Patrick Miranda, Vice Chair, Excused Absence

10. **Roll Call**

20. **Consent Calendar/Written Communications.**

**20.1 CUP-15-054** Final Order for a 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)

**20.2 LDS-15-067** Final Order for 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)

**20.3 CUP-15-066** Final Order for 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)

**Motion:** Adopt the consent calendar.

**Moved by:** Chair McFadden

**Seconded by:** There was no second

Voice Vote: Motion passed, 6–0–2, with Commissioner Culbertson and Commissioner McKechnie abstaining.

30. Minutes

30.1. The minutes for July 9, 2015, were approved with the change on page 36, third paragraph of the agenda packet, it reads "*perimeters*", and it should read "*parameters*".

40. Oral and Written Requests and Communications. None.

John Huttli, Deputy City Attorney, read the Quasi-Judicial Statement.

50. Public Hearings—New business

50.1 CP-15-078 Consideration of a Class-A major legislative amendment of the Medford Comprehensive Plan to make the following revisions to the Public Facilities Element: (1) Adopt by reference and incorporate into the City of Medford Comprehensive Plan Facilities Element the Medford School District 549C School District Long Range Facilities Plan, August 11, 2014 Update, along with findings, conclusions and appendices; (2) Provide revisions to the goals, policies and implementation measures of the School section of the Public Facilities Element. (City of Medford, Applicant)

Aaron Harris, Planner II, reviewed the background, history, significant plan changes, read the comprehensive plan amendment criteria and gave staff's recommendation. He also noted that there was a new agreement between the District and the Hull Road property owners; whereas the staff report indicated that it had expired.

Commissioner Mansfield asked if there was anything in the documents presented that requires or indicates any promises by the City to include the Hull Road property into the urban growth boundary at any time in the future? Mr. Harris responded that there was not any such indication or promise.

Mr. Huttli confirmed Mr. Harris' question regarding the new agreement between the District and the Hull Road property owners: as new factual information it belong the Commission Report to the Council.

Commissioner McKechnie asked if the Medford School District serves just the students that live in the City of Medford boundaries or does it serve the middle of Jackson County? Commissioner Mansfield reported that it covers out to Ruch, Jacksonville, and areas outside the city limits of Medford. Chair McFadden stated that it does not include most of Central Point and everything south of Barnett.

Chair McFadden asked if this motion needs to indicate forwarding this to the City Council? Mr. Harris stated that it does need to indicate that.

The public hearing was opened.

a. Michael Oliver. 3285 Hillcrest Road, Medford, Oregon, 97504-9318. Mr. Oliver reported that he is the Vice President of Hillcrest Corporation. He is present this evening to submit their letter from their legal team that suggests that the Planning Commission continue this hearing until the City adopts its UGB amendment. The continuance will create the time essential for the City and the School District to properly coordinate and incorporate school planning needs into the more comprehensive urban growth and service delivery analysis that occurs through the UGB process. Furthermore, their counsel believes that several technical issues with the School Facilities Plan as submitted exists and needs to be resolved prior to Planning Commission action. Mr. Oliver apologized that their legal counsel was not present to address the technical issues however, they were under the impression that all matters related to the UGB process, growth and public services would occur in a fair manner with no urban reserve area being given special consideration. Their attorneys will be present at the August 6, 2015, UGB hearing with the City Council to address this and other issues and can be present at a continuance of this meeting if the Planning Commission desires. Mr. Oliver submitted the letter into the record.

Commissioner Mansfield asked if it makes a difference that the Planning Commission is a recommending body? Mr. Oliver replied he did not believe so. He is not the technical person but their legal counsel has suggested this process be continued until after the UGB process goes forward.

The Planning Commission meeting took a recess at 5:56 p.m. for the Planning Commission to review the submitted documents to be entered into the record.

The meeting reconvened at 6:03 p.m.

Chair McFadden commented that, in his opinion, the first stated reason for continuance that the School Facilities Plan is deficient because the Medford School District 549C has not properly coordinated with the City. He said that is what this process (i.e., tonight's hearing) is. He commented on the other points in the letter.

Mr. Huttli stated Chair McFadden's comments being his opinion and not those of the Planning Commission are appropriate. He suggested it would make sense for the School District to give their response to the points raised in the letter.

Commissioner D'Alessandro asked Mr. Oliver if he had the latitude to elaborate on the impacts for Hillcrest Orchards. Mr. Oliver stated that this meeting is not about the UGB amendment process, but he believes any recommendation put forth with this School Facilities Plan could impact the UGB amendment process in an unfair manner.

Commissioner Mansfield asked if there was more behind the request for a continuance than his attorney's objection to the placement of a school in the MD-2 area? Mr. Oliver

offered his opinion that it is not good school policy putting a school site in the middle of a place where there is no student population.

b. Thad Pauck, 201 W. Main Street, no. 5A, Medford, Oregon, 97501. Mr. Pauck is one of the attorneys for the Medford School District 549C. He said he not had an opportunity to review the Mr. Oliver's letter in detail. He said these are two separate processes (the facility plan adoption and the UGB amendment). The Facilities Plan that is before the Planning Commission tonight for recommendation to the City Council is basically the School District identifying what it feels to be appropriate sites for the location of a future school; it does not require that the City bring that property into the UGB or otherwise make any recommendation for them. All the District is doing is identifying suitable school sites based on its population projects. Their population projects show in the MD-2 area a need for a school at some point in the future. he reported that other property owners in other areas of the City have approached the District over the past couple of years and made offers to donate property in the event their property was brought into the UGB. The School District has turned those offers down because the population projections did not indicate that would be a need for a future school site.

Mr. HuttI stated that the first stated reason to continue this hearing was that there was not any coordination with the City. Mr. Pauck reported that there was a lot of coordination. The coordination began in 2010 before the 2012 Plan was adopted which did not occur until the end of 2013. Throughout that period there had been communication and coordination with City officials on this latest reiteration.

John Adam, Senior Planner, reported that the City Council has a vigorous schedule to hear the Urban Growth Boundary amendment starting on August 6, 2015. They want to have three consecutive weeks of meetings. Once the Planning Commission makes a recommendation on this facilities plan it probably will not go to the Council until it has completed its business with the Urban Growth Boundary amendment. Mr. HuttI stated that also may be a question for City administration that puts together the agenda for the City Council.

Commissioner Fincher stated that the last time the Planning Commission went through this process the Planning Commission was presented with the School District's Plan and told that it needed to be a part of the City's Comprehensive Plan as part of the process. It was not necessarily an endorsement. He asked if staff could refresh the Planning Commission as to why this is a necessary step in the process and goes through the Planning Commission. Mr. Adam stated that the State Statutes require that the City adopt the School Facilities Plan into their Comprehensive Plan.

Mr. Adam reported that given some of the delicacies of the UGB process that staff would be fine with a continuance to give everyone time to read and respond to Mr. Oliver's submitted letter.

Mr. HuttI stated that the Planning Commission could close the hearing and continue for deliberation and not take any more testimony.

Commissioner Pulver stated that it is his opinion that this is the School District's document and that the Planning Commission is not necessarily endorsing it. The Planning Commission is acknowledging that it exists and incorporating into the City's Comprehensive Plan. He said if someone has objections to a school site it should be taken up with the School Board. He does not believe that is what the Planning Commission is being tasked to do tonight. He appreciates the letter submitted into the record. It is his opinion that the Planning Commission should recommend this to the City Council for approval and move on with tonight's agenda.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended and directs staff to prepare a Commission Report per the staff report dated July 13, 2015, including Exhibits A through F.

Moved by: Commissioner Mansfield

Seconded by: Commissioner Pulver

Friendly amendment made by Commissioner Pulver: That the Commission report to the City Council reflect the updated Hull Road agreement.

Commissioner Culbertson stated that he represented a group last year when this was brought up with the School District and it was tabled then in direct opposition to the Hull Road property. There is language that he does not think he can be impartial about so he will abstain from the vote.

Roll Call Vote: Motion passed, 6-1-1, with Commissioner Fincher voting no and Commissioner Culbertson abstaining.

**50.2 SV-15-053** Consideration of a request for the vacation of an approximate 20 foot by 225-foot long strip of public right-of-way which is a portion of an alley running in a northwesterly to southeasterly direction perpendicular to the north side of 10th street between South Holly Street and South Ivy Street. (City of Medford, Greg McKown, Applicant; David Wilkerson, 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 street vacation criteria and gave a staff report.

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

Motion: The Planning Commission forwards a favorable recommendation to the City Council on application SV-15-053 per the staff report dated July 16, 2015, including Exhibits A through I, replacing Exhibit C with Exhibit C-1 and eliminating Exhibit A.

Moved by: Commissioner Foley

Seconded by: Commissioner McKechnie

Roll Call Vote: Motion passed, 8-0.

**50.3 CUP-14-128** Consideration of a request to remove a condition requiring public improvements on Berrydale Avenue related to the Conditional Use Permit to allow the construction of a replacement of Fire Station #4 on a 3.54 acre parcel located on the south side of Berrydale Avenue east of Table Rock Road within a MFR-20 (Multiple-Family Residential – 20 dwelling units per gross acre) zoning district. (City of Medford, Greg McKown, Applicant; David Wilkerson, Agent)

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

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

Kelly Akin, Principal Planner, read the conditional use permit criteria and gave a staff report.

Commissioner McKechnie asked if a portion of Berrydale that goes to the Railroad Park a private driveway and is that how staff is looking at it now? Ms. Akin replied yes that is how it functions under the non-conforming section.

The public hearing was opened.

a. David Wilkerson, ORW Architecture, 2950 East Barnett Road, Medford, Oregon, 97504. Mr. Wilkerson was available for questions.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and adopts the Final Order for approval of the revision to CUP-14-128 per the staff report dated July 16, 2015, including Exhibits A through H.

Moved by: Commissioner D'Alessandro

Seconded by: Commissioner Mansfield

Roll Call Vote: Motion passed, 8-0.

**50.4 LDS-15-055** Consideration of a request for tentative plat approval for Summerfield at South East Park Subdivision Phase 22, a 27 lot residential subdivision between Autumn Hills Drive and Waterstone Drive on approximately 10.50 acres. The request also includes a tentative plat for six reserve acreage tracts of Phases 16-21 of Summerfield at South East Park Subdivision, generally located south of Cherry Lane and north of Barnett Road within the SFR-4 & SFR-10/SE/RZ (Single Family Residential – 4 dwelling units per gross acre/Single Family Residential – 10 dwelling units per gross acre/Southeast Overlay/Restricted Zoning) zoning district. (Crystal Springs Development Group, A Joint Venture, Applicant; Neathamer Surveying, Inc., Agent)

Chair McFadden inquired whether any Commissioners have a conflict of interest or ex parte communication they would like to disclose. Commissioner Culbertson reported that he previously owned that orchard before it was sold. He has no financial interest in it.

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

Sarah Sousa, Planner IV, read the land division criteria and gave a staff report.

Commissioner McKechnie asked if an area dedicated to the City that wanders through Phases 19 and 20 a connection to the Lone Pine Creek path? Ms. Sousa reported it is a drainage easement.

Commissioner Pulver asked if the tentative plats for Phases 16-21 have been approved and the Planning Commission is approving additional platting? Ms. Sousa replied approving each phase.

The public hearing was opened.

a. Bob Neathamer, Neathamer Surveying, Inc., P. O. Box 1584, Medford, Oregon, 97501-0120. Mr. Neathamer stated that one of the applicant's representatives is in the audience this evening. The application before the Planning Commission is for another phase of Summerfield and new lots. It is surrounded by the existing approved tentative plat for Phases 16-21. The only new street is Silver Leaf Lane. Silver Leaf Lane was designed to protect large oak trees that have been there for a long time. There is a minimum access that comes off the cul-de-sac that serves lots 627 and 628. It will be developed with the standard width as Silver Leaf Lane.

b. Blair Moody, 4041 Crystal Springs Drive, Medford, Oregon, 97504. He wanted to know where he could get a copy of the plats. Chair McFadden stated they would be available through the Planning Department. Mr. Neathamer gave Mr. Moody a copy as he was returning to his seat in the audience.

The public hearing was closed.

Motion: The Planning Commission directs staff to prepare a Final Order for approval of LDS-15-055 per the staff report dated July 16, 2015, including Exhibits A through P.

Moved by: Commissioner McKechnie

Seconded by: Commissioner Pulver

Roll Call Vote: Motion passed, 8–0.

**50.5 PUD-03-124** Consideration of a revision to the required agricultural buffer plantings and timing of the installation of those plantings for East McAndrews Village at Vista Pointe PUD, located southwest of East McAndrews Road and opposite Vista Pointe Drive and Chablis Terrace on approximately 29 acres within the SFR-4/PD (Single Family Residential-4 units per acre/Planned Development Overlay) zoning district. (Silver Oak Ridge, LLC, Applicant; Randy Jones, Agent)

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

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

Kelly Akin, Principal Planner, read the planned unit development revision criteria and gave a staff report.

Chair McFadden asked if this was changing the numbers and placement but the materials are remaining? Ms. Akin replied that the species are changing.

The public hearing was opened.

a. Randy Jones, Mahar Homes, 815 Alder Creek Drive, Medford, Oregon, 97504. Mr. Jones stated this is a better plan. What is in the current Code a Leland Cyprus hedge planted approximately 8 feet apart on some different offsets that would grow into 40, 50, 60 foot tall solid hedge at completion. That is not necessary. The setbacks remain the same and the 50 foot bufferyard will be pleasing to look at.

Commissioner McKechnie asked Mr. Jones to walk-through the landscape pictures that were provided in the PowerPoint presentation. The neighbor commercial boundary of Phase 1 has buffer plantings of a mixture of plants and trees approved by the City and the neighbors. The entire frontage from East McAndrews to Greyson Heights Subdivision will have evergreen trees and deciduous plants. There will be color. It is pleasing yet a screening affect that will not appear as a solid wall of evergreen. It will be maintained by a homeowners association. There has been no negative feedback.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and adopts the Final Order approving the revision to PUD-03-124 per the staff report dated July 16, 2015, including Exhibits A through E.

Moved by: Commissioner McKechnie

Seconded by: Commissioner Fincher

Roll Call Vote: Motion passed, 8-0.

## 60. Reports

### 60.1 Site Plan and Architectural Commission.

Commissioner D'Alessandro reported that the Site Plan and Architectural Commission met on Friday, July 17, 2015. They heard Jimmy Johns on the west side of South Riverside Avenue. There was concern about the setbacks and the size of the lot. They also heard Steelhead Finance out by the airport. Both items moved forward.

### 60.2 Report of the Joint Transportation Subcommittee.

Commissioner D'Alessandro reported that the Joint Transportation Subcommittee met on Wednesday, July 22, 2015. It was the first time the Subcommittee met since 2013. John Adam, Senior Planner, with the Planning Department gave a brief perusal of the Transportation System Plan (TSP) and its need for revision and condensation in size for a more user friendly plan.

Mr. Adam also gave a quick update about the UGB overview.

There was also discussion regarding Medford School District 549C buildings for Hoover Elementary and some of the other schools and the concerns from residents of the traffic impacts and bike lanes. MPD has taken an active role in addressing those concerns through education and enforcement. They will attack it heavily in September and hopefully mitigate those issues.

Commissioner Pulver stated that he was not aware of the Joint Transportation Subcommittee meeting. Ms. Akin stated that the appropriate person would be notified of Commissioner D'Alessandro and Commissioner Pulver's contact information.

### 60.3 Planning Department

Kelly Akin, Principal Planner, welcomed Commissioner Culbertson to the Planning Commission.

The Planning Commissioners received their agenda packets for the Monday, July 27, 2015 study session. There will be two items for discussion: 1) Draft Marijuana ordinance that staff has been working on in the last couple of weeks; and 2) Temporary Portable Storage Container ordinance.

There is business scheduled for the Planning Commission meetings through August.

August is going to be very busy at the City Council level. They are scheduled to have their first hearing on the Urban Growth Boundary amendment on Thursday, August 6, 2015. They intend to have a meeting every week for the next four weeks.

The Planning Commission will be displaced on Thursday, August 13, 2015, for certain and possibly Thursday, August 27, 2015. The Thursday, August 13, 2015, Planning Commission meeting will be held in the Jackson County Courthouse Auditorium at 10 South Oakdale. The Planning Commission dinner will be in the Lausmann Annex Room 151.

The City Council had a study session today on the UGB in preparation for their upcoming hearing. On July 16, 2015, the City Council approved the GLUP amendment for the airport that the Planning Commission heard on Thursday, June 25, 2015.

Commissioner McKechnie stated that Ms. Akin did not mention the Downtown Design Guidelines.

Ms. Akin reported that staff had setup a subcommittee to work on Downtown Design Guidelines. The Committee members included Commissioner McKechnie along with representatives from the Site Plan and Architectural Commission, Landmarks and Historic Preservation Commission and two members from the public. In five meetings they submitted good standards. Staff will make their edits and get the final approval from the Committee members. It will come before the Planning Commission as part of the work that is going to be done with the downtown C-B overlay.

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

The meeting was adjourned at 7:30 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

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Terri L. Rozzana  
Recording Secretary

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David McFadden  
Planning Commission Chair

Approved: August 13, 2015



## STAFF REPORT

for a Class-A legislative decision: **Development Code Amendment**

Project      Spring Cleaning amendments, round two: Portable Storage Containers  
File no.      DCA-15-052  
To             Planning Commission *for 8/13/2015 hearing*  
From          John Adam, Senior Planner  
Date          August 6, 2015

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### BACKGROUND

#### Proposal

A legislative amendment to reinstate regulations governing Portable Storage Containers at 10.840(6) and to create an administrative review process (Exhibit A).

#### History

On July 3 the City Council approved the set of “Spring Cleaning” amendments that the Planning Commission had recommended in June with the exception of the final item in the list: outdoor portable storage containers. At least one Council member was of the opinion that the standards required administrative review—that is, review with notice to neighboring property owners and an opportunity to appeal the staff decision—because of the standards that require interpretation. Staff prepared a revision to the regulations and shared it with the Commission at the July 27 study session. At that meeting the Commission was not convinced that an administrative review was a necessary procedure for this permit. Accordingly, staff prepared a version of the amendment that contains only the reinstated portable storage container regulations with the subjective criteria stripped out (Exhibit B).

#### Authority

This proposed plan authorization is a Class-A legislative amendment of Chapter 10 of the Municipal Code. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to Chapter 10 under Medford Municipal Code §§10.102–122, 10.164, and 10.184.

## ANALYSIS

Medford Municipal Code §10.840(6), Portable Storage Containers, is a set of provisions that allows the temporary use of portable storage containers on private property in specified commercial and industrial zoning districts for the purpose of temporary seasonal storage of merchandise. It was originally adopted with a clause to sunset the provision on June 30, 2015 and the provisions are now defunct.

From a regulatory standpoint, staff found that processing applications and gaining compliance with the provisions were simple matters. However, the quasi-standards that said “containers should be screened from view” and “they should be of uniform color” were useless as regulations; staff suggests considering their exclusion from this revival of the portable storage container regulations. The requirement that containers “...must be in good condition with no visible damage, rust, or graffiti” would be difficult to enforce.

Whether or not the Commission recommends that the permit be ministerial (class E) or administrative (class D), staff would prefer forwarding the class-D procedure for approval. City staff have long recognized the need for this process, but the motivation to create it had not yet reached a critical point. A benefit to revisiting the shipping containers topic lies in the opportunity to create the class-D process. There are other permitting procedures that could take advantage of it, such as partitions or minor site plan review. Staff believes it would be a useful code amendment in either case.

## FINDINGS AND CONCLUSIONS

### Applicable criteria

Code amendment criteria are in Medford Municipal Code §10.184(2).

*Land Development Code Amendment. The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:*

- a. *Explanation of the public benefit of the amendment.*

### Findings

The benefactors of this provision are the stores that have layaway programs. It allows the temporary but annual utilization of shipping containers as storage buildings in parking lots.

### Conclusions

Inasmuch as it is a benefit to the public to allow stores to have inexpensive storage space for their layaway programs, the allowance is beneficial. The criterion is satisfied.

b. *The justification for the amendment with respect to the following [five] factors:*

1. *Conformity with applicable Statewide Planning Goals and Guidelines.*

Findings

Staff finds that we have an acknowledged comprehensive plan that implements the Goals. Conformity with the Comprehensive Plan is examined and established under criterion 10.184(2)(b)(2), following.

Conclusions

Based on conformity with the Comprehensive Plan, the amendment conforms with the Statewide Planning Goals and Guidelines.

2. *Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.*

Findings

No goals and policies were found to be relevant.

Conclusions

This criterion does not apply.

3. *Comments from applicable referral agencies regarding applicable statutes or regulations.*

Findings

The proposed code amendment was sent to referral agencies in April. No comments were received. The provisions for the portable storage containers have not changed appreciably since then.

Conclusions

Referral agencies have no objections. The criterion is satisfied.

4. *Public comments.*

Findings

The code amendment was posted on the City website on January 6, 2015, updating it subsequently as needed. No comments have been received from the public.

Conclusions

The Planning Department has not received any outside public comments on the proposal. The criterion is satisfied.

5. *Applicable governmental agreements.*

Findings

No governmental agreements apply to the proposed code amendment.

Conclusions

Criterion 10.184 (2)(b)(5) does not apply.

**RECOMMENDED ACTION**

Recommend approval to the City Council and direct staff to prepare a Commission Report to that effect based on the staff report dated August 6, 2015, including Exhibits A and C or Exhibits B and C.

**EXHIBITS**

- A Proposed amendment (Class D; with new administrative process added)
- B Proposed amendment (Class E; without administrative process)
- C Minutes from the July 27, 2015 Planning Commission study session

**PLANNING COMMISSION AGENDA:**

**AUGUST 13, 2015**

# Exhibit A

## Proposed amendment (Class D; with new administrative process added)

Deleted text is ~~struck through~~; added text is **bold**

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### [Part 1. Creating an administrative review process]

10.135 Planning Director Authority.

The Planning Director is hereby designated as the approving authority for **Class-D and Class-E plan authorizations**~~final plats, final PUD plans, minor historic review~~ and for the development permit. The Planning Director shall also be responsible for the administration and enforcement of this chapter.

\* \* \*

10.146 Referral Agencies, Distribution.

This Chapter employs the use of referral agencies for the review of those plan authorizations indicated below, as shown on the Schedule which follows:

- A. Major Comprehensive Plan Amendment
- B. Land Development Code Amendment
- C. Minor Comprehensive Plan Amendment
- D. Annexation, except as provided in Section 10.199
- E. Vacation
- F. Zone Change, Major and Minor
- G. Conditional Use Permit
- H. Exception
- I. Planned Unit Development
- J. Land Division
- K. Site Plan and Architectural Review
- L. Transportation Facility Development
- M. Historic Review
- N. Administrative (Class D) plan authorization**

Numerical references in the Schedule refer to the following:

1. When the proposal is within, abutting, or affecting the referral agency's jurisdiction.

2. When the proposal is within, or abutting the Airport Approach or Airport Radar Overlay ——— Districts.
3. When the proposal includes new buildings or building additions that are within the referral — agency’s jurisdiction.
4. When the proposal is within the Southeast Overlay District and in a Parks or Schools land use category on the Southeast Plan Map.
5. When the proposal is within or abutting a Greenway General Land Use Plan Map designation.

——— Referral agencies may be asked to review certain proposals not indicated on the Schedule if, in the judgment of the Planning Director, the agency may have an interest in the proposal. Additional referral agencies may be notified at the discretion of the Planning Director.

——— SCHEDULE OF REFERRAL AGENCY DISTRIBUTION

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
<b>CITY DEPTS.</b>														
Building Safety	x	x	x	x	x	x	x	x	x	x	x	-	x	x
City Attorney	x	x	x	x	x	x	x	x	x	x	x	x	x	
City Manager	x	x	x	x	-	-	-	-	-	-	-	-	-	-
Engineering Division	x	x	x	x	x	x	3	-	x	x	x	x	x	-
Fire	x	x	x	x	x	x	3	-	x	x	x	-	x	x
Parks & Recreation	x	x	x	x	x	x	3	-	x	x	x	-	x	-
Parks Director	4	4	4	4	4	4	4	4	4	4	4	4	4	-
Planning	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Police	x	-	x	x	x	x	-	-	x	x	x	-	x	x
Public Works	x	x	x	x	x	x	3	-	x	x	x	-	x	x
<b>AGENCIES</b>														
<b>AGENCY</b>														
Water Commission	x	x	x	x	x	x	3	-	x	x	x	x	x	-
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>	<b>I</b>	<b>J</b>	<b>K</b>	<b>L</b>	<b>M</b>	
<b>OTHER AGENCIES</b>														
Army Corps of Engineers	-	-	-	-	-	-	5	5	5	5	5	5	-	-
<b>LHPC*Landmarks &amp; Historic Preservation Commission</b>	1	1	1	-	1	1	1	1	1	1	1	1	-	-
Cable Television Co.	-	-	x	x	x	x	3	-	x	x	x	x	x	-
City of Central Point	1	1	1	1	1	1	1	1	1	1	1	1	-	-
City of Phoenix	1	1	1	1	1	1	1	1	1	1	1	1	-	-

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
<del>DLCD*Dept. of Land Conservation &amp; Development</del>	x	x	x	-	-	-	-	-	-	-	-	-	-	-
<del>DSL*—Dept. of State Lands</del>	-	-	-	-	-	-	5	5	5	5	5	5	-	-
<del>Garbage Company</del>	-	-	-	x	x	-	-	-	-	-	-	-	-	-
<del>Jackson Co. Health Dept</del>	-	-	-	x	-	-	-	-	-	x	-	-	-	-
<del>Jackson Co. Planning</del>	x	x	x	-	-	-	-	1	1	-	1	-	-	-
<del>MID*Medford Irrigation District</del>	1	-	1	1	1	-	3	-	1	1	-	-	-	-
<del>Natural Gas Company</del>	-	-	x	x	x	x	3	-	x	x	x	x	x	-
<del>ODFW*Oreg. Dept. of Fish &amp; Wildlife</del>	-	-	-	-	-	-	5	5	5	5	5	5	-	-
<del>ODOT*Oreg. Dept. of Transp.</del>	x	-	1	1	-	1	3	-	1	1	1	1	-	-
<del>Power Company</del>	-	-	x	x	x	x	3	-	x	x	x	x	x	-
<del>RRVID*Rogue River Valley Irrigation District</del>	1	-	1	1	1	-	3	-	1	1	-	-	-	-
<del>RV— Medford Airport* Airport*</del>	1	-	1	-	-	1	2	2	2	2	2	-	-	-
<del>RVS*Rogue Valley Sewer Svcs.</del>	1	-	1	1	1	1	3	-	1	1	1	-	1	-
<del>RVTD*Rogue Valley Transp. District</del>	x	-	1	1	1	x	3	-	1	1	x	x	x	-
<del>Medford 549C Schools Superintendent</del>	1	-	1	1	-	1	3	-	1	1	-	-	-	-
<del>Phoenix—Talent Schools Superintendent</del>	4	4	4	4	4	4	4	4	4	4	4	4	-	-
<del>Telephone Company</del>	1	-	1	1	-	1	3	-	1	1	-	-	-	-
<del>Telephone Company</del>	4	4	4	4	4	4	4	4	4	4	4	4	-	-
<del>Companyort*</del>	-	-	x	x	x	x	3	-	x	x	x	x	x	-
<del>U. S. Post Office</del>	-	-	-	-	-	-	-	-	x	x	x	x	x	-
<del>Urban Renewal Agency</del>	-	-	1	-	1	1	1	1	1	1	1	1	1	-
<del>Water Districts</del>	1	-	1	1	-	1	-	-	1	1	-	-	-	-

**\*Acronyms:**

~~DLCD — Department of Land Conservation and Development (Oregon)~~

~~DSL — Department of State Lands (Oregon)~~

~~LHPC — Landmarks and Historic Preservation Commission~~

~~MID — Medford Irrigation District~~

~~ODFW — Oregon Department of Fish and Wildlife~~

~~ODOT — Oregon Department of Transportation~~

~~RRVID — Rogue River Valley Irrigation District~~

~~RV— Medford Airport— Rogue Valley International Medford Airport~~

~~RVS — Rogue Valley Sewer Services~~

~~RVTD — Rogue Valley Transportation District~~

10.155 Due Process.

**A.** In addition to the application review requirements of Section 10.175, Application Review Procedure, there are eight ~~(8)~~ basic due process elements applicable to Class-~~"A"~~, Class-~~"B"~~, and Class-~~"C"~~ procedural classifications. The due process requirements are:

- (1) Notification
- (2) Disclosure
- (3) Conflict of Interest
- (4) Hearing
- (5) Cross-Examination
- (6) Action and Decision Time
- (7) Findings
- (8) Record

**B. Due process for Class-D plan authorizations includes requirements 1, 2, 6, 7, and 8 of the preceding list, in addition to the application review requirements of Section 10.175, Application Review Procedure.**

10.156 Notification, General.

The notice provided shall:

- (1) Explain the nature of the application and the proposed use or uses which could be authorized;
- (2) List the applicable criteria from the Code and the Comprehensive Plan that apply to the application at issue;
- (3) Set forth the street address or other easily understood geographical reference to the subject property;
- (4) State the date, time and location of the hearing; **or, for class-D, state the date the decision will be rendered;**
- (5) State that failure to raise an issue in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue;
- (6) Include the name of a local government representative to contact and the telephone number where additional information may be obtained;

(7) State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;

(8) State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; **or, for class-D, state that a copy of the staff report will be available for inspection at no cost on the day the decision is rendered;** and

(9) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

10.157 Notification, Publication and On-Site Posting.

(1) Publication. Unless otherwise indicated notification of all proposed actions shall be published in a newspaper of general circulation prior to the scheduled meeting date before the approving authority. The schedule of publication for each type plan authorization shall be as follows:

Plan Authorization Classification	Specific Type	Publication Schedule
"A"	{All}	<b>No later than Ten (10)</b> days prior to the scheduled meeting date before the advisory agency. <b>No later than Ten (10)</b> days prior to the scheduled public hearing date before the approving authority.
"B"	{Annexation}	Once each week for two <del>(2)</del> successive weeks prior to the day of the hearing before the approving authority. Notice shall also be posted in four <del>(4)</del> public places in the city for a like period.

Plan Authorization Classification	Specific Type	Publication Schedule
"B"	<del>{Vacations}</del>	Once a week for two <del>(2)</del> consecutive weeks prior to the date of the hearing before the approving authority. Within five <del>(5)</del> days after publication of the first notice, the City Recorder shall cause to be posted at or near each end of the proposed vacation a copy of the notice which shall be headed "Notice of Street Vacation", "Notice of Plat Vacation" or "Notice of Plat and Street Vacation" as the case may be; the notice shall be posted in at least two <del>(2)</del> conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be not less than 14 days before the hearing.
"B"	{Minor Comp. Plan Amendments [quasi-judicial], <del>-transportation</del> <b>Transportation</b> facility development}	Shall be published in a newspaper of <del>_____</del> general circulation no later than <del>ten</del> <del>_____</del> <del>(10)</del> days prior to the scheduled meeting date before the approving authority.
"C"	{Zone changes, <del>preliminary</del> <b>Preliminary</b> PUD plans, <del>conditional</del> <b>Conditional</b> use permits, <del>exceptions</del> <b>Exceptions,</b> <b>Land divisions</b>	Shall be published in a newspaper of general circulation no later than <del>ten</del> <del>(10)</del> days prior to the scheduled meeting date before the approving authority.
"C"	{Site plan and architectural review, <del>land divisions and</del> <del>historic</del> <b>Historic</b> review}	Shall be posted in a public place no <del>_____</del> later than five <del>(5)</del> days prior to the <del>_____</del> scheduled meeting date before the approving <del>_____</del> authority.
<b>D</b>		<b>None</b>

(2) On-Site Posting. ~~The applicant shall post public~~ **Public** notice signs **shall be posted** on the project site for any proposed Class "B", ~~or "C", or "D"~~ land use action ~~(except vacations and annexations where the City shall post the public notice signs)~~ according to the following:

(a) Type and contents of sign.— Notice signs ~~(18 inch x 24 inch), available from the City of Medford Planning Department at the time of application shall be used to post the subject property. It shall be the applicant's responsibility to obtain the appropriate number of signs prior to the beginning of the required posting schedule. The applicant shall also be responsible for writing legibly on the sign in indelible ink,~~ **shall include** the description of the proposed land use action, the date of the public hearing, and the City of Medford file number for the proposed land use action.

(b) Location and number of signs.— A posted notice sign must be placed on each existing street frontage of the project site. If a frontage is over 600 feet long, a notice sign is required for each 600 feet, or fraction thereof. Notice signs must be posted within ~~ten (10)~~ feet of a street lot line and must be visible to pedestrians and motorists. Notice signs may not be posted in a public right-of-way, unless the land use action specifically pertains to a public right-of-way. If posting must occur in the right-of-way, care should be taken to comply with Section 10.735, Clear View of Intersecting Streets.

(c) Sign posting schedule.— ~~It shall be the applicant's responsibility to post the~~ **The** required sign(s) **shall be posted not later than** 21 days prior to ~~the first~~ **each** public hearing date **of each body that hears the application.** ~~, assure that the signs remain posted until the final decision has been made by the approving authority, and~~ **Posted signs may not be** removed ~~the posted signs within earlier than~~ **ten (10)** days following the final decision.

~~(d) Signed statement required with application — Each application for a land use action which requires posting of the subject property shall be accompanied by a statement to be signed by the applicant. The statement shall indicate that the applicant is aware of the posting requirements, agrees to be responsible for posting the property as required by this section, and agrees to the consequences of failing to post the property as required.~~

————(e) Consequences of failing to post the property as required.— Failure to post the signs as required by this section is a violation of the Medford ~~Land Development~~ **Municipal** Code.

#### 10.158 Notification, Affected Property Owners.

Notification shall be mailed to the applicant and all affected property owners no later than ~~twenty (20)~~ days prior to the scheduled meeting date before the approving authority. All addresses for mailed notices shall be obtained from the latest property tax rolls of the Jackson County Assessor's office. Affected property owners for each type of plan authorization shall be determined as follows:

Plan Authorization Classification	Specific Types	Affected Property Owners
"A"		Generally not applicable to a legislative action unless it meets ORS 227.186 criteria ( <i>i.e.</i> , the change effectively rezones property.)
"B" ( <del>"Vacations"</del> )	Vacations	All property owners within the area of a plat vacation or all abutting property and all attached real property within 200 feet laterally and 400 feet beyond the terminus of each right-of-way to be vacated.
"B" ( <del>Annexations, Minor Comp. Plan Amendments (quasi-judicial), Transportation Facility Development</del> )	Annexations, Minor Comp. Plan Amendments (quasi-judicial), Transportation Facility Development	All owners of property within the project <b>boundaries</b> plus all property owners within 200 feet of the project boundaries.
"C" ( <del>Zone Changes, Conditional Use Permits, Exceptions, Site Plan and Architectural Review, Land Divisions and Historic Review</del> )	Zone Changes, Conditional Use Permits, Exceptions, Site Plan and Architectural Review, Land Divisions, Historic Review	All owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries.
"C" ( <del>Preliminary PUD Plans</del> )	Preliminary PUD Plans	All owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries. The owners of no less than <del>75</del> <b>seventy-five</b> tax lots shall be notified. If <del>75</del> <b>seventy-five</b> tax lots are not located within 200 feet of the exterior boundary of the PUD, the notification area shall be extended by successive <del>fifty</del> <b>50-50</b> -foot increments, until <del>a</del> <b>the</b> minimum <del>of 75 tax number of</del> lots are included in the notification area. Owners of all tax lots within the extended notification area shall receive notice; <del>therefore, noticing of more than 75 tax lots may be required.</del>
D		<b>All owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries.</b>

\* \* \*

10.163 Action and Decision Time.

Action on all plan authorizations shall be taken within the time herein prescribed. For all ~~Class "A", Class "B" and Class "C",~~ **authorizations** the Planning Department shall, within five ~~(5)~~ working days of the decision date, provide written notification to the applicant and all persons who testify orally or in writing on the plan authorization. The notice shall indicate the date that the decision will take effect, the approval's expiration date, and the final date for appeal.

\* \* \*

10.166 Class "C", Action and Decision Time.

The approving authority shall take final action within ~~one hundred twenty (120)~~ days after the application is deemed complete and shall at that time approve, approve with conditions, or deny the request. The decision of the approving authority (Planning Commission, Site Plan and Architectural Commission, or Landmarks and Historic Preservation Commission) shall be based upon the application, the evidence, comments from the referral agencies, and compliance with this chapter and the Comprehensive Plan.

An applicant may make a written request to extend the 120-day period for a specified period of time. In no case may the total extensions exceed 245 days.

~~All applications that have been accepted, or deemed complete, by the City prior to the effective date of this provision, shall be subject to this provision as of the effective date. The applicant shall be entitled to request extensions to the 120-day period; such extensions may not exceed a total of 245 days from the effective date of this section.~~

10.167 **Class "D", Action and Decision Time** ~~{Repealed, Sec. 51, Ord. No. 7659, June 2, 1994.}~~

**The approving authority shall take final action within 120 days after the application is deemed complete and shall at that time approve, approve with conditions, or deny the request. The decision of the approving authority shall be based upon the application, the evidence, written comments, and compliance with this chapter.**

**An applicant may make a written request to extend the 120-day period for a specified period of time. In no case may the total extensions exceed 245 days.**

\* \* \*

## [Part 2. Portable storage containers]

10.840 Temporary Uses and Structures

\* \* \*

D. Types of Temporary Uses and/or Temporary Structures

\* \* \*

### (6) Portable Storage Containers

#### (a) Applicability

1. **A temporary Portable Storage Container permit is a Class-D plan authorization (10.102 et seq.) and is required for placement of any portable storage container, except for the following:**
  - i. **Truck trailers parked on a street for 24 hours or less;**
  - ii. **Portable storage containers that will remain on a property for no more than five days;**
  - iii. **Portable storage containers that have been approved as a permanent portion of an approved site plan; and**
  - iv. **Portable storage containers used for primary use businesses in the following Standard Industrial Classification (SIC) groupings: 15, 16, 17, 40 and 42 (see Section 10.337).**
2. **When a temporary Portable Storage Container permit is required, placement of portable storage containers, as defined herein and as a temporary use, is permitted only on private property in C-R, C-H, I-L, I-G and I-H zoning districts.**
3. **Portable storage containers shall not be placed within the public right-of-way, except as permitted in Chapter 6 of this Code.**
4. **Temporary Portable Storage Container permits will only be issued for the use of temporary portable storage containers as a periodic, intermittent, or recurring use accessory to a permitted primary use.**

**(b) Location Standards**

- 1. In no case shall storage containers be located in required yards, landscape areas, open space, retention basins, drive aisles, required parking spaces and loading areas, or fire lanes, or any other location that may cause hazardous conditions, constitute a threat to public safety, or unreasonably interfere with the use and enjoyment of neighboring property.**
- 2. Portable storage containers shall be placed outside of required setback areas and shall be placed a minimum of 10 feet from all property lines.**
- 3. The placement of portable storage containers shall comply with Section 9.520, Conditions for Temporary Structures, with the exception that only one 30-day extension shall be available.**
- 4. Portable storage containers shall be placed on a surface consistent with Section 9.550, Parking Lot Specifications.**
- 5. Whenever possible portable storage containers should be screened from view from public rights-of-way and neighboring properties by placing the containers out of view behind existing structures, landscaping, walls, or fencing.**
- 6. Portable storage containers must be in good condition with no visible damage, rust, or graffiti.**
- 7. Applicants are encouraged to acquire portable storage containers of similar color to existing structures on the property and of similar color to each other.**

**(c) Time and Number Limitations**

- 1. A maximum of one temporary Portable Storage Container permit may be issued per individual primary use during any 12-month period. A temporary Portable Storage permit shall allow for the placement of portable storage containers for a period of no more than 90 days. One 30-day extension may be granted subject to Section 9.520.**
- 2. A maximum of 20 storage containers shall be allowed for an individual primary use.**

**(d) Permit Process**

- 1. To obtain a temporary Portable Storage Container permit, an application must be filed with the Planning Department. The application shall include the appropriate filing fee and the information required on the form.**
- 2. Permit applications are subject to the routing and notification procedures for Class-D plan authorizations. The approving authority shall base its decision on the application's compliance with the standards under (6)(b) and (6)(c), above, which constitute the criteria for decision making.**
- 3. In the event of a denial, the applicant may resubmit one time without having to pay another application fee. However, the decision time prescribed in 10.167 will reset to the starting point.**

# Exhibit B

## Proposed amendment (Class E; without adding an administrative process)

Deleted text is ~~struck through~~; added text is **bold**

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### [Part 1. Portable storage containers]

10.840 Temporary Uses and Structures

\* \* \*

D. Types of Temporary Uses and/or Temporary Structures

\* \* \*

### **(6) Portable Storage Containers**

#### **(a) Applicability**

- 1. A temporary Portable Storage Container permit is a Class-E plan authorization, and is required for placement of any portable storage container, except for the following:**
  - i. Truck trailers parked on a street for 24 hours or less;**
  - ii. Portable storage containers that will remain on a property for no more than five days;**
  - iii. Portable storage containers that have been approved as a permanent portion of an approved site plan; and**
  - iv. Portable storage containers used for primary use businesses in the following Standard Industrial Classification (SIC) groupings: 15, 16, 17, 40 and 42 (see Section 10.337).**
- 2. When a temporary Portable Storage Container permit is required, placement of portable storage containers, as defined herein and as a temporary use, is permitted only on private property in C-R, C-H, I-L, I-G and I-H zoning districts.**

3. **Portable storage containers shall not be placed within the public right-of-way, except as permitted in Chapter 6 of this Code.**
4. **Temporary Portable Storage Container permits will only be issued for the use of temporary portable storage containers as a periodic, intermittent, or recurring use accessory to a permitted primary use.**

**(b) Location Standards**

1. **In no case shall storage containers be located in required yards, landscape areas, open space, retention basins, drive aisles, required parking spaces and loading areas, or fire lanes.**
2. **Portable storage containers shall be placed outside of required setback areas and shall be placed a minimum of 10 feet from all property lines.**
3. **The placement of portable storage containers shall comply with Section 9.520, Conditions for Temporary Structures, with the exception that only one 30-day extension shall be available.**
4. **Portable storage containers shall be placed on a surface consistent with Section 9.550, Parking Lot Specifications.**
5. **Applicants are encouraged to screen portable storage containers from view from public rights-of-way and neighboring properties by placing the containers out of view behind existing structures, landscaping, walls, or fencing.**
6. **Applicants are encouraged to obtain portable storage containers in good condition with no visible damage, rust, or graffiti.**
7. **Applicants are encouraged to acquire portable storage containers of similar color to existing structures on the property and of similar color to each other.**

**(c) Time and Number Limitations**

1. **A maximum of one temporary Portable Storage Container permit may be issued per individual primary use during any 12-month period. A temporary Portable Storage permit shall allow for the placement of portable storage containers for a period of no more than 90 days. One 30-day extension may be granted subject to Section 9.520.**
2. **A maximum of 20 storage containers shall be allowed for an individual primary use.**

**(d) Permit Process**

- 1. To obtain a temporary Portable Storage Container permit, an application must be filed with the Planning Department. The application shall include the appropriate filing fee and the information required on the form.**
- 2. Permit applications are routed to appropriate municipal departments for comment. Departments may include, but are not limited to, Fire, Police, Building Safety, and Public Works.**
- 3. Within 30 days of filing a complete application, the permit application will be approved or denied. The approving authority shall base its decision on the application's compliance with the standards under (6)(b) and (6)(c), above, which constitute the criteria for decision making.**
- 4. In the event of a denial, the applicant may resubmit one time without having to pay another application fee.**

## Exhibit C

### Minutes, PC study session, 27 July 2015 [excerpt]

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#### 1. DCA-15-051 Portable Storage Containers

Jim Huber, Planning Director reported that the portable storage container ordinance had sunsetted and the City Council initiated another amendment to bring it back to them. This is on a short time frame.

John Adam, Senior Planner, stated that businesses use the portable storage containers for layaway items. This initially came as a request from Wal-Mart.

The City Council would like this to be an administrative process. They would like to have neighboring property owners notified and the decision signed off by the Planning Director. It is appealable to the Planning Commission depending on the recommendation. A Class-D process will need to be adopted for this process.

In order to make a decision on the portable storage containers the Planning Director has to make findings. The one that was inherited from the old version of the portable storage containers is (b)(1) Location Standards it states "...constitutes a threat to public safety, or create a condition detrimental to surrounding land uses and development." This last sentence is not clear and objective. Any guidance from the Planning Commission will be helpful with this item. It will have to be a defensible finding by the Planning Director.

Commissioner Mansfield suggested instead of "detrimental" it could read "it unreasonably interferes with the use and enjoyment of neighboring properties." It is his opinion that the courts would uphold that because it is enough standard. Kevin McConnell, Deputy City Attorney, stated that he would have to look into that.

Commissioner Pulver asked this was a temporary permit? Mr. Adam replied yes. It is good for one 90-day period in a given year and one 30-day extension.

Mr. Huber commented that this is the same ordinance that sunset with the addition of the notice procedures requested by the City Council. Property owners are notified when the application is filed, the Planning Director makes the decision and then property owners are notified of the decision. It gives people appeal rights if they do not like the decision.

Commissioner Fincher asked if there were any problems last year? Mr. Adam reported that there were no complaints submitted.

Commissioner McKechnie asked if the notice goes to the Building, Fire, Planning, Police and Public Works Departments? Mr. Adam stated yes and to neighboring properties within 200 feet.

Commissioner McKechnie asked if they submit an application do they have to provide a basis for the decision? Mr. Huber replied yes. They would submit a site plan.

Commissioner McKechnie asked if they have to list the applicable criteria from the Code? Mr. Huber reported that staff did not require that last year and they are contemplating it for this year. Mr. Adam stated that staff mails out a notice stating the criteria to neighbors requesting their comments.

Commissioner McKechnie stated that is a lot of work compared to last year. Do they have to have all this work to maintain defensibility and appeal rights of the neighbors? Mr. Adam reported that this was driven by the desire of at least one member of the City Council.

Commissioner McKechnie reported that he has noticed that staff gets themselves boxed into a corner with a lot of these simple processes that make it complex for themselves and everyone else. He is seeing one more of those happen here. In his line of work simple is good. It is his opinion that staff is making things way more complicated than they need to be and staff's mantra seems to be simple is not good. His suggestion is that if it has to be a new process, maybe rather than honing on one that already exists, make it simpler.

Commissioner Pulver asked if City Councils request was an approval and appeal process?

Commissioner Foley asked if there was a way to keep the approval process in place without adding these complicated steps or not? Mr. Adam reported that he did not know in terms of timing. When noticing, there has to be a certain amount of time for responses. The City Council wanted a process in which the surrounding properties had a right to appeal. The fact of routing it to other agencies for their comments is for safety of the proposal.

Commissioner Foley asked if only a publication would meet the requirement of notification without having to go to all the property owners within 200 feet?

Commissioner Mansfield stated that Commissioner McKechnie has convinced him that they need to strive for more simplicity and work less time. Apparently, only one Council member wants to make it more complex. It is his opinion that the Planning Commission should send a recommendation that they do not want to make it more complex. If the majority of the City Council comes back and wants it more complex, then so be it.

Mr. Huber reported that the City Council member's logic was that the location standards were not clear and objective. They require judgment or discretion on the Director's part that puts it in the realm of a land use decision. That triggers the noticing. If they want to get away from that and still be true to administrative or ministerial decisions then Section 1(b)(5)(6) and (7) could be eliminated. Those are vague and require discretion or subjectivity.

Commissioner McKechnie commented that if it is over-the-counter then Section 1(b)(5), (6), and (7) are not a big deal. Mr. Huber stated that if it is over-the-counter then Section 1(b)(5), (6), and (7) is a big deal because they are subjective which puts it in the land use decision.

Commissioner McKechnie suggested that maybe this deserves a Class-E notification standard.

Mr. Adam asked if the complexity of this was the process, recommending there is nothing wrong with the process, or it should be over the counter and why go through all this trouble for no purpose?

Commissioner McKechnie stated that he understands the logic of making it appealable. This is a simple temporary deal. It does not need to be that complicated. Add another process that has two items on it rather than going through all this. Give it the amount of review that the project is actually worth.

Mr. Huber summarized Commissioner McKechnie's comments. Eliminate Section 1(5)(6) and (7) and make it a Class-E. Staff could argue that Section 1 (1)(2)(3) and (4) are clear and objective and as a Class-E there is no requirement to notify. Commissioner McKechnie agreed.

Mr. Huber reported staff has statutory requirements of what goes into notices. It is easy to say it is too complex, make it simple. Staff has to comply with the law and a lot of these are driven by statutes. It has to have time, place, contact, criteria their rights, etc. Notices provide a lot of information prescribed by law.

Commissioner Foley reported that given the temporary nature of this, it seems simple is better because it is 120 days a year maximum, for a particular site. Mr. Huber commented that it is temporary but it is recurring. Wal-Mart wants the temporary portable storage containers from October through the end of December.

Mr. Adam stated that staff had clear direction from at least one member of the City Council that he would like to see this as a Class-D. Staff can move forward with the recommendation from the Planning Commission that they do not think they need to bother with this. This will come before the Planning Commission on Thursday, August 13, 2015.

Mr. McConnell reported that his understanding of what the Council member understood was based on the criteria and that the former Code provision was a limited land use decision. That is why he wanted to see the noticing requirement. He does not think the Council member had a problem with it being ministerial.



# Planning Department

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

## STAFF REPORT

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

Project      Buntin Partition  
 Applicant: Terry Buntin Et. Al.; Agent: Richard Stevens & Associates, Inc.

File no.      LDP-15-080

To              Planning Commission *for 08/13/2015 hearing*

From          Jennifer Jones, Planner

Reviewer     Kelly Akin, Principal Planner *KA*

Date          July 31, 2015

---

### BACKGROUND

#### Proposal

Land partition to create two parcels from a 4.74 acre lot located at 2000 Crater Lake Avenue, on the east side of Crater Lake Avenue, between Roberts Road and Brookhurst Street, within the MFR-20 (Multiple-Family Residential – 20 dwelling units per gross acre) zoning district.

#### Subject Site Characteristics

Zoning	MFR-20
GLUP	UH              Urban High Density Residential
Use	Existing Church

#### Surrounding Site Characteristics

North	MFR-20	Multi-Family Residential
South	MFR-20	Church
East	MFR-20	Girl Scout Facility
West	SFR-4	Single Family Homes

#### Related Projects

AC-15-087    Multi-Family Residential Development

### 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 First Church of God, Medford Oregon as the owner of the subject property. As per the State of Oregon Business Registry, R. Petersen is listed as the registered agent.

## ISSUES AND ANALYSIS

### Project Summary

The subject site is partially developed with a church operating on the western portion of the site, fronting Crater Lake Avenue. The internal, undeveloped parcel was improperly created by deed. This application seeks to formally partition the land in order to correct the error and create two legal and conforming parcels.

### *Proposed Parcels*

This partition includes the creation of two parcels. Parcel 1, approximately 1.91 acres in size, is positioned along Crater Lake Avenue and includes the existing church building. A 40-foot easement currently exists along the southern boundary of the parcel but is unused. There is no proposal to utilize the southern easement but it is proposed to remain on the plat should it be needed for future development opportunities.

Parcel 2, approximately 2.48 acres in size, is a flag lot with 40-feet of frontage on Crater Lake Avenue and the majority of the land area located east of Parcel 1. The 40-foot wide "pole" portion of the flag lot is an ingress-egress and utility easement. Parcel 2 is proposed to be developed with a multi-family apartment project through a separate application.

### *Lot Standards*

The lots in this partition are zoned MFR-20, Multiple-Family Residential – 20 dwelling units per gross acre. The site development standards for MFR-20 lots are outlined in MLDC §10.714. The minimum lot area for MFR-20 lots is 8,000 square feet. Parcel 1 is proposed to be approximately 83,200 square feet and Parcel 2 is proposed to be 108,029 square feet. Both parcels meet the minimum size requirement. In addition, both proposed parcels meet the frontage requirement of 30-feet, as well as the lot width and lot depth specifications. 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.

### *Flag Lot*

Flag lots are regulated through MLDC §10.450. Consistent with §10.450(1), this flag lot shall be permitted due to existing development on adjacent lands. Proposed Parcel 2 would otherwise be land locked and therefore undevelopable, as there is development surrounding on all sides. All flag lot standards in §10.450(3) are met with this proposal.

### *Right-of-Way Dedication*

Crater Lake Avenue is classified as a major arterial street, which requires a total right-of-way width of 100-feet per MLDC §10.428. In order to meet this street standard, a right-of-way dedication of 10-feet is required. This dedication runs along the entire frontage

of both parcels and is illustrated on Exhibit B. In addition, a 10-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 will be provided via the shared access easement to the north. This has historically been the location of access for both the church as well as some residences to the north on adjacent property. Access will continue to be provided for all users, as well as for future development on Parcel 2. Details of the design and exact access points to the church and to the residences will be included in the development application for Parcel 2. This access easement meets or exceeds all Code requirements.

No other issues were identified by staff.

#### **FINDINGS AND CONCLUSIONS**

Staff has reviewed the applicant's findings and conclusions (Exhibit C) 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-15-080 per the staff report dated July 31, 2015, including Exhibits A through G.

#### **EXHIBITS**

- A Conditions of Approval, dated July 31, 2015
- B Tentative Partition Plat, received June 03, 2015
- C Applicant's Findings of Fact, received June 03, 2015
- D Building Department Memo, received July 22, 2015
- E Fire Department Report, received July 22, 2015
- F Medford Water Commission Memo, received July 24, 2015
- G Public Works Report, received July 22, 2015  
Vicinity Map

**PLANNING COMMISSION AGENDA:**

**AUGUST 13, 2015**

## **EXHIBIT A**

**Buntin Partition  
LDP-15-080  
Conditions of Approval  
July 31, 2015**

### **CODE REQUIREMENTS**

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

1. Comply with the Medford Water Commission Memo received July 24, 2015 (Exhibit F).
2. Comply with the Public Works Report received July 22, 2015 (Exhibit G).

**OWNER/APPLICANT:**

TERRY & DIANE BUNTIN, ET. AL.  
572 PARSONS DRIVE  
MEDFORD, OR 97501  
(541) 776-0032

**AGENT:**

RICHARD STEVENS & ASSOC.  
100 E. MAIN, STREET, SUITE 0  
MEDFORD, OR. 97504  
(541) 773-2646

**OWNER:**

FIRST CHURCH OF GOD MEDFORD ORE.  
2000 CRATER LAKE AVENUE  
MEDFORD, OR. 97504  
(541) 773-5577

**SURVEYOR:**

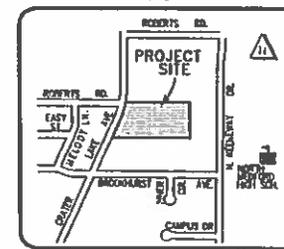
HOFFBUHR & ASSOCIATES, INC.  
880 GOLF VIEW DR., SUITE 201  
MEDFORD, OR. 97504  
(541) 779-4641  
MAY 26, 2015

# LAND PARTITION TENTATIVE PLAT

**LOCATED IN:**

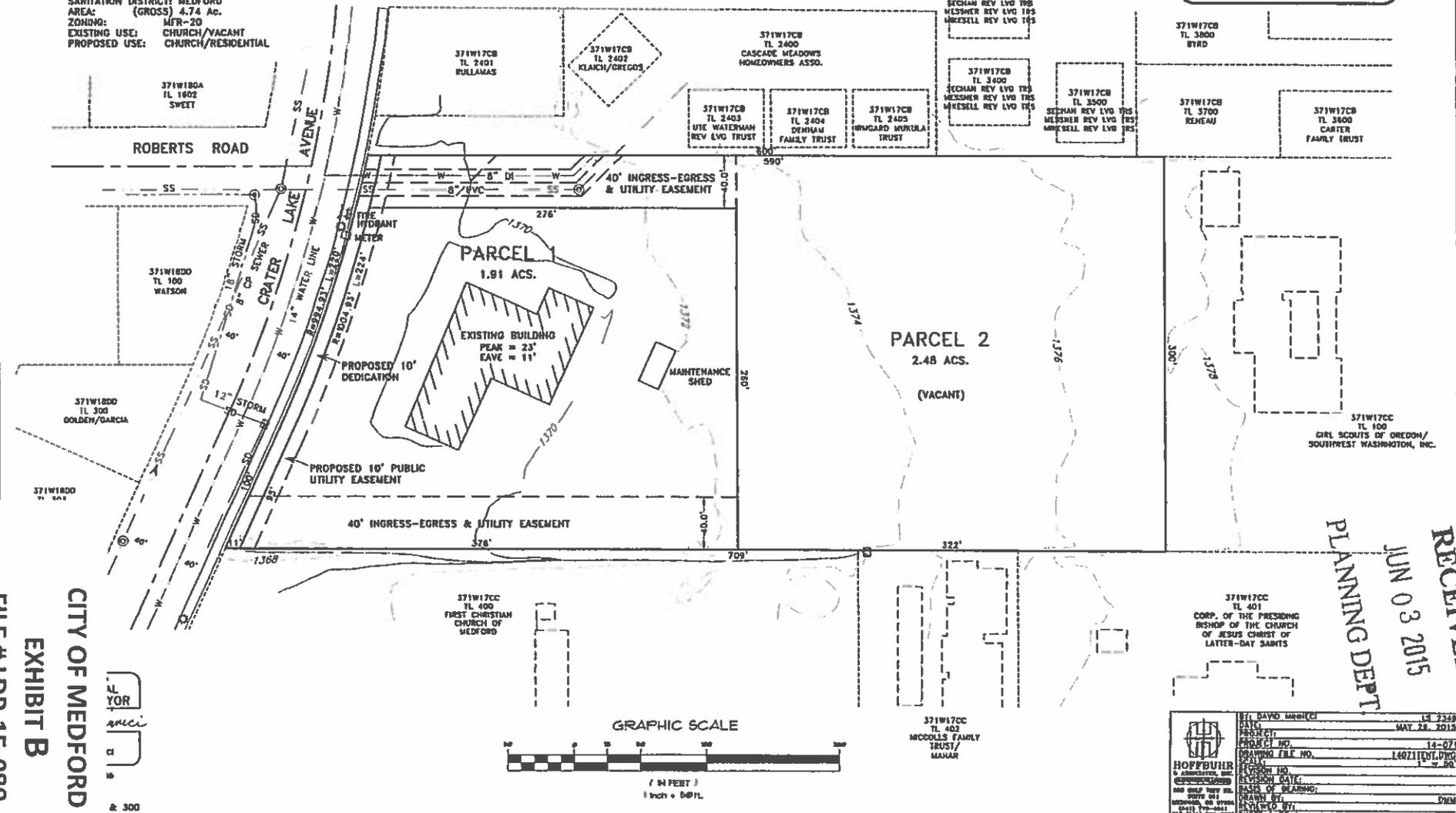
THE SW 1/4 OF SECTION 17 (17CC)  
IN T.37S., R1W., W.M.,  
IN THE CITY OF MEDFORD,  
JACKSON COUNTY, OREGON  
TAXLOTS 200 & 300

**VICINITY MAP**



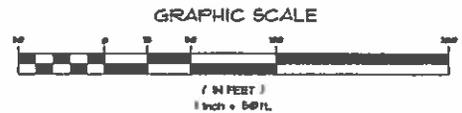
SCHOOL DISTRICT: 549C  
IRRIGATION DISTRICT: MID  
SANITATION DISTRICT: MEDFORD  
AREA: (GROSS) 4.74 Ac.  
ZONING: MFR-20  
EXISTING USE: CHURCH/VACANT  
PROPOSED USE: CHURCH/RESIDENTIAL

Page 60



CITY OF MEDFORD  
EXHIBIT B  
FILE # LDP-15-080

RECEIVED  
JUN 03 2015  
PLANNING DEPT.



BY DAYVON MARRICK	18 2359
DATE	MAY 28, 2015
PROJECT	
PROJECT NO.	14-071
DRAWING FILE NO.	140210T.DWG
SHEET NO.	1 OF 50
HOFFBUHR & ASSOCIATES, INC.	
REGISTERED PROFESSIONAL ENGINEER	
NO. 00000000	
EXPIRES 12/31/2015	
STATE OF OREGON	
PLAT NO.	5715
DATE OF PLAT	
PREPARED BY	
CHECKED BY	

RECEIVED

JUN 03 2015

PLANNING DEPT.

BEFORE THE PLANNING COMMISSION  
CITY OF MEDFORD, OREGON

IN THE MATTER OF AN APPLICATION )  
FOR A TENTATIVE PLAT FOR A TWO LOT )  
PARTITION; DESCRIBED AS MAP #T.37S- )  
R.1W-SEC. 17CC, TAX LOTS 200 & 300; )  
FIRST CHURCH OF GOD & TERRY BUNTIN, )  
OWNERS/APPLICANTS; RICHARD )  
STEVENS & ASSOCIATES, INC. AGENTS. )

FINDINGS OF FACT

I. BACKGROUND INFORMATION:

Property Owner: First Church of God, Medford OR  
2000 Crater Lake Ave.  
Medford, OR 97504

Applicants: Terry & Diane Buntin, ET. AL.  
572 Parsons Drive  
Medford, OR 97501

Surveyor: Hoffbuhr & Associates, Inc.  
880 Golf View Drive  
Medford, OR 97504  
(541) 779-4641

Agent: Richard Stevens & Associates, Inc.  
PO Box 4368  
Medford, OR 97501  
(541) 773-2646

Property Description: T.37S-R.1W-Section 17CC,  
Tax Lots 200 & 300

Comp. Plan: Urban High Density Residential

Zoning: MFR-20

Acreage: 4.74 gross acres

Proposed Lots: Parcel 1 = 1.91 net acres  
Parcel 2 = 2.48 net acres

CITY OF MEDFORD  
EXHIBIT C  
FILE # LDP-15-080

## II. PROPOSED DEVELOPMENT

The development proposal is for a Partition to create 2 new parcels for the development of vacant land on Tax Lot 200. These tax lots were improperly created by deed, without formal review and approval by the City of Medford for future development; therefore, this application is to correct the previous action. The proposed development on Parcel 2 is for a multiple family attached dwelling units, used as apartments. The existing uses on Parcel 1 will remain for church purposes, which is an allowed use within the MFR-20 zoning district. The Tentative Plat Map submitted with this application provides the information needed to meet the requirements of Section 10.267, MLDC, consistent with Section 10.714.

There are no new public streets proposed through the properties. Crater Lake Avenue is currently the street serving the subject site. Future redevelopment to the south or east may provide connectivity for vehicular and pedestrian access onto existing public streets, Keene Way and Brookhurst Street. The sewer and storm drains are also designed to Medford specifications. There are no structures existing on Parcel 2.

The intent for development is to begin construction of the infrastructure to Parcel 1 in the fall/winter of 2015 and housing construction to begin in the spring of 2016.

## III. FINDINGS OF FACT

Section 10.270, MLDC, establishes the approval criteria for land divisions. The following findings address each subsection of Section 10.270, MLDC.

**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.*

### **FINDING.**

The property is designated on the Medford Comprehensive Plan as Urban High Density Residential (UH). The zoning on the subject property is MFR-20, which is consistent with the General Land Use Plan map designation. The design of the new parcels has been developed generally along the existing tax lot boundaries, Tax Lots 200 and 300.

Primary access to Parcel 1 and Parcel 2 will be from Crater Lake Avenue. In addition, the subject site also provides access for an additional multiple family development to the north, Cascade Meadows.

Crater Lake Avenue currently exists as an arterial street and there are no other streets abutting the subject site to provide access. There is also a 10 foot street dedication proposed with this application to meet the arterial street standards for Crater Lake Avenue. Currently, the property is in compliance with the arterial street landscaping, no additional landscaping is warranted.

This proposal meets the requirements of Section Articles IV and V, MLDC. The alignment of the ingress and egress is proposed generally in alignment with Roberts Road, across Crater Lake Avenue, to provide an intersection design and not having an offset intersection. This land division will be in compliance with Section 10.426, MLDC, to the greatest extent possible.

**Section 10.270(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.*

**FINDING.**

The proposed land division will not prevent the development of the remainder of the property under the same ownership. The development consists of the entire ownership no other land in common ownership is abutting the site.

The proposed partition will not prevent development or redevelopment of neighboring lands along Brookhurst Street and Keene Way. The surrounding land to the east is developed as a Girl Scouts facility and the adjacent lands to the south are developed with an apartment complex, two separate churches, LDS church and the First Christian Church. The properties to the north are currently developed with multiple family residential dwellings.

The development of the subject property will not prevent access or appropriate development to adjoining properties. The adjoining lands along Brookhurst Street and Keene Way have existing frontage by road right of ways, with separate access driveway potential.

**Section 10.270(3)** *Bears a name that has been approved by the approving authority...*

**FINDING.**

Not Applicable. Names for partitions are not required.

**Section 10.270(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...*

**FINDING.**

As noted on the Tentative Plat Map the existing street system lay out is consistent with the Medford TSP and conforms with the previously approved land divisions in the area. There are no new public streets or alleys proposed with this land division. All internal access drives are to be retained privately with access easements provided as applicable.

**Section 10.270(5)** *If it has streets or alleys that are proposed to be held for private use...*

**FINDING.**

The Partition Pat does not propose nor reflect any private streets or alleys. The access ways are for internal access, maneuvering and parking areas within the project boundaries. Reciprocal cross access easements will be provided between the two parcels for access purposes. There will be no significant impact on the street circulation system or any access concerns onto the public streets.

**Section 10.270(6)** *Contains streets, if applicable, and lots which are oriented to make maximum effective use of passive solar energy...*

**FINDING.**

The street alignments and location of the parcels are dictated by the existing street right of ways, alignments with the street circulation plan and the surrounding development. There are no new public or private streets proposed with this land division. Both parcels are aligned along the north/south axis to the greatest extent possible with the access drives aligned accordingly. The proposed attached dwelling units can be located on the site within 30 degrees from this axis with the topography of the site. There are no difficulties anticipated at this time for the future development of the various apartment structures on Parcel 2.

**Section 10.270(7)** *Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU zoning district.*

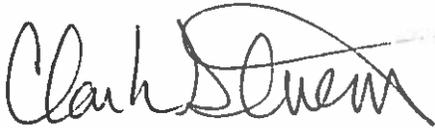
**FINDING.**

Not Applicable. There are no abutting EFU zoned lands.

**IV. CONCLUSION**

Based upon the above findings and the tentative plat map submitted for review, the City of Medford finds that the proposed Partition meets or exceeds the minimum requirements for a Land Division application. The City of Medford finds that this application is consistent with the requirements of the City and complies with the Medford Land Development Code. The applicant requests that the City of Medford apply the 2 year expiration from the date of the Final Order with this application, consistent with the City of Medford policies.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Clark Stevens". The signature is fluid and cursive, with a large loop at the end.

Richard Stevens & Associates Inc.  
Clark Stevens



RECEIVED  
JUL 22 2015  
PLANNING DEPT.

# Memo

**To:** Jennifer Jones, Planner, Planning Department  
**From:** Chad Wiltrout, Building Department (541) 774-2363  
**CC:** Terry Buntin, Et. Al., Applicant (Richard Stevens & Associates, Inc., Agent).  
**Date:** July 22, 2015  
**Re:** July 22, 2015 LDC Meeting: Item #1 - LDP-15-080

---

**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 Building Department front counter for estimated fees at (541) 774-2350 or [building@cityofmedford.org](mailto:building@cityofmedford.org).*

*For questions related to the Conditions or Comments, please contact me, Chad Wiltrout, directly at (541) 774-2363 or [chad.wiltrout@cityofmedford.org](mailto:chad.wiltrout@cityofmedford.org).*

**Conditions of Approval:**

1. There are NO Conditions of Approval from the Building Safety Department. Please see the comments below.

**General Comments:**

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 "Design Criteria" on left side of screen 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)" for information.
4. A site excavation and grading permit will be required if more than 50 cubic yards is disturbed.
5. A separate demolition permit will be required for demolition of any structures.



# Medford Fire Department

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

RECEIVED

JUL 22 2015

PLANNING DEPT.

## LAND DEVELOPMENT REPORT - PLANNING

To: Jennifer Jones

LD Meeting Date: 07/22/2015

From: Greg Kleinberg

Report Prepared: 07/13/2015

Applicant: Terry Buntin, Et. Al., Applicant (Richard Stevens & Associates, Inc., Agent)

File #: LDP - 15 - 80

Site Name/Description: 2000 Crater Lake Avenue

Land partition to create two parcels from a 4.74 acre lot located at 2000 Crater Lake Avenue, on the east side of Crater Lake Avenue, between Roberts Road and Brookhurst Street, within the MFR-20 (Multiple-Family Residential - 20 dwelling units per gross acre) zoning district; Terry Buntin, Et. Al., Applicant (Richard Stevens & Associates, Inc., Agent). Jennifer Jones, Planner.

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

**Requirement FIRE HYDRANTS-INTERNAL**

OFC

508.5.1

Internal fire hydrant(s) are required upon improvement of Parcel #2.

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m).

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

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

**Requirement PRIVATE FIRE DEPARTMENT ACCESS PARKING RESTRICTION**

OFC

503.4

Parking shall be posted as prohibited along the egress easement leading to Parcel #2.

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

Where parking is prohibited for fire department vehicle access purposes, NO PARKING 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).

CITY OF MEDFORD

EXHIBIT E

FILE # LDP-15-080



# 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: 07/22/2015

From: Greg Kleinberg

Report Prepared: 07/13/2015

Applicant: Terry Buntin, Et. Al., Applicant (Richard Stevens & Associates, Inc., Agent)

File #: LDP - 15 - 80

Site Name/Description: 2000 Crater Lake Avenue

For privately owned properties, posting/marketing of fire lanes may be accomplished by any of the following alternatives to the above requirement (consult with the Fire Department for the best option):

**Alternative #1:**

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

**Alternative #2:**

Curbs shall be painted yellow along the entire distance of the fire department access. Minimum 4" black letters stating "NO PARKING-FIRE LANE" shall be stenciled on the curb at 25-foot intervals.

**Alternative #3:**

Asphalt shall be striped yellow or red along the entire distance of the fire department access. The stripes shall be at least 6" wide, be a minimum 24" apart, be placed at a minimum 30-60 degree angle to the perimeter stripes, and run parallel to each other. Letters stating "NO PARKING-FIRE LANE" shall be stenciled on the asphalt at 25-foot intervals.

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

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

**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.**



BOARD OF WATER COMMISSIONERS

**Staff Memo**

PLANNING DEPT.

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

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

**SUBJECT:** LDP-15-080

**PARCEL ID:** 371W17CC TL 200 & 300

**PROJECT:** Land partition to create two parcels from a 4.74 acre lot located at 2000 Crater Lake Avenue, on the east side of Crater Lake Avenue, between Roberts Road and Brookhurst Street, within the MFR-20 (Multiple-Family Residential – 20 dwelling units per gross acre) zoning district; Terry Buntin, Et. Al., Applicant (Richard Stevens & Associates, Inc., Agent). Jennifer Jones, Planner.

**DATE:** July 16, 2015

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

**CONDITIONS**

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The existing water meter can remain in place to serve domestic water to the existing building on TL 300 (proposed Parcel 1).
4. Installation of an MWC approved backflow device is required for all commercial, industrial, municipal, and multi-family developments. New backflow devices shall be tested by an Oregon certified backflow tester. See MWC website for list of certified testers at the following web link <http://www.medfordwater.org/Page.asp?NavID=35>.

**COMMENTS**

1. Proposed Parcel 2 will require the installation of a new water meter to serve future proposed development. This requirement will be conditioned at time of review of Medford Planning Application AC-15-087.
2. Off-site water line installation is not required.
3. On-site water facility construction may be required depending on future land development plans.



BOARD OF WATER COMMISSIONERS

**Staff Memo**

4. Maximum static water pressure is 94 psi. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".
5. MWC-metered water service does exist to this property. The existing building located on proposed Parcel 1 is served domestic water via a ¾ -inch water meter. (See Condition 3 above)
6. Access to MWC water lines is available. There is a 14-inch water line in Crater Lake Avenue.



Continuous Improvement Customer Service

**RECEIVED**  
**JUL 22 2015**  
**PLANNING DEPT.**

**CITY OF MEDFORD**

LD Meeting Date: 7/22/15  
File Number: LDP-15-080

**PUBLIC WORKS DEPARTMENT STAFF REPORT**  
**Terry Buntin (First Church of God), Crater Lake Avenue**

**Project:** Land partition to create two parcels from a 4.74 acre lot located at 2000 Crater Lake Avenue, on the east side of Crater Lake Avenue, between Roberts Road and Brookhurst Street, within the MFR-20 (Multiple-Family Residential – 20 dwelling units per gross acre) zoning district

**Applicant:** Terry Buntin, Et. Al., Applicant (Richard Stevens & Associates, Inc., Agent). Jennifer Jones, Planner.

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

There will be a separate Public Works Staff Report for the conditions for developing Parcel 2.

**I. STREETS**

**A. Dedications**

Crater Lake Avenue 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 east 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 east of the centerline appears to be 40 feet for the portion of the frontage along Parcel 1 and Parcel 2. **The amount of additional right-of-way needed appears to be 10 feet.**

The developer will receive S.S.D.C. (Street System Development Charge) credits for the public right-of-way dedication on Crater Lake Avenue, per the methodology established by the MLDC 3.815. **Should the developer elect to have the value of the land be determined by an appraisal, a letter to that effect must be submitted to the City Engineer within sixty (60) calendar days of the date of the Final Order of the Site Plan and Architectural Commission. The City will then select an appraiser, and a cash deposit will be required as stated in Section 3.815.**

**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.

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.

## **B. Public Improvements**

### **1. Public Streets**

All standard street section improvements have been completed on Crater Lake Avenue, 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.

### **3. Pavement Moratoriums**

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

### **4. Access Limitations**

This Development shall provide a cross-access easements for all of the adjacent properties to parcel 1 and 2 in accordance with MLDC 10.550. The easements shall be described to include the shared driveway for this Development.

### **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.

## **Crater Lake Avenue:**

The additional right-of-way will provide the needed width for a future planter strip and bike lane on Crater Lake Avenue. Crater Lake Avenue is a 35 mile per hour facility, which currently carries approximately 15,200 vehicles per day. The 10' planter strip moves pedestrians a safer distance from the edge of the roadway. Crater Lake Avenue 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 provide one separate 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**

Future development of the Parcel 2 shall provide an investigative report of the offsite drainage on the subdivision perimeter, a distance not less than 100 feet in all directions.

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

Future development of the Parcel 2 shall provide stormwater detention in accordance with MLDC 10.486, and water quality treatment in accordance with the Rogue Valley Stormwater Quality Manual.

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

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

The Developer shall provide one separate service lateral to each Parcel 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.

Parcel 2 of 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

Report Prepared by: Doug Burroughs

**SUMMARY CONDITIONS OF APPROVAL**  
**Terry Buntin (First Church of God), Crater Lake Avenue**  
LDP-15-080

**A. Streets**

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

Dedicate 10 feet of additional public right-of-way on Crater Lake Avenue along Parcel 1 and 2.

Dedicate 10 foot Public Utility Easement (PUE) along frontage of Crater Lake Avenue.

**2. Improvements:**

No public improvements are required.

No Pavement moratoriums are currently in effect on Crater Lake Avenue.

**B. Sanitary Sewer:**

Provide separate individual sanitary sewer laterals to each parcel.

**C. Storm Drainage:**

Provide a private stormdrain lateral to each parcel.

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:

**Buntin & First Church Partition**

Proposal:

**2 Lot Partition**

File Numbers:

**LDP-15-080**

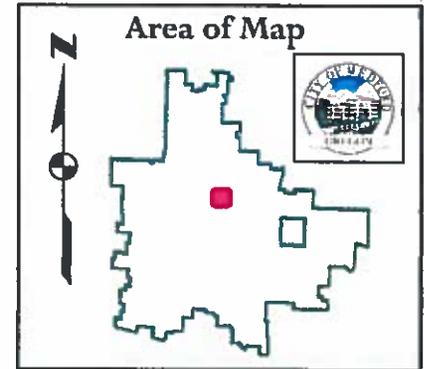
Applicant:

**Terry Buntin Et. Al.**

Map/Taxlot:

**371W17CC TL's 200 & 300**

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



06/09/2015





# Planning Department

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

## STAFF REPORT

for a type-C quasi-judicial decision: Land Division /Conditional Use Permit / Exception

PROJECT Nobility Village Subdivision  
 Applicant: VP & Trading, LLC; Agent: Steven Swartsley

FILE NO. LDS-15-039/CUP-15-089/E-15-090

TO Planning Commission for 08/13/2015 hearing

FROM Sarah Sousa, Planner IV

REVIEWER Kelly Akin, Principal Planner *ka*

DATE August 6, 2015

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### BACKGROUND

#### Proposal

Proposed tentative plat for a 29-lot residential subdivision, with a conditional use permit for a riparian street crossing and drainage facilities, and an exception to the hillside ordinance, right-of-way width, and lot depth on a 5.69 acre parcel at the eastern terminus of Nobility Drive, approximately 660 feet east of Kings Highway.

#### Subject Site Characteristics

Zoning SFR-6 (Single Family Residential – 6 dwelling units per gross acre)  
 GLUP UR (Urban Residential)  
 Use Single Family Home (to be demolished)

#### Surrounding Site Characteristics

##### North

Zoning: RR-5 (County Rural Residential – 5 acre minimum lot size) / Outside the City Limits (within Urban Growth Boundary)  
 Use: Single Family Homes

##### South

Zoning: SFR-10 (Single Family Residential – 6 dwelling units per gross acre)  
 Use: Manufactured Home Park

##### East

Zoning: EFU (Exclusive Farm Use) Outside the Urban Growth Boundary  
 Use: Vacant Land

West

Zoning: SFR-6  
Use: Single Family Homes

Related Projects

LDS-05-144 Nobility Village Subdivision (denied /withdrawn)  
LDS-06-107 Nobility Village Subdivision (approved/expired)

Applicable Criteria

**Medford Land Development Code §10.270, Land Division Criteria**

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

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

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

**Medford Land Development Code §10.248, Conditional Use Permit Criteria**

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

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

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

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

### **Medford Land Development Code §10.253, Exception Criteria**

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

- (1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The Planning Commission/Site Plan and Architectural Commission shall have the authority to impose conditions to assure that this criterion is met.
- (2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.
- (3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.
- (4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

### **Corporate Names**

According to the Oregon Secretary of State Business Name Registry, the registered agent for VP & Trading, LLC is Steven Swartsley.

### **ISSUES AND ANALYSIS**

#### **Background**

The Planning Commission has reviewed two subdivision plats for the subject property in 2005 & 2006 (LDS-05-144 & LDS-06-107). In 2005, the Commission's oral decision was to disapprove a 24-lot subdivision. The findings for denial concluded:

- 1.) The extension of Nobility Drive provides the only access to the proposed subdivision.
- 2.) A section of Marsh Lane will be dedicated and improved on the tentative plat for the proposed subdivision, but will not be connected with other improved right-of-way either to the north or south.
- 3.) No plan was proposed for the future completion of Marsh Lane to either the north or south to provide a second access for the proposed subdivision.
- 4.) Without a Marsh Lane access for the proposed subdivision being provided in conjunction with the development, or in the near future, necessary vehicular connectivity would not exist, therefore, jeopardizing the public safety and welfare.

Before the Final Order of Denial was adopted, the applicant withdrew the application.

The second plat submitted for the subject property was in 2006, under a different application (Exhibit R). It was substantially the same as the plat submitted in 2005. One difference however, was that the applicant stipulated to installing fire sprinklers in all of the future homes within the subdivision. Again, the Planning Commission voted to disapprove the project with the same concerns as above. However, prior to adoption of the Final Order of Denial, the applicant's agent pointed out the Commission was not given all of the submitted information. In a rare decision, the Commission reopened the public hearing. After a continuance, the Planning Commission heard the omitted information as well as a few changes that led the Commission to ultimately approve the project. The new information that led to the approval related to the following:

1. A new phasing plan was submitted that proposed two phases. Phase One consisted of 14 lots (including a reserve acreage area) which would obtain access from an extension of Nobility Drive. Phase Two consisted of nine lots which would have access from Marsh Lane but would only be allowed once Marsh Lane is constructed to provide a direct connection either to the north or south with an established public street. The applicant's agent provided information to the Commission about a future subdivision plat to be submitted for property south of the existing mobile home park. This showed anticipated development that would provide an additional point of access with the extension of Marsh Lane through the mobile home park and south through the future development and west to King's Highway. (Note: Kings Place Subdivision was submitted and approved to the south of the mobile home park but the approval has since expired).

The approval for Nobility Village Subdivision described above from 2006 has also expired.

### Project Summary

The current tentative plat submitted consists of a one phase development of 29 single family lots (Exhibit B). In addition, the applicant has submitted a Conditional Use Permit to allow the street and drainage facilities within a riparian area. The third application is for an Exception to: 1) the Hillside Ordinance, 2) right-of-way dedication, and 3) lot depth for Lot 24.

### Riparian Reduction

Crooked Creek, an adopted riparian corridor, abuts the property to the west. In March of this year, the applicant submitted a request for a riparian reduction to Crooked Creek. Medford Land Development Code Section 10.927 allows the Planning Director to approve a reduction from the required 50-foot riparian setback to a 25-foot setback. The approval carries the weight of demonstrating that equal or better protection of the riparian area is ensured through a restoration and enhancement plan. The applicant submitted a riparian planting plan which was reviewed favorably by the Oregon Department of Fish & Wildlife (Exhibit S). The Planning Director approved the request on June 16, 2015.

The 25-foot riparian setback is shown on the tentative plat, which directly affects Lots 1 & 20. In addition, the street extension of Nobility Drive is within the riparian area as well as drainage facilities. Both are allowed with the approval of a Conditional Use Permit, which are described later in the report.

### Density

The standard density calculation for the SFR-6 zone is between 4.0 and 6.0 dwelling units per acre. The permitted density range for the subject subdivision is between 22 to 34 dwelling units. The applicant is proposing 29 lots which meet the minimum and does not exceed the maximum number of units.

### Street Circulation

The extension of a stubbed street (Nobility Drive), a segment of another existing street (Marsh Lane), as well as two new streets (Modena Lane & Nations Lane) are shown on the tentative plat (Exhibit B). Nobility Drive is currently stubbed to the subject parcel; the tentative plat shows the extension of this street through the project to Marsh Lane. The tentative plat also shows a segment to be built of Marsh Lane, consistent with the Southwest Medford Circulation Plan (Exhibit W). However, this portion of Marsh Lane will not connect at this time to the north or south. Lastly, the tentative plat shows two short residential lanes: Modena Lane and Nations Lane.

In addition to planned and new streets, the project includes two minimum access easements. One is shown off of Modena Lane to serve Lots 21-23, the other is shown off of Nobility Drive to serve Lots 19-20. Medford Land Development Code Section 10.450 states minimum access easements shall only be permitted when the approving authority finds that any of the following conditions exist: excess slope (15 percent or more), presence of a wetland or other body of water which cannot be bridged or crossed, existing development on adjacent property, or the presence of a freeway or railroad. It also allows the approving authority to allow minimum access easements when it is not possible to create a street pattern which meets the design requirements for streets. The applicant did not specifically address Medford Land Development Code Section 10.450 in the Findings.

In 2012, the City adopted regulations related to maximum block and perimeter lengths for streets. The intent of the requirements is to create a network of streets that provide connectivity. Measurements for maximum block length are from through intersecting streets.

In this instance, development does not occur to the east and streets to the west are generally cul-de-sacs. The closest through street to the west that intersects Nobility Drive is Regal Avenue. Although a cul-de-sac design to the north, the southern portion of Regal Avenue is stubbed for a future extension. Measuring the distance from Regal Avenue to the subject project's proposed Modena Lane that intersects Nobility Drive, the total length is approximately 827 feet. The maximum block length listed in the Code is 660 feet. Medford Land Development Code Section 10.426(C)(2) allows the Planning Commission to find that proposed block lengths can exceed the maximum under certain circumstances, such as topography. The Applicant's Findings do not specifically address Medford Land Development Code Section 10.426(C)(2).

If the proposed subdivision design included a north-south street closer to the western perimeter of the project, it would not exceed the maximum block length and eliminate the need for two minimum access easements.

#### Hillside Ordinance

Medford Land Development Code Sections 10.929-933 regulate development on properties with areas of 15 percent slopes or greater. The Code allows exemption from the standards if an applicant demonstrates that either: 1) less than 1,000 square feet of the development contains slopes of 15 percent or greater, or 2) if there are more than 1,000 square feet of development within a project of steeper slopes, grading and development will not occur on these steeper areas. In this instance, the information provided showed there are more than 1,000 square feet in the project of over 15 percent slopes (Exhibit V). In addition, the applicant was unable to demonstrate that

development would not occur within those areas. Instead, the applicant submitted an Exception application requesting relief from the Hillside Ordinance requirements for the constraints analyses (Geology & Soils, Hydrology & Grading reports).

The Applicant's Findings address the Exception criteria (Exhibit F). The applicant's position is that the Hillside Ordinance was adopted to prevent building on steep slopes within the east side of the city, which are often unsuitable for development. Also, the Findings state only 1.92 percent (4,692 square feet) of the entire proposed subdivision contains slopes greater than 15 percent. According to the Findings, only two lots are impacted with steeper slopes and it is unlikely there will be disturbance of any area of 1,000 square feet or more.

In support of the applicant's request, it is the policy of the city to require a soils analysis at the time of building permit on properties east of North Phoenix Road only. In addition, the Planning and Engineering Departments review slope analyses at the time of building permits to determine that the steeper slopes will not be disturbed. Lastly, although a portion of Nobility Drive is shown within a section of steeper slopes, the Engineering and Planning Departments have no objection to the Exception request.

#### Marsh Lane

The second Exception request is to the right-of-way dedication for Marsh Lane. Marsh Lane is proposed to be built at the eastern perimeter of the project with a 51-foot wide street section. The Code requires a 55-foot wide section for Minor Residential Streets. The applicant is requesting to reduce the planter strip on each side from 8 feet to 5.5 feet in width. The Findings point out that Medford Land Development Code Section 10.430 (2)(c) allows for a 5.5 foot wide planter strip. However, this relates to an alternate design option relating to emergency vehicle clearance which allows a wider paved width and narrower planter strip within the required 55-foot right-of-way. In this case, the applicant is requesting a reduction in the right-of-way width by 4 feet. Although unimproved, Marsh Lane through the mobile home park to the south, is dedicated with a 51-foot right-of-way width. Allowing the same right-of-way width for the subject subdivision would not be detrimental to the area.

#### Lot Depth

The last Exception request is to the lot depth for Lot 24. After the design of the project, the applicant was informed that a 45-degree knuckle intersection would be required where Nations Lane meets Modena Lane (referred to as Nobation Lane within the Public Works Report as it was previously proposed). Due to this requirement, it reduces the lot depth of Lot 24 from the required 90 feet. In looking at the tentative plat, the depth along the northern property line is 90 feet while the southern lot line is 85 feet. Only a

portion of the lot is affected by the street intersection and it still meets lot width and overall size.

### Oversize Lots

The Applicant's Findings addressing the Land Division Criteria point out that two of the lots exceed the maximum lot size. Lots 1 & 20 are proposed to be larger than the maximum allowable size due to the riparian area. Both lots contain the reduced 25-foot riparian setback within their boundaries. Medford Land Development Code Section 10.702(3) allows the creation of lots over the maximum size when constraints, such as creeks and oversize easements exist.

It should be noted the maximum lot size for the SFR-6 zone is 12,500 square feet. Lot 1 is shown as 9,352 square feet on the tentative plat, within the allowable range. Lot 20 was shown with two square footages: the overall lot size and the size minus the riparian area. If Lot 1 is larger than 9,352 square feet, it should be corrected on the plat.

### Conditional Use Permit

Medford Land Development Code Section 10.925 lists allowed uses within riparian corridors in Medford via the approval of a Conditional Use Permit. Both water drainage facilities and a street crossing are listed. The Applicant's Findings address Conditional Use Permit Criterion #2 in that the proposal is in the public interest (Exhibit E). The Findings state the encroachments will help serve the adjoining neighborhood by providing proper drainage and the extension of a street will benefit the city and its residents.

### Agricultural Buffering

Medford Land Development Code Section 10.801-802 regulates development adjacent to properties zoned Exclusive Farm Use (EFU). The proposed subdivision is adjacent on the east to EFU zoned land. The approving authority can determine whether the adjacent land is considered intensive or passive agriculture. Based upon the Agricultural Impact Assessment Report submitted, the current operation fits more within the passive agriculture category (Exhibit G). Although previously a fruit orchard, it hasn't been in operation in many years. In addition, the land to the east has been recommended by the Planning Commission to be included within the future urban reserve area MD-7 (Exhibit T). The adjacent EFU land is therefore a future area to be developed and not retained as agricultural land.

The Agricultural Impact Assessment Report lists two mitigation measures. The applicant proposes a 6-foot chain link fence along the eastern property line. In addition, a deed declaration for properties within 200-feet of the EFU land will be required. The deed declaration helps future owners of the properties to recognize the farming practices

associated within being near agricultural lands. Staff does not recommend the Commission require the chain link fence since the Marsh Lane right-of-way is its own buffer between the agricultural lands and the proposed lots.

### Public Comments

Public comments have been received regarding the proposed subdivision (Exhibit Q). In the letter from Wayne & Hattie King, there is a concern brought up about the number of homes in the existing subdivision (west of the subject property) along with the proposed homes, using one point of access. According to the letter, if the proposed subdivision is approved, a total of 106 homes would be using Nobility Drive as the only point of access.

### **FINDINGS AND CONCLUSIONS**

The Planning Commission reviewed subdivision proposals for the subject site in 2005 & 2006. Both times the Commission identified concerns with the single point of access and made motions to disapprove the project. Based on this, staff provides alternate findings to support the Commission's decision of either approval or denial for the subdivision and exception applications. Staff is recommending approval of the conditional use permit application because there is a single point where Nobility Drive will cross Crooked Creek and its location is not dependent on the companion applications.

#### *Staff Findings*

#### **Medford Land Development Code §10.270, Land Division Criteria**

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

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

The proposed project does not meet this criterion as the plan does not comply with the design standards set forth in Article IV related to maximum block length (Medford Land Development Code Section 10.426(C)(1) and minimum access easements (Medford Land Development Code Section 10.450[1]). Although the referenced Land Development Code sections authorize the approving authority to grant relief for reasons such as topographic constraints, sufficient evidence has not been provided to support the proposed street design.

Exhibit D contains a conclusory statement regarding block length: "The proposed block lengths in the development fall within the maximum allowed by Section 10.426. Additionally, there are no dead end streets within the proposed development." The streets within the subdivision do meet the requirements in MLDC 10.426; however, the section requires the block length to be measured from centerline to centerline of through intersecting streets. The nearest through street is Regal Street; the distance between Regal Street and the proposed Moderna Lane is approximately 827 feet, exceeding the maximum 660 foot block length.

For minimum access easements (MAE), MLDC 10.450(1) requires the Commission to find that there are certain conditions preventing a street connection, such as excess slope, presence of a wetland or other body of water, etc. The applicant did not demonstrate how the proposal met this requirement. The findings in Exhibit D generally state the purpose of the MAE and that the proposal will meet the required width and turnaround standard. There is no substantial evidence in the record to support a positive finding by the Commission.

#### **Medford Land Development Code §10.253, Exception Criteria**

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

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

The proposed Exception request relies upon the design of the subdivision layout and therefore cannot be approved as a stand-alone application. According to the Medford Slopes Map, there are slopes of 15 percent or greater on the subject parcel. Demonstration of how development will occur on such slopes is dependent on a subdivision design and layout. Without the approval of the subdivision, no such substantiation exists.

### **Suggested Motion - Approval**

Move to adopt the Applicant's Findings (Exhibits D, E and F) and direct staff to prepare Final Orders for Approval of Subdivision LDS-15-039, Conditional Use Permit CUP-15-089 and Exception E-15-090 per the Staff Report dated August 6, 2015, including Exhibits A through Y.

### **Suggested Motion – Denial of the Subdivision and Exception, Approval of CUP**

Move to adopt the Applicant's Findings (Exhibit E) and direct staff to prepare a final order for approval of Conditional Use Permit CUP-15-089, reject the Applicant's Findings in Exhibits D and F, adopt the findings as recommended by staff, and direct staff to prepare the Final Orders of denial for Subdivision LDS-15-039 and Exception E-15-090 per the staff report dated August 6, 2015, including Discretionary Condition 1 on Exhibit A and Exhibits B through Y.

### **EXHIBITS**

- A Conditions of Approval dated August 6, 2015
- B Tentative Plat received July 20, 2015
- C Conceptual Grading & Drainage Plan received July 20, 2015
- D Applicant's Findings of Fact addressing subdivision received July 20, 2015
- E Applicant's Findings of Fact addressing conditional use permit received July 16, 2015
- F Applicant's Findings of Fact addressing exception received July 20, 2015
- G Agricultural Impact Assessment Report received April 24, 2015
- H Public Works Report received July 23, 2015
- I Building Department memo received July 15, 2015
- J Address Technician memo received July 15, 2015
- K Medford Fire Department Report received July 15, 2015
- L Medford Water Commission memo received July 15, 2015
- M Rogue Valley Sewer Services letter received July 2, 2015
- N Oregon Department of Fish & Wildlife email received July 14, 2015
- O Oregon Department of Transportation email received July 21, 2015
- P Agreement to retain permanent ingress and egress to Spring View Estates received July 22, 2015
- Q Letter from Wayne & Hattie King & attachments received July 27, 2015
- R Tentative Plat (Nobility Village Subdivision) from LDS-06-107
- S Riparian Planting Plan received May 29, 2015
- T Proposed Urban Growth Boundary Amendment
- U Segment of the Medford Slopes Map
- V Slopes Analysis received April 30, 2015

- W Southwest Medford Circulation Plan
- X Aerial Photograph
- Y Jackson County Assessor's Map received June 22, 2015
- Z Letter from James M. Powers received August 4, 2015  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**AUGUST 13, 2015**

## **EXHIBIT A**

Nobility Village  
LDS-15-039/CUP-15-089/E-15-090  
Conditions of Approval  
August 6, 2015

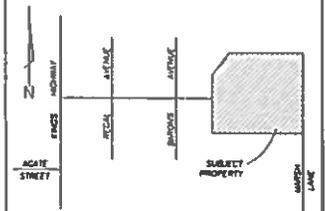
### **DISCRETIONARY CONDITIONS**

1. Comply with the Oregon Department of Fish & Wildlife comments received July 14, 2015 regarding the implementation of the riparian planting plan and the 5-year maintenance and replacement period of vegetation (Exhibit N).

### **CODE CONDITIONS**

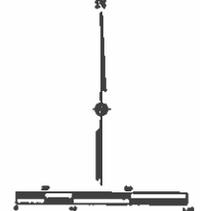
2. Prior to Final Plat approval, the applicant shall:
  - a. Submit a deed restriction to be reviewed and approved by the Legal Department. Such deed restriction shall be recorded with the plat and placed on all lots within 200-feet of the adjacent Exclusive Farm Use zoned property to the east. Such restriction shall recognize farming practices associated with being near agricultural lands consistent with Medford Land Development Code Section 10.801-802.
  - b. Submit a maintenance agreement for Lots 19, 20, 21, 22, & 23 for the shared maintenance of the minimum access easements.
  - c. Comply with the Public Works Department Report received July 23, 2015 (Exhibit H).
  - d. Comply with the Fire Department Report received July 15, 2015 (Exhibit K).
  - e. Comply with the Address Technician Memo received July 15, 2015 (Exhibit J).
  - f. Comply with the Medford Water Commission memo received July 15, 2015 (Exhibit L).
  - g. Comply with the Rogue Valley Sewer Services memo received July 2, 2015 (Exhibit M).



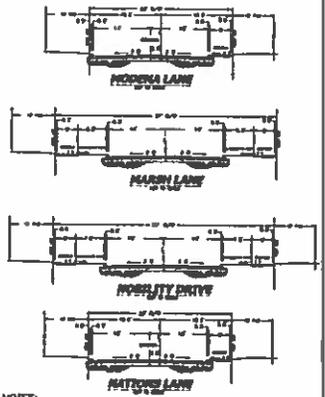


VICINITY MAP  
NOT TO SCALE

**CONCEPTUAL GRADING & DRAINAGE PLAN**  
**NOBILITY VILLAGE**  
 A SUBDIVISION  
 In the N.W. 1/4 of Sec. 6, T.36S., R.1W., W.M.  
 City of Medford, Jackson County, Oregon



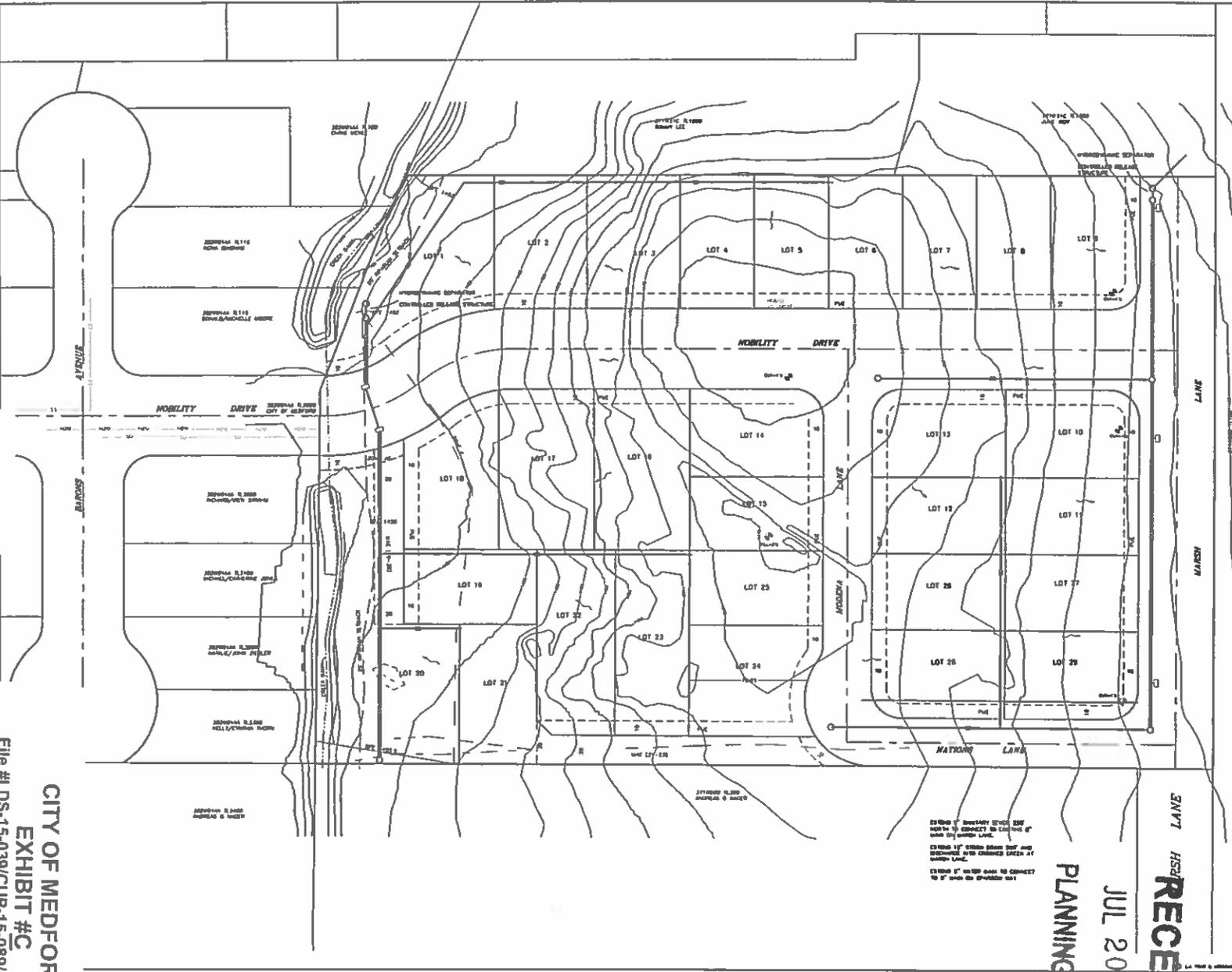
**DRAINAGE NOTE:**  
 WITH DEVELOPMENT, EXISTING STORMAGE WILL BE REDUCED BY THE CONNECTION FROM THE PROJECT TO THE FACT OF ALL OTHER AREAS OF DRAINAGE CONCERNING PROPERTIES.



**NOTES:**

1. EXISTING STORMAGE SYSTEM SHALL BE MAINTAINED AS SHOWN UNLESS OTHERWISE NOTED.  
 2. ALL STORMAGE SHALL BE COLLECTED AND CONVEYED TO THE EXISTING STORMAGE SYSTEM.  
 3. ALL STORMAGE SHALL BE CONVEYED TO THE EXISTING STORMAGE SYSTEM AT A MINIMUM OF 10' FROM THE PROPERTY LINE.  
 4. ALL STORMAGE SHALL BE CONVEYED TO THE EXISTING STORMAGE SYSTEM AT A MINIMUM OF 10' FROM THE PROPERTY LINE.  
 5. ALL STORMAGE SHALL BE CONVEYED TO THE EXISTING STORMAGE SYSTEM AT A MINIMUM OF 10' FROM THE PROPERTY LINE.

<b>REGISTERED LAND SURVEYOR</b>  JAMES P. HILL 12345 STATE OF OREGON EXPIRES 12-31-17	<b>OWNER OF RECORD:</b> JAMES P. HILL 12345 STATE OF OREGON
<b>CONCEPTUAL GRADING &amp; DRAINAGE PLAN</b> PROJECT NO. P-12345 SHEET NO. 12345 DATE: 07/20/2015 MEDFORD, OR 97501	<b>DATE:</b> 07/20/2015 <b>TIME:</b> 10:00 AM <b>BY:</b> J.P.H. <b>FOR:</b> J.P.H. <b>SCALE:</b> AS SHOWN <b>PROJECT NO.:</b> P-12345 <b>SHEET NO.:</b> 12345 <b>TOTAL SHEETS:</b> 12345 <b>DATE:</b> 07/20/2015 <b>TIME:</b> 10:00 AM <b>BY:</b> J.P.H. <b>FOR:</b> J.P.H.



EMMT HSB RECEIVED  
 JUL 20 2015  
 PLANNING DEPT.

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

**RECEIVED**

**IN THE MATTER OF A TENTATIVE PLAT APPROVAL )  
APPLICATION FOR A 29 LOT SUBDIVISION DEVELOPMENT )  
ON A PARCEL OF LAND CONTAINING 5.6 ACRES ON TAX )  
LOT 200 IN TOWNSHIP 38 RANGE 1W, SECTION 06B WHICH )  
LIES AT THE TERMINUS OF NOBILITY DRIVE )  
APPROXIMATELY 500 FEET EAST OF KINGS HIGHWAY, )  
WITHIN A SFR-6 (SINGLE FAMILY RESIDENTIAL-6 UNITS )  
PER ACRE ZONING DISTRICT) WITHIN THE CITY LIMITS )  
OF MEDFORD, JACKSON COUNTY, OREGON )**

JUL 20 2015

Planning Dept.

LDS-15-039

GF-15-040

**VP & TRADING, LLC, APPLICANT**

**STEVEN L. SWARTSLEY, AGENT**

**3<sup>rd</sup> AMENDED PROPOSED FINDINGS SUBDIVISION/RIPARIAN SET BACK**

**I**

**SCOPE AND NATURE OF THE PLANNING ACTION**

Under City of Medford File no. LDS-06-107 the previous applicant, Kellems Building & Development received a Tentative Plat for the proposed division of 24 lots that expired on November, 2009. This is not a resubmission of the original and significant changes have been made in the design of the same to meet the current code, water retention requirements and riparian set backs. This applicant is purchasing the land contingent on tentative plat approval and has submitted a signed permission form executed by the owners. The 1 lot, currently zoned SFR 6 per the City of Medford Land Development Code would be divided into 29 lots. The City of Medford General Land Use Plan designates the property as "urban residential".

**II**

**EVIDENCE OF RECORD**

Submitted herewith are the requisite proposed tentative plat together with the conceptual drainage and grading plans and a request for reduction of the riparian setback from 50 feet to 25 feet.

**III**

**SUBSTANTIVE CRITERIA**

**CITY OF MEDFORD**

**EXHIBIT #D**

**File #LDS-15-039/CUP-15-089/E-15-090**

The criterion under which an application for a tentative plat for Nobility Village must be considered is in chapter 10 of the Medford Land Development Code (MLDC). The applicable criteria include:

### **10.000 through 10.297**

The narrative, findings of fact, and conclusions of law, which follow in Sections IV and V, form the basis upon which the City can act favorably on this Tentative Plat Application.

## **IV**

### **NARRATIVE**

The Planning Commission can utilize the following facts and information with respect to this matter regarding the Application for Land Division for Nobility Village Subdivision.

Application Procedure: This is a request for tentative plat approval for a 29 lot subdivision located as set forth herein.

#### Propose Lot Dimensions:

The following standards are part of the proposed submitted tentative plat:

- \* Lot Size: Minimum Lot Size: 4,523 square feet
- \* Lot Frontage: All lots meet requirements per MLDC 10.710
- \* Lot Width: Minimum Lot Width: 50 feet
- \* Lot Depth: Minimum Lot Depth: 90 feet (requested exception for lot 24)
- \* Lot Density Calculations: The residential density criteria for SFR 6 zoning district have been met.
- \* Lot Coverage: Up to 40%
- \* Building Setbacks: Adjoining rear alley yard set-back: For garages: 20 feet from the face of the curb of the alley where no sidewalk; 24 feet from the face of curb where sidewalk is present. For other portions of the structure: 10 feet.  
Rear yard, not adjoining alley: 4 feet, plus an additional 0.25 feet added to the minimum 4 foot setback for each foot in building height over 15 feet.

Side yard: 4 feet, plus an additional 0.25 feet added to the minimum 4 foot setback for each foot in building height over 15 feet.

Front yard abutting all streets including minimum access easements: For garages, 20 feet from back of sidewalk. For other portions of the structure 20 feet.

Visions triangles and areas shall be maintained on corner lots.

As illustrated on the tentative plat submitted with this application, the approximate minimum lot dimensions (rounded to the nearest foot) for the 29 single family detached dwelling lots are summarized in the following table:

Lot 1: 9,352 square foot interior lot, 114 feet minimum lot frontage, 59.02 feet minimum lot width, 91 feet minimum lot depth (lot contains Crooked Creek and riparian set back).

Lot 2: 5,713 square foot interior lot, 62.74 feet minimum lot frontage, 62.74 minimum lot width, 91 feet lot depth.

Lot 3: 5,709 square foot interior lot, 62.74 feet minimum lot frontage, 62.74 minimum lot width, 91.00 feet minimum lot depth.

Lots 4, 5, 6, 7, 8: 4,550 square foot interior lots lot, 50 foot minimum lot frontage, 50 feet minimum lot width, 91 feet minimum lot depth.

Lot 9: 5,393 square foot corner lot, 60 feet minimum lot frontage, 60 feet minimum lot width, 91 feet minimum lot depth.

Lot10: 5,225 square foot corner lot, 60 feet minimum lot frontage, 60 feet minimum lot width, 90.16 feet minimum lot depth.

Lot 11: 4,597 square foot interior lot, 52.16 feet minimum street frontage, 52.16 feet minimum lot width, 90.16 feet minimum lot depth.

Lot 12: 4,562 square foot interior lot, 50.53 feet minimum street frontage, 50.53 minimum lot width, 90.00 feet minimum lot depth.

Lot 13: 5,315 square foot corner lot, 60 feet minimum lot frontage, 60 feet minimum lot width, 90 feet minimum lot depth.

Lot 14: 5,313 square foot corner lot, 60 feet minimum street frontage, 60 feet minimum lot width, 90 feet minimum lot depth.

Lot 15: 4,523 square foot interior lot, 50.41 minimum lot frontage, 50.10 minimum lot width, 90 feet minimum lot depth.

Lot 16: 7,098 square foot interior lot, 64.73 minimum street frontage, 64.34 minimum lot width, 108.97 minimum lot depth.

Lot 17: 7,060 square foot interior lot, 64.34 minimum street frontage, 64.34 minimum lot width, 108.90 minimum lot depth.

Lot 18: 6,058 square feet corner lot, 64.34 feet minimum street frontage, 64.34 feet minimum lot width, 76.18 feet minimum lot depth.

Lot 19: 4,590 square foot interior lot, 51 feet minimum street frontage, 51 feet minimum width, 90 feet minimum lot depth.

Lot 20: 16,071 square foot interior lot, 59 square foot street frontage, 97.27 square feet minimum width, 95.5 square feet minimum lot depth.

Lot 21: 7,909 square foot interior lot, 30 feet minimum street frontage, 52.15 feet minimum width, 95.50 square feet minimum lot depth.

Lot 22: 6,630 square foot interior lot, 53.03 minimum street frontage, 53.03 feet minimum width, 116.50 square feet minimum depth.

Lot 23: 6,325 square foot interior lot, 50 feet minimum street frontage, 50 feet minimum width, 125.50 square feet minimum lot depth.

Lot 24: 6,301 square foot corner lot, 75.50 feet minimum street frontage, 75.50 feet minimum width, 79.95 feet minimum depth (requested exception).

Lot 25: 4,590 square foot interior lot, 51 feet minimum street frontage, 51 feet minimum width, 90 feet minimum lot depth.

Lot 26: 4,590 square foot interior lot, 51.0 feet minimum street frontage, 51.0 feet minimum width, 90 feet minimum lot depth.

Lot 27: 4,594 square foot interior lot, 51 feet minimum street frontage, 60.0 feet minimum width, 90.06 feet minimum lot depth.

Lot 28: 5,314 square foot corner lot, 60 feet minimum street frontage, 60 feet minimum width, 90 feet minimum depth.

Lot 29: 5,316 square foot corner lot, 60 feet minimum street frontage, 60 feet minimum width, 90.06 feet minimum depth.

As illustrated in the Tentative Plat, the minimums for lot development within Nobility Village are as follows:

- \* Lot Size: Minimum Lot Size: Tentative Plat: 4,523 square feet.
- \* Lot Frontage: All 29 lots meet the minimum per MLDC 10.710.
- \* Lot Width: Minimum Lot Width per Tentative Plat: 50 feet.
- \* Lot Depth: Minimum Lot Depth per Tentative Plat: 90 feet.
- \* Lot Density Calculations: The residential density criteria for a SFR 6 zoning district have been met.
- \* Lot Coverage: Up to 40%.
- \* Building Setbacks: As per code.
- \* Minimum Max. Building Envelopes: 1,300 ft minimum.

**Streets:** The extension of Nobility Drive will be constructed to minor residential street standards, with an approximate 55 feet wide right of way and 28 feet of paved width, Marsh Lane with an approximate 51 feet wide right of way and 28 feet of paved width and Nations Lane and Modena Lane will be constructed to residential lane standards with a 33 foot right of way and 26 feet paved width.

**Signs:** None

**Vehicular Access and frontage:** Lots 1 through 10, lots 13, 14, 16, 17, and 18 will take access directly from Nobility Drive. Lots 19 and 20 from a minimum access easement from Nobility Drive, lots 12, 15, 25, 24 and 26 from Modena Lane, lots 21, 22 and 23 from a minimum access easement from Modena Lane or Nations Lane, and lot 11, 27, and 29 from Marsh Lane.

**Pedestrian/Bicycle Access:** Pedestrian/Bicycle access will continue to be afforded through the existing roads and sidewalks as shown on the Tentative Plat.

**Utility Easements:** Appropriate easements have been created to provide domestic water, sanitary sewer, storm drainage, and other utility services. A separate 10 foot wide public utility easement has been provided behind the street light and water facility easement, and adjacent to the rights of way of Thomas Road, and along the southerly side of the right of way being dedicated for the extension of Willow Brook Drive.

**Minimum Access Easements:** The proposed tentative plat depicts minimum access easements for ingress and egress for 5 lots (19, 20, 21, 22, and 23). In effect it is an easement containing a shared driveway having the sole function of providing direct

access to immediately adjacent residentially zoned land, and upon which a minimum of two and a maximum of three dwelling units take access. The proposed minimum access easement meets the minimum driveway turnaround standards in section 10.746 (11) and no parking will be permitted on said access easement. Minimum right of way width is 20 feet with 18 feet of paved width.

**Lots 1 and 20 sizes:** Lot 20 exceeds the maximum size of a lot in an SFR 6 zoning district. This is necessitated as a result of the riparian area of Crooked Creek which is approximately 9,060 square feet in size, the remaining 6,000 feet is the usable area of the proposed lot, and falls within the allowable size for lots in said zoning district. The same is true as to lot 1, though to a much lesser degree.

**Riparian Set Backs:** The applicant requests a reduction in the riparian set back from 50 feet to 25 feet on the east side of Crooked Creek. Crooked Creek is a seasonal creek flowing along the western boundary of the subject property. It currently is underground for approximately one and ½ miles from Garfield Street to its termination into Bear Creek at the intersection of 10<sup>th</sup> and 12<sup>th</sup> streets. On the west side of Crooked Creek at there is some riparian set back. South of the subject the creek flows underground in another duct resurfacing near Kings Hiway. Reducing the set back to 25 feet will not have any adverse impact on the stream or on wildlife. In fact, the reduction will allow for at least a part of the creek to have some additional shade and native plantings along its bank, possibly resulting in a decrease in its water temperature. Because of it flowing through a concrete duct and the urban nature of the property south of the duct and its near minimal flow in the summer, this stream will never be able to support any type of fishery though it may support water skippers, frogs etc. There is nothing supporting reducing the riparian set back having an adverse effect on the stream. From a development standpoint, a reduction results in fewer lots, making housing substantially more costly. In talking with ODFW's David Haight, the person in charge of these reductions, he indicated he was not opposed to this reduction, though he would require a review of the plans prior to issuing a final opinion.

**Agricultural Impact Assessment Report:** Attached hereto and made a part hereof is an Agricultural Impact Assessment Report prepared under the provision of Section 10.801.

**Hillside Ordinance:** The proposed area for subdivision has minimal areas of 15% slope and does not exceed the 1,000 square feet of proposed development with slopes greater than 15%. Therefore, a constraints analysis containing both a soils report and a hydrology and grading report is not required. If staff determines there is a greater area than 1,000 square feet, applicant requests these requirements be deferred until tentative plat is approved. The required analysis can be a requirement of the engineered drawings submitted prior to construction commences.

**Riparian Planting Plan:** A riparian planting plan for restoration and enhancement is being prepared by John Galbraith and Associates and will be submitted and attached

hereto within 5 days from the date hereof. Said plan demonstrates equal or better protection for the riparian area as a result of the restoration and enhancement.

**Block length and dead end streets:** The proposed block lengths in the development fall within the maximum allowed by Section 10.426. Additionally, there are no dead end streets within the proposed development.

## V

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Planning Commission can reach the following conclusions of law which are based upon the findings of fact and information contained above in Section IV and the findings response to each criterion enumerated below:

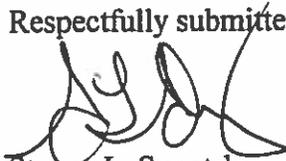
1. Application for approval of Tentative Plan for phase Nobility Village Subdivision complies with the existing MLDC for SFR 6 single family lots. It is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V of the Land Division Criteria.
2. It 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 chapter 10 of the Land Division Criteria.
3. It 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. The streets are laid out to be consistent with existing and planned streets and 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. It will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.
6. Urban services and facilities are available to adequately serve the property, and cumulative impacts from the development of the site, consistent with the zoning, will not affect the capability of the City to provide the site with water, sanitary

sewer, storm drainage, streets and public safety. The capacity of the water system and sanitary sewer facilities indicates the proposal will not tax the capacity of the plants.

7. The applicant is aware it is subject to, with any change of use, the systems development charges adopted by the City of Medford to insure developers pay their fair share of extending public facilities such as water, sanitary sewer and streets if necessary.
8. The proposed plat will not adversely impact the South Medford Interchange or any other state facility. This is in compliance with the Transportation Planning Rule as outlined in OAR 660-012-0060.

The applicant respectfully request the Planning Commission approve the plat as submitted.

Respectfully submitted,



Steven L. Swartsley  
Managing Member and Agent

RECEIVED

JUL 16 2015

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

AMENDED CONDITIONAL USE PERMIT REQUEST

IN THE MATTER OF A REQUEST FOR A )  
 CONDITIONAL USE PERMIT EXTENDING )  
 NOBILITY DRIVE ACROSS CROOKED CREEK )  
 TO SERVE A 5.6 ACRE SITE ON TAX LOT 200, IN ) LDS-15-039  
 TOWNSHIP 38 RANGE 1W, SECTION 06 WHICH )  
 IS AT THE TERMINUM OF NOBILITY DRIVE ) GF-15-040  
 APPROXIMATELY 500 FEET EAST OF KINGS HWY, )  
 WITHIN A SFR-6 (SINGLE FAMILY RESIDENTIAL 6 )  
 UNITS PER ACRE ZONING DISTRICT) WITHIN THE )  
 CITY LIMITS OF MEDFORD, JACKSON, OREGON. )  
 )  
 VP & TRADING, LLC, APPLICANT )  
 )  
 STEVEN L. SWARTSLEY, AGENT )

**SCOPE AND NATURE OF PLANNING ACTION**

10.248 and 10.249 set forth the criteria for granting a Conditional Use Permit and their mitigation of impacts. This is a request for a Conditional Use Permit to extend Nobility Drive, a public street in the city of Medford, county of Jackson, Oregon across Crooked Creek.

**EVIDENCE OF RECORD**

This request for a Conditional Use Permit does not in any way adversely impact any other part of the proposed subdivision nor does it have an adverse impact on any neighboring tract. The proposed extension adds to the future circulation of the general neighborhood. The extension does not in any way impact Crooked Creek.

**SUBSTANTIVE CRITERIA**

The criteria under which the Conditional Use Permit is requested is Medford Land Development Code chapters 10.248 and 10.249.

## **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Planning Commission can use the following facts and conclusions of law to form the basis upon which the City can act favorable on this Conditional Use Permit request. Land Development Code 10.248 and 10.249 set forth the requirements for granting a Conditional Use Permit.

## **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Planning Commission can use the following facts and conclusions of law to form the basis upon which the City can act favorably on this request for a Conditional Use Permit. Land Development Code 10.248 and 10.249 set forth the requirements for granting an exception.

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 compare 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.
  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.

The Planning Commission can determine that the requested Conditional Use Permit falls within the Land Development Code's parameters and the resulting extension of Nobility Drive is a benefit to the city and its residents.

### **CONDITIONAL USE PERMITS, MITIGATION OF IMPACTS**

Development requiring the mitigation of impacts under Section 10.248(2), Conditional Use Permit criteria, must do one of the following:

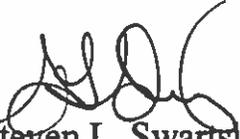
1. Preserve unique assets of interest to the community.
2. Provide a public facility or public nonprofit service to the immediate area or community.
3. Otherwise provide a use of improvement that is consistent with the overall needs of the community in a location that is reasonable suitable for its purposes.

It is the applicant's position the Planning Commission can find the Conditional Use Permit meets the necessary criteria and provides a public facility for the surrounding neighborhoods and is consistent with the overall needs of the city.

There will be other encroachments in the area of Crooked Creek by the extension of water and sanitary sewer lines. If in fact other agencies need to improve said encroachments they will be contacted and their approval will be sought.

The applicant respectfully requests the Planning Commission grant the Conditional Use Permit for the extension of Nobility Court over Crooked Creek.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Swartsley', with a stylized flourish at the end.

Steven L. Swartsley  
Managing Member of Applicant and Agent

RECEIVED

JUL 20 2015

Planning Dept.

**4<sup>th</sup> AMENDED EXCEPTIONS REQUEST**

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

**IN THE MATTER OF A REQUEST FOR EXCEPTIONS )  
WAVING COMPLIANCE WITH THE HILLSIDE )  
ORDINANCE, 10.923, REDUCING THE WIDTH )  
OF RIGHT OF WAY BY 4 FEET OF THE PROPOSED )  
MARSH LANE, ALLOWING FOR AN EXCEPTION TO )  
MINIMUM LOT DEPTH ON PROPOSED LOT 24 ON A )  
PARCEL OF LAND CONTAINING 5.6 ACRES ON TAX )  
LOT 200 IN TOWNSHIP 38 RANGE 1W, SECTION 06B )  
WHICH LIES AT THE TERMINUM OF NOBILITY DRIVE )  
APPROXIMATELY 500 FEET EAST OF KINGS )  
HIGHWAY, WITHIN A SFR-6 (SINGLE FAMILY )  
RESIDENTIAL-6 UNITS PER ACRE ZONING DISTRICT )  
WITH IN THE CITY LIMITS OF MEDFORD, )  
JACKSON, OREGON )**

**LDS-15-039 GF-15-040**

**VP & TRADING, LLC, APPLICANT**

**STEVEN L. SWARTSLEY, AGENT**

**SCOPE AND NATURE OF PLANNING ACTION**

10.929 – 10.933 sets forth the Hillside Ordinance and the requirements under that ordinance. This is a request to forgo the necessary slope analysis as there is 1 lot, possibly 2, in the 29 lot subdivision affected by the required slope analysis, and it is uncertain any development would occur where the slope is greater than 15% (see exhibit A, grading plan).

10.430 sets forth the general standards for all types of City streets. In the present matter the proposed Marsh Lane is a Minor Residential street, 55 feet of right of way is required under 10.430. This is a request for an exception reducing the right of way to 51 feet by reducing the width of the planter strips on each side from the required 8' to 5.5'.

10.710 sets forth the standard for minimum depth for lots in a SFR 6 zoning district, that being 90 feet. This is a request to except lot 24 from the minimum depth requirement. The lot exceeds the minimum size for lots, but because of the knuckle at the intersection of Modena Lane and Nations Lane lot 24 loses approximately 10 feet in the center but it does meet minimum depth of 90 feet on the north end (see exhibit B proposed lot 24).

### **EVIDENCE OF RECORD**

These requests for exceptions do not in any way adversely impact any other part of the subject subdivision nor does it have an adverse impact on any neighboring tract. The total square footage with a slope greater than 15% is 4,692 square feet, affecting 1.92% of the entire proposed subdivision. See Exhibit A attached hereto and by this reference made a part hereof that sets forth in a detailed map the maximum area within the 15% slope area.

The reducing the right of way does not adversely impact traffic flow as the paved traffic lane will be the same width, only the planting strips are reduced in size.

### **SUBSTANTIVE CRITERIA**

The criteria under which the 10.929 – 10.933 exception is requested, as well the exception to 10.430 and 10.710 is Medford Land Development Code chapter 10.253.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Planning Commission can use the following facts and conclusions of law to form the basis upon which the City can act favorably on this Exception Application. Land Development Code 10.253 sets forth the requirements for granting an exception.

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

2. The granting of exceptions will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.
3. There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which exceptions are being requested would result in peculiar, exceptional and undue hardship on the owner.
4. The need for the exceptions are not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

The Planning Commission can determine that the requested exceptions comply with all of the above and 1) due to its very limited impact on the development it would work an undue hardship on the owner to undergo all of the requirements for a slope analysis and 2) the requested reduction in the right of way, but leaving the paved width of the street the same as set forth in 10.430 would have no adverse impact. This reduction of right of way would be by reducing the width of the planter strips on each side of the street. The city code in 10.430 sets forth 5.5 foot planter strips for Minor Residential streets. The requested exception to the minimum depth to proposed lot 24 is a reduction of 10 feet in the middle of the lot, but the lot still meets minimum depth on the north boundary and exceeds the minimum size of lots in a SFR 6 zoning district by some 1801 square feet.

The Hillside Ordinance was established some 5 years ago to prevent the building of residential/commercial buildings and developing areas of the east side of the City of Medford that are steep and sometimes unsuitable for said development without the slope analysis and corresponding needs for retaining walls and other preventive measures to prevent run off and erosion. The ordinance was not designed to have an adverse impact and create undue hardships on the owners and the development of the small isolated areas in other parts of the city. The present case results in possibly 2 lots being adversely impacted, and it is not clear it would require the disturbing of the native slope for development on said lots.

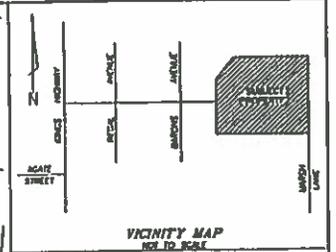
It is the applicant's position the commission can find the proposed modifications are safe and will result in functioning properly. Further, because of the unlikely disturbance of any area over 1,000 square feet, soil erosion is minimized and the natural character of the site is retained. It appears the development that will occur on lot 3 (possibly 22) is not in the area of the 15% slope, or if it is, it is less than 1,000 square feet that will be impacted (the other lot can be developed with very little disturbing of the natural terrain).

The applicant respectfully requests the Planning Commission approve the requested exceptions as set forth herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Swartsley', with a long, sweeping flourish extending to the right.

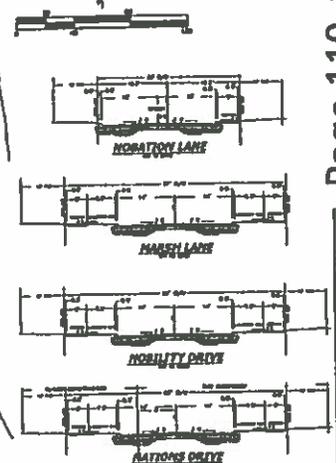
Steven L. Swartsley  
Managing Member of Applicant and Agent



**TENTATIVE PLAT**  
**NOBILITY VILLAGE**  
 A SUBDIVISION  
 In the N.W. 1/4 of Sec. 8, T38S, R1W, W4M  
 City of Medford Jackson County, Oregon

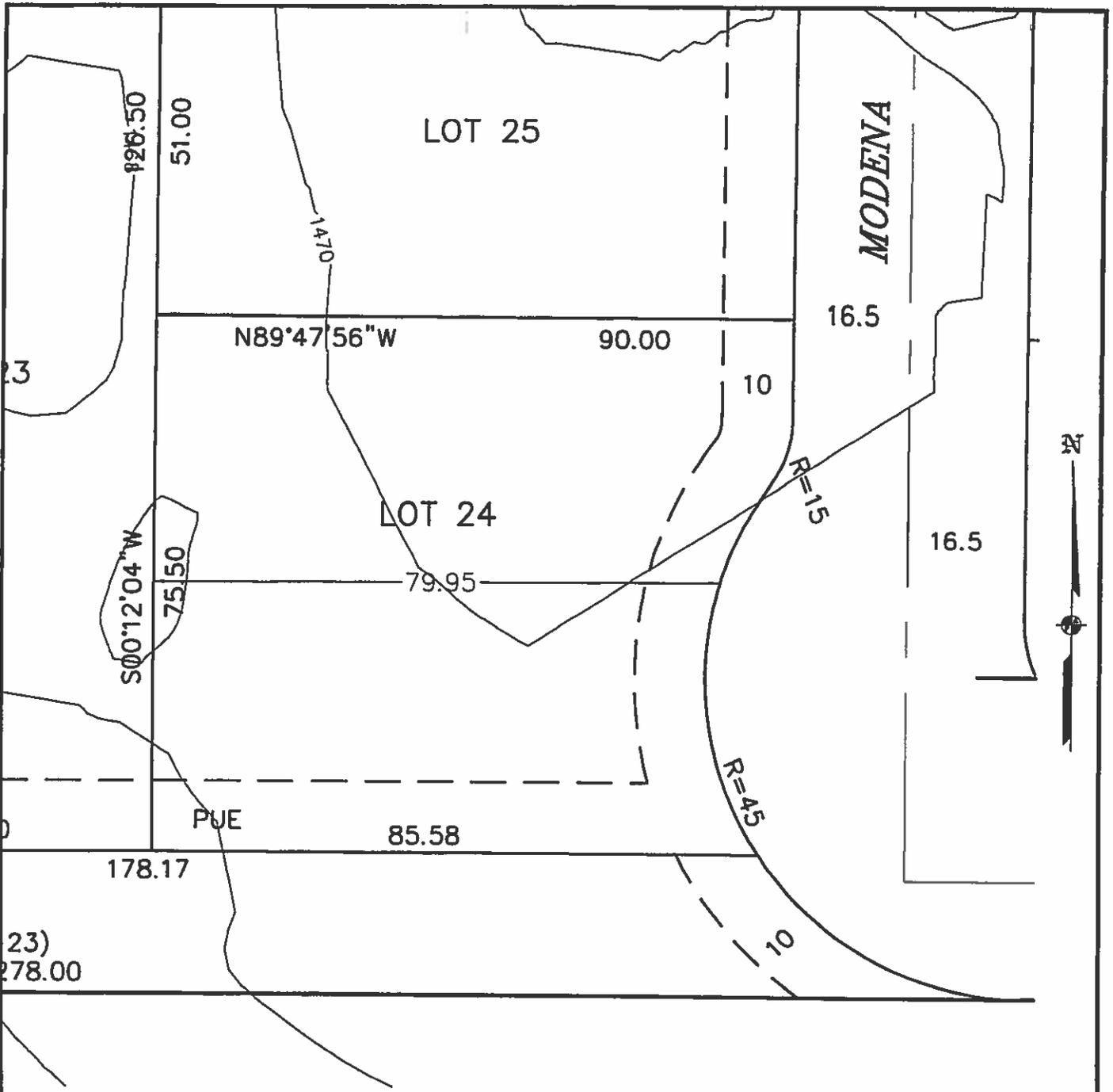
Scale: 1" = 40'

DATE	10/15/2010
PROJECT	NOBILITY VILLAGE
OWNER	NOBILITY VILLAGE, LLC
PREPARED BY	J. J. FARR & ASSOCIATES P.C.
CHECKED BY	J. J. FARR
APPROVED BY	J. J. FARR
DATE OF REVISION	10/15/2010
REVISION	1. INITIAL DESIGN



**NOTES:**  
 1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.  
 2. THE PLAT IS SUBJECT TO ALL RECORDS ON FILE IN THE OFFICE OF THE CLERK OF COURTS, JACSON COUNTY, OREGON.  
 3. THE PLAT IS SUBJECT TO ALL RECORDS ON FILE IN THE OFFICE OF THE CLERK OF COURTS, JACSON COUNTY, OREGON.  
 4. THE PLAT IS SUBJECT TO ALL RECORDS ON FILE IN THE OFFICE OF THE CLERK OF COURTS, JACSON COUNTY, OREGON.  
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 8. THE PLAT IS SUBJECT TO ALL RECORDS ON FILE IN THE OFFICE OF THE CLERK OF COURTS, JACSON COUNTY, OREGON.  
 9. THE PLAT IS SUBJECT TO ALL RECORDS ON FILE IN THE OFFICE OF THE CLERK OF COURTS, JACSON COUNTY, OREGON.  
 10. THE PLAT IS SUBJECT TO ALL RECORDS ON FILE IN THE OFFICE OF THE CLERK OF COURTS, JACSON COUNTY, OREGON.

<b>TENTATIVE SUBDIVISION PLAT</b>	
NOBILITY VILLAGE, LLC	
1111 1/2 STREET, S.W.	
MEDFORD, OREGON 97504	
OWNER OF RECORD:	
NOBILITY VILLAGE, LLC	
1111 1/2 STREET, S.W.	
MEDFORD, OREGON 97504	
DATE OF RECORD:	
10/15/2010	
DRAWN BY:	
J. J. FARR	
CHECKED BY:	
J. J. FARR	
APPROVED BY:	
J. J. FARR	
DATE OF APPROVAL:	
10/15/2010	
SCALE:	
1" = 40'	



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<p><b>REGISTERED PROFESSIONAL LAND SURVEYOR</b></p> <p><i>James E. Hibbs</i></p> <p>OREGON JULY 17, 1986 JAMES E. HIBBS 2234</p> <p>RENEWAL DATE 6-30-17</p>	<p><b>TITLE:</b> LOT 24 DEPTH EXCEPTION REQUEST EXHIBIT</p>	<p><b>DATE:</b> 20 JULY 2015</p>
	<p><b>ASSESSOR'S MAP #:</b> 381W06B TL200</p>	<p><b>SCALE:</b> 1 inch : 20 feet</p>
	<p><b>FOR:</b> VP &amp; TRADING, LLC P.O. BOX 8600 MEDFORD, OR 97501</p>	<p><b>DRAWN BY:</b> JEH <b>CHK BY:</b></p>
<p> <b>L.J. FRIAR &amp; ASSOCIATES P.C.</b> CONSULTING LAND SURVEYORS PO BOX 1947, PHOENIX, OR 97535 (541) 772-2782 ljfrior@charter.net</p>	<p><b>ORIGIN:</b></p>	<p><b>ROTATION:</b> 0° <b>JOB#:</b> 14181FM</p>
		<p>Sheet 1 of 1.</p>

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APR 24 2015

PLANNING DEPT.

**AGRICULTURAL IMPACT ASSESSMENT REPORT**

**Agent: Steven L. Swartsley  
P.O. Box 8600  
Medford, OR 97501**

**Applicant: VP & Trading, LLC  
P.O. Box 8600  
Medford, OR 97501**

**Property: 381W06B LL 200  
VP & Trading, LLC  
700 Nobility Drive  
Medford, OR 97501  
Zoned SFR 6 City of Medford, OR  
5.69 Acres**

**Summary:**

The requirement for an Agricultural Impact Assessment Report (AIAR) is contained in section 10.801 of the Medford Land Development Code (MLDC), and is stated below:

The provisions of the section apply to the development permit applications listed below in this subsection where land proposed for urban development is not in an urban reserve and abuts and has a common lot line with other land which is zoned Exclusive Farm Use (EFU) or Exclusive Agriculture (EA).

- (1) Land Divisions
- (2) Planned Unit Developments
- (3) Conditional Use Permits
- (4) Site Plan and Architectural Review or Historic Review where the action being sought will result in the construction of one or more buildings intended for human occupancy.

The subject property is currently under review for consideration of Nobility Village subdivision and is adjacent to a property within the Jackson County Exclusive Farm Use (EFU) resource district, therefore the applicant is required to submit an AIAR.

The submittal requirements are as follows:

- (1) An excerpt of a city of Medford and/or Jackson County zoning map showing the zoning land adjacent and within two hundred feet of the property proposed for urban development.
- (2) A description of the type and nature of agricultural uses and farming practices, if any, which presently occur on adjacent lands zoned EFU or EA and sources of such information. The information thus required, if applicable shall include:
  - (a) Method of irrigation
  - (b) Type of agricultural product produced
  - (c) Method of frost protection
  - (d) Type of agricultural equipment customarily used on the property.
- (3) Detailed information obtained from the Natural Resources Conservation Service (NCRS) concerning soils which occur on adjacent lands zoned EFU or EA, and whether the land has access to water for irrigation.
- (4) Wind pattern information.
- (5) A description of the measures proposed to comply with the requirements of Subsections 10.801 A through E
- (6) The persons who prepared said report and all persons, agencies, and organizations contacted during preparation of the report.
- (7) All statements shall be documented, sources given as reference, and any other detailed information needed to substantiate conclusions should be provided in the appendices.

**DISCUSSION:**

1. A Jackson County zoning map showing the zoning of land adjacent and within two hundred feet of the property proposed for urban development.

A review of the attached Jackson County Zoning District Map indicates the subject property is within the City of Medford SFR-6 zoning district. The properties to the north, west and south are urbanized within the city of Medford SFR 6 and 10 zoning districts.

The property to the east of the subject is a single 47.31 acre parcel outside the City of Medford UGB and within the Jackson County EfU zoning district.

2. A description of the type and nature of agricultural uses and farming practices, if any, which presently occur on adjacent lands zoned EFU or EA and sources of such information. The information required shall include:
  - a. Method of irrigation
  - b. Type of agricultural product produced
  - c. Method of frost protection
  - d. Type of agricultural equipment customarily used on the property

The adjacent property, 381W06B TL 100, was formerly used for pear production. The property was deemed to be too expensive to operate as an orchard and the fruit trees have been removed and the property is now a field lying fallow, with no current agricultural use.

The property has been on and off the market for years and is located within the Regional Problem Solving growth area suitable for urbanization.

The property has irrigation available. There are no frost protection measures operable on the property.

There is no customary agricultural equipment currently working on the property as it is not being used for any agricultural purposes.

3. Detailed information obtained from the Natural Resources conservation Service (NCRS) concerning soils which occur on adjacent lands zoned EFU or EA, and whether the land has access to water for irrigation.

The NCRS soil map for the adjacent EFU property has been attached with this assessment. A review of the soils map indicated there are three soil types on the property, Carney Clay (27B), Coker Clay (33A), and Darrow Silty Clay Loam (43(Bz)).

The NCRS soils map with the adjacent property indicated is attached with this report. The soils are described as follows.

“Carney Clay (Map unit 27B) the Carney Clay soil is 20 to 40 inches deep to bedrock. It is clayey, moderately well drained and occurs on fans and mountains. Permeability is very slow. Shrink swell is a

hazard. A water table is present during the winter and spring. Water erosion is a potential hazard.

“Coker Clay (Map unit 33A) is soil over 60 inches depth to bedrock. It is clayey, somewhat poorly drained and occurs on fans and in the basins. Permeability is very slow. Shrink-swell is a hazard. A water table is present during the winter and spring. Water erosion is a potential hazard.

“Darow Silty Clay Loam (Map 43B) is soil 20 to 40 inches deep to bedrock. It is clayey, moderately well drained and occurs on mountains. Permeability is slow. A water table is present during the winter and spring. Water erosion is a potential hazard.

The property does have access to irrigation, but irrigation has not been delivered for years.

#### 4. Wind pattern information.

The wind pattern on the adjacent agricultural property follow the same general patterns displayed throughout the mid valley area. During the growing seasons the winds predominately flow north to south in the morning hours and then shift to a south to generally north direction in the afternoon and evening hours.

#### 5. A description of the measures proposed to comply with the requirements of Sections 10.801.

The current agricultural uses on the adjacent property can be found to be consistent with the Passive Agricultural Classification.

There is currently no intensive day to day agricultural activity. The property does have irrigation but there is currently no irrigation activity on the property and there are currently no marketable crops, plantings, or pasture on the property.

The mitigation and impact management proposed for the land division on the Applicant’s property is proposed to be consistent with the requirements of MLDC 10.801 D(3) for passive agricultural.

The proposed mitigation is submitted by the Applicant includes a dedication of right of way for the extension of Marsh Lane adjacent to the urban growth boundary to provide a buffer consistent with section 10.801.

The applicant proposes a 6 foot chain link fence at the east property line, adjacent to the EFU parcel. This fence would be installed by the applicant prior to final plat approval, and dedicated to the City of Medford along with the street improvements of Marsh Lane and the maintenance of the property within the dedicated right of way would be the responsibility of the City.

The properties within 200 feet of the adjoining EFU parcel will record a deed declaration consistent with section 10.801 D(2)(c).

The applicant will design and submit for City review a plan to demonstrate appropriate mitigation for naturally occurring and inadvertent agricultural runoff from the adjoining parcel.

6. The person who prepared said report and all persons, agencies and organizations contacted during preparation of the report.

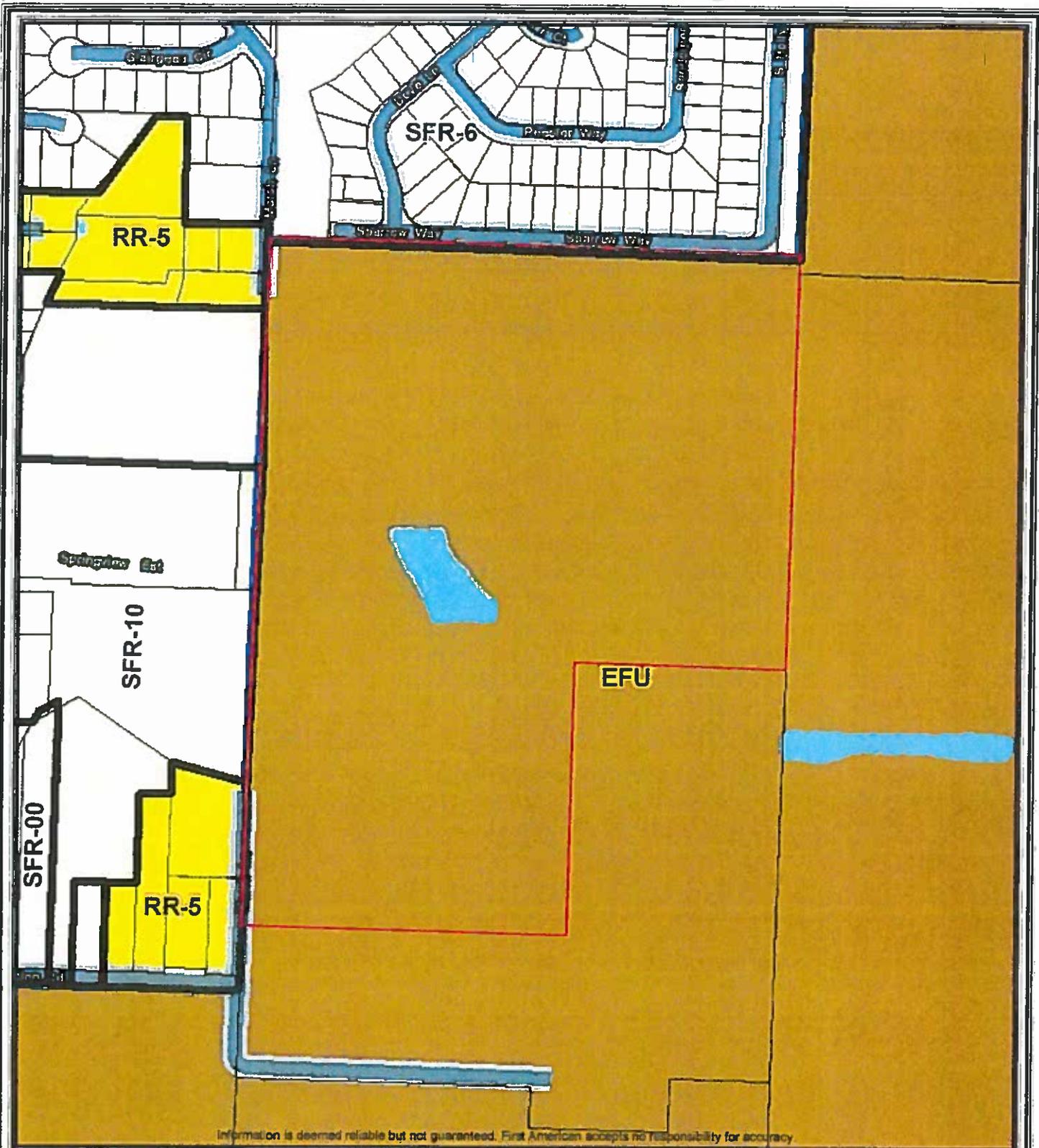
This Agricultural Impact Assessment report has been prepared by Steven L. Swartsley. Persons contacted for the preparation of this report are planning staff and adjoining Lax Ayala, owner of the adjoining EFU parcel.

This report was prepared with information provided by the Natural Resources Conservation Service (NRCS), and information from Jackson County public records and the Geographic Information Services (GSI).

7. All statements shall be documented, sources given as reference, and any other detailed information needed to substantiate conclusions should be provided in the appendices.

Attached with this summary is the following documentation:

1. Jackson County Smartmap zoning district map (A)
2. NCRS soil Map with the adjoining EFU parcel identified (B)
3. NCRS Non-Technical Descriptions for the soils identified on the soils map.(B 1-9)
4. Jackson County Smartmap irrigated soils map (C)



Information is deemed reliable but not guaranteed. First American accepts no responsibility for accuracy.

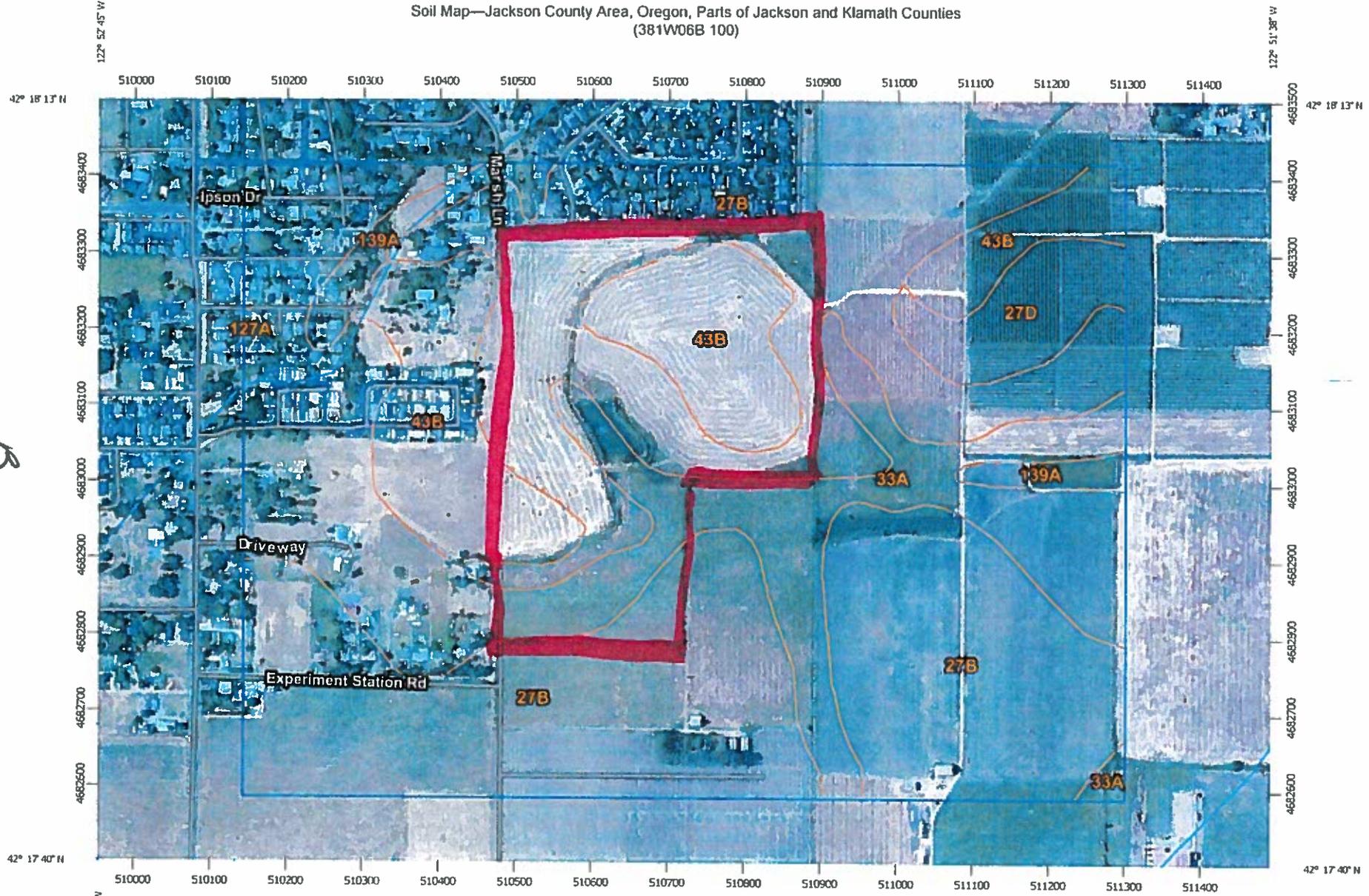
Prepared By:

**First American**  
4/20/2015

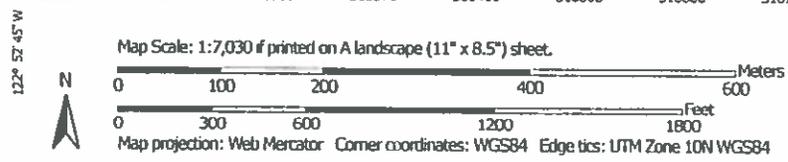
**Zoning**

- Taxlots
- Subject

Soil Map—Jackson County Area, Oregon, Parts of Jackson and Klamath Counties  
(381W06B 100)



Page 118





Prepared By:

**First American**

4/20/2015

**Aerial**

Taxlot

Subject

### MAP LEGEND

<b>Area of Interest (AOI)</b>		 Spoil Area	
 Area of Interest (AOI)		 Stony Spot	
<b>Soils</b>		 Very Stony Spot	
 Soil Map Unit Polygons		 Wet Spot	
 Soil Map Unit Lines		 Other	
 Soil Map Unit Points		 Special Line Features	
<b>Special Point Features</b>		<b>Water Features</b>	
 Blowout		 Streams and Canals	
 Borrow Pit		<b>Transportation</b>	
 Clay Spot		 Rails	
 Closed Depression		 Interstate Highways	
 Gravel Pit		 US Routes	
 Gravelly Spot		 Major Roads	
 Landfill		 Local Roads	
 Lava Flow		<b>Background</b>	
 Marsh or swamp		 Aerial Photography	
 Mine or Quarry			
 Miscellaneous Water			
 Perennial Water			
 Rock Outcrop			
 Saline Spot			
 Sandy Spot			
 Severely Eroded Spot			
 Sinkhole			
 Slide or Slip			
 Sodic Spot			

### MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

**Warning:** Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Jackson County Area, Oregon, Parts of Jackson and Klamath Counties  
Survey Area Data: Version 11, Sep 15, 2014

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 28, 2010—Jul 17, 2010

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

B.1  
Page 120

## Map Unit Legend

Jackson County Area, Oregon, Parts of Jackson and Klamath Counties (OR632)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
27B	Carney clay, 1 to 5 percent slopes	129.7	54.4%
27D	Carney clay, 5 to 20 percent slopes	8.2	3.4%
33A	Coker clay, 0 to 3 percent slopes	60.6	25.4%
43B	Darow silty clay loam, 1 to 5 percent slopes	33.5	14.1%
127A	Medford silty clay loam, 0 to 3 percent slopes	0.2	0.1%
139A	Padigan clay, 0 to 3 percent slopes	6.1	2.5%
<b>Totals for Area of Interest</b>		<b>238.2</b>	<b>100.0%</b>

## Jackson County Area, Oregon, Parts of Jackson and Klamath Counties

### 27B—Carney clay, 1 to 5 percent slopes

#### Map Unit Setting

*National map unit symbol:* hrry

*Elevation:* 1,200 to 4,000 feet

*Mean annual precipitation:* 18 to 30 inches

*Mean annual air temperature:* 46 to 54 degrees F

*Frost-free period:* 120 to 180 days

*Farmland classification:* Farmland of statewide importance

#### Map Unit Composition

*Carney and similar soils:* 80 percent

*Minor components:* 7 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Carney

##### Setting

*Landform:* Alluvial fans

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Parent material:* Alluvium and colluvium derived from tuff breccia

##### Typical profile

*H1 - 0 to 6 inches:* clay

*H2 - 6 to 35 inches:* clay

*H3 - 35 to 45 inches:* weathered bedrock

##### Properties and qualities

*Slope:* 1 to 5 percent

*Depth to restrictive feature:* 20 to 40 inches to paralithic bedrock

*Natural drainage class:* Moderately well drained

*Capacity of the most limiting layer to transmit water (Ksat):* Very low to moderately low (0.00 to 0.06 in/hr)

*Depth to water table:* About 36 to 42 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Available water storage in profile:* Low (about 4.9 inches)

##### Interpretive groups

*Land capability classification (irrigated):* 3s

*Land capability classification (nonirrigated):* 4e

*Hydrologic Soil Group:* D

*Ecological site:* Droughty fan 18-26 pz (R005XY024OR)

*Other vegetative classification:* Moderately Well Drained < 15% Slopes (G005XY006OR)

### Minor Components

#### Phoenix

*Percent of map unit:* 2 percent

*Landform:* Alluvial fans

*Ecological site:* Poorly drained bottom (R005XA016OR)

#### Padigan

*Percent of map unit:* 2 percent

*Landform:* Alluvial fans

*Ecological site:* Poorly drained bottom (R005XA016OR)

#### Cove

*Percent of map unit:* 2 percent

*Landform:* Flood plains

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Ecological site:* Poorly drained bottom (R005XY016OR)

*Other vegetative classification:* Poorly Drained (G005XY009OR)

#### Aquerts

*Percent of map unit:* 1 percent

*Landform:* Alluvial fans

## Data Source Information

Soil Survey Area: Jackson County Area, Oregon, Parts of Jackson and Klamath Counties

Survey Area Data: Version 11, Sep 15, 2014

## Jackson County Area, Oregon, Parts of Jackson and Klamath Counties

### 33A—Coker clay, 0 to 3 percent slopes

#### Map Unit Setting

*National map unit symbol:* hrs8  
*Elevation:* 1,000 to 4,000 feet  
*Mean annual precipitation:* 18 to 30 inches  
*Mean annual air temperature:* 46 to 54 degrees F  
*Frost-free period:* 120 to 180 days  
*Farmland classification:* Farmland of statewide importance

#### Map Unit Composition

*Coker and similar soils:* 80 percent  
*Minor components:* 8 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Coker

##### Setting

*Landform:* Alluvial fans  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Clayey alluvium derived from tuff breccia

##### Typical profile

*H1 - 0 to 33 inches:* clay  
*H2 - 33 to 70 inches:* clay

##### Properties and qualities

*Slope:* 0 to 3 percent  
*Depth to restrictive feature:* More than 80 inches  
*Natural drainage class:* Somewhat poorly drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Very low to moderately low (0.00 to 0.06 in/hr)  
*Depth to water table:* About 6 to 18 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Salinity, maximum in profile:* Nonsaline (0.0 to 2.0 mmhos/cm)  
*Available water storage in profile:* Moderate (about 9.0 inches)

##### Interpretive groups

*Land capability classification (irrigated):* 4w  
*Land capability classification (nonirrigated):* 4w  
*Hydrologic Soil Group:* D  
*Ecological site:* Semi-wet meadow (R005XY012OR)  
*Other vegetative classification:* Somewhat Poorly Drained < 15% Slopes (G005XY008OR)

### Minor Components

#### Padigan

*Percent of map unit:* 2 percent

*Landform:* Alluvial fans

*Ecological site:* Poorly drained bottom (R005XA016OR)

#### Phoenix

*Percent of map unit:* 2 percent

*Landform:* Alluvial fans

*Ecological site:* Poorly drained bottom (R005XA016OR)

#### Cove

*Percent of map unit:* 2 percent

*Landform:* Flood plains

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Ecological site:* Poorly drained bottom (R005XY016OR)

*Other vegetative classification:* Poorly Drained (G005XY009OR)

#### Gregory

*Percent of map unit:* 2 percent

*Landform:* Stream terraces

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Ecological site:* Poorly drained bottom (R005XY016OR)

*Other vegetative classification:* Poorly Drained (G005XY009OR)

## Data Source Information

Soil Survey Area: Jackson County Area, Oregon, Parts of Jackson and Klamath Counties

Survey Area Data: Version 11, Sep 15, 2014

## Jackson County Area, Oregon, Parts of Jackson and Klamath Counties

### 43B—Darow silty clay loam, 1 to 5 percent slopes

#### Map Unit Setting

*National map unit symbol:* hrsn  
*Elevation:* 1,000 to 4,000 feet  
*Mean annual precipitation:* 18 to 30 inches  
*Mean annual air temperature:* 46 to 54 degrees F  
*Frost-free period:* 120 to 180 days  
*Farmland classification:* All areas are prime farmland

#### Map Unit Composition

*Darow and similar soils:* 80 percent  
*Minor components:* 7 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Darow

##### Setting

*Landform:* Hillslopes  
*Landform position (two-dimensional):* Shoulder, summit  
*Landform position (three-dimensional):* Interfluve, crest, nose slope  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Colluvium derived from sedimentary rock

##### Typical profile

*H1 - 0 to 12 inches:* silty clay loam  
*H2 - 12 to 32 inches:* silty clay  
*H3 - 32 to 42 inches:* weathered bedrock

##### Properties and qualities

*Slope:* 1 to 5 percent  
*Depth to restrictive feature:* 20 to 40 inches to paralithic bedrock  
*Natural drainage class:* Moderately well drained  
*Capacity of the most limiting layer to transmit water (Ksat):*  
Moderately low to moderately high (0.06 to 0.20 in/hr)  
*Depth to water table:* About 36 to 42 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Available water storage in profile:* Low (about 5.6 inches)

##### Interpretive groups

*Land capability classification (irrigated):* 3s  
*Land capability classification (nonirrigated):* 4e  
*Hydrologic Soil Group:* D  
*Ecological site:* Droughty north 18-35 pz (R005XY032OR)  
*Other vegetative classification:* Moderately Well Drained < 15%  
Slopes (G005XY006OR)

### Minor Components

#### Padigan

*Percent of map unit:* 2 percent

*Landform:* Terraces

*Ecological site:* Poorly drained bottom (R005XA016OR)

#### Gregory

*Percent of map unit:* 2 percent

*Landform:* Stream terraces

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Ecological site:* Poorly drained bottom (R005XY016OR)

*Other vegetative classification:* Poorly Drained (G005XY009OR)

#### Cove

*Percent of map unit:* 2 percent

*Landform:* Flood plains

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Ecological site:* Poorly drained bottom (R005XY016OR)

*Other vegetative classification:* Poorly Drained (G005XY009OR)

#### Aquolls

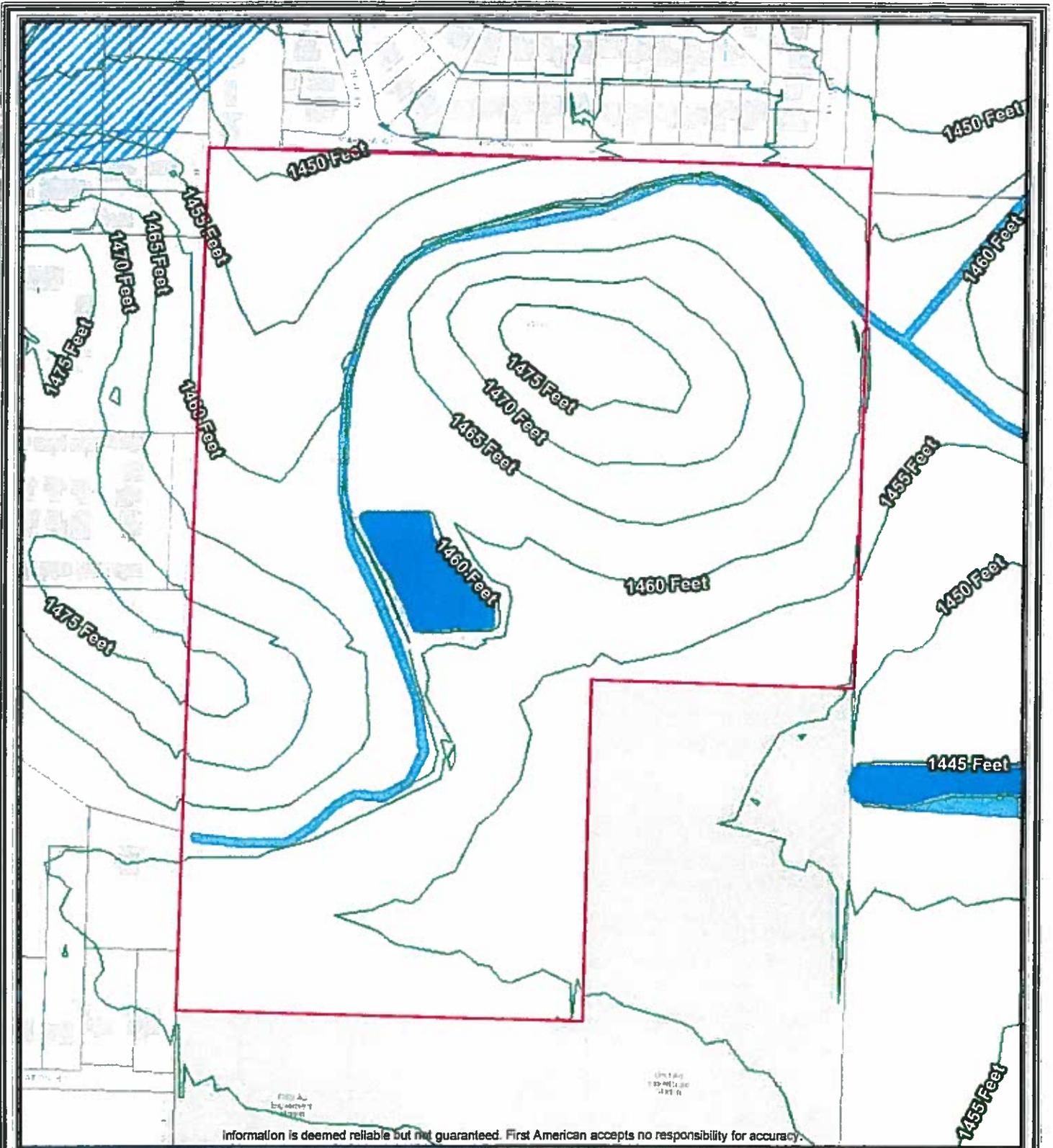
*Percent of map unit:* 1 percent

*Landform:* Alluvial fans

## Data Source Information

Soil Survey Area: Jackson County Area, Oregon, Parts of Jackson and Klamath  
Counties

Survey Area Data: Version 11, Sep 15, 2014



Prepared By:

**First American**

4/20/2015

**Natural**

- Taxlots
- Subject
- Contour
- FEMA Flood
- Wetlands



Continuous Improvement Customer Service

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JUL 23 2015

PLANNING DEPT.

**CITY OF MEDFORD**

Revised Date: 7/15/2015

File Numbers: LDS-15-039/CUP-15-089/E-15-090

**PUBLIC WORKS DEPARTMENT STAFF REPORT  
NOBILITY VILLAGE**

**Project:** Proposed tentative plat for a 29-lot residential subdivision, with a conditional use permit for a riparian crossing, and an exception to the hillside ordinance and right-of-way dedication.

**Location:** A 5.69 acre parcel at the eastern terminus of Nobility Drive, approximately 660 feet east of Kings Highway.

**Applicant:** VP & Trading, LLC., Applicant (Steven Swartsley, Agent)

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

**A. STREETS**

**1. Dedications**

**Nobility Drive** is proposed as a Minor Residential Street with right-of-way width of 55-feet, consistent with the standard prescribed by MLDC 10.430.

**Nobation Lane and Nations Lane** are proposed as Residential Lanes with right-of-way width of 33-feet, consistent with the standard prescribed by MLDC 10.430. The Developer shall dedicate adequate right-of-way for the knuckle at the intersection of Nobation Lane and Nations Lane to City of Medford standards with a minimum right-of-way radius of 45-feet.

**Marsh Lane** is proposed as a Minor Residential Street. The Tentative Plat indicates a proposed right-of-way dedication of 51-feet in total width. This is not consistent with the standard total width prescribed by MLDC 10.430 which is 55-feet.

**An exception request has been submitted for the Planning Commissions consideration for a reduction of the required right-of-way dedication to 51-feet. This will provide adequate right-of-way for all the components of a Minor Residential Street with the exception of**

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P:\Staff Reports\LDS\LDS-15-039CUP-15-089E-15-090 Nobility Village\LDS-15-039 Nobility Village - Staff Report-Revised.docx Page 1

**reduced planter strips from 8-feet to 5.5-feet. Public Works supports this request. If the exception request is denied the Developer shall dedicate 55-feet of right-of-way per MLDC 10.430.**

The **minimum access drive** shall be private and constructed in accordance with MLDC Section 10.430A(1) and have a minimum width of 20-feet.

Streets, as shown on the Tentative Plat, in which any portion terminates to a boundary line of the subdivision shall be dedicated to within one foot of the boundary line, and the remaining one foot shall be granted in fee, as a non-access reserve strip to the City of Medford. Upon approved dedication of the extension of said streets, the one-foot reserve strip shall automatically be dedicated to the public use as part of said street without any further action by the City of Medford. (MLDC 10.439)

A **15 foot corner radius** shall be provided at the right-of-way lines of all intersecting streets. (MLDC 10.445). The Developer shall verify and ensure that there is sufficient right-of-way at the intersection of Nations Lane and Marsh Lane to allow for the public improvements to be constructed within the public right-of-way and not encroach on the adjacent property to the south.

**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**

**Nobility Drive** shall be improved to Minor Residential Street standards in accordance with MLDC 10.430 (2).

**Nobation Lane and Nations Lane** shall be improved to Residential Lane standards in accordance with MLDC 10.430 (3). The Developer shall construct the knuckle at the intersection of Nobation Lane and Nations Lane to City of Medford standards with a minimum paved section radius of 37-feet. The Developer shall improve the full width of Nations Lane along the frontage of this development.

**Marsh Lane** shall be improved to Minor Residential Street standards with 28-foot wide paved sections, complete with curbs, gutters, 8-foot wide park strips, 5-foot wide sidewalks and street

lights in accordance with MLDC 10.430 (1). The Developer shall improve the full width along the frontage of this development.

**If the exception request is approved, the planter strip for Marsh Lane can be reduced to 5.5-feet.**

**b. Minimum Access Drive**

The minimum access drives shall be improved to a minimum width of 18 feet with AC pavement. The minimum TI for the structural section shall be 3.5, the minimum AC section shall be 3” thick, and the base aggregate shall extend one foot beyond the edge of pavement. 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.

**c. 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. 10 – 100W HPS street light

Traffic Signs and Devices - City Installed, paid by the Developer

- A. 4 – street name signs
- B. 2 – Dead end barricades
- C. 1 – Dead End Sign

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

**d. Pavement Moratoriums**

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

**e. 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.

**f. Hillside Ordinance**

**An exception from the Hillside Ordinance has been requested for the Planning Commissions consideration due to limited areas having greater than 15% slope. Public**

Works supports this request. If additional area is determined to be greater than 15% then an analysis may be required in accordance to the hillside ordinance.

**g. Access to Public Street System**

In accordance with MMC 10.430A(1), lots 21, 22 and 23 as well as lots 19, and 20 shall take access via two separate 20-foot wide minimum access easements. The tentative plat shows one minimum access easement situated along the south boundary, and providing access from Nobation Lane and Nations Lane and the other near the west boundary along the riparian setback, providing access from Nobility Drive. The Developer shall record a shared access maintenance agreement for the mutual benefit and responsibility of all the respective parcels, including the maintenance of stormwater run-off from the asphalt.

**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.

**Nobility Drive, Nobation Lane, Nations Lane and Marsh Lane:** In determining rough proportionality, the City averaged the lineal footage of roadway per dwelling unit for road improvements and averaged square foot of right-of-way per dwelling unit for dedications. The proposed development has 29 dwelling units and will improve approximately 1972 lineal feet of roadway which equates to 68 lineal feet per dwelling unit. Also the development will dedicate approximately 88,835 square feet of right-of-way which equates to approximately 3,063 square feet per dwelling unit.

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

- a. Dedication will ensure that new development and density intensification provides the current level of urban services. This development will create an additional 29 Lots within the City of Medford and increase vehicular traffic by approximately 276 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.

For the main channel of Crooked Creek, a drainage and hydrology study must be prepared by a licensed civil engineer. The study must establish the 10, 25, and 100-year flood plain boundaries and the 100-year base flood elevations. No fill shall be allowed within the floodplain without a Flood Plain Permit from the Building Department. Water surface elevations for the 10 and 25 year events shall also be provided on the plans or separate report. Nobility Drive is planned to cross this stream with this Development. The Applicant's Engineer shall provide a "no-rise study" for this crossing.

### **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**

The Developer shall show all existing and proposed Storm Drain mains, outfalls and easements, including offsite sections and the crossing at Crooked Creek, on the Conceptual Grading and Drainage Plan and the final Construction Plans.

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 does not show phasing.

### **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.

**The Developer shall address all floodway, floodplain and riparian area issues with the proper Agencies and acquire all necessary permits for work within the floodway, floodplain or riparian areas.**

#### **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**

### **NOBILITY VILLAGE**

LDS-15-039/CUP-15-089/E-15-090

#### **A. Streets**

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

- Dedicate Nobility Drive right-of-way fifty five (55) feet wide.
- Dedicate Nobation Lane and Nations Lane rights-of-way fifty five (33) feet wide.
- Dedicate Marsh Lane right-of-way fifty five (55) feet wide or (51) feet with Exception approval.
- Dedicate Minimum Access Drive easement.
- Dedicate 10 foot public utility easements (PUE).

##### **2. Improvements:**

###### **a. Public Streets**

- Construct Nobility Drive to Minor Residential standards.
- Construct Nobation Lane and Nations Lane to Residential Lane standards, with a City of Medford standard knuckle.
- Construct Marsh Lane to Minor Residential standards or as approved with an exception.
- Construct Minimum Access Drives to standards.

###### **b. Lighting and Signing**

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

###### **c. Provide soil testing.**

#### **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.

Provide a "no-rise" flood study.

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.

**E. General Conditions**

Provide public improvement plans and drafts of the final plat.

Provide outside Agency approvals for all work within the floodway, floodplain and riparian areas.

Provide pavement moratorium letters.

**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.**



**RECEIVED**  
JUL 15 2015  
PLANNING DEPT.

# Memo

**To:** Sarah Sousa, Planning Department  
**From:** Mary Montague, Building Department  
**CC:** VP & Trading, LLC; Steven Swartsley  
**Date:** 07/15/2015  
**Re:** LDS-15-039/CUP-15-089/E-15-090

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## **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. Provide pre-construction; finished floor; and final grade elevation certificates for all properties located in the 100 year flood and floodway zones.
4. A demolition permit is required to remove all buildings on site prior to any excavation.
5. A Site Excavation permit is required for grading and utilities installation.

**RECEIVED**

JUL 15 2015

PLANNING DEPT.

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## **STAFF MEMO**

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**To:** Sarah Sousa  
**From:** Jennifer Ingram, Address Technician  
**Date:** 7/15/2015  
**Subject:** LDS-039

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1. Lot 20 will require a minimum access drive address sign at the driveway's intersection with the proposed extension of Nobility Drive.
2. Lot 2 will require a minimum access drive address sign at the driveway's intersection with proposed street Nobation Lane.



# Medford Fire Department

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

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JUL 15 2015

PLANNING DEPT.

## LAND DEVELOPMENT REPORT - PLANNING

To: Sarah Sousa

LD Meeting Date: 07/15/2015

From: Greg Kleinberg

Report Prepared: 07/13/2015

Applicant: VP & Trading, LLC., Applicant (Steven Swartsley, Agent)

File #: LDS - 15 - 39

Associated File #'s: CUP - 15 - 89

E - 15 - 90

### Site Name/Description: 29-lot residential subdivision

Proposed tentative plat for a 29-lot residential subdivision, with a conditional use permit for a riparian crossing, and an exception to the hillside ordinance on a 5.69 acre parcel at the eastern terminus of Nobility Drive, approximately 660 feet east of Kings Highway; VP & Trading, LLC., Applicant (Steven Swartsley, Agent). Sarah Sousa, Planner.

### DESCRIPTION OF CORRECTIONS

### REFERENCE

#### Requirement FIRE HYDRANTS

OFC

508.5

Fire hydrants with reflectors will be required for this project.

Hydrant locations shall be as follows: Five (5) fire hydrants will be required for this project in the following locations: One on Nobility Dr near the minimum access easement in front of lot #18; One on the corner of Nobility Dr and Nobation Ln in front of lot #14; One on the corner of Nobility Dr and Marsh Ln in front of lot #10; One on the corner of Marsh Ln and Nations Ln in front of lot #29; and one on Nobation Ln near the minimum access easement in front of lot #24.

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

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

#### Requirement MINIMUM ACCESS ADDRESS SIGN

OFC

505

Minimum access address signs are required for lot #20 and lot #21.

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

#### Requirement MEDFORD CODE STREET DESIGN OPTIONS

MEDFORD

10.430

Section 10.430 of the Medford Code states the following:

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



# Medford Fire Department

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## LAND DEVELOPMENT REPORT - PLANNING

To: Sarah Sousa

LD Meeting Date: 07/15/2015

From: Greg Kleinberg

Report Prepared: 07/13/2015

Applicant: VP & Trading, LLC., Applicant (Steven Swartsley, Agent)

File #: LDS - 15 - 39

Associated File #'s: CUP - 15 - 89

E - 15 - 90

Site Name/Description: 29-lot residential subdivision

(a) Clustered, offset (staggered) driveways (see example) (design approved by Fire Department), and fire hydrants located at intersections with the maximum fire hydrant spacing along the street of 250-feet.

(b) All dwellings that front and take access from minor residential streets to be equipped with a residential (NFPA 13D) fire sprinkler system, and fire hydrants located at intersection with the maximum fire hydrant spacing along the street of 500-feet.

(c) Total paved width of 33-feet with five-and-a-half (5 ½) foot planter strips.

The Oregon Fire Code requires; "Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches" (OFC 503.2.1). "The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established in Section 503.2.1, shall be maintained at all times." (OFC 503.4).

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

### Requirement "NO PARKING-FIRE LANE" SIGNS REQUIRED

OFC 503.3

Parking shall be posted as prohibited on one side of Nations Lane and along the minimum access easement driveways.

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

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

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



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Medford, OR 97501  
Phone: 774-2300; Fax: 541-774-2514;  
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## LAND DEVELOPMENT REPORT - PLANNING

To: Sarah Sousa

LD Meeting Date: 07/15/2015

From: Greg Kleinberg

Report Prepared: 07/13/2015

Applicant: VP & Trading, LLC., Applicant (Steven Swartsley, Agent)

File #: LDS - 15 - 39

Associated File #'s: CUP - 15 - 89

E - 15 - 90

Site Name/Description: 29-lot residential subdivision

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

**Requirement ADDL. FD ACCESS REQUIRED-1 & 2 FAMILY DWELLINGS OFC D107.1**

If there is not a permanent access easement at the end of Barons Avenue with the adjoining manufactured home development, then this will not be counted as a secondary fire access road and all of the new homes will have to be equipped with a residential fire sprinkler system in accordance with the Fire Code requirement shown below (existing houses on a single access road are counted).

Lots/Units Affected: 1-29

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

Exceptions:

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

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

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

**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.**



BOARD OF WATER COMMISSIONERS  
**Staff Memo**

**TO:** Planning Department, City of Medford  
**FROM:** Rodney Grehn P.E., Water Commission Staff Engineer  
**SUBJECT:** LDS-15-039/CUP-15-089 & E-15-090  
**PARCEL ID:** 381W06B TL 200  
**PROJECT:** Proposed tentative plat for a 29-lot residential subdivision, with a conditional use permit for a riparian crossing, and an exception to the hillside ordinance on a 5.69 acre parcel at the eastern terminus of Nobility Drive, approximately 660 feet east of Kings Highway; VP & Trading, LLC., Applicant (Steven Swartsley, Agent. Sarah Sousa, Planner).  
**DATE:** July 9, 2015

**RECEIVED**  
JUL 15 2015  
PLANNING DEPT.

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. Off-site water line installation is required to meet required fire protection flows for this proposed subdivision. An 8-inch water line is required to replace the existing 2-inch steel water line located along the east property line. Off-site improvements are required between the north property line of this parcel (TL 200) and an existing 8-inch water line located to the north approximately 200-feet in the project of Sparrow Way. Applicant's civil engineer shall coordinate with MWC engineering staff for this off-site water line, and associated water line abandonment.
4. Installation of new 8-inch water lines is required in the proposed extension of Nobility Drive, Marsh Lane, and Nobation Lane. Applicant's civil engineer shall coordinate with MWC engineering staff for water facility and water meter layout.
5. Proposed Lots 18, 19, and 20 are required to have their water service connection located on the south side of the public right-of-way of Nobility Drive. Water meters shall not be installed in proposed driveways.
6. Proposed Lots 21, 22, and 23 will have their water services located on the west side of the public right-of-way of Nobation Lane. Water meters shall not be installed in proposed driveways.

*Continued to next page*



*Continued from previous page*

7. The existing 3/4-inch water meter currently serving the existing home at 700 Nobility Drive is required to be abandoned.
8. Applicant's civil engineer shall coordinate with Medford Fire for required fire hydrant locations.

**COMMENTS**

1. Off-site water line installation is required to provide adequate fire flows and water quality. (See Condition 3 above)
2. On-site water facility construction is required. (See Condition 4 above)
3. MWC-metered water service does exist to this property. There is an existing 3/4-inch water meter serving the existing home at 700 Nobility Drive on this parcel. The water meter is physically located off the existing 2-inch steel water line along the east property line in proposed Marshall Lane. (See Condition 7 above)
4. Access to MWC water lines is available. There is an 8-inch water line in Nobility Drive which is stubbed to the west property line. There is also a 2-inch steel water line along the east property line of this parcel.

RECEIVED

JUL 02 2015

PLANNING DEPT.



## ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 97502-0005  
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

July 2, 2015

Medford Planning Department  
411 West 8th Street  
Medford, Oregon 97501

**Re: Nobility Village Subdivision, LDS-15-039/CUP-15-089/E-15-090, REF LDS-06-107, LDS-05-144 (381w06B - 200)**

ATTN: Sarah,

There is an existing 8 inch sewer main along the East bank of Crooked Creek. The existing house is currently served by a connection to this main line. The location of this main line and the existing service line may seriously limit development on Lots 1, 2, 13, 14, and 15. We strongly recommend that the developer review the lot configuration relative to the existing sewer location.

Sewer service to the subdivision will require a main line extension from the existing main along Crooked Creek.

Rogue Valley Sewer Services requests that approval of the proposed development be subject to the following conditions:

1. The sewer main extension must be designed and constructed in accordance with RVS standards.
2. The new sewer main must be accepted as a public sewer by Rogue Valley Sewer Services prior to issuance of any building permits.

Feel free to call me if you have any questions regarding this project.

Sincerely,

A handwritten signature in cursive script that reads 'Carl Tappert'.

Carl Tappert P.E.  
Manager

K:\DATA\AGENCIES\MEDFORD\PLANNING\LAND SUB\2015\LDS-015-039\_NOBILITYVILLAGE.DOC

CITY OF MEDFORD

EXHIBIT #M

File #LDS-15-039/CUP-15-089/E-15-090

**Sarah K. Sousa**

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**From:** David Haight <david.r.haight@state.or.us>  
**Sent:** Tuesday, July 14, 2015 1:36 PM  
**To:** Sarah K. Sousa  
**Subject:** LDS-15-039/CUP-15-089/E-15-090

**RECEIVED**  
JUL 14 2015  
PLANNING DEPT.

Sarah,

This email is in response to the request for comments concerning the Nobility Village subdivision. The Oregon Department of Fish and Wildlife is not opposed to the proposal, including the reduction of the riparian setback to 25 feet with the implementation of the included riparian planting plan. If a setback reduction is granted, we feel it is important to ensure that the vegetation planted as mitigation survives and becomes established. We would like to have the vegetation monitored and maintained for a minimum of five years to ensure survival. Any trees that dies during that time should be replaced by the end of the next planting season. Shrubs should be replaced to ensure at least 80% survive. If responsibly for maintenance of this vegetation will be passes on to purchasers of the individual lots, and formal agreement should be instituted to ensure success of the mitigation.

Thank you for considering my comments on the proposal.

David R. Haight  
Fisheries Biologist  
Oregon Department of Fish and Wildlife  
1495 East Gregory Road  
Central Point, OR 97502  
541-826-8774, ext 224

**Sarah K. Sousa**

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**From:** MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>  
**Sent:** Tuesday, July 21, 2015 3:34 PM  
**To:** Sarah K. Sousa  
**Subject:** LDS-15-039/CUP-15-089/E-15-090

**RECEIVED**

JUL 21 2015

**PLANNING DEPT.**

Sarah,

Thank you for sending agency notice of a proposed tentative plat for a 29-lot residential subdivision, with a conditional use permit for a *riparian crossing*, and an *exception to the hillside ordinance on a 5.69 acre parcel at the eastern terminus of Nobility Drive, approximately 660 feet east of Kings Highway*. 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**

AGREEMENT TO RETAIN PERMANENT INGRESS AND EGRESS TO SPRING VIEW ESTATES

RECEIVED

JUL 22 2015

PLANNING DEPT.

RECITALS

WHEREAS, Andreas G. Nager is the owner of a manufactured home park known as Spring View Estates and located at 2111 Kings Highway, Medford, Oregon and

WHEREAS, Spring View Estates has an ingress and egress at the terminus of Barons Avenue, and

WHEREAS, the owner of Spring View Estates, desires to maintain and leave open said ingress and egress permanently.

AGREEMENT

NOW, THEREFORE, it is hereby agreed as follows:

1. Andreas G. Nager hereby represents he is the owner of certain real property located at 2111 Kings Highway, Medford, Oregon commonly known as Spring View Estates, a manufactured home park.
2. Said manufactured home park has an ingress and egress at the terminus of Barons Avenue and Andreas G. Nager hereby represents he, as the owner, will retain on a permanent basis the ingress and egress presently located at the terminus of Barons Avenue.

Dated this 21 day of July, 2015.

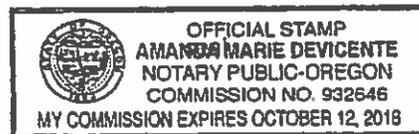
Andreas G. Nager

STATE OF OREGON     )  
                                   )     ss  
 County of Deschutes   )

SUBSCRIBED before me, a Notary Public for the State of Oregon this 21 day of July, 2015.

Notary Public for Oregon

My commission expires: Oct 21, 2018



RECEIVED

JUL 27 2015

PLANNING DEPT.

July 23, 2015

File Nos. LDS-15-039, CUP-15-089, E-15-090

City of Medford Planning Commissioners

Attention: Sarah Souza

200 South IV

Medford, OR 97501

With all due respect and appreciation, we as a community of Kings View Subdivision are requesting the denial of the Nobility Village Subdivision until a second opening be made on Marsh Lane. In 1997 Spring View Estates, a Mobile Home Park, South of Kings View Subdivision was required to have a second opening for fire truck entry onto Barons Ave. to Nobility Drive. With two subdivisions, and the Mobile Home Park, gives a total of 106 homes using Nobility Drive. Few people use the main entry to the Mobile Home Park, due to speed bumps in the park.

Please see the attached pictures, traffic counts and maps of the subdivisions and Mobile Home Park.

Also, the City of Medford required the owner of the Mobile Home Park to remove the old, pipe culvert items, and install a concrete boxed culvert due to high water flow in Crooked Creek. Many residents are required to carry flood insurance by lenders.

We deeply appreciate your time and consideration for a delay of the aforementioned project until a second opening is established, especially for safety reasons. Nobility Drive is a small street, and with over two hundred vehicles using it is far too many.

Sincerely yours,

*Wayne King and Hattie King*  
Wayne and Hattie King

A handwritten signature in cursive script, appearing to read "Wayne King and Hattie King". The signature is written in dark ink and is positioned to the right of the typed names.

1909 Regal Ave.

Medford, OR 97501

Phone: 1-541-772-6136

City of Medford Planning Commission

We as the community of Kings View Subdivision respectfully request the denial of the proposed Nobility Village Subdivision due to the fact Nobility Drive isn't a major street in Medford, and Marsh Lane isn't complete. The proposed subdivision would increase traffic to accommodate 106 homes (Spring View Estates, a Mobile Home Park, Kings View Subdivision, and Nobility Village).

Respectfully,

Name	Address	Telephone No.
Blattie M. King	1909 Regal ave	541-772-6136
Morris Wayne King	1909 Regal ave.	541-772-6136
Donald & Michelle Moore	1893 Barons Ave	541 951-9896
Michelle Moore	1893 Barons Ave	541 951-9897
Joan Macdonald	1887 Barons ave	541-779-1777
Nona Buehler	1887 Barons Ave	541-779-1777
Conny Welfel	1928 Barons Ave	541-499-1321
Cynthia Thorn	1929 Barons Ave	541-608-9532
K 2	1929 Barons Ave	<del>541-3359</del> 458-212
Wziegler	1925 Barons Ave	541-770-5335
John Ziegler	1925 Barons Ave	541-890-5294
Cathy Jones	1921 Barons Ave.	541-778-6153
Ken Strahm	1919 Barons Ave.	541-779-4178
Wanda Taylor	1892 Barons Ave	541-620-5970





DEC. 4 1996

RECEIVED

**SITE PLAN**

Located in:  
NE 1/4 of Section 11A,  
in Township 36S, Range 14E,  
City of Medford,  
Jackson County, Oregon  
Tax Lot 300

**LAND USE CONSULTANTS**

Richard Stevens Co.  
81 N. Bartlett  
Medford, Oregon 97501  
(541) 753-7846

**(SPRING VIEW ESTATES)**  
A Manufactured Housing Park

**APPLICANT/OWNER**

Louis Primavera  
8101 John Day Drive  
Gold Hill, Oregon 97525  
(541) 855-7130

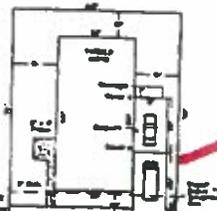
**SURVEYING**

Hoffbutt & Associates  
1062 E. Jackson  
Medford, Oregon 97504  
(541) 753-4641  
Scale - 1" = 40'  
December 3, 1996

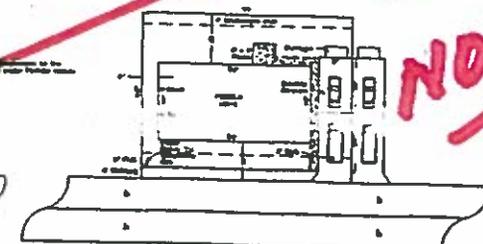
TYPICAL STREET SECTION



TYPICAL SPACE (19-21)  
Rosa P = 30'

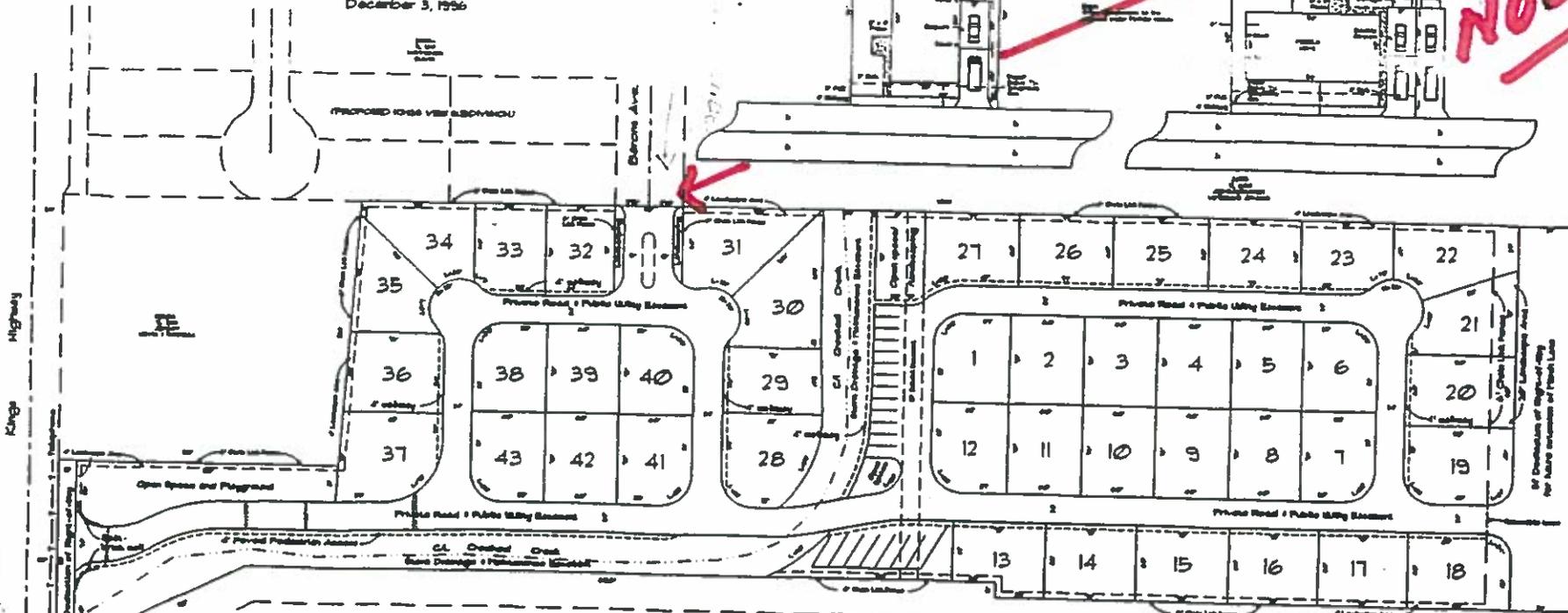


TYPICAL SPACE (24-27)  
Rosa P = 30'



43 HOMES  
OPEN TO  
BARONS  
&  
NOBILITY

01-9-96-10  
A



Zone: 7.83 on  
Irregular District: MD  
School District: G-10  
 zoning: 272-10  
Current Use: Forest  
Proposed Use: Manufactured Housing Park

VICINITY MAP



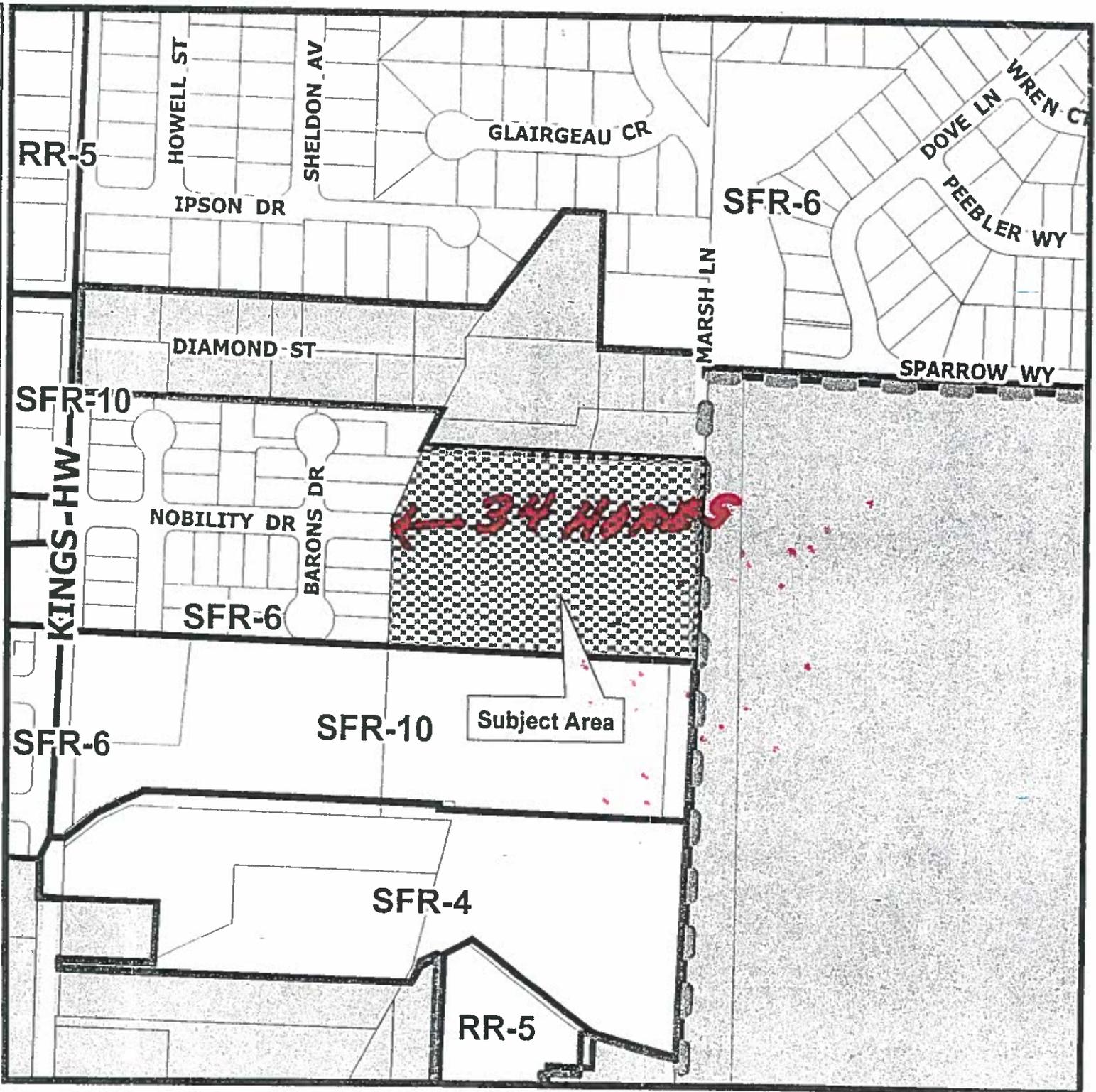
speed bumps  
Main entrance

**Vicinity Map**

-  UGB
-  City Limits

**OVERLAY**

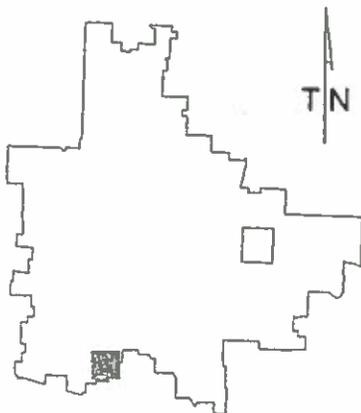
-  Airport Approach
-  Airport Radar
-  Central Business
-  Exclusive Agricultural
-  Freeway
-  Historic Outline
-  Limited Service
-  Planned Development
-  Southeast



**FILE NUMBER:**  
LDS-05-144

**APPLICANT:**  
Kellems Bldg. & Dev.

Map: 381W06B  
TL: 200







SPRING VIEW ESTATES  
(MOBILE HOME PARK)



CITY OF MEDFORD  
TRUCKS

CITY OF MEDFORD, OREGON  
 TRAFFIC VOLUMES  
 24 HOUR AWD

Site Code: 00000009107

Station ID:

NOBILITY ←

E OF KINGS HWY

Start Time	02-Jun-03		Tue		Wed		Thu		Fri		Sat		Sun		Week Average	
	Direction	Direction														
12:00 AM	*	*	3	0	3	0	1	0	4	0	*	*	*	*	3	0
01:00	*	*	1	0	4	0	0	0	2	0	*	*	*	*	2	0
02:00	*	*	4	0	3	0	3	0	2	0	*	*	*	*	3	0
03:00	*	*	4	0	4	0	4	0	4	0	*	*	*	*	4	0
04:00	*	*	9	0	5	0	6	0	5	0	*	*	*	*	6	0
05:00	*	*	23	0	20	0	21	0	22	0	*	*	*	*	22	0
06:00	*	*	38	0	51	0	46	0	45	0	*	*	*	*	45	0
07:00	*	*	51	0	32	0	50	0	51	0	*	*	*	*	46	0
08:00	*	*	32	0	24	0	40	0	30	0	*	*	*	*	32	0
09:00	*	*	24	0	19	0	24	0	34	0	*	*	*	*	25	0
10:00	*	*	29	0	28	0	35	0	38	0	*	*	*	*	32	0
11:00	34	0	42	0	46	0	36	0	*	*	*	*	*	*	40	0
12:00 PM	44	0	46	0	34	0	35	0	*	*	*	*	*	*	40	0
01:00	45	0	52	0	29	0	34	0	*	*	*	*	*	*	40	0
02:00	56	0	48	0	42	0	46	0	*	*	*	*	*	*	48	0
03:00	42	0	45	0	38	0	47	0	*	*	*	*	*	*	43	0
04:00	55	0	66	0	52	0	56	0	*	*	*	*	*	*	57	0
05:00	38	0	45	0	44	0	48	0	*	*	*	*	*	*	44	0
06:00	46	0	46	0	34	0	35	0	*	*	*	*	*	*	40	0
07:00	18	0	35	0	48	0	40	0	*	*	*	*	*	*	35	0
08:00	32	0	28	0	20	0	30	0	*	*	*	*	*	*	28	0
09:00	16	0	8	0	8	0	20	0	*	*	*	*	*	*	13	0
10:00	5	0	7	0	3	0	5	0	*	*	*	*	*	*	5	0
11:00	4	0	3	0	4	0	4	0	*	*	*	*	*	*	4	0
Lane Day	435	0	689	0	595	0	666	0	237	0	0	0	0	0	657	0
AM Peak	11:00		07:00		06:00		07:00		07:00						07:00	
Volume	34		51		51		50		51						46	
PM Peak	14:00		16:00		16:00		16:00								16:00	
Volume	56		66		52		56								57	

Comb. Total      435                      689                      595                      666                      237                      0                      0                      657

ADT      Not Calculated

NOBILITY

CITY OF MEDFORD , OREGON  
 TRAFFIC VOLUMES  
 24 HOUR AWD

Site Code: 00000009106  
 Station ID:  
 SPRING VIEW  
 E OF KINGS HWY

Start Time	Mon 02-Jun-03	Tue	Wed	Thu	Fri	Average Day	Sat	Sun	Week Average
12:00 AM	*	0	2	*	*	1	*	*	1
01:00	*	0	2	*	*	1	*	*	1
02:00	*	1	1	*	*	1	*	*	1
03:00	*	0	0	*	*	0	*	*	0
04:00	*	0	0	*	*	0	*	*	0
05:00	*	6	7	*	*	6	*	*	6
06:00	*	4	9	*	*	6	*	*	6
07:00	*	14	9	*	*	12	*	*	12
08:00	*	7	14	*	*	10	*	*	10
09:00	*	16	8	*	*	12	*	*	12
10:00	*	8	18	*	*	13	*	*	13
11:00	7	5	*	*	*	6	*	*	6
12:00 PM	10	10	*	*	*	10	*	*	10
01:00	18	14	*	*	*	16	*	*	16
02:00	16	7	*	*	*	12	*	*	12
03:00	10	8	*	*	*	9	*	*	9
04:00	12	13	*	*	*	12	*	*	12
05:00	13	8	*	*	*	10	*	*	10
06:00	4	6	*	*	*	5	*	*	5
07:00	13	3	*	*	*	8	*	*	8
08:00	11	3	*	*	*	7	*	*	7
09:00	4	2	*	*	*	3	*	*	3
10:00	7	4	*	*	*	6	*	*	6
11:00	0	0	*	*	*	0	*	*	0
Total	125	139	70	0	0	166	0	0	166
% Avg. WkDay	75.3%	83.7%	42.2%	0.0%	0.0%	100.0%			
% Avg. Week	75.3%	83.7%	42.2%	0.0%	0.0%	100.0%	0.0%	0.0%	
AM Peak	11:00	09:00	10:00			10:00			10:00
Volume	7	16	18			13			13
PM Peak	13:00	13:00				13:00			13:00
Volume	18	14				16			16
Total	125	139	70	0	0	166	0	0	166

*SPRING VIEW  
 COUNTER VANDALIZED  
 AND REMOVED*

TRAFFIC VOLUMES  
CITY OF MEDFORD , OREGON

Site Code: 00000009744

Station ID:  
NOBILITY

Start Time	29-Mar-04		Tue		Wed		Thu		Fri		Sat		Sun		Week Average	
	Channel	Channel	Channel	Channel	Channel	Channel	Channel	Channel	Channel	Channel	Channel	Channel	Channel	Channel	Channel	Channel
12:00 AM	*	*	*	*	*	*	3	0	3	1	11	2	3	1	5	1
01:00	*	*	*	*	*	*	1	0	0	0	1	2	1	1	1	1
02:00	*	*	*	*	*	*	0	0	1	1	0	1	1	1	0	1
03:00	*	*	*	*	*	*	1	2	1	1	0	1	1	1	1	1
04:00	*	*	*	*	*	*	0	4	0	3	3	0	3	2	2	2
05:00	*	*	*	*	*	*	2	5	1	4	1	5	1	3	1	4
06:00	*	*	*	*	*	*	7	20	2	21	2	7	1	3	3	13
07:00	*	*	*	*	*	*	13	40	11	33	10	10	6	7	10	22
08:00	*	*	*	*	*	*	13	23	6	30	5	16	4	11	7	20
09:00	*	*	*	*	*	*	16	18	9	15	10	20	5	12	10	16
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11:00	*	*	*	*	*	*	22	22	18	19	18	20	13	17	18	20
12:00 PM	*	*	*	*	*	*	16	18	29	33	20	24	29	19	24	24
01:00	*	*	*	*	*	*	13	17	17	13	25	16	13	17	17	16
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06:00	*	*	*	*	34	21	23	13	31	33	29	32	27	17	29	23
07:00	*	*	*	*	19	17	27	13	19	11	20	11	18	11	21	13
08:00	*	*	*	*	25	7	18	7	17	9	13	8	11	7	17	8
09:00	*	*	*	*	12	6	11	10	17	6	9	6	6	7	11	7
10:00	*	*	*	*	5	2	7	3	12	7	5	4	8	4	7	4
11:00	*	*	*	*	3	0	3	2	8	6	6	5	5	3	5	3
Lane Day	0	0	0	0	171	100	333	327	308	330	302	284	261	253	307	299
AM					271		660		638		586		514		606	
Peak Vol.							11:00	07:00	11:00	07:00	11:00	09:00	10:00	10:00	11:00	07:00
PM							22	40	18	33	18	20	17	27	18	22
Peak Vol.					16:00	16:00	16:00	16:00	16:00	12:00	16:00	18:00	14:00	14:00	16:00	12:00
					37	25	39	24	34	33	33	32	30	28	32	24

NOBILITY

TRAFFIC VOLUMES  
CITY OF MEDFORD , OREGON

Site Code: 00000009744

Station ID:

NOBILITY

Start Time	05-Apr-04		Tue		Wed		Thu		Fri		Sat		Sun		Week Average	
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02:00	0	0	0	0	0	0	1	2	4	0	1	0	0	0	1	0
03:00	2	0	2	0	4	0	2	0	2	3	0	0	3	1	2	1
04:00	1	5	1	3	0	2	0	1	1	1	2	3	1	0	1	2
05:00	0	8	0	4	0	7	0	5	0	4	2	4	1	3	0	5
06:00	5	19	1	21	4	23	3	19	2	17	5	7	0	4	3	16
07:00	9	34	10	35	10	42	9	32	17	37	2	15	3	6	9	29
08:00	12	26	13	27	10	26	16	30	18	41	10	13	10	14	13	25
09:00	12	15	8	14	12	19	8	9	14	15	5	22	9	21	10	16
10:00	12	16	9	10	17	13	9	17	12	19	16	13	17	21	13	16
11:00	19	19	19	14	16	13	16	17	20	14	14	20	18	16	17	16
12:00 PM	18	21	18	16	21	19	18	16	20	24	31	29	26	21	22	21
01:00	15	17	16	12	14	17	18	20	19	19	38	25	24	20	21	19
02:00	20	16	15	11	20	25	22	24	15	15	28	27	20	13	20	19
03:00	25	17	27	34	19	17	29	24	34	27	29	27	27	27	27	25
04:00	29	22	34	21	32	25	31	21	31	23	33	16	21	21	30	21
05:00	41	19	30	21	44	21	39	22	41	27	36	22	16	19	35	22
06:00	37	19	23	16	36	33	24	21	28	24	25	19	21	18	28	21
07:00	7	12	30	21	26	21	24	18	19	19	19	21	18	18	20	19
08:00	14	7	27	10	28	13	31	11	31	19	27	21	20	7	25	13
09:00	18	5	15	12	18	7	25	13	24	12	16	12	11	10	18	10
10:00	6	0	6	4	10	8	7	6	18	12	8	20	12	5	10	8
11:00	1	2	2	1	5	1	1	2	5	4	8	3	8	4	4	2
Lane Day	306	300	309	308	350	354	338	330	381	380	360	340	291	276	333	328
AM Peak	11:00	07:00	11:00	07:00	10:00	07:00	08:00	07:00	11:00	08:00	10:00	09:00	11:00	09:00	11:00	07:00
PM Peak	17:00	16:00	16:00	15:00	17:00	18:00	17:00	14:00	17:00	15:00	13:00	12:00	15:00	15:00	17:00	15:00
Vol.	19	34	19	35	17	42	16	32	20	41	16	22	18	21	17	29
Vol.	41	22	34	34	44	33	39	24	41	27	38	29	27	27	35	25

NOBILITY

# Nobility Village

OLD  
MAP

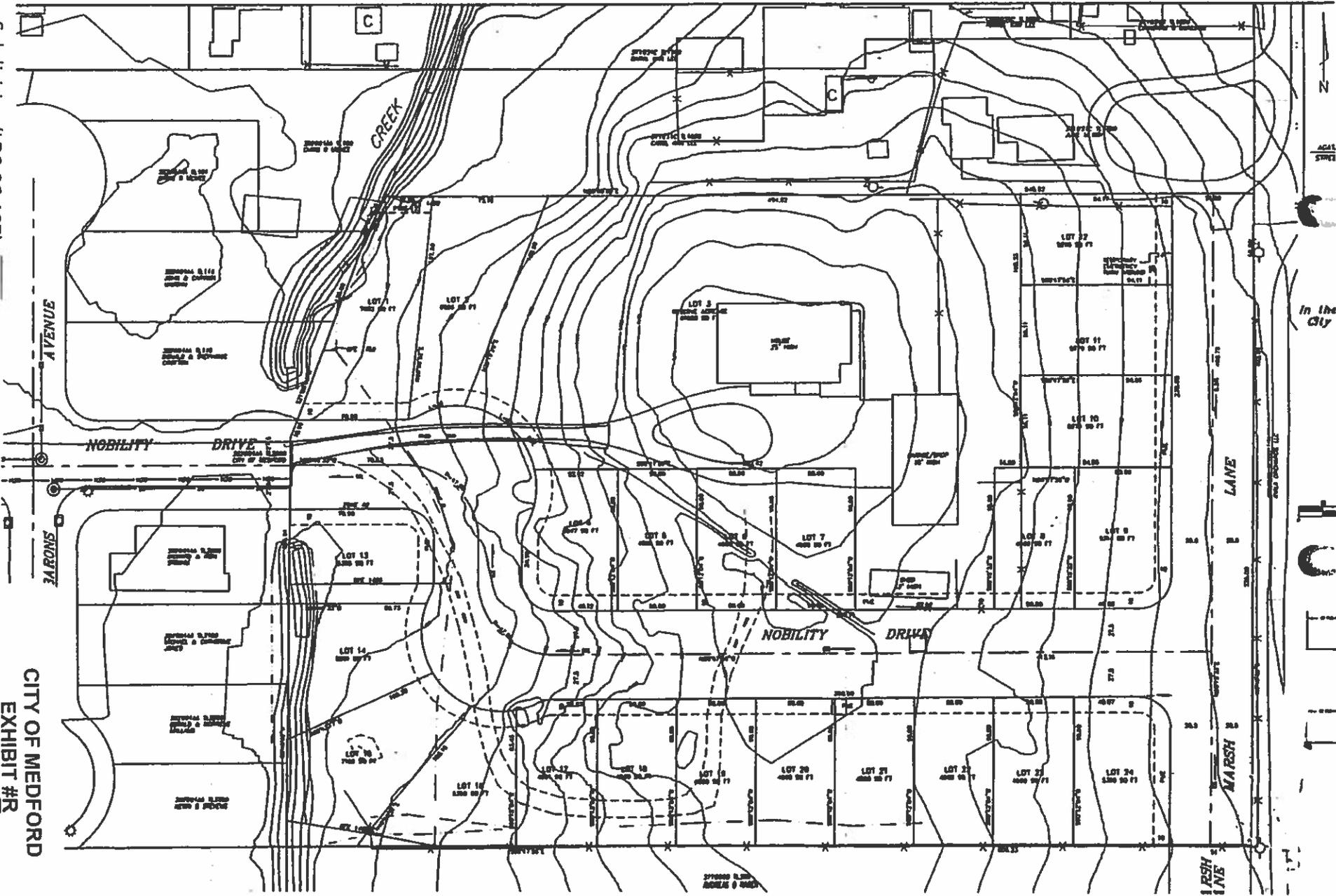
Page 165



MARSH  
LANE



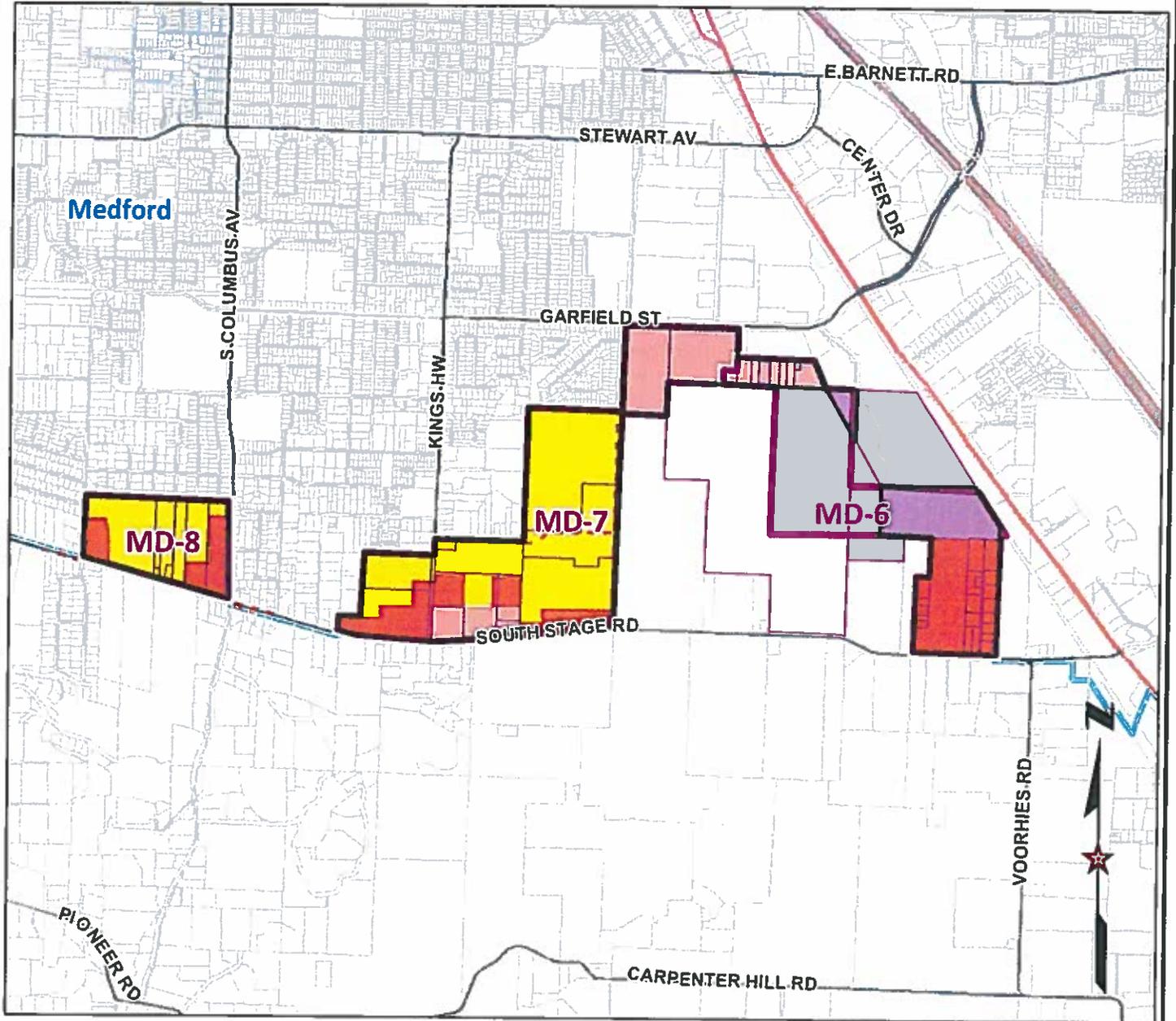
CITY OF MEDFORD  
EXHIBIT #R



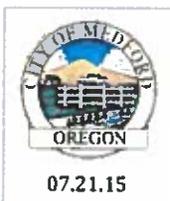
In the City



# Proposed Urban Growth Boundary Amendment



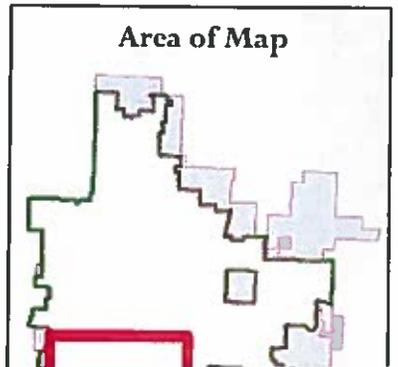
CITY OF MEDFORD  
UGB Amendment Project



**Proposed Urban Growth Boundary Expansion Areas with proposed General Land Use Plan designations**

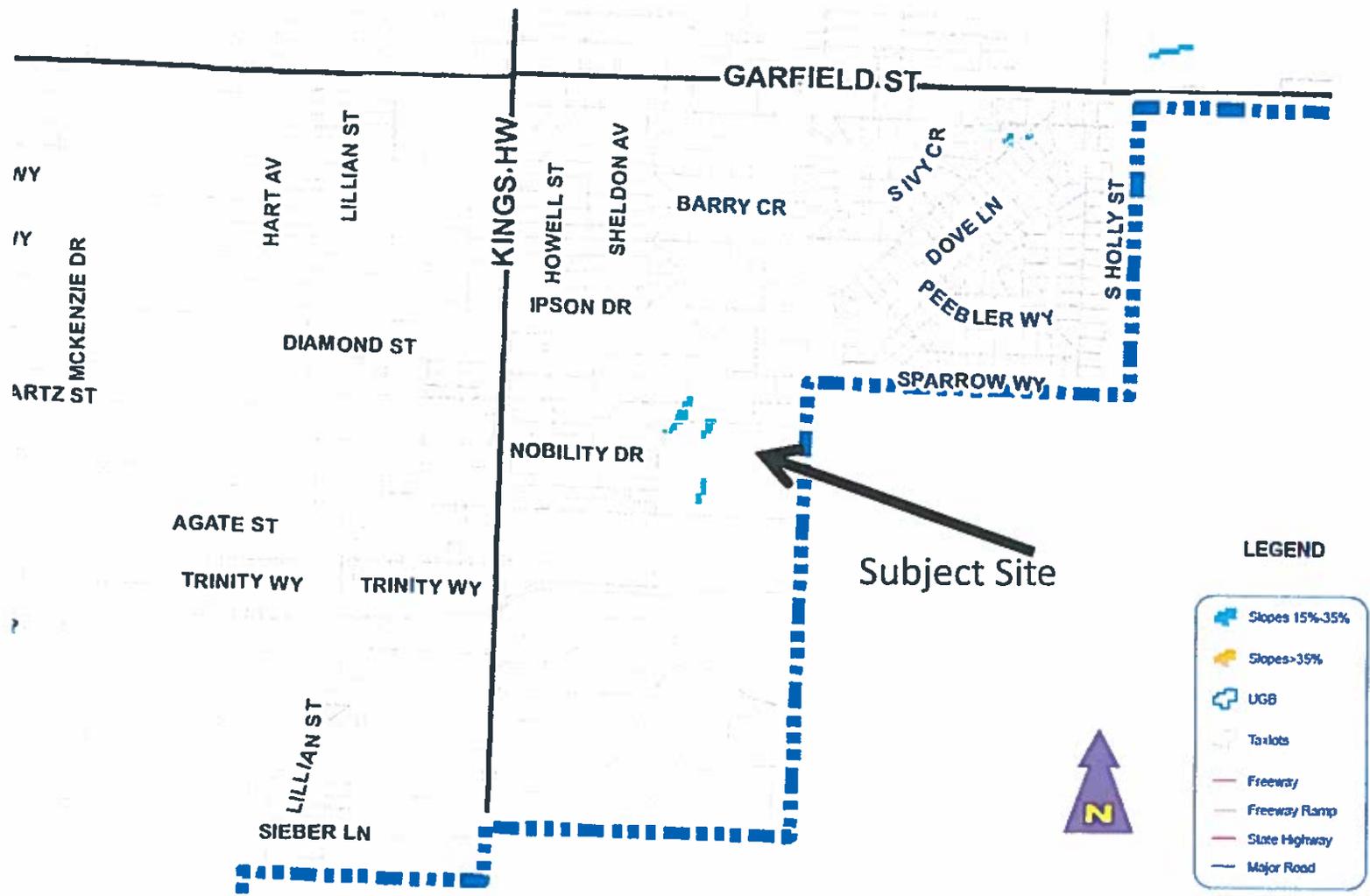
CM	SC	III	GI	UII	UM	UR	PS
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- Expansion Area Boundary
- Urban Reserves
- Taxlots within Urban Reserves
- Future Urban Reserve Streets
- Urban Growth Boundary
- Taxlots



**CITY OF MEDFORD**  
**EXHIBIT #I**  
File #LDS-15-039/CUP-15-089/E-15-090

# Segment of the Medford Slopes Map



# Slopes Analysis

RECEIVED

APR 30 2015

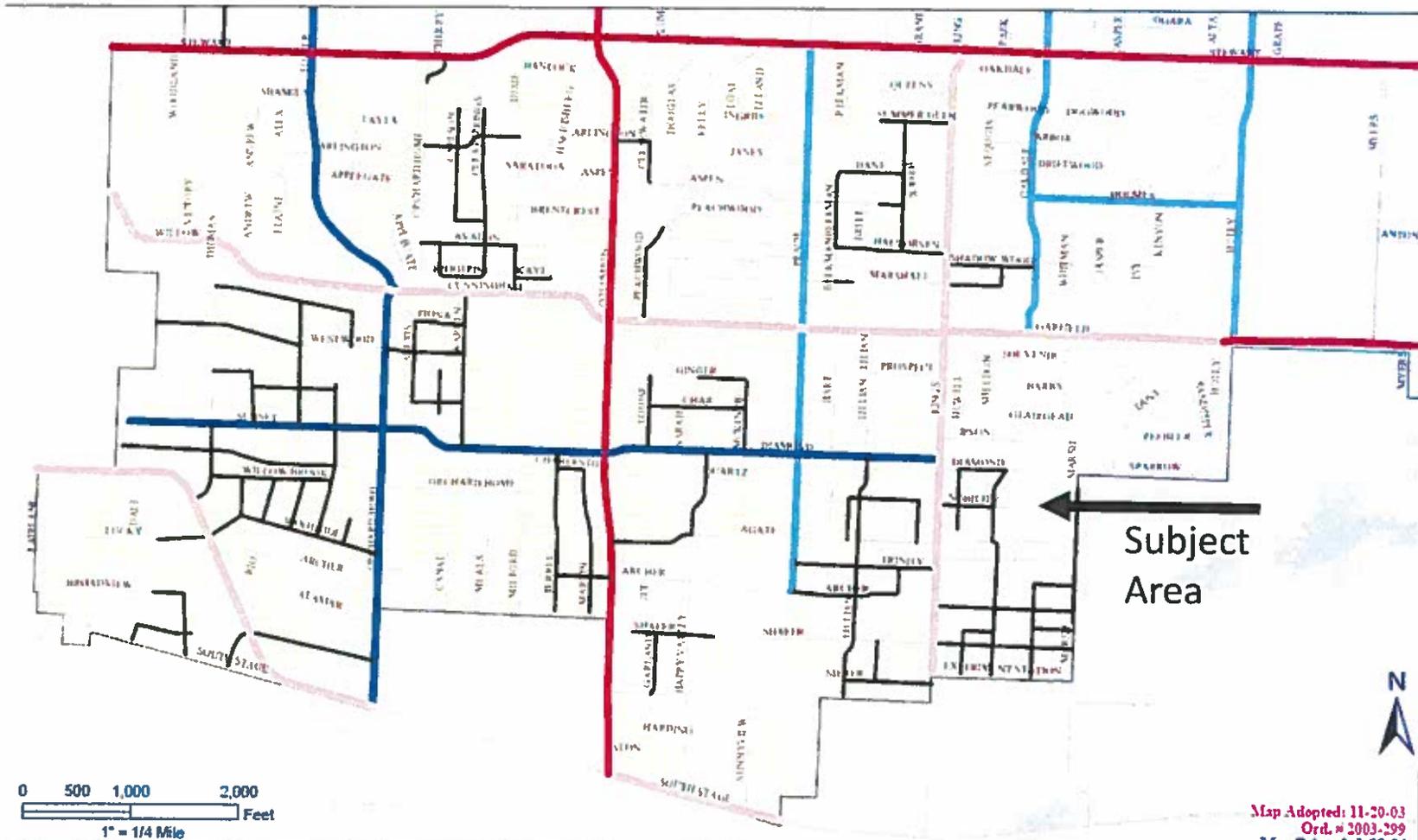
Planning Dept.



Page 170 A

CITY OF MEDFORD  
EXHIBIT #V  
File #LDS-15-039/CUP-15-0891E-15-090

# Adopted Southwest Medford Circulation Plan



### Street Classifications

 Major Arterial	 Major Collector	 Residential	 UGB
 Minor Arterial	 Minor Collector	 Other Streets	 Adopted Circulation Plan Area



The Geographic Information System (GIS) data used on this map is the property of the City of Medford and is provided for informational purposes only. The City of Medford does not warrant the accuracy or completeness of the data. The user assumes all liability for any use of the data. The City of Medford is not responsible for any errors or omissions in this map. The City of Medford is not responsible for any damage or injury resulting from the use of this map. The City of Medford is not responsible for any loss of data or information resulting from the use of this map. The City of Medford is not responsible for any other consequences resulting from the use of this map.

Map Adopted: 11-20-03  
Ord. # 2003-299  
Map Printed: 1-29-04

**Aerial Photograph**





August 2, 2015

Nobility Village  
LDP-15-039/CUP-15-089/E-090

I live on Nobility Drive--a short street that is 28 feet wide. At the terminus of Nobility Drive, once crossing Crooked Creek, a development of 29 single-family residences is proposed. The plot map has Nobility Drive as the only access to said development. One would expect "connectivity"/ more than one access to be conditioned for the development as the mobile home park was required to have "connectivity," and the cul-de-sac of Barons Ave. became the 2nd access and was also conditioned over the concern of Crooked Creek flooding with only one access. Besides this only access putting more vehicles onto Nobility Drive, does the present culvert over Crooked Creek meet the requirements for construction traffic then the daily vehicle use for those residents? And speaking of Crooked Creek: how much will this waterway be impacted by greater runoff from the residences/ drainage into the creek?

Sincerely,



James M. Powers  
719 Nobility Drive  
Medford, Oregon



# Vicinity Map

Application Name/Description:

**Nobility Village**

Proposal:

**29 lot residential subdivision,  
CUP for riparian crossing  
Crooked Creek, and  
Exception to Hillside  
Ordinance**

File Numbers:

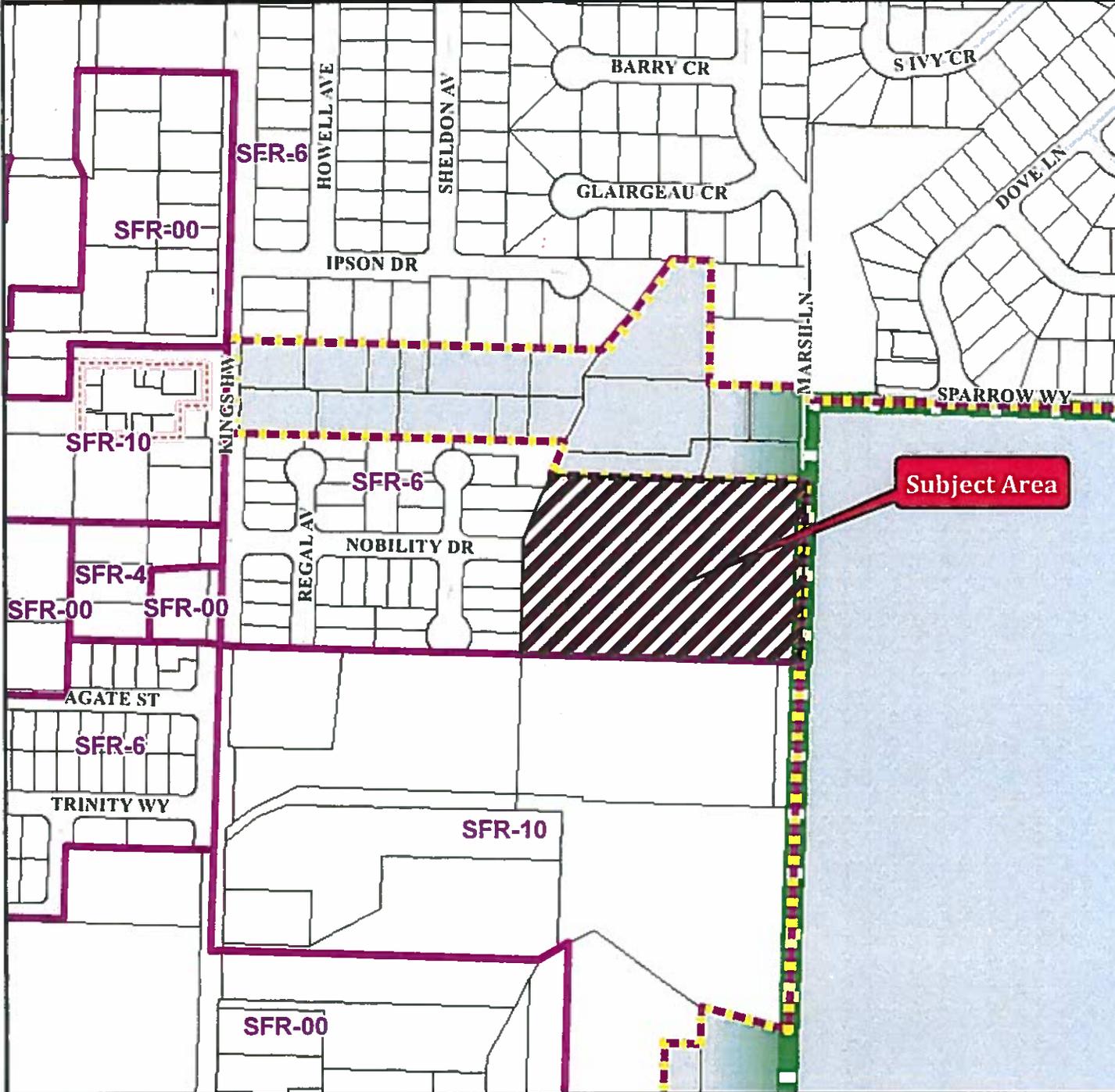
**LDS-15-039 / CUP-15-089 /  
E-15-090**

Applicant:

**VP & Trading, LLC  
Steve Swartsley**

Map/Taxlot:

**381W06B TL 200**



	Subject Area
	Medford Zoning
	UGB
	Tax Lots
	City Limits
	PUD

Area of Map

The inset map shows the outline of the City of Medford with a red square in the southwest corner indicating the location of the subject area. A north arrow and the City of Medford logo are also present.

06/23/2015