

PLANNING COMMISSION AGENDA AUGUST 27, 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 27, 2015

5:30 PM

Jackson County Courthouse Auditorium
10 South Oakdale, Medford, Oregon

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- 10. Roll Call
 - 20. Consent Calendar/Written Communications (voice vote)
 - 20.1 LDP-15-080 Final Order 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)
 - 20.2 LDS-15-039 / CUP-15-089 / E-15-090 Final Orders 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)
 - 30. Minutes
 - 30.1 Consideration for approval of minutes from August 13, 2015, hearing.
 - 40. Oral and Written Requests and Communications
 - 50. Public Hearings
 - New Business
 - 50.1 ZC-15-085 Consideration of a request for a change of zone from SFR-6 (Single-Family Residential, 6 dwelling units per gross acre) to SFR-10 (Single-Family Residential, 10 dwelling units per gross acre) on three parcels, consisting of an approximately 5.31 total gross acre, generally located north of Diamond Street, east of Lillian Street and approximately 390 feet south of Garfield Street. (Dennis Sullivan, Applicant; Scott Sinner Consulting, Inc., Agent)
 - 50.2 LDS-15-091 Consideration of a request for tentative plat approval of an 18-lot residential subdivision located on 4.54 gross acres within a SFR-4 Zone District. The subject site is located to the east and to the south of the existing terminus of Cadet Drive, approximately 150 feet east of the Cadet Drive intersection with Admiral Way. (Van Wey Homes, LLC., Applicant; Farber Surveying, 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)
TERRY BUNTIN ET. AL. [LDP-15-080]) ORDER

ORDER granting approval of a request for tentative plat approval of File No. LDP-15-080.

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 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, with a public hearing a matter of record of the Planning Commission on August 13, 2015; and
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 TERRY BUNTIN ET. AL. stands approved per the Staff Report dated July 31, 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 Staff Report dated July 31, 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 27th day of August, 2015.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF TENTATIVE PLAT APPROVAL OF)
) ORDER
NOBILITY VILLAGE SUBDIVISION [LDS-15-039])

ORDER granting approval of a request for tentative plat approval for Nobility Village Subdivision.

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 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, with the public hearing a matter of record of the Planning Commission on August 13 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 Nobility Village Subdivision stands approved per the Planning Commission Report dated August 13, 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 August 13, 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 27th day of August, 2015.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative

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

IN THE MATTER OF PLANNING COMMISSION FILE CUP-15-089 APPLICATION)
FOR A CONDITIONAL USE PERMIT SUBMITTED BY) **ORDER**
NOBILITY VILLAGE SUBDIVISIION)

ORDER granting approval of a request for a conditional use permit for a riparian street crossing and drainage facilities, on a 5.69 acre parcel at the eastern terminus of Nobility Drive, approximately 660 feet east of Kings Highway, as provided for in the City of Medford's Land Development Code.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.246 and 10.247; and,
2. The Medford Planning Commission has duly held a public hearing on the matter of an application for a conditional use permit for a riparian street crossing and drainage facilities, on a 5.69 acre parcel at the eastern terminus of Nobility Drive, approximately 660 feet east of Kings Highway, with a public hearing a matter of record of the Planning Commission on August 13, 2015.
3. At the public hearing on said application, evidence and recommendations were received and presented by the applicant's representative and Planning Department staff; and,
4. At the conclusion of said public hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded, granted a conditional use permit for a riparian street crossing and drainage facilities, on a 5.69 acre parcel at the eastern terminus of Nobility Drive, approximately 660 feet east of Kings Highway, and directed staff to prepare the final order with all conditions and findings set forth for the granting of a conditional use permit.

THEREFORE LET IT BE HEREBY ORDERED that the application of Nobility Village Subdivision stands approved in accordance per the Planning Commission Report dated August 13, 2015.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for a riparian street crossing and drainage facilities, on a 5.69 acre parcel at the eastern terminus of Nobility Drive, approximately 660 feet east of Kings Highway, is hereafter supported by the findings referenced in the Planning Commission Report dated August 13, 2015.

Accepted and approved this 27th day of August, 2015.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative

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

IN THE MATTER OF APPROVAL OF AN EXCEPTION FOR)
) **ORDER**
NOBILITY VILLAGE SUBDIVISION [E-15-090])

ORDER granting approval of a request for 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.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.251 and 10.252; and
2. The Medford Planning Commission has duly held a public hearing on the request for 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, with the public hearing a matter of record of the Planning Commission on August 13, 2015.
3. At the public hearing on said exception, 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 exception approval and directed staff to prepare a final order with all conditions and findings set forth for the granting of the exception approval.

THEREFORE LET IT BE HEREBY ORDERED that the exception for Nobility Village Subdivision stands approved per the Planning Commission Report dated August 13, 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 exception approval is hereafter supported by the findings referenced in the Planning Commission Report dated August 13, 2015.

BASED UPON THE ABOVE, the Planning Commission determined that the exception is in conformity with the provisions of law and Section 10.253 criteria for an exception of the Land Development Code of the City of Medford.

Accepted and approved this 27th day of August, 2015.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



PLANNING COMMISSION 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
DATE August 13, 2015

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.

Note: The applicant submitted revised Findings attached as Exhibit D-1. Staff's analysis above does not reflect the revision.

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.

Action Taken

Adopted the Applicant's Findings (Exhibits D-1, E and F) and directed 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 Z.

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-1 Applicant's Findings of Fact addressing Subdivision received August 10, 2015
- E Applicant's Findings of Fact addressing CUP 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

MEDFORD PLANNING COMMISSION

David McFadden, Chair

PLANNING COMMISSION AGENDA:

AUGUST 13, 2015
AUGUST 27, 2015

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

RECEIVED

AUG 10 2015

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)

PLANNING DEPT.

LDS-15-039

GF-15-040

VP & TRADING, LLC, APPLICANT)

STEVEN L. SWARTSLEY, AGENT)

4th 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-1

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 Nobility Drive, Marsh Lane, Modena Lane and Nations Drive, and along the side of the right of way being dedicated for the extension of Nobility 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.

Further, 10.450 allows for minimum access easements creating flag lots when necessary if (1) the drive has a minimum width of 20 feet; (2) the minimum lot frontage is 20 feet; (3) the required front yard set back is measured from the lot frontage property line; (4) the minimum driveway throat width shall be determined as per Section 10.550 which all of the proposed minimum access easement lots meet the 4 criteria. In addition, the minimum access lots are allowed when there is excess slope (15%), presence of a wetland or other body of water and the result of existing development on adjacent property. In the present submittal, there are minimum slope issues that impact 2 of the proposed minimum access lots, there is Crooked Creek with its 25 foot riparian setback that creates two of the minimum access lots, and the adjacent property is already developed preventing developing of this subdivision without 5 minimum access lots.

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 10th and 12th 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 Highway. 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. Oregon Department of Fish and Wildlife's David Haight, the person in charge of these reductions, has submitted a letter in support of the reduction in width to 25 feet and has approved the necessary landscaping plans that have been submitted for the set back area.

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: There are no dead end streets within the proposed development. The issue of block length is a result of a difference with staff as to where measurement is commenced. Staff states measurement of Nobility block length is from Regal Avenue. However Regal Avenue is stubbed into the property immediately to the south that has no development on it at the present. Barons Avenue, 270 feet to the east has an entry into the mobile home park and there is ingress and egress through said park to both Kings Highway and the proposed Marsh Lane. That entry will remain permanently open as per the agreement from July 22, 2015. That makes Barons Avenue a through street. If measured from Barons Avenue, the block length is a non-issue, as the proposed block is only 577 feet long. If the point of commencing measurement is as staff asserts, then under 10.426 (C) the Planning Commission can find the proposed block length is acceptable by these findings in there are topographical restraints preventing any through street due to developed property to the south, and the slope to the property to the north (10% or more) together with Crooked Creek and the riparian set back requirement that runs adjacent to the creek presenting environmental restraints. Future development on property immediately to the east will feasibly satisfy the block requirements in the future. As a result of the above these findings adequately and specifically address the section 10.426 (C)(2).

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:

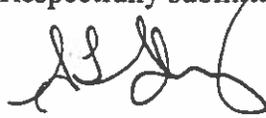
1. Application for approval of Tentative Plan for phase Nobility Village Subdivision complies with the existing MLDC for SFR 6 single family lots. It is consistent

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,

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

Steven L. Swartsley
Managing Member and Agent



Planning Commission

Minutes

from Public Hearing on August 13, 2015

The regular meeting of the Planning Commission was called to order at 5:30 PM in the Jackson County Courthouse Auditorium 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
Jared Pulver

Staff Present

Kelly Akin, Principal Planner
John Adam, Principal Planner
Kevin McConnell, Deputy City Attorney
Chase Browning, Fire Inspector
Terri Rozzana, Recording Secretary
Jennifer Jones, Planner III
Sarah Sousa, Planner IV

Commissioners Absent

Patrick Miranda, Vice Chair, Excused Absence
Mark McKechnie, Excused Absence

10. Roll Call

20. Consent Calendar/Written Communications.

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)

Motion: Adopt the consent calendar.

Moved by: Commissioner D'Alessandro

Seconded by: Commissioner Fincher

Voice Vote: Motion passed, 7-0.

30. Minutes

30.1. The minutes for July 23, 2015, were approved as submitted.

40. Oral and Written Requests and Communications. None.

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

50. Public Hearings—New business

50.1 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)

John Adam, Senior Planner, reviewed the proposal, read the development code amendment criteria located in Code Section 10.184(2) and summarized the staff report.

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

Motion: The Planning Commission recommends approval to the City Council and directs staff to prepare a Commission Report to that effect based on the staff report dated August 6, 2015, including Exhibits A and C.

Moved by: Commissioner Pulver

Seconded by: Commissioner D'Alessandro

Roll Call Vote: Motion passed, 7–0.

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)

Chair McFadden inquired whether any Commissioners have a conflict of interest or ex parte communication they would like to disclose. Commissioner Fincher reported that he has had business dealings with Mr. Buntin but it would not have any bearing on his decision.

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

Jennifer Jones, Planner II, read the land division criteria and gave a staff report.

Chair McFadden asked if the Public Works Department made any recommendations for the access onto Crater Lake Avenue? Ms. Jones reported that the Public Works Department is in support of this application. A more specific design is included with the Site Plan and Architectural Commission application. It includes three designated lanes; a right turn lane, left turn lane and a right egress. The design is adequate.

The public hearing was opened.

a. Clark Stevens, Richard Stevens & Associates, Inc., P. O. Box 4368, Medford, Oregon, 97501-0168. Mr. Stevens reported that he was present tonight representing Terry Buntin and the First Church of God in this partition application. The principal purpose of the application is to correct an improper land division.

Mr. Stevens addressed Chair McFadden's question stating that a 40 foot wide flag pole is a little wider than normal that the Commission would normally see for access. This application has been worked with the Public Works Department and designed so that they have one travel lane into the project, a dedicated left out lane and a right and straight lane. As staff mentioned, there are three lanes which is the purpose of the 40 foot with curb, gutter and sidewalk on one side.

Chair McFadden reported that his concern on the traffic is that the south intersection of Crater Lake Avenue and Roberts Road is one of the trickiest with the change in sight radius. Even with the dedicated left turn lane, it is his opinion that it will be difficult to cross three lanes of traffic to get to the south bound lane safely. Have any of the other parcels been contacted about the possibility of a secondary access into this parcel through adjoining properties? Mr. Stevens stated that is actually a design consideration with the Site Plan and Architectural Commission application. There is a request for additional private road or access way to the south and east through the Girl Scout facility to tie into Keene Way.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs 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.

Moved by: Commissioner Pulver

Seconded by: Commissioner Foley

Roll Call Vote: Motion passed, 7-0.

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)

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.

Sarah Sousa, Planner IV, stated that the land division criteria were read at the previous application. Ms. Sousa read the conditional use permit and exception criteria and gave a staff report.

Commissioner Mansfield asked why staff included a recommendation that the Planning Commission approve this application when it is clear that it does not meet the requirements? Ms. Sousa replied that the Planning Commission has the authority to approve a longer block length. The block length would be approvable if the Planning Commission can make a finding of the longer block length. The same is true for the minimum access easements.

Kelly Akin, Principal Planner, stated that in reviewing the application and the information submitted, staff did not feel substantial evidence was provided by the applicant to support a positive finding for the block length as well as for the minimum access easements. The applicant revised the findings that are before the Planning Commission tonight and there is a possibility that the Commission might hear testimony that would sway them.

Commissioner Fincher asked how many lots does the steep slope apply to? Ms. Sousa replied that there are four lots shown by the slopes analysis plan provided by the applicant.

Commissioner Fincher asked how burdensome is it for whoever builds on those lots to get approval and go through the process? Would it be an easier process to be done all at once now as opposed to four individuals preparing individual testimony for approval? Ms. Sousa stated that at the building permit level they will not be able to require the technical reports that are required by a land use application.

Commissioner D'Alessandro asked what were the elevation changes? Ms. Akin reported that the elevation at the top of the knoll is approximately 1474 feet and down to the farthest corner it is 1450 feet. It is approximately 24 feet.

Mr. McConnell asked if he understood correctly that the Planning Commission could find that it met the exception of Section 10.253, Criterion (3) because it was on the west side and it is unusual for the west side of town. If this was on the east side of town it would not have met the exception Criterion (3). Ms. Sousa replied that is correct.

The public hearing was opened.

a. Steven Swartsely, 174 Littrell Drive, Medford, Oregon, 97504. Mr. Swartsely reported that the Planning Commission should have received yesterday or the day before an email from staff of the fourth amended findings on this particular subdivision. The fourth amended findings address the minimum access easements. When there are slope issues, wetland development on adjacent properties which are all present in this situation then the Commission can certainly allow for the five minimum access lots as

the applicant has proposed. What makes this parcel extremely difficult to develop that was not present in 2005 and 2006 under prior ownership is Crooked Creek with the riparian setback. The applicant proposed a 25 foot riparian setback rather than 50 feet with the approval of the Oregon Department of Fish and Wildlife. On the west side of the creek there is no room for any riparian setback because the houses are built up to the creek boundary.

The block length issue is, where do you commence measurement? Staff states you commence measurement on Regal Drive. Regal Drive dead-ends into non developed parcel immediately to the south. Barons Drive goes into the mobile home park. Exhibit P in the agenda packet is an agreement with the owner of the mobile home park and the City of Medford to maintain that as an opening. Therefore, Barons Drive creates the only through street. If you take the measurement from Barons Drive the block length issue is moot because it is under the 660 foot maximum by almost 100 feet. If the Commission considers the block length should be measured from Regal Drive then there are the issues that would allow the Commission to make an exception to the block length those being: 1) The ecological issues of the riparian setback and Crooked Creek; 2) Slope of 10%. If it is greater than 10%, which a portion of the property to the north of the proposed Nobility Drive is greater than 10%, the City will not allow any street to be built. There is full development to the south so you cannot build any streets going to the south. Modrena is in the most appropriate place to allow for its removal from the riparian setback, the creek and allow for it to meet any slope issues the City has.

The Public Works Department has agreed that all of the exceptions requested are appropriate because of this particular site. The applicant requested that the right-of-way on Marsh Lane be reduced from 55 feet to 51 feet. It is reducing the planting areas on both sides. Marsh Lane is already dedicated 51 foot right-of-way on the parcel immediately to the south where the mobile home park lies. It was Public Works' position that would keep the easements the same and create continuity. Marsh Lane is a road now. One can drive Marsh Lane all the way to the county extension lane that runs off Kings Highway. It is a gravel road. At any time the City desires, Marsh Lane can be improved from the southern edge of the applicant's property to the southern edge of the mobile home park. The mobile home park has a road that dead-ends prior to where the Marsh Lane right-of-way is that can be extended to Marsh Lane. That creates another ingress and egress to Marsh Lane.

Commissioner Fincher asked if Ms. Sousa was correct that there are four lots that are considered steep? Mr. Swartsley stated that there are two possibly three lots that have some slope on them. They do not prevent an envelope for building. The map that was created for the City is not exact.

Commissioner Culbertson stated that in regards to Marsh Lane when the mobile home park was developed he was involved because he owned the forty-six acres that Laz Ayala owns now. The City of Medford specifically said they would not allow Marsh Lane

to be on EFU. That is why it is 51 feet on Mr. Ayala's land. There was a fence and a chain at the northern end of the property going across close to Sparrow Way and there was a gate at the bottom. Marsh Lane is not a passable road. If one goes on it they are trespassing.

Chair McFadden stated that Commissioner Culbertson has a degree of knowledge that no one else on the Commission has.

Donald Moore, 1893 Barons Avenue, Medford, Oregon, 97501. Mr. Moore has concerns with the single access. The previous denials in 2006 were because of the single access. The road only measures 27 feet. Is this a good and safe project with only one access? He also has concerns with the block length.

Richard Strahm, 1919 Barons Avenue, Medford, Oregon, 97501. When Mr. Strahm signed an agreement to purchase his lot in 1997 Barons Avenue was to be a cul-de-sac on the south end. By the time he finished building his home the cul-de-sac opened up access to Spring Hills Mobile Home Park. His primary concern is traffic. After reading the staff report he has concerns with asphalt next to Crooked Creek. He suggested wait until the property to the north is annexed into the City so that they can punch Marsh Lane through and build a new crossing over Crooked Creek. It would align with Whitman Drive. Then develop the project in question tonight that would have a second access. Mr. Strahm encouraged the Planning Commission to deny this project.

Ms. Sousa commented that Exhibit B was the most current tentative plat that was submitted on July 20, 2015.

Ms. Akin discussed how the block length is measured. The block length ordinance is in Section 10.426 of the Code. The Code reads: "Block lengths and block perimeter lengths shall not exceed following dimensions as measured from centerline to centerline of through intersecting streets..." Barons Avenue is not a through street. It is a cul-de-sac. That is how it was constructed and approved in that subdivision. Regal Avenue is a stubbed street. It is intended and designed to continue to the south. That is a through intersecting street. That is why they measured from the intersection of Nobility and Regal and not the intersection of Barons. There is more to the ordinance that is important. The ordinance was not only written for residential development but also commercial and industrial. It allows a driveway to complete blocks with conditions. "A public access easement on private property which facilitates through public vehicular and pedestrian access. The Interior Access Road public easement shall, at a minimum consist of the following improvements: 1) A two-way vehicular access drive aisle having minimum aisle width of twenty (20) feet bounded with raised curb...2) The vehicular access drive shall be bound at minimum on one side, but preferably both sides, with a pedestrian pathway running parallel to the access drive, consisting of concrete, patterned concrete or brick pavers. The pedestrian pathway may be either attached or detached from the curb and have a minimum width of five (5) feet. Where the

pedestrian path crosses intersecting vehicular drive aisles, the pathway paving material shall extend across such areas to demarcate the pedestrian crossing." It has to be open to public use. She is not certain that the application meets those standards. She is also not certain that there is a public access permitted through the mobile home park. She believes it is posted as private property. Mr. Swartsley provided an agreement that the owner represents that he is the owner of the property and the manufactured home park has an ingress and egress at the terminus of Barons. The owner represents that he will retain on a permanent basis the ingress and egress. That means he will not close it for his own purpose. It does not guarantee it is used for the public. Ms. Akin is not certain the mobile home park access meets the standard of the Code as far as the interior access way that would provide the block connectivity that the City is seeking.

Commissioner D'Alessandro stated that he did not see Public Works support or otherwise of the traffic potentials for this property. Ms. Akin replied that the City does facility adequacy testing at the time of zone change. As far as whether the street is sufficient that question was answered at the time of zoning. Nobility Drive is a 55 feet right-of-way which is a minor residential street. They are designed to serve 100 lots.

Chase Browning, Medford Fire Inspector, reported that Fire Marshal Kleinberg's input on this application is that Barons would need to maintain permanent access for the development to be considered under the Code requirements for fire sprinklers which would be thirty or more. By having 29 lots the Fire Department can get to that point by a single access.

Mr. Swartsley reported that they would not have just one fire hydrant on Barons Drive. The Fire Department is requiring them to put in a number of fire hydrants in the subdivision.

The narrow bridge that exists now will be removed and brought up to the standards that Public Works requires as far a depth and width.

Nobility is a minor residential street designed to handle up to 100 homes. Nobility currently has 31 homes. Mr. Swartsley's project will add 29 lots. They are well under the standard of what a minor residential street requires.

It is Mr. Swartsley's and the Fire Department's position that Barons is a through street. They have established that Barons will remain opened. Regal does not go anywhere. It is his contention that you measure where the through street is even though it passes on private property. It does allow ingress and egress to other areas.

Oregon Department of Fish and Wildlife stated that the first problem the land has is that it is non-native habitat and flora. They want it gone. The applicant is going to clean it out and plant native grasses, bushes and trees that the State requires.

Commissioner Culbertson asked if Mr. Swartsley has spoken to the neighbor to the north about continuing Marsh Lane? Where it is going to be dedicated and taking Marsh Lane and talking to the neighbor to the north to complete Marsh Lane and go all the way up to where it ties in off Whitman and complete that section. That will give the applicant an access out the other end onto Marsh Lane through the subdivision. Mr. Swartsley stated that area will be developed and Marsh Lane will be extended. It is his understanding that in the southwest traffic plan Marsh Lane is shown and designed. A portion of Marsh Lane is dedicated at this time.

The public hearing was closed.

Commissioner Mansfield stated that he is really torn with this application. On one hand they want to see development and on the other hand it is a tough one on the access. He would like to hear other opinions from the Planning Commissioners.

Commissioner Foley shares Commissioner Mansfield's concerns on the ingress and egress issue on Marsh Lane.

Commissioner Fincher's feelings are the same.

Commissioner D'Alessandro commented that he lives in a similar area that had only one way in and one way out when he first moved there. Since they have opened the other road to get access to both ends there has been an increase in traffic and speed. There are arguments to both sides. It would be an improvement to the area in question around the creek and landscaped area.

Commissioner Pulver agrees with everything that has been said. He struggles with the applicant's property having a single access.

Motion: The Planning Commission moves to adopt the Applicant's Findings and directs 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 Z.

Moved by: Commissioner Pulver

Seconded by: Commissioner Culbertson

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

60. Reports

60.1 Site Plan and Architectural Commission. None.

60.2 Report of the Joint Transportation Subcommittee. None.

60.3 Planning Department

Kelly Akin, Principal Planner, stated the next Planning Commission study session is scheduled for Monday, August 24, 2015. A large batch of housekeeping amendments will be discussed.

There is business scheduled for the Planning Commission through September.

The City Council had their first meeting on the Urban Growth Boundary amendment last Thursday, August 6, 2015. All that they heard was testimony on MD-5. They are continuing the Urban Growth Boundary amendment tonight.

On August 20, 2015, City Council is scheduled to continue the Urban Growth Boundary amendment. They will also hear the alley vacation for the Police station that the Planning Commission heard at their last meeting.

The August 27, 2015, Planning Commission meeting will also be in the Jackson County Courthouse Auditorium.

Commissioner Pulver asked when will the marijuana issue be brought to the Planning Commission public hearing? Ms. Akin reported that they are scheduled to have a study session with the City Council on August 27, 2015. Staff is working on a draft to present to the Planning Commission on Thursday, September 10, 2015.

60. Messages and Papers from the Chair. None.

70. Remarks from the City Attorney.

70.1 Mr. McConnell reported that Chair McFadden mentioned Commissioner Culbertson making reference to personal knowledge about a street. It is not an error given the facts. During the open public hearing the applicant had the opportunity to rebut. Mr. McConnell believes that Commissioner Culbertson had to mention that to the Commission because it was contrary to what the applicant was saying. Saying it while the hearing is open and the applicant can rebut is appropriate. There was no error in that.

80. Propositions and Remarks from the Commission. None.

90. Adjournment

The meeting was adjourned at 7:40 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Terri L. Rozzana
Recording Secretary

David McFadden
Planning Commission Chair

Approved: August 27, 2015



STAFF REPORT

for a Type-C quasi-judicial decision: Zone Change

PROJECT Sullivan Zone Change
 Applicant: Dennis Sullivan

FILE NO. ZC-15-085

TO Planning Commission *for 8/27/15 hearing*

FROM Desmond McGeough, Planner II *DM*

REVIEWER Kelly Akin, Principal Planner *KA*

DATE August 20, 2015

BACKGROUND

Proposal

Consideration of a request for a change of zone from SFR-6 (Single-Family Residential, 6 dwelling units per gross acre) to SFR-10 (Single-Family Residential, 10 dwelling units per gross acre) on three parcels totaling 5.31 gross acres, generally located north of Diamond Street, east of Lillian Street and approximately 390 feet south of Garfield Street.

Subject Site Characteristics

Zoning SFR-6
 GLUP UR (Urban Residential)
 Use Two existing single family home

Surrounding Site Characteristics

North	SFR-00	Single family homes
South	SFR-00/SFR-10	Single family homes
East	SFR-00/SFR-6	Single family homes
West	SFR-00	Single family homes

Applicable Criteria

ZONE CHANGE APPROVAL CRITERIA – MEDFORD LAND DEVELOPMENT CODE SECTION 10.227

The zone change criteria that are not relevant to this particular application are hereby omitted from the following citation and noted by ***.

The approving authority (Planning Commission) shall approve a quasi-judicial zone change if it finds that the zone change complies with subsections (1) and (2) below:

- (1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.

(b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one (1) of the following conditions must exist:

- (i) At least one (1) parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or
- (ii) The area to be rezoned is five (5) acres or larger; or
- (iii) The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five (5) acres.

- (2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the *Comprehensive Plan* "Public Facilities Element."

- (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.
- (b) Adequate streets and street capacity must be provided in one of the following ways:

- (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or
 - (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or
 - (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:
 - (a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or
 - (b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.
 - (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.
- (c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction of covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:

- (i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,
- (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,
- (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

ISSUES AND ANALYSIS

Background

The subject property was annexed into the City in 2003 (Ord. 2003-85) as part of a 243 parcel enclave annexation totaling approximately 107.89 acres of property and 12.6 acres of right-of-way. The annexation area was generally located west of Kings Highway, north of Shafer Lane, and east of Happy Valley Drive and south of Garfield Street. At the time of annexation, the subject parcel maintained its Jackson County RR-2.5 (Rural Residential - 2.5 acre minimum lot size) zoning district designation. In 2006, the applicant received approval of a zone change on the subject property, which changed the zoning designation from RR-2.5 to SFR-6 (Single Family Residential – 6 dwelling units per gross acre).

Agency Comments

Public Works Department

The Public Works Staff Report (Exhibit E) states that a Traffic Impact Analysis was not required as part of the subject application. The site lies within the Crooked Creek Drainage Basin. The City has existing storm drain facilities in Garfield Street. This site would be able to connect to these facilities at time of development. At the time of future development this site will be required to provide stormwater quality and detention.

Medford Water Commission

Water facilities have adequate capacity to serve the subject property at the proposed density, according to the Medford Water Commission. Water facility planning, design and construction shall be done in accordance with Commission standards. (Exhibit F).

Rogue Valley Sewer Services

Rogue Valley Sewer Services indicates that there is adequate capacity to serve the subject property. Sewer service is available from main lines on Kings Highway, Garfield Street and Lillian Street. (Exhibit I).

Jackson County Roads

Diamond Street and Lillian Avenue are Jackson County Local Roads and currently are maintained by the County. Future construction plans shall be submitted to Jackson County Roads to determine if Jackson County permitting is required. (Exhibit J)

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibit A).

The criteria for zone change approval are: the proposed zone is consistent with the Oregon Transportation Rule (OAR 660), the General Land Use Plan (GLUP) Map designation and that it shall be demonstrated that Category "A" urban services and facilities are or can and will be provided to adequately serve the subject property.

Finding – Oregon Transportation Planning Rule

OAR 660 is designed to assure local agencies comply with State goals and regulations regarding transportation issues and provides an explanation to local agencies to demonstrate compliance with a Transportation System Plan (TSP). The City of Medford has an approved TSP consistent with the requirements of the State. The TSP requires all modes of transportation be considered, including rapid transit, air, water, rail, highway, bicycle and pedestrian.

A review of the subject property determines water and rail transportation are not available. The parcel has frontage and access on Diamond Street, which is designated as a Major Collector on the TSP's Street Functional Classification Map (Figure 1-2 in the TSP), This is displayed in the Adopted Southwest Medford Circulation Plan attached to this report (Exhibit D).

Rogue Valley Transportation District does not provide direct transportation access to the subject site. There is currently service on Stewart Avenue, approximately a 3,300 foot walking distance to the north.

Interstate 5 is approximately 1.8 miles to the east of the subject property. Rogue Valley International Medford Airport is approximately 6.8 miles to the north.

Conclusion – Oregon Transportation Planning Rule

The Planning Commission can find the property is currently served with adequate transportation facilities as required by Oregon Transportation Rule (OAR 660 Division 12).

Finding – General Land Use Plan Map Designation

The General Land Use Plan (GLUP) Map designation for the subject property is Urban Residential (UR). The General Land Use Plan in the Comprehensive Plan specifies that the requested SFR-10 zoning is an appropriate zone under the UR designation.

Conclusion – General Land Use Plan Map Designation

The Planning Commission can find that the requested zone change to SFR-10 is consistent with the Comprehensive Plan General Land Use Plan Map designation.

Finding – Locational Criteria for SFR-10 zoning

Where the permitted density is proposed to increase, one (1) of the following conditions specified in Section 10.270 1(b) shall be met. The subject application meets two of the three locational criteria. The proposed zone change is also located adjacent to at least one property already having the SFR-10 zoning designation, thus the first locational criteria is met. Furthermore, the total gross acreage of the subject zone change exceeds five acres, thus the zone change meets the second criteria as well.

Conclusion – Locational Criteria for SFR-10 zoning

The Planning Commission can find that the requested zone change to SFR-10 complies with the specified locational criteria of Section 10.227 1 (b).

Finding – Availability of Category A Urban Services and Facilities

The property is within the Crooked Creek Drainage Basin. At the time of future development, the subject property will be able to connect to these existing storm drain facilities. Also at the time of future development, the subject property will be required to provide stormwater quality and detention.

The subject property is served by Rogue Valley Sewer Services via existing main lines located in Garfield Street, Lillian Street and Kings Highway. There is adequate capacity in the lines to serve the proposed density. Sanitary sewage collection and treatment is adequate to serve the proposed zoning designation.

The subject property can be served by the Medford Water Commission via an existing 6-inch water line located in Lillian Street and a 4-inch line in Diamond Street. There is adequate capacity to serve this property at the proposed density.

The property currently takes access from Diamond Street which is designated as a Major Collector Street and Lillian Street a Minor Residential Street. The net increase for the change of zone from SFR-6 to SFR-10 will be approximately 202 average daily trips (ADT). Because the net increase in vehicle trips is not more than 250 net ADT, a Traffic Impact Analysis is not required for this zone change.

Conclusion – Availability of Category A Urban Services and Facilities

The Planning Commission can find that Category A urban services and facilities are currently available or can and will be available at the time of development to adequately serve the subject property with the permitted uses under the proposed SFR-10 zoning designation.

The conclusion can be made that all of the zone change criteria have been met.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of ZC-15-085 per the staff report dated August 13, 2015, including Exhibits A through J.

EXHIBITS

- A Applicant's Findings of Fact, received June 15, 2015
- B Legal Description of proposed Zone Change, received June 23, 2015
- C Jackson County Assessor Map with site identified, received June 15, 2015
- D City of Medford Adopted Southwest Circulation Plan
- E Public Works Department Staff Report dated July 29, 2015
- F Medford Water Commission Staff Memo received July 29, 2015
- G Medford Fire Department Report, prepared July 20, 2015
- H Building Department Staff Memorandum, dated July 23, 2015
- I Letter from Rogue Valley Sewer Services, dated July 20, 2015
- J Letter from Jackson County Roads, dated July 20, 2015
Vicinity map

PLANNING COMMISSION AGENDA:

AUGUST 20, 2015

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

RECEIVED

JUN 15 2015

IN THE MATTER OF AN APPLICATION FOR)
A ZONE CHANGE FOR THE PROPERTIES IDENTIFIED AS)
T372W36DD TAX LOTS 1100, 1200, AND 1201)
DENNIS SULLIVAN APPLLCANT)
SCOTTSINNER CONSULTING, INC. AGENT)

FINDING OF FACT
AND
CONCLUSIONS
OF LAW

PLANNING DEPT.

I. BACKGROUND INFORMATION

Applicant:

Dennis Sullivan
1895 Rossanley Drive
Medford, OR 97501
dsullis@clearwire.net

Agent:

Scott Sinner Consulting, Inc.
4401 San Juan Dr. Suite G
Medford, OR 97504
scottsinner@yahoo.com

Property 1:

37 2W36 DD TL 1100
Dennis and Diane Sullivan
734 Diamond Street
Medford, OR 97501
SFR-6 current zoning
1.90 Net acreage

Property 2:

37 2W36 DD TL 1200
Dennis and Diane Sullivan
Powhatan Street
Medford, OR 97501
SFR-6 current zoning
1.19 Net acreage

Property 3:

37 2W36 DD TL 1201
Dennis and Diane Sullivan

CITY OF MEDFORD
EXHIBIT # "A"
File # 20-15-085

7

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

Lillian Street
Medford, OR 97501
SFR-6 current zoning
1.19 Net acreage

Project Summary:

The subject properties are currently zoned SFR-6 units per acre and the applicant seeks approval for this application to rezone the properties to the SFR-10 zoning district. The net acreage of the subject properties totals 4.28 acres and the gross acreage is 5.31 acres.

The traffic impact of this application is the potential for an additional 21.3 dwelling units with an Average Daily Trip (ADT) of 9.52 trips per unit for a total of 203 ADT, less than the 250 ADT threshold that would require a Transportation Impact Analysis per the Medford Land Development Ordinance (MLDC).

Approval Criteria:

The relevant approval criteria for the requested zone change from SFR-6 to SFR-10 are within MLDC 10.227 as provided below:

10.227 Zone Change Criteria

The approving authority (Planning Commission) shall approve a quasi-judicial zone change if it finds that the zone change complies with subsections (1) and (2) below:

(1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.

(b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one (1) of the following conditions must exist:

(i) At least one (1) parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or

(ii) The area to be rezoned is five (5) acres or larger; or

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

(iii) The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five (5) acres.

(2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.

(a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.

(b) Adequate streets and street capacity must be provided in one (1) of the following ways:

(i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or

(ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or

(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one (1) proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs:

(a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two (2) years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or

(b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

(iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.

(c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction or covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:

(i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,

(ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,

(iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

(1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.)

Findings of Fact:

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

The Oregon Transportation Planning Rule requires a jurisdiction considers all modes of transportation in a land use decision. A review of this property determines water and rail transportation are not available.

The subject properties is 6.8 miles from the Rogue Valley International Airport, and 1.8 miles from Interstate Highway 5 (I-5). The subject properties have frontage on Lillian Street and Diamond Street.

Referring to the adopted South West Circulation Plan within the adopted Transportation System Plan (TSP), Diamond Street is classified as a major collector street and Lillian Street is a minor residential street. Diamond Street, when fully improved to the standards identified in the MLDC will include bicycle lanes and sidewalks to promote both bicycle and pedestrian modes of transportation. As a minor residential street, Lillian when fully improved will have sidewalks on both sides of the street and no bicycle lanes.

These standards are consistent with the adopted Medford Transportation System Plan, therefore also consistent with the Oregon Transportation Planning Rule.

The General Land Use Plan Map (GLUP) map designation for the subject properties is the UR Urban Residential designation. The UR designation allows for the SFR-2, SFR-4, SFR-6 and SFR-10 zoning districts. The requested zone change proposed with this application is the SFR-10 zoning district and is consistent with the GLUP designation.

Conclusions of Law:

The Planning Commission can conclude this application is consistent with the adopted Medford Transportation System Plan and also the Oregon Transportation Planning Rule, and the SFR-10 zoning district is appropriate within the UR GLUP designation.

(b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one (1) of the following conditions must exist:

(i) At least one (1) parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or

(ii) The area to be rezoned is five (5) acres or larger; or

(iii) The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five (5) acres.

Findings of Fact:

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

The subject properties are currently within the SFR-6 zoning district. The locational standard for the approval of a zone change to the SFR-10 zoning district identified in MLDC 10.227 (b) (i) is the subject property must abut a property within the proposed zone.

The applicant's TL 1100 abuts the SFR-10 zoning district on the southern property boundary.

Conclusions of Law:

The Planning Commission can conclude the subject property meets the locational standards for the requested SFR-10 zoning district as the subject properties abut a property currently in the SFR-10 zoning district as stated in MLDC 10.227 (b) (i).

(2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.

(a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.

Findings of Fact:

In preparing this application the Medford Public Works Department was contacted to determine the ability to access the existing public storm drainage facilities in the area. According to Douglas Burroughs of the Public Works Department a review of the subject properties indicates the subject properties have access to the existing storm drainage facilities in Garfield Street and future development will be subject to the current City requirements for storm water control and treatment and there is adequate capacity for the proposed zone change.

The subject property is within the Rogue Valley Sewer Service (RVS) territory. According to Wade Denny of RVS the sanitary sewer facilities have adequate capacity for the purposes of the requested zone change.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

Rodney Grehn of the Medford Water Commission indicated the Medford Water Commission provides municipal water for this area and there is adequate capacity for the requested zone change. Future development of the properties will require the extension of facilities in accordance with the standards for development at the time of development.

Conclusions of Law:

The Planning Commission can conclude the subject property has access to public facilities for stormwater, sanitary sewer, and domestic water, and these facilities have adequate capacity for the approval of the proposed zone change.

(b) Adequate streets and street capacity must be provided in one (1) of the following ways:

(i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or

(ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or

(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one (1) proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs:

(a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two (2) years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or

(b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

(iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.

Findings of Fact:

The subject properties currently have frontage and access from Lillian Street, a minor residential street with an existing 60 foot right of way and Diamond Street, a major collector with an existing 40 foot right of way north of the existing center line on the applicant's frontage. Both streets currently have more rights of way that required for the current street section requirements of the MLDC.

Attached with this application is the required Traffic Impact Analysis Form completed by Peter Mackprang of the Public Works Department. The form indicates there are no requirements for an additional Traffic Impact Analysis.

Further development of the property will included conditions to improve the public street frontages to the current standards contained in the MLDC and the TSP.

The higher order streets in the vicinity are improved or have adequate capacity as defined by MLDC 10.225 (2) (b) (i) and the frontage streets will be improved to the current city standards with future development consistent with MLDC 10.225 (2) (b) (ii).

Conclusions of Law

The Planning Commission can conclude the streets in the vicinity of the requested zone change have adequate capacity as defined in MLDC 10.227 (2).

(c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction or covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:

(i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

parcels. In no case shall residential densities be approved which do not meet minimum density standards,

(ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,

(iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

Findings of Fact:

In preparing this application for a zone change from the SFR-6 zoning district to the SFR-10, the agencies were queried and the replies indicated any limitations identified in MLDC 10.227 (2) (c) will not be necessary as the facilities are available for the requested zone change from SFR-6 to SFR-10.

Conclusions of Law

The Planning Commission can conclude the Category A public facilities are available without limitations or restrictions for the requested zone change.

Application Summary and Conclusion:

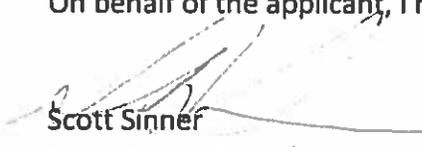
This application identifies the relevant approval criteria contained in the MLDC for a zone change from the SFR-6 zoning district to the SFR-10 zoning district.

The Findings of Fact demonstrate consistency with the Oregon Transportation Planning Rule, the Medford Transportation System Plan and the General Land Use Plan Map.

The subject property meets the locational standards of the MLDC as the property abuts the SFR-10 zoning district.

The Category A Facilities are currently available or can be made available as described in the MLDC for the purposes of approval of the requested zone change.

On behalf of the applicant, I respectfully request the approval of this application.


Scott Sinner

Scott Sinner Consulting, Inc.

RECEIVED

JUN 23 2015

PLANNING DEPT.

EXHIBIT "B"

OUTLINE DESCRIPTION OF PROPOSED ZONING AREA

All that real property as described in Instruments Numbered 99-26799 and 00-45529, both of the Official Records of Jackson County, Oregon, being located in the Southeast One-quarter of the Southeast One-quarter of Section 36, Township 37 South, Range 2 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon, more particularly described as follows:

Lots 1, 2, and 3, of the East Half of Block 9, and Lots 4, 5, and 6 of the West Half of Block 9, of the Plat of OAKDALE PARK ADDITION, in the City of Medford, Jackson County, Oregon.

Lots 1, 2, 3, 4, 5, 8, 9, 10, 11, and 12 of Block 12 of the Amended Plat of OAKDALE PARK ADDITION, in the City of Medford, Jackson County, Oregon.

ALSO, that portion of vacated LILLIAN STREET, (originally platted as Lincoln Avenue) as disclosed by order vacating recorded as Document No. 78-13889, and amended as Document No. 78-23479, Official records of Jackson County, Oregon.

ALSO, that portion of vacated POWHATAN STREET as disclosed by order vacating recorded July 1, 1970 as Document No. 70-06491, Official Records of Jackson County, Oregon.

ACCEPTING THEREFROM a strip of land 10 feet in width off the south side of said Lot 8.

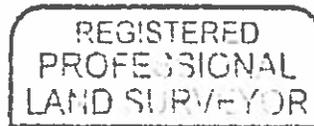
Total amount of the outlined area containing 4.28 acres, more or less.

This description is prepared for the distinct purpose of outlining an area to be Re-zoned in the City of Medford, Oregon, and is not sufficient for the conveyance of real property, determining or creating of real property boundaries.

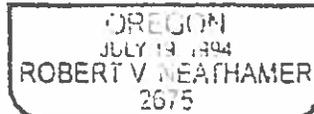
Prepared by:
Neathamer Surveying, Inc
3126 State Street, Suite 203
PO Box 1584
Medford, OR 97501
Phone: (541) 732-2869
Facsimile: (541) 732-1382

Project Number: 04048

Prepared June 22, 2015



Robert V. Neathamer



RENEWAL DEC. 31, 2016

CITY OF MEDFORD,
EXHIBIT # "B"

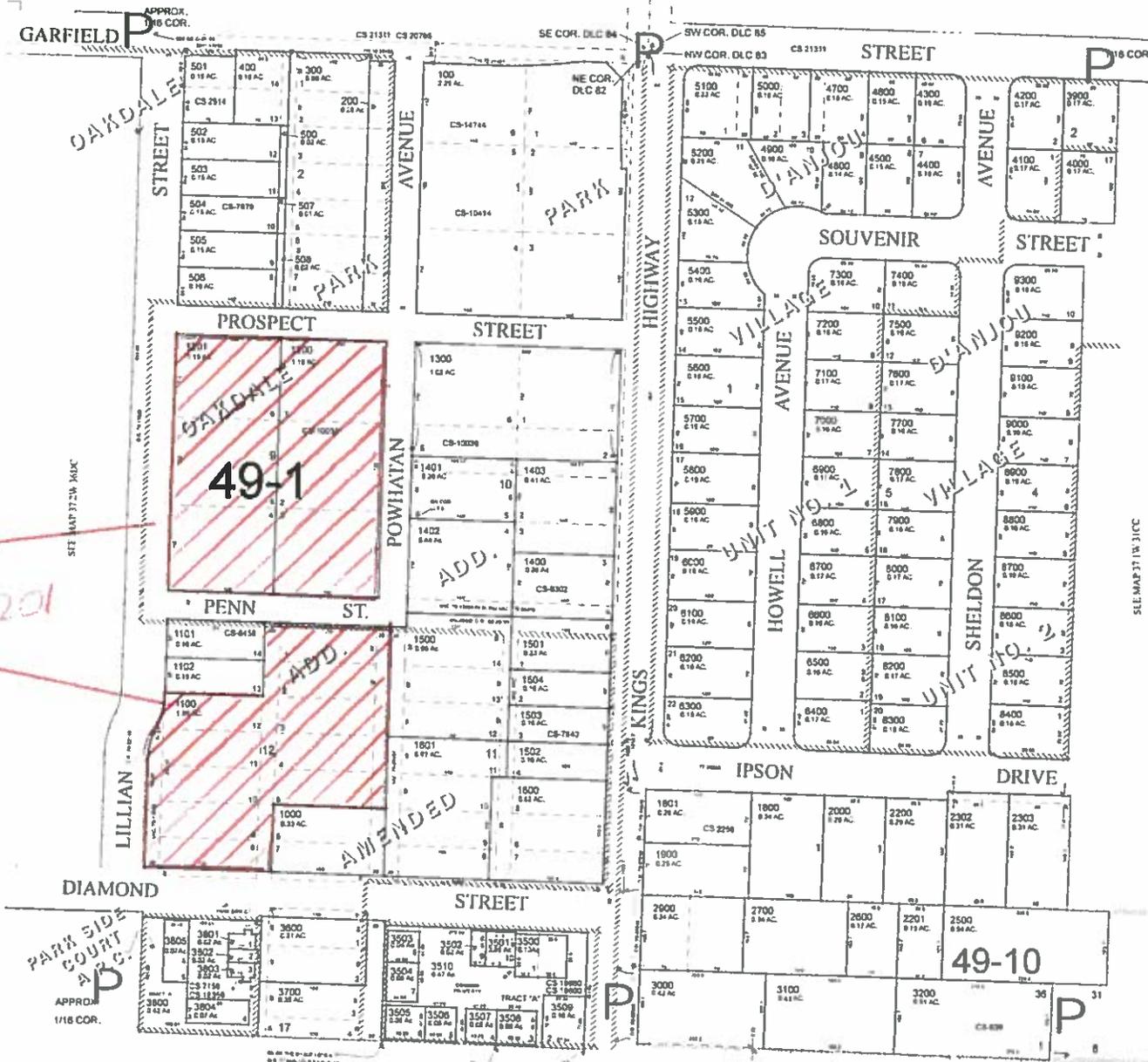
File # 2015-085

FOR ASSESSMENT AND TAXATION ONLY

S.E. 1/4, S.E. 1/4, SEC. 36, T. 37S., R. 2W., W.M.
JACKSON COUNTY
1" = 100'

37 2W 36DD
MEDFORD

SEE MAP 37 2W 36DA



- CANCELLED TAX LOT NUMBERS
- 1700
 - 2009-2301
 - 2304-2308 REMAPPED TO 371W31CC
 - 2307, 2309, 2310
 - 2400 REMAPPED TO 371W31CC
 - 3300, 3400 REMAPPED TO 371W31CC
 - 600 REMAPPED TO 372W36DC
 - 601-607
 - 608-613 REMAPPED TO 372W36DC
 - 614
 - 616 REMAPPED TO 372W36DC
 - 617 ADDED TO 616
 - 618-629 REMAPPED TO 372W36DC
 - 621 ADDED TO 620
 - 621 REMAPPED TO 372W36DC
 - 624 ADDED TO 623
 - 625
 - 626-629 REMAPPED TO 372W36DC
 - 630 ADDED TO 629
 - 631 REMAPPED TO 372W36DC
 - 700 ADDED TO 711
 - 701-703
 - 704-711 REMAPPED TO 372W36DC
 - 800 REMAPPED TO 372W36DC
 - 801
 - 802-808 REMAPPED TO 372W36DC
 - 809
 - 810, 811 REMAPPED TO 372W36DC
 - 812-814
 - 815-823 REMAPPED TO 372W36DC
 - 821-825
 - 829

Page 55

SUBJECT PARCELS 1100, 1200, 1201

File # 22-B-085
EXHIBIT # 2
CITY OF MEDFORD

RECEIVED
JUN 15 2015
PLANNING DEPT
37 2W 36DD
MEDFORD
NEW MAP APRIL 14, 2004
REV. JANUARY 10, 2013

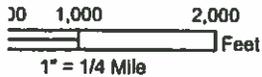
SOUTH RIDGE 2
ESTATES
A P.C.

2

Adopted Southwest Medford Circulation Plan

Page 56

File # 2015-085
 CITY OF MEDFORD
 EXHIBIT # 2



Street Classifications

- Major Arterial (Red line)
- Major Collector (Blue line)
- Minor Arterial (Pink line)
- Minor Collector (Light Blue line)
- Residential (Black line)
- Other Streets (Thin black line)

- UGB (Cross symbol)
- Adopted Circulation Plan Area (Yellow shaded area)



The Geographic Information Systems (GIS) data made available on this map was developed and maintained by the City of Medford and Jackson County. GIS data is not the official representation of any of the information included. The data are made available to the public solely for informational purposes.

THERE MAY BE ERRORS IN THE MAPS OR DATA. THE MAPS OR DATA BE OUTDATED, INACCURATE, AND MAY OMIT IMPORTANT INFORMATION. THE MAPS OR DATA MAY NOT BE SUITABLE FOR YOUR PARTICULAR PURPOSES. THIS INFORMATION IS BEING PROVIDED "AS IS" OR "WITH ALL FAULTS." THE ENTIRE RISK AS TO THE QUALITY OR PERFORMANCE IS WITH THE BUYER AND IF INFORMATION IS DEFECTIVE, THE BUYER ASSUMES THE ENTIRE COST OF ANY NECESSARY CORRECTIONS OR SERVICES.

Map Adopted: 11-20-03
 Ord. # 2003-299
 Map Printed: 1-29-15



RECEIVED
 JUN 15 2015
 PLANNING DEPT.



Continuous Improvement Customer Service

CITY OF MEDFORD

L.D. Meeting Date: 7/29/15
File Number: ZC-15-085

**PUBLIC WORKS DEPARTMENT STAFF REPORT
For Sullivan Zone Change**

Project: Consideration of a request for a change of zone from SFR-6 (Single-Family Residential, 6 dwelling units per gross acre) to SFR-10 (Single-Family Residential, 10 dwelling units per gross acre) on three parcels, consisting of an approximately 5.31 total gross acre, generally located north of Diamond Street, east of Lillian Street and approximately 390 feet south of Garfield Street

Applicant: Dennis Sullivan, Applicant (Scott Sinner Consulting, Inc. Agent). Desmond McGeough, Planner.

The Medford Land Development Code (MLDC), Section 10.227 (2) requires a zone change application demonstrate Category 'A' urban services and facilities are available or can and will be provided to adequately serve the subject property. The Public Works Department reviews zone change applications to assure the Category 'A' urban services and facilities under its jurisdiction meet those requirements. The Category urban services and facilities the Public Works Department manages are sanitary sewers within the City's sewer service boundaries, storm drains, and the transportation system.

I. Sanitary Sewer Facilities

This site lies within the Rogue Valley Sewer Service (RVSS) area. The applicant shall contact RVSS to see if sanitary sewer services and facilities are available and have capacity for this property under the proposed zoning.

CITY OF MEDFORD
EXHIBIT # "E"
File # ZC 15-085
lofz

II. Storm Drainage Facilities

This site lies within the Crooked Creek Drainage Basin. The City of Medford has existing storm drain facilities in Garfield Street. This site would be able to connect to these facilities at time of

development. This site will be required to provide stormwater quality and detention at time of development.

III. Transportation System

No traffic impact analysis (TIA) will be required for this zone change. The proposed application doesn't meet the requirements for a TIA, per MMC 10.461 (3).

No conditions pertaining to streets, street capacity, or access are requested by Public Works at this time.

At the time of future land division or development permit, Public Works may require additional right-of-way and public utility easement (PUE) dedications and will condition the developer to improve their street frontage to the City's current standards. Improvements shall include paving, drainage, and curb, gutter, street lighting, sidewalk, and planter strips.

Prepared by: Doug Burroughs

The above report is based on the information provided with the Zone Change Application submittal and is subject to change based on actual conditions, revised plans and documents or other conditions. A full report with additional 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 shall be provided with a Development Permit Application.

“E”
20FZ



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: ZC-15-085

PARCEL ID: 372W36DD TL's 1200 & 1201

PROJECT: Consideration of a request for a change of zone from SFR-6 (Single-Family Residential, 6 dwelling units per gross acre) to SFR-10 (Single-Family Residential, 10 dwelling units per gross acre) on three parcels, consisting of an approximately 5.31 total gross acre, generally located north of Diamond Street, east of Lillian Street and approximately 390 feet south of Garfield Street; Dennis Sullivan, Applicant (Scott Sinner Consulting, Inc. Agent). Desmond McGeough, Planner.

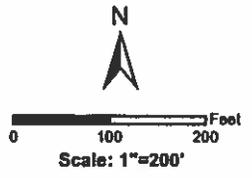
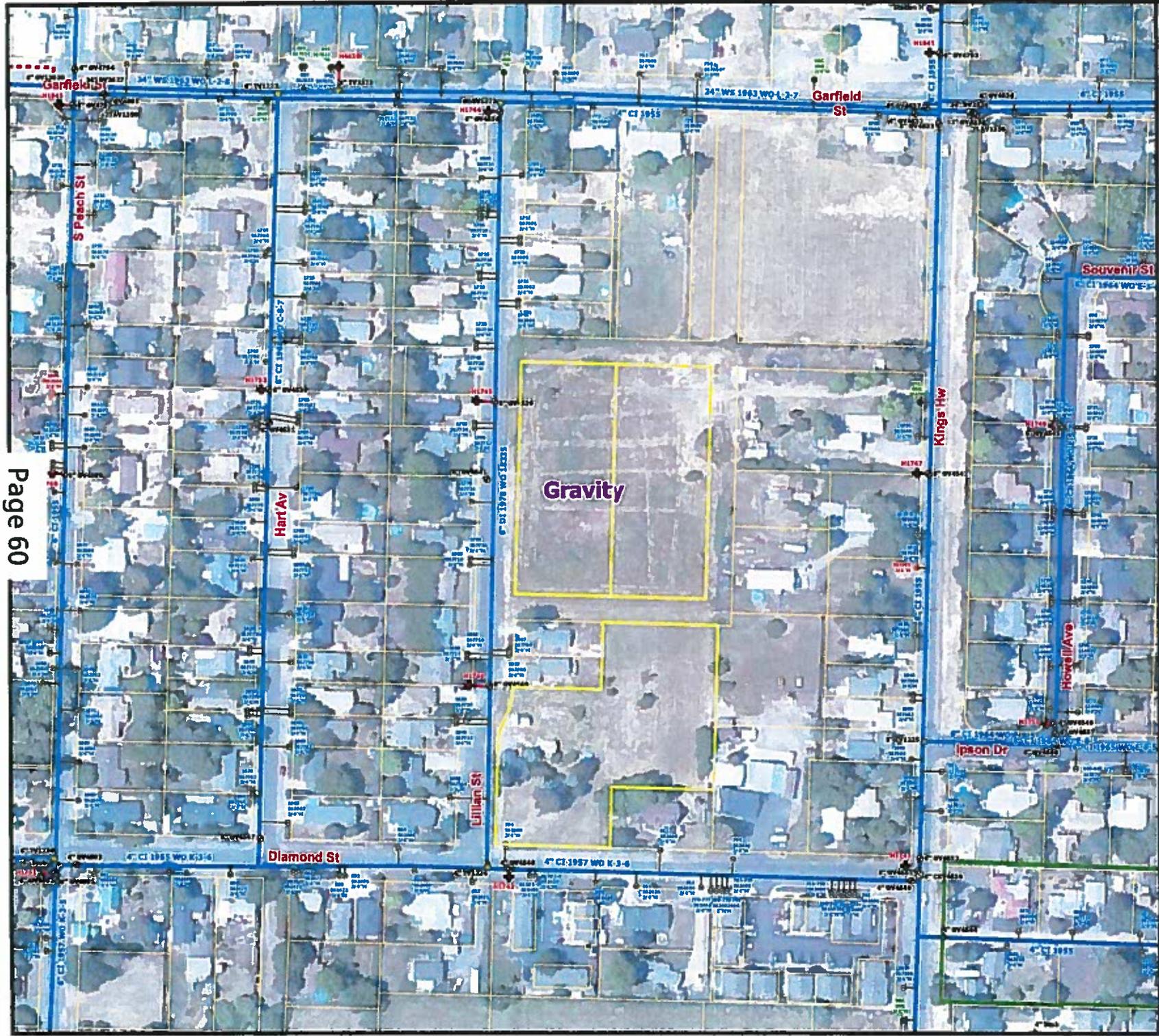
DATE: July 29, 2015

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

COMMENTS

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 MWC system does have adequate capacity to serve this property.
4. Off-site water facility construction may be required depending on future land development review.
5. On-site water facility construction will be required depending on future land development review.
6. MWC-metered water service does exist to this property. There is a ¾-inch water meter that serves the existing home at 794 Diamond Street (TL 372W36DD TL 1100).
7. Access to MWC water lines for connection is available. There is an existing 6-inch watermain in Lillian Street, and a 4-inch water line in Diamond Street.

CITY OF MEDFORD
EXHIBIT # F
File # ZC-15-085
1 of 2



Water Facility Map for ZC-15-085

Legend

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

282,142



This map is based on a digital orthorectification. It should not be used for any purpose other than general reference. The user assumes all liability for any errors or omissions. This map is not a warranty, offering or policy.

Rev. 10/2016
Map of Medford Water Commission - 10/16/2016. Later editions exist.



Medford Fire Department

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

LAND DEVELOPMENT REPORT - PLANNING

To: Desmond McGeough

LD Meeting Date: 07/29/2015

From: Fire Marshal Kleinberg

Report Prepared: 07/20/2015

File #: ZC - 15 - 85

Site Name/Description: change of zone from SFR-6 to SFR-10

Consideration of a request for a change of zone from SFR-6 (Single-Family Residential, 6 dwelling units per gross acre) to SFR-10 (Single-Family Residential, 10 dwelling units per gross acre) on three parcels, consisting of an approximately 5.31 total gross acre, generally located north of Diamond Street, east of Lillian Street and approximately 390 feet south of Garfield Street; Dennis Sullivan, Applicant (Scott Sinner Consulting, Inc. Agent). Desmond McGeough, Planner.

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

Approved as Submitted

Meets Requirement: No Additional Requirements

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

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

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

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

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

CITY OF MEDFORD
 EXHIBIT # "G"
 File # ZC 15-085
icfl



Memo

To: Desmond McGeough, Planning Department
From: Mary Montague, Building Department
CC: Dennis Sullivan
Date: 07/23/2015
Re: ZC-15-085; Ref. A-02-225/ZC-06-015

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 Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.
3. No comments.

CITY OF MEDFORD
EXHIBIT # 4
File # ZC-15-085
 1 of 1



ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 7502-0005
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

July 20, 2015

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

Re: ZC-15-085, REF ZC-06-15, Dennis Sullivan Zone Change (372w36DD – 100,
200, 1100, 1200, 1201, 1300)

ATTN: Desmond,

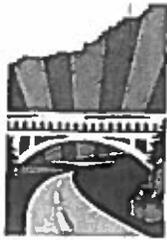
Sewer service to the subject properties is available from main lines on Kings Highway, Garfield Street, and Lillian Street. There is adequate capacity in these main lines to serve the proposed densities. Future development will most likely require internal main line extensions.

Sincerely,

Carl Tappert P.E.
Manager

CITY OF MEDFORD
EXHIBIT # "I"
File # ZC 15-085
1681

K:\DATA\AGENCIES\MEDFORD\PLANNG\ZONE CHANGE\2015\ZC-15-085_DENNIS
SULLIVAN.DOC



JACKSON COUNTY

Roads

**Roads
Engineering**

Kevin Christiansen
Construction Manager

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

www.jacksoncounty.org

July 20, 2015

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

RE: Zone change off Diamond Street and Lillian Avenue – county maintained roads.
Planning File: ZC-15-085.

Dear Desmond:

Thank you for the opportunity to comment on the request for a change of zone from SFR-6 (Multi-Family Residential – 6 dwelling units per gross acre) to SFR-10 on multiple parcels at 37-2W-36DD Tax lots 1100, 1200, and 1201, consisting of approximately 5.31 acres located between Diamond Street and Prospect Street and Lillian Avenue and Powhatan Avenue. Jackson County Roads has the following comments:

1. If frontage improvements off Diamond Street, or Lillian Avenue, they shall be permitted and inspected by the City of Medford.
2. Future construction plans shall be submitted to Jackson County Roads, so we may determine if county permits will be required.
3. Diamond Street and Lillian Avenue are County Local Roads and are county-maintained.
4. Jackson County's General Administration Policy #1-45 sets forth the County's position as it relates to the management of County roads located within existing or proposed city limits or Urban Growth Boundaries (UGB). The County has no current plans for improvements to Diamond Street and Lillian Avenue. Jackson County Roads recommends that the city request jurisdiction of these roads.
5. According to our records, Prospect Street, Penn Street and Powhatan Avenue at the subject properties are City of Medford roads within the City Limits of Medford and not under the jurisdiction of Jackson County.

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

Sincerely,

Kevin Christiansen
Construction Manager

CITY OF MEDFORD
EXHIBIT # 5
File # 2015-085



Vicinity Map

Application Name/Description:
Sullivan Zone Change

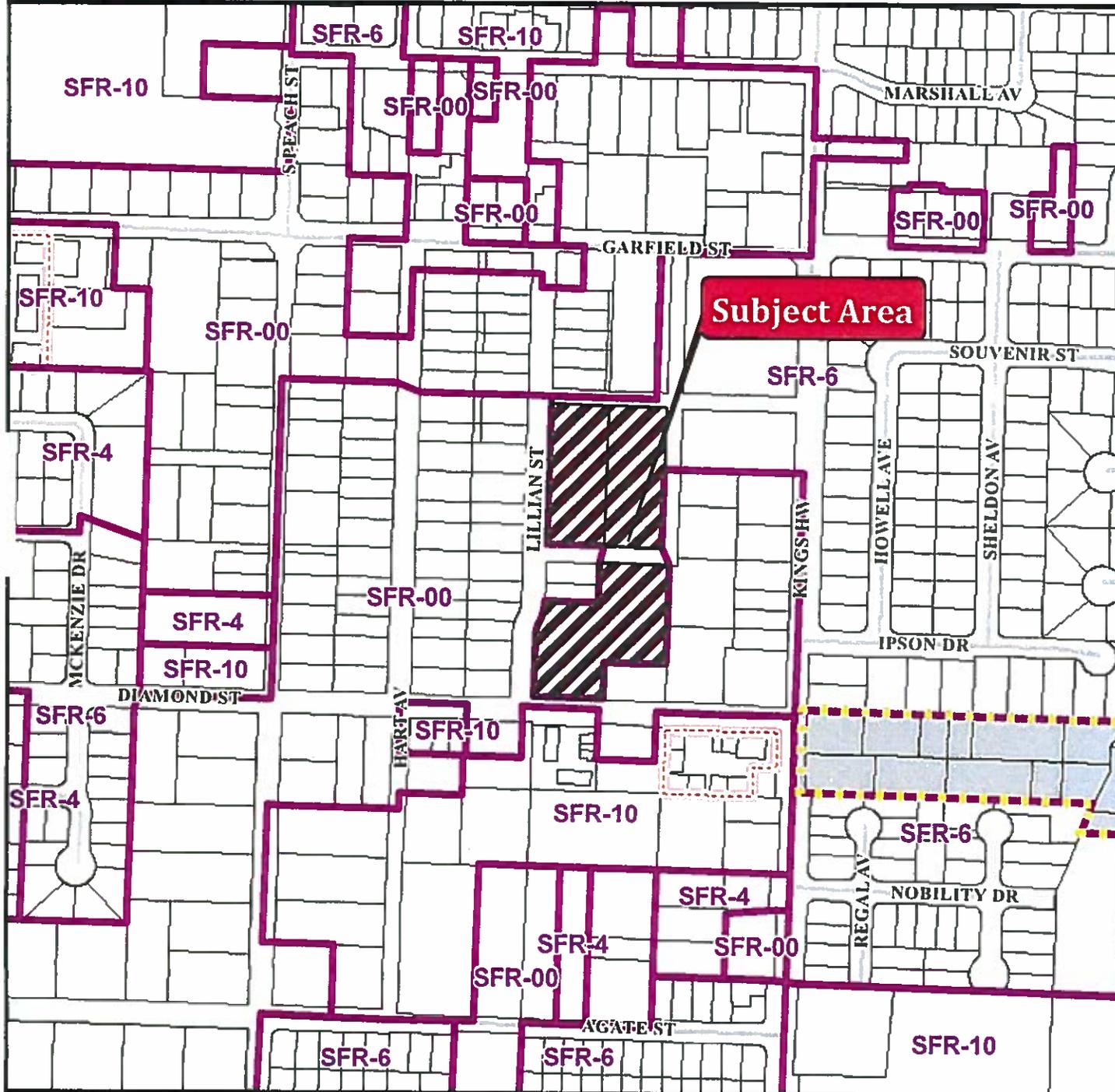
Proposal:
**Zone Change:
SFR-6 to SFR-10**

File Numbers:
ZC-15-085

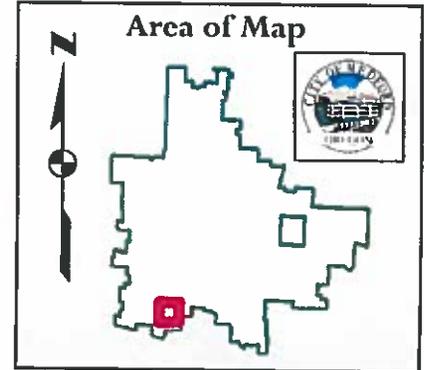
Applicant:
Dennis B Sullivan

Map/Taxlot:
**372W36DD TL's 1100,
1200 & 1201**

Page 65



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



08/06/2015

Planning Department

Working with the community to shape a vibrant and exceptional city

REPORT

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

Project Panorama Heights Subdivision
Applicant: Van Wey Homes; Agent: Farber Surveying, Inc.

File no. LDS-15-091

To Planning Commission *for 08/27/2015 hearing*

From Desmond McGeough, Planner II *DM*

Reviewer Kelly Akin, Principal Planner *KA*

Date August 20, 2015

BACKGROUND

Proposal

Consideration of a request for tentative plat approval of an 18-lot residential subdivision, located to the east and to the south of the existing terminus of Cadet Drive, approximately 150 feet east of the Cadet Drive intersection with Admiral Way, on 4.54 gross acres within a SFR-4 (Single Family Residential – 4 dwelling units per gross acre) zone district.

Subject Site Characteristics

Zoning SFR-4
GLUP UR Urban Residential
Use Vacant

Surrounding Site Characteristics

North OSR County-Open Space Reserve
South OSR County-Open Space Reserve
East SFR-4 Single-Family Residential
West SFR-4,OSR Single-Family Residential, County-Open Space Reserve

Related Projects

Ord # 2098 1974 Annexation
A-07-015 Jantzer Annexation – 122 acres

ZC-09-012 Zone Change from SFR-00 (Single Family Residential – 1 dwelling unit per existing lot) to SFR-4 (Single Family Residential – 4 dwelling units per gross acre)

CP-11-007 Comprehensive Plan Amendment; Limited Service Area Administrative Mapping Designation

Applicable Criteria

Medford Land Development Code (MLDC) §10.270.

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

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

ISSUES AND ANALYSIS

Background

A 3.07 acre portion of the subject property was annexed in 1974 (Ord. # 2098); subsequently 1.46 acres the southwest corner of the subject property were annexed. In 2009, the property received approval of a zone change from SFR-00 to SFR-4. In 2011, due to limited water services available to the property, a Limited Service Area Administrative Mapping designation was placed upon the property. At the present time, the Medford Water Commission does have the capacity to serve the subject site and the property is no longer has a limited water resource. The subject Limited Service Area Mapping Designation is no longer applicable to this property. The Planning Department is currently working on a Comprehensive Plan Amendment that will remove the administrative map designation from the subject area.

Cadet Drive Agreement

Currently, the subject parcel does not have street frontage to any public road. The applicant and adjoining owner to the north have entered into an agreement (Exhibit L) that recognizes that Cadet Drive ends at the northwest corner of the subject property. In the agreement between the two parties, the applicant will construct Cadet Drive subject to City Standards. In consideration of constructing Cadet Drive, the property owner to the north will dedicate to the City, as a public roadway, the standard right-of-way needed for Cadet Drive. The applicant intends to build the south half of Cadet Drive, plus a 12-foot paved street section on the north side of the centerline. Required improvements and dedication of Cadet Drive will be required prior to the approval of a final plat for Panorama Heights.

Plat Analysis

The proposed tentative plat consists of 18 lots located south of the future Cadet Drive. The subject plat area is 4.54 acres and is intended to be constructed in two phases, each containing nine lots. Proposed lots in this subdivision generally take access from Minor Residential Streets having a 55-foot right-of-way cross section. Cadet Drive will be constructed to a standard residential street standard, having a 63-foot wide cross section. Two lots (Lots 9 & 10) front on to Cadet Drive, the other 16 lots will take access from the streets internal to the subdivision. The proposed arrangement of streets are located in a manner as to provide for a logical street connectivity pattern and meet the block length and perimeter standards of MLDC Section 10.426(C).

Density

Based on the project's total gross acreage of 4.54 acres, and half of the adjoining future Cadet drive area (0.33 ac), the maximum number of lots permitted is 19.4 units. MLDC §10.708 requires the allowed maximum number of units be rounded down; thus the

maximum number of lots permitted is 19. The minimum number of units required for the development is 12.17. MLDC requires the minimum number of units to be rounded to the nearest whole number; thus the minimum number of lots required is 12. The applicant is proposing 17 lots for residential dwelling units and one lot to be dedicated for storm drain purposes. The subject plat is consistent with the density range specified for the SFR-4 zone district.

Residential Lot Standards

Lot size, dimensional, and frontage standards for detached single-family dwellings are outlined in §10.710 of the Medford Land Development Code. Allowable lot sizes for lots in the SFR-4 zoning district range in size from 6,500 to 18,750 square feet. All lots within this subdivision are consistent with the standard range specified for the zone district.

The minimum lot width requirement in the zone district for interior lots is 60 feet and 70 feet for corner lots. The minimum lot depth for the zone district is 90 feet. All lots meet the minimum depth requirement. All lots, except Lot 1, are 70 feet in width and meet the width requirement. Lot 1, as shown on this tentative plat, is approximately one inch short of the 70 foot street side requirement. However, Lot 2, 3 or 4 can be reduced in size as to accommodate the necessary width needed for Lot 1.

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibit D) and recommends the Commission adopt the findings as presented by the applicant, with the exception of findings addressing criterion number six. Applicant's criterion 6 pertains to effective use of passive solar energy. This criterion for land division was removed as a requirement in May of 2012.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of LDS-15-091 per the staff report dated August 20, 2015, including Exhibits A through L.

EXHIBITS

- A Conditions of Approval, dated August 20, 2015
- B Applicant's Findings of Fact and Conclusions of Law, received June 23, 2015
- C Applicant's Additional Findings, received June 23, 2015
- D Panorama Heights Tentative Subdivision Plat, received June 23, 2015
- E Conceptual Grading and Drainage Plan, received June 23, 2015

- F Conceptual Sewer and Water Plan, received June 23, 2015
- G Public Works Report, dated August 5, 2015
- H Medford Water Commission Memo, dated August 10, 2015
- I Fire Department Report, prepared July 30, 2015
- J Building Department Memo, dated August 4, 2015
- K Jackson County Roads Correspondence, dated July 27, 2015
- L Cadet Drive Agreement, received August 5, 2015
Vicinity map

PLANNING COMMISSION AGENDA:

AUGUST 27, 2015

EXHIBIT A

Panorama Heights Subdivision
LDS-15-091
Conditions of Approval
August 20, 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. On the Final Plat, Lot 1 shall be provided a lot width that is a minimum of 70 feet.
3. Prior to Final Plat approval of each phase, the applicant shall comply with:
 - a. The Public Works Report, dated August 5, 2015 (Exhibit G).
 - b. The Medford Water Commission Memo, dated August 10, 2015 (Exhibit H)
 - c. Fire Department Report, prepared July 30, 2015 (Exhibit I)
 - d. Jackson County Roads Correspondence, dated July 27, 2015 (Exhibit K)

CITY OF MEDFORD
EXHIBIT # "A"
File # LDS-15-091
10/1

RECEIVED

JUN 23 2015

PLANNING DEPT.

Findings of Fact

for

Taxlot 207, Assessor's map no. 37 1W 15
A LAND DIVISION APPLICATION
CITY OF MEDFORD, OREGON

ADDRESSING THE CRITERIA OF MLDC §10.270

June 17, 2015

PREPARED BY:

FARBER SURVEYING

431 Oak Street

Central Point, OR 97502

- *Text bulleted and italicized represents the findings per § 10.270*

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;

- *Yes; the conceptual plan is to connect to existing street stubs and design such improvements to City of Medford Standards.*

(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;

- *No, this subdivision does not restrict any future development.*

(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;

- *This subdivision is pending an approval in the Jackson County Surveyors office the proposed name is "Panorama Heights"*

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

- *The streets being created will adjoin to an extension of cadet drive that will be executed by deed document prior to the final plat.*

(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;

- *N/A, there are no Private streets or Private alleys being created in this application*

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

- *The topography and orientation of the Lots will allow maximum effective use of passive solar energy.*

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

- *N/A; there are no EFU zoned properties adjoining this property.*

[Amd. Sec. 4, Ord. No. 2004-259, Dec. 16, 2004.]

RECEIVED

JUN 23 2015

PLANNING DEPT.

Additional Findings

for
Taxlot 207, Assessor's map no. 37 1W 15
A LAND DIVISION APPLICATION
CITY OF MEDFORD, OREGON

ADDRESSING THE CRITERIA OF MLDC §10.931(E)(4)

June 17, 2015

PREPARED BY:

FARBER SURVEYING

431 Oak Street

Central Point, OR 97502

- *Text is bulleted and italicized represents the findings per §10.931(E)(4)*

10.931 General Standards.

E. Standards for Streets, Private Access Drives and Other Vehicular Ways.

(4) To request modifications to street improvement standards, the applicant shall submit proposed findings addressing:

(a) Why the modifications are needed; and,

- *No; all streets will be designed and constructed to required standards.*

(b) How the proposed modifications are safe and function properly; and

- *N/A; there are no proposed modifications at this time.*

(c) How the proposed modifications minimize soil erosion and protect the natural character of the site.

- *N/A; there are no proposed modifications at this time.*

[Added, Sec. 3, Ord. No. 2009-193, Aug. 20, 2009, effective Oct. 15, 2009.]

"c"
2022

TENTATIVE SUBDIVISION PLAT
PANORAMA HEIGHTS
 located in the
SOUTHWEST QUARTER OF SECTION 15,
TOWNSHIP 37 SOUTH, RANGE 1 WEST,
WILLAMETTE MERIDIAN, IN THE CITY OF MEDFORD,
JACKSON COUNTY, OREGON
 for
VANWEY HOMES LLC.
 P.O. BOX 841
 MEDFORD, OREGON 97501

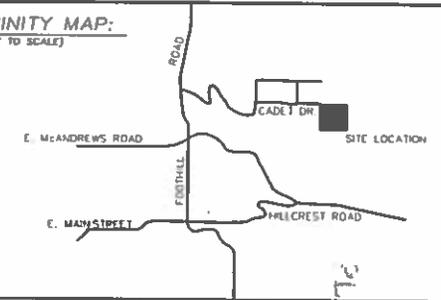
NOTES

- Zoning = SFR-4
- Net Area = 4.54 acres
- Gross Area = 4.54 acres
- Medford School District 549C
- Medford Fire District
- Medford Irrigation District
- Rogue River Valley Sanatory Sewer Service
- Number of Lots = 18

CURVE TABLE:

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	162°29'47"	110.61	39.00	S44°50'44"E	77.09
C2	14°47'03"	5.16	20.00	S61°17'54"W	5.15
C3	21°35'50"	7.54	20.00	S79°29'21"W	7.49
C4	68°05'08"	46.34	39.00	N87°56'56"E	43.67
C5	62°26'08"	42.50	39.00	S26°47'25"E	40.43
C6	31°58'31"	21.76	39.00	S20°24'54"W	21.48
C7	36°22'54"	12.70	20.00	N18°12'43"E	12.49
C8	89°44'00"	31.32	20.00	S44°50'44"E	28.22
C9	89°44'00"	156.61	100.00	S44°50'44"E	141.09
C10	89°44'29"	31.33	20.00	N44°50'59"W	28.22
C11	90°15'31"	31.51	20.00	S45°09'01"W	28.35
C12	89°44'29"	31.33	20.00	N44°50'59"W	28.22
C13	76°33'48"	26.73	20.00	S51°59'53"W	24.78
C14	90°16'00"	31.51	20.00	N45°09'16"E	28.35
C15	89°44'00"	31.32	20.00	N44°50'44"W	28.22
C16	13°36'31"	17.22	72.50	S6°54'43"W	17.18
C17	18°52'41"	32.95	100.00	S9°32'48"W	32.80
C18	19°01'30"	33.21	100.00	N9°28'23"E	33.05

VICINITY MAP:
 (NOT TO SCALE)



Surveyed by:
FARBER & SONS, INC. dba



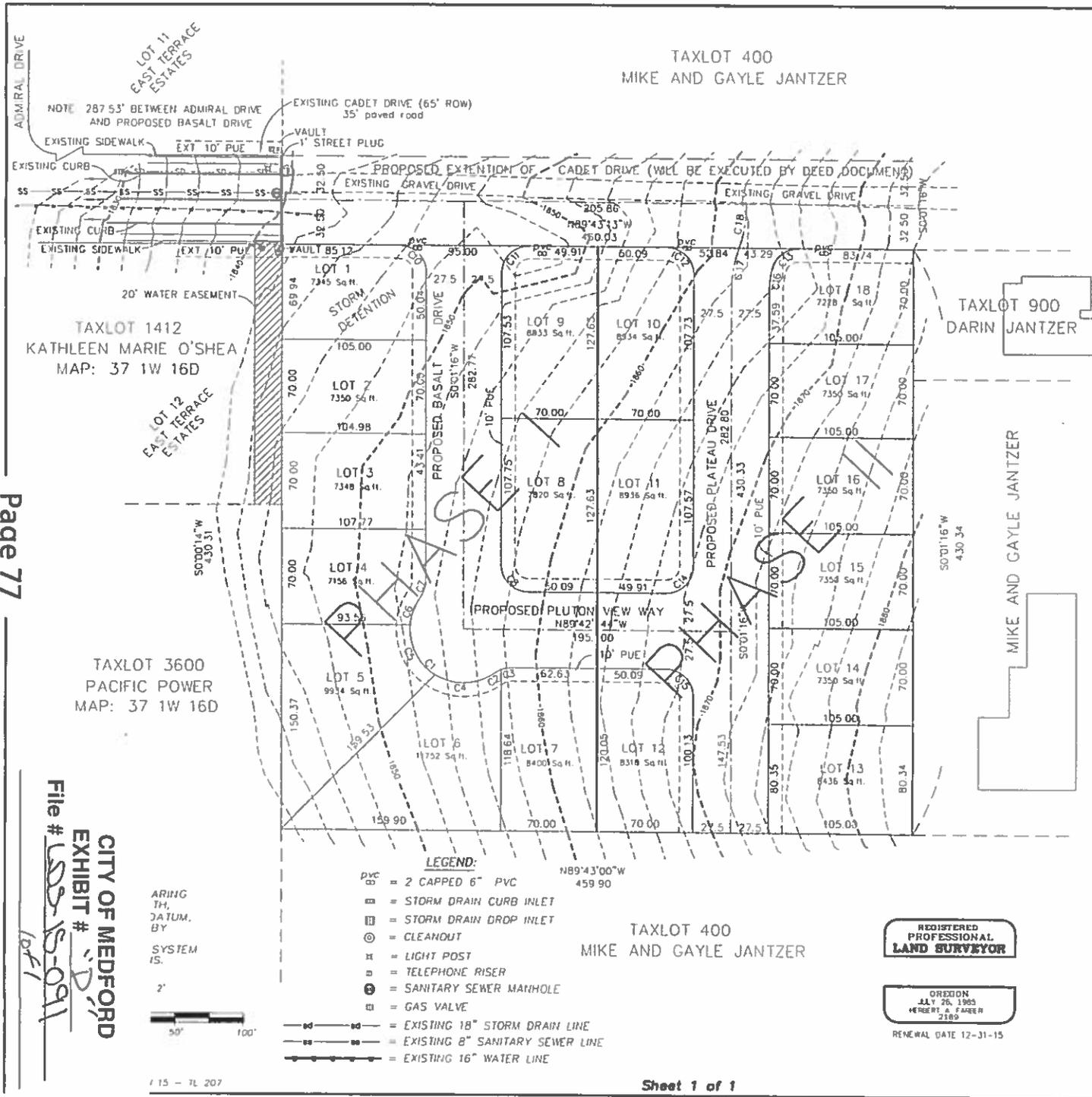
PLANNING DEPT.
 PO BOX 5286
 431 OAK STREET
 CENTRAL POINT, OREGON 97502
 (541) 654-5599

DATE: JUNE 2, 2015
 JOB NO. 2015-2340
 DRAWING FILE: JOBS\Medford_NC\Cadet Drive\Vanwey Homes 2015-2340\MicroSurvey\tentative sub D60115.dwg
 DRAWN BY: LST
 DATE: 06/02/2015
 CHECKED BY: [blank]
 DATE: [blank]

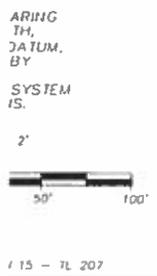
RECEIVED

JUN 23 2015

TAXLOT 400
 MIKE AND GAYLE JANTZER



- LEGEND:**
- PVC = 2 CAPPED 6" PVC
 - = STORM DRAIN CURB INLET
 - ▣ = STORM DRAIN DROP INLET
 - ⊙ = CLEANOUT
 - ⊗ = LIGHT POST
 - ⊕ = TELEPHONE RISER
 - ⊖ = SANITARY SEWER MANHOLE
 - ⊗ = GAS VALVE
 - = EXISTING 18" STORM DRAIN LINE
 - = EXISTING 8" SANITARY SEWER LINE
 - = EXISTING 16" WATER LINE



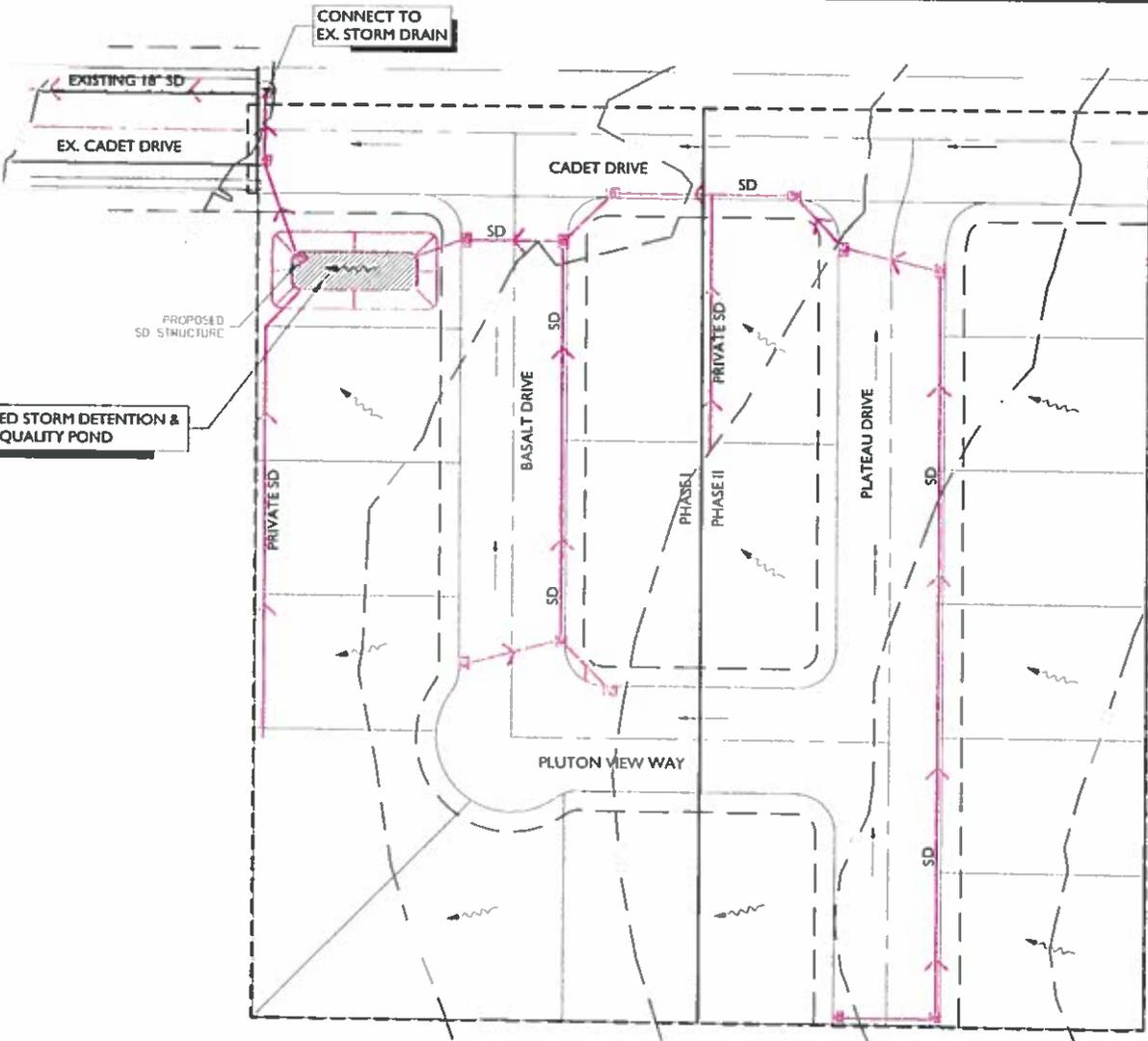
REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
 JULY 26, 1993
 HERBERT A. FARBER
 2189
 RENEWAL DATE 12-31-15

TAXLOT 400
 MIKE AND GAYLE JANTZER

CITY OF MEDFORD
 EXHIBIT # 15-091
 10/1

6



LEGEND

- STREET DRAINAGE DIRECTION
- ~→ SURFACE DRAINAGE DIRECTION
- SD ← PROPOSED STORM MAIN
- - - EXISTING STORM MAIN
- PROPOSED STORM INLET
- PROPOSED SD MANHOLE
- EXISTING SD MANHOLE
- - - EXISTING CONTOUR (2' INTERVAL)
- - - PROJECT BOUNDARY

NOTE:
EXTENSIVE GRADING OF THE PROJECT SITE IS NOT ANTICIPATED. PROPOSED SITE GRADING SHALL GENERALLY MATCH THE EXISTING SITE TOPOGRAPHY.



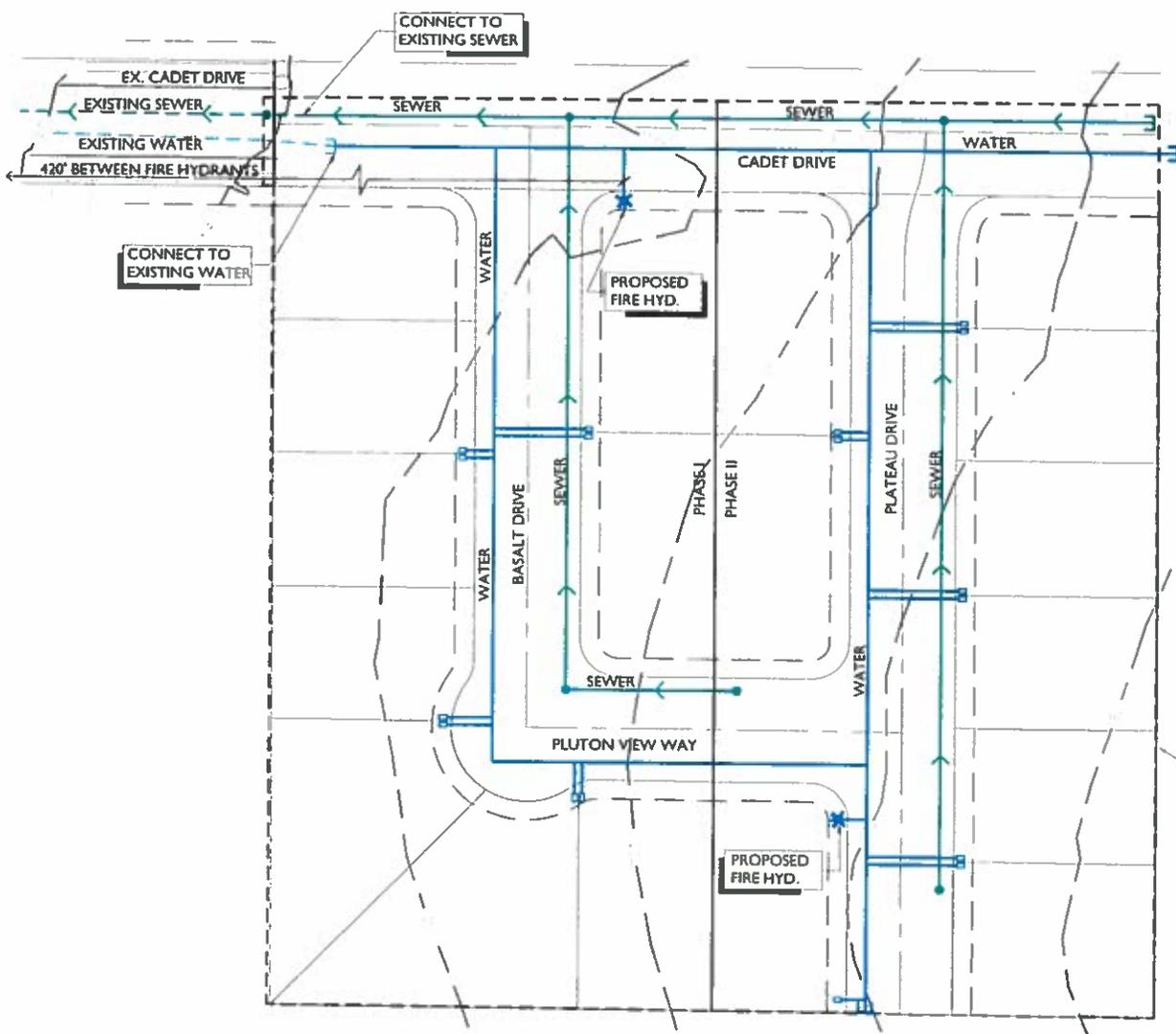
DRAWN BY:	DSK	DATE:	06/13
CHECKED BY:	AMEL MARK	DATE:	06/13
		DATE:	
		DATE:	
		DATE:	

NO.:	REVISION	DATE:	BY:



EXHIBIT C1
CITY OF MEDFORD
PLANNING DEPT.
RECEIVED
JUN 23 2015
PANORAMA HEIGHTS
CONCEPTUAL GRADING AND
STORMWATER DRAINAGE FEASIBILITY PLAN

File # 105-15-091
CITY OF MEDFORD
EXHIBIT #



LEGEND

- EXISTING WATER MAIN
- PROPOSED WATER MAIN
- PROPOSED WATER METER
- PROPOSED SEWER MANHOLE
- EXISTING SEWER MANHOLE
- PROPOSED SANITARY SEWER MAIN
- EXISTING SANITARY SEWER MAIN
- PROJECT BOUNDARY
- PROPOSED FIRE HYDRANT

NOTE:
 FIRE HYDRANT LOCATIONS ARE SCHEMATIC. FINAL
 LOCATIONS WILL BE ESTABLISHED WITH CONSTRUCTION
 PLANS.

PROJECT BOUNDARY



EXHIBIT C.2

CITY OF MEDFORD
 PANORAMA HEIGHTS
 CONCEPTUAL SEWER AND WATER PLAN
 ENGINEERING DEPT.
 JUN 23 2015
 RECEIVED



P.O. BOX 1924 • MEDFORD, OREGON 97501
 PH. (541) 778-5200 • FAX (541) 778-5139

DRAWN BY	BDH	DATE	06/13
CHECKED BY	AMEL MWR	DATE	06/13
		DATE	
		DATE	
		DATE	

NO	REVISION	DATE	BY





Continuous Improvement Customer Service

CITY OF MEDFORD

LD Date: 8/5/2015
File Numbers: LDS-15-091

**PUBLIC WORKS DEPARTMENT STAFF REPORT
PANORAMA HEIGHTS SUBDIVISION**

Project: Consideration of a request for tentative plat approval of an 18-lot residential subdivision.

Location: The subject site is located to the east and to the south of the existing terminus of Cadet Drive, approximately 150 feet east of the Cadet Drive intersection with Admiral Way.

Applicant: Van Wey Homes, LLC., Applicant (Farber Surveying, Agent).

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

A. STREETS

1. Dedications

Cadet Drive is designated as a Standard Residential Street. The Tentative Plat indicates proposed right-of-way dedication of 32.5-feet plus 12-feet north of centerline. This is not consistent with the standard prescribed by MLDC 10.430. The Developer shall dedicate sufficient right-of-way to provide 31.5-feet plus 12-feet north of centerline or a full total width of 63-feet per MLDC 10.442.

Basalt Drive, Pluton View Way and Plateau Drive are proposed as a Minor Residential Streets with right-of-way widths of 55 feet, consistent with the standard prescribed by MLDC 10.430.

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

Medford. (MLDC 10.439)

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 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

Cadet Drive shall be improved to Standard Residential Street standards with 36-foot wide paved sections, complete with curbs, gutters, 8-foot wide park strips, 5-foot wide sidewalks and street lights in accordance with MLDC 10.430 (1). The Developer shall improve the south half plus 12 feet north of the centerline along the north boundary of the development, or the full width in accordance with MLDC 10.442.

Basalt Drive, Pluton View Way and Plateau Drive, shall be improved to Minor Residential Street standards in accordance with MLDC 10.430 (2).

b. Street Lights and Signing

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

The following street lighting and signing installations will be required:

Street Lighting - Developer Provided & Installed

- A. 7 – 100W HPS street lights

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

- A. 4 – street name signs
- B. 2 – Dead end barricades

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

c. Pavement Moratoriums

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

d. Soil Testing

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

e. Access to Public Street System

Currently the proposed right-of-way for Cadet Drive is not within the boundaries of the property owned by the applicant. This will need to be addressed and resolved to the satisfaction of the City Engineer.

f. Easements

Easements shall be shown on the final plat for all sanitary sewer and storm drain mains or laterals, which cross lots, including any common area, other than those being served by said lateral.

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,

"G" 3 of 10

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.

Cadet Drive, Basalt Drive, Pluton View Way and Plateau Drive: In determining rough proportionality, the City averaged the lineal footage of roadway per dwelling unit for road improvements and averaged square foot of right-of-way per dwelling unit for dedications. The proposed development has 18 dwelling units and will improve approximately 1,350 lineal feet of roadway which equates to 75 lineal feet per dwelling unit. Also the development will dedicate approximately 68,960 square feet of right-of-way which equates to approximately 3,831 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 18 Lots within the City of Medford and increase vehicular traffic by approximately 171 average daily trips. The proposed street improvements will provide a safe environment of all modes of travel (vehicular, bicycles, & pedestrians) to and from this development.
- b. Dedication will ensure adequate street circulation is maintained. The street layout and connectivity proposed in this development will provide alternate route choices for the residents that will live in this neighborhood. This will decrease emergency vehicle response times and will decrease overall vehicle miles traveled.

- c. Dedication will provide access and transportation connections at urban level of service standards for this development. Each Lot in this development will have direct access to a public street with facilities that will allow for safe travel for vehicles, bicycles and pedestrians. There is also sufficient space for on-street parking. The connections proposed in this development will enhance the connectivity for all modes of transportation and reduce trip lengths. As trip lengths are reduced, it increases the potential for other modes of travel including walking and cycling.
- d. Dedication of PUE will benefit development by providing public utility services, which are out of the roadway and more readily available to each Lot being served.

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

B. SANITARY SEWERS

The proposed development is situated within the Medford Sewer service area. The Developer shall construct the necessary public sanitary sewer facilities to City of Medford standards, and shall provide one service lateral to each platted lot prior to approval of the Final Plat. All public sewer manholes shall be located within paved streets, or the Developer shall provide paved access and grant easements to the City of Medford for access and maintenance of public sewer facilities not located within paved public streets. All public sanitary sewer mains shall be extend to the limits of the development where applicable to serve future development

C. STORM DRAINAGE

1. Hydrology

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

2. Stormwater Detention and Water Quality Treatment

This development shall provide stormwater detention in accordance with MLDC, Section 10.486, and water quality treatment in accordance with the Rogue Valley Stormwater Quality Manual per MLDC, Section 10.481.

"G" 5/8/10

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

3. Grading

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

4. Mains and Laterals

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

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

All public storm drain mains shall be located in paved public streets or within easements and shall extend to the limits of the development where applicable to serve future development. All manholes shall be accessible by paved, all-weather roads. All easements shall be shown on the Final Plat and the public improvement plans.

5. Wetlands

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

6. Erosion Control

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

D. SURVEY MONUMENTATION

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

E. GENERAL CONDITIONS

1. Design Requirements and Construction Drawings

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

2. Construction Plans

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

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

3. Phasing

The Tentative Plat shows 2 phases proposed for this subdivision.

4. Draft of Final Plat

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

5. Permits

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

Concrete or block walls built within a P.U.E., or within sanitary sewer or storm drain easements

require review and approval from the Engineering Division of Public Works. Walls shall require a separate permit from the Building Department and may also require certification by a professional engineer.

6. System Development Charges

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

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

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
PANORAMA HEIGHTS SUBDIVISION
LDS-15-091**

A. Streets

1. Street Dedications to the Public:

- Dedicate Cadet Drive right-of-way fifty five (63) feet wide or ½ plus 12-feet.
- Dedicate Basalt Drive, Pluton View Way and Plateau Drive rights-of-way fifty five (55) feet wide.
- Dedicate 10 foot public utility easements (PUE).

2. Improvements:

a. Public Streets

- Construct Cadet Drive to Standard Residential standards.
- Construct Basalt Drive, Pluton View Way and Plateau Drive to Minor Residential 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.
- 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 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.

11/6/10 1008/10



BOARD OF WATER COMMISSIONERS
Staff Memo

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: LDS-15-091
PARCEL ID: 371W15 TL 207
PROJECT: Consideration of a request for tentative plat approval of an 18-lot residential subdivision located on 4.54 gross acres within a SFR-4 Zone District. The subject site is located to the east and to the south of the existing terminus of Cadet Drive, approximately 150 feet east of the Cadet Drive intersection with Admiral Way; Van Wey Homes, LLC., Applicant (Farber Surveying, Agent). Desmond McGeough, Planner.
DATE: August 10, 2015

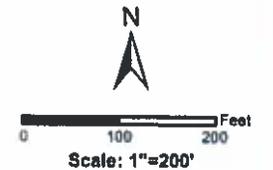
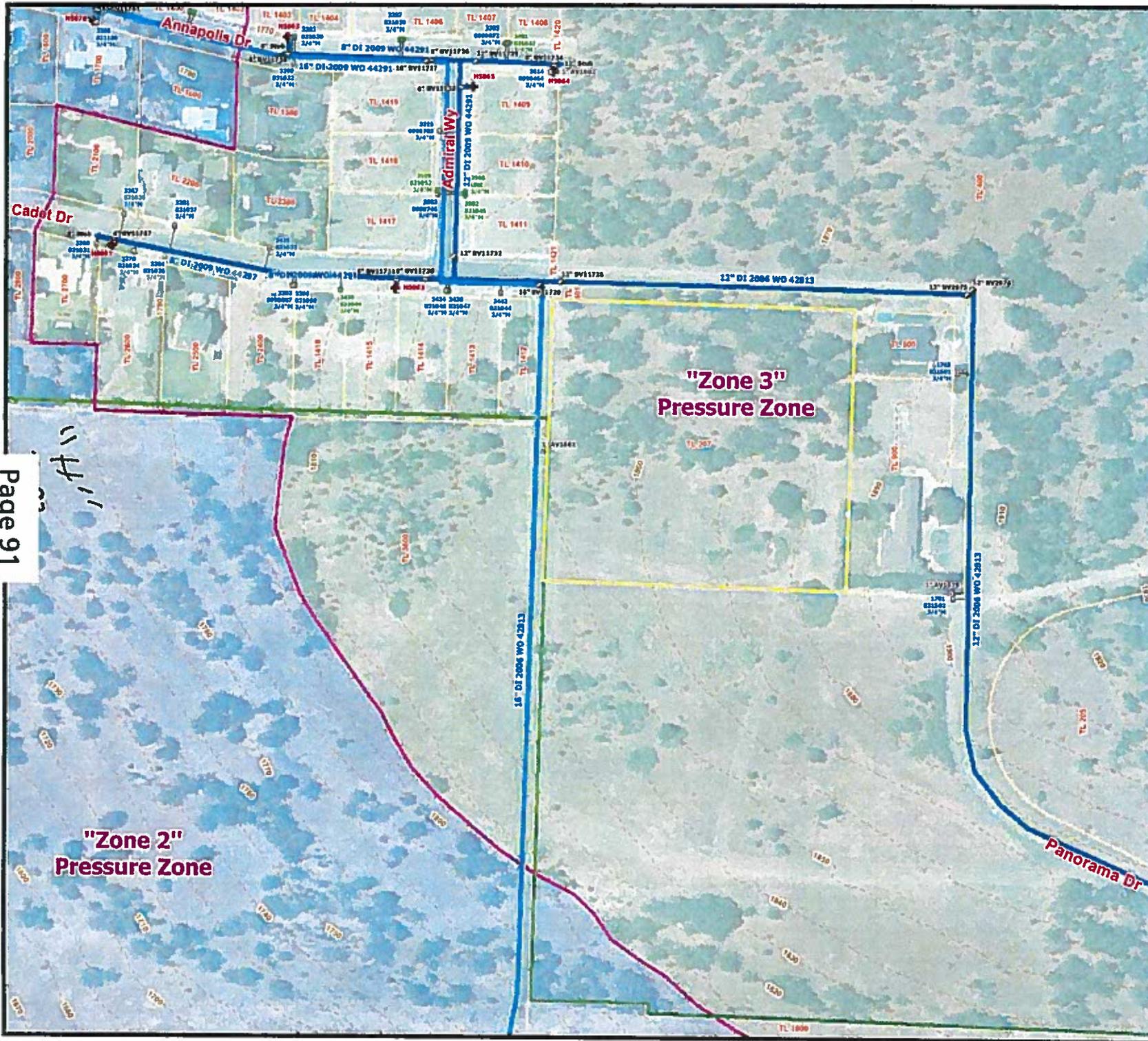
I have reviewed the above plan authorization application as requested. Conditions for approval and comments are as follows:

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The installation of 8-inch water lines is required in Basalt Drive and Pluton View Way located within proposed Phase I.
4. The installation of 8-inch water lines is required in Plateau Drive and Pluton View Way located in proposed Phase II.
5. Applicants' civil engineer shall coordinate with Medford Fire Department for proposed fire hydrant locations.

COMMENTS

1. Off-site water line installation is not required.
2. On-site water facility construction is required. (See Condition 3 above)
3. MWC-metered water service does not exist to this property.
4. Access to MWC water lines is available. There is a MWC 12-inch (Pressure Zone 3) water line located in Cadet Drive and also in the extension of Panorama Drive. There is MWC 16-inch (Pressure Zone 2) water line located in a 20-foot easement along the west side of the west property of this proposed subdivision.



**Water Facility Map
for
LDS-15-091**

Legend

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

Page 91



This map is based on a digital elevation model (DEM) derived from a 1:25,000 scale topographic map. The Commission does not accept any liability for errors or omissions in printed matter. This map is provided for informational purposes only.



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: Desmond McGeough

LD Meeting Date: 08/05/2015

From: Greg Kleinberg

Report Prepared: 07/30/2015

Applicant: Van Wey Homes, LLC., Applicant (Farber Surveying, Agent)

File #: LDS - 15 - 91

Site Name/Description: 18-lot residential subdivision

Consideration of a request for tentative plat approval of an 18-lot residential subdivision located on 4.54 gross acres within a SFR-4 Zone District. The subject site is located to the east and to the south of the existing terminus of Cadet Drive, approximately 150 feet east of the Cadet Drive intersection with Admiral Way; Van Wey Homes, LLC., Applicant (Farber Surveying, Agent). Desmond McGeough, Planner.

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

Requirement FD ACCESS-10% GRADE REQUIREMENT EXCEEDED

OFC

503.2.7

All homes are required to be equipped with home fire sprinkler systems in this area.

The Determination has been made that all or part of the fire apparatus access means of approach serving this Development does not meet the local standards adopted in accordance with the applicable fire code and state building code requirements. Therefore an approved alternate method of construction must be requested from the Medford Building Department. Where approved, this alternative must be recorded on the property deed as a requirement for future construction. Ref . OAR 918-480-0100 thru 0120, OFC Section 503 and Appendix D.

The grade of the fire apparatus access road shall be within the limits established by the fire code official based on the fire department's apparatus.

Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as approved by the Fire Chief.

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

Requirement FIRE HYDRANTS

OFC

508.5

The plans show only two fire hydrants. Three will be required for this project.

Fire hydrants with reflectors will be required for this project.

Hydrant locations shall be as follows: One on the corner of Cadet Dr and Basalt Dr in front of lot #1; one on the

CITY OF MEDFORD
EXHIBIT # I
File # LDS-15-091
10F4



Medford Fire Department

200 S. Ivy Street, Room #180
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
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LAND DEVELOPMENT REPORT - PLANNING

To: Desmond McGeough

LD Meeting Date: 08/05/2015

From: Greg Kleinberg

Report Prepared: 07/30/2015

Applicant: Van Wey Homes, LLC., Applicant (Farber Surveying, Agent)

File #: LDS - 15 - 91

Site Name/Description: 18-lot residential subdivision

corner of Cadet Dr and Plateau Dr in front of lot #18; one on the corner of Pluton View Way and Plateau Dr in front of lot #12.

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

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

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

Requirement "NO PARKING-FIRE LANE" SIGNS REQUIRED

OFC

503.3

Parking shall be posted as prohibited on one side of Cadet Dr until the full width street is completed. Parking shall be posted as prohibited for 20' on both sides of the corner entrances to Basalt Dr and Plateau Dr.

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).

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

Requirement MEDFORD CODE STREET DESIGN OPTIONS

MEDFORD

10.430

For the 28' wide streets....

Section 10.430 of the Medford Code states the following:

"I"
2 OF 4



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: Desmond McGeough

LD Meeting Date: 08/05/2015

From: Greg Kleinberg

Report Prepared: 07/30/2015

Applicant: Van Wey Homes, LLC., Applicant (Farber Surveying, Agent)

File #: LDS - 15 - 91

Site Name/Description: 18-lot residential subdivision

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

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

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

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

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

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).

Minor residential streets have a 28 foot paved surface. When vehicles are parked on both sides of the street there is 14 feet for fire department access, which is considerably less than the 20 foot requirement. Fire department pumpers are approximately 9 feet wide, this leaves approximately 2.5 feet on each side to remove equipment, drag hose, etc. We normally dispatch 3 fire engines and the ladder truck to all reported structure fires. The 14 feet becomes so congested that fire engines and or ambulances are required to back-up to leave the fire scene. Sometimes the on scene equipment is dispatched to another alarm. This backing up slows response times. The citizens of the City of Medford have certain expectations that when they require our assistance we will arrive in a timely manner. With a 20 foot clear and unobstructed width engines are able to pass on the side when necessary to respond to another incident or clear to return to their assigned area.

304

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.

"I"
4 of 4



Memo

To: Desmond McGeough, Planning Department
From: Mary Montague, Building Department
CC: Van Wey Homes, LLC.
Date: August 4, 2015
Re: File No. LDS-15-091

Building Department Requirements:

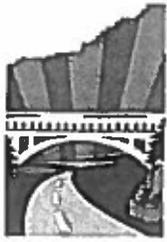
Please note; This is not a plan review. These are general notes based on the general information provided. Plans need to be submitted and will be reviewed by a residential plans examiner to determine if there are any other requirements for this occupancy type

Please contact the front counter for fees.

1. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" for information.
3. Provide site specific soils report for each lot. A site specific letter from the soils engineer is required indicating the work that needs to be done to prepare the specific lot for building projects and also a pad certification letter indicating that the work was done in compliance with the soils engineer's recommendations. This letter must be submitted to the building department prior to your foundation inspections.
4. Engineered retaining wall details may be required as necessary for lots with a cut slope greater than 3 feet difference; prior to making any vertical cuts at property lines that could affect lots above, per civil engineer.
5. A Site Excavation Permit is required for any development of the subdivision for the installation of utilities and retaining walls mentioned above in Item #4.

CITY OF MEDFORD
EXHIBIT # 5
File # LDS-15-091
10.F.1

5
10.F.1



JACKSON COUNTY

Roads

Roads
Engineering

Kevin Christiansen
Construction Manager

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

www.jacksoncounty.org

July 27, 2015

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

RE: Subdivision off Cadet Drive – a county maintained road.
Planning File: LDS-15-091

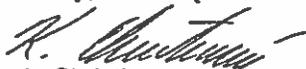
Dear Desmond:

Thank you for the opportunity to comment on the request for tentative plat approval of Panorama Heights, a 18-lot residential subdivision on 4.54 acres located at the easterly termini of Cadet Drive, approximately 400 feet east of the end of County maintenance, within a SRF-4 (Single Family Residential – 4 dwelling units per gross acre) Zone District. Jackson County has the following comments:

1. All proposed access roads or frontage improvements shall be permitted and inspected by the City of Medford.
2. Future construction plans shall be submitted to Jackson County Roads, so we may determine if county permits will be required.
3. Jackson County's General Administration Policy #1-45 sets forth the County's position as it relates to the management of County roads located within existing or proposed city limits or Urban Growth Boundaries (UGB). The County has no current plans for improvements to Normil Terrace, Annapolis Drive, and Cadet Drive. Jackson County Roads recommends that the city request jurisdiction of these roads.
4. If the applicant uses Normil Terrace, Annapolis Drive or Cadet Drive for construction equipment traffic, they shall be required to overlay these roads with two inches of A.C.. If an alternate route for construction equipment is chosen, Jackson County would like to review and comment on the proposed alternate route.

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

Sincerely,


Kevin Christiansen
Construction Manager

CITY OF MEDFORD
EXHIBIT # 12
File # LDS-15-091
16F1

RECEIVED

AUG 05 2015

PLANNING DEPT.

CADET DRIVE AGREEMENT

This Agreement is entered into effective on the date set forth to the parties' respective signatures between MIKE W. JANZTER and GAYLE JANTZER, TRUSTEES OF THE JANTZER LOVING TRUST DATED DECEMBER 19, 1991, hereafter referred to as "JANTZER," and WAYNE VAN WEY, hereafter referred to as "VAN WEY."

Jantzer owns real property referenced as MAP 37 1W 15, TAX LOT 400. Jantzer's real property is referenced as Parcel No. 1 on Exhibit "A."

Van Wey is in the process of purchasing real property referenced as MAP 37 1W 15, TAX LOT 207. Van Wey's property is referenced as Parcel No. 2 on Exhibit "A."

Cadet Drive is a public road in the City of Medford. Cadet Drive currently ends at the northwest corner of Tax Lot 207.

Van Wey is in the process of developing Tax Lot 207 for the purpose of obtaining final plat approval from the City of Medford.

A condition of final plat approval is the construction and completion of Cadet Drive adjacent to the north property line of Tax Lot 207.

Jantzer and Van Wey agree that Van Wey may construct Cadet Drive over and across Tax Lot 400 (the Jantzer property) in order to provide ingress, egress and the installation of utilities for the benefit of Tax Lot 207 (the Van Wey property).

Van Wey agrees that Cadet Drive will be constructed in compliance with the City of Medford Land Development Code and City of Medford rules and regulations specifying the construction of Cadet Drive. Van Wey agrees that the construction of Cadet ~~Lane~~^{Drive} will be at Van Wey's sole cost and expense.

In consideration of Van Wey's agreement to construct Cadet Drive, Jantzer agrees to dedicate Cadet Drive to the City of Medford as a public roadway in the City of

CITY OF MEDFORD
EXHIBIT # "L"
File # LDS-15-091
102

Medford, Jackson County, Oregon. Jantzer agrees to take all action and to sign all documents required by the City of Medford for the purpose of dedicating Cadet Drive as a public roadway to the City of Medford.

Jantzer agrees to execute all documents required by the City of Medford and/or Van Wey for the purpose of dedicating Cadet Drive to the City of Medford. The dedication will take place promptly upon receiving approval by the City of Medford.

Mike W Jantzer
 MIKE W. JANTZER
 TRUSTEE OF THE JANTZER LOVING TRUST
 DATED: 4-28-15

Gayle Jantzer
 GAYLE JANTZER
 TRUSTEE OF THE JANTZER LOVING TRUST
 DATED: 4-28-15

Wayne Van Wey
 WAYNE VAN WEY
 DATED: 4-27-15

STATE OF OREGON)
)ss.
 County of Jackson)

On this 28 day of April, 2015, personally appeared the within named MIKE W. JANTZER and acknowledged the foregoing instrument to be his voluntary act and deed.

STATE OF OREGON)
)ss.
 County of Jackson)

Cynthia L Fox
 Notary Public for Oregon

On this 28 day of April, 2015, personally appeared the within named GAYLE JANTZER and acknowledged the foregoing instrument to be her voluntary act and deed.

STATE OF OREGON)
)ss.
 County of Jackson)

Cynthia L Fox
 Notary Public for Oregon

On this 27 day of April, 2015, personally appeared the within named WAYNE VAN WEY, and acknowledged the foregoing instrument to be his voluntary act and deed.

Bree A Graham
 Notary Public for Oregon



Vicinity Map

Application Name/Description:

Panorama Heights

Proposal:

18 lot residential subdivision

File Numbers:

LDS-15-091

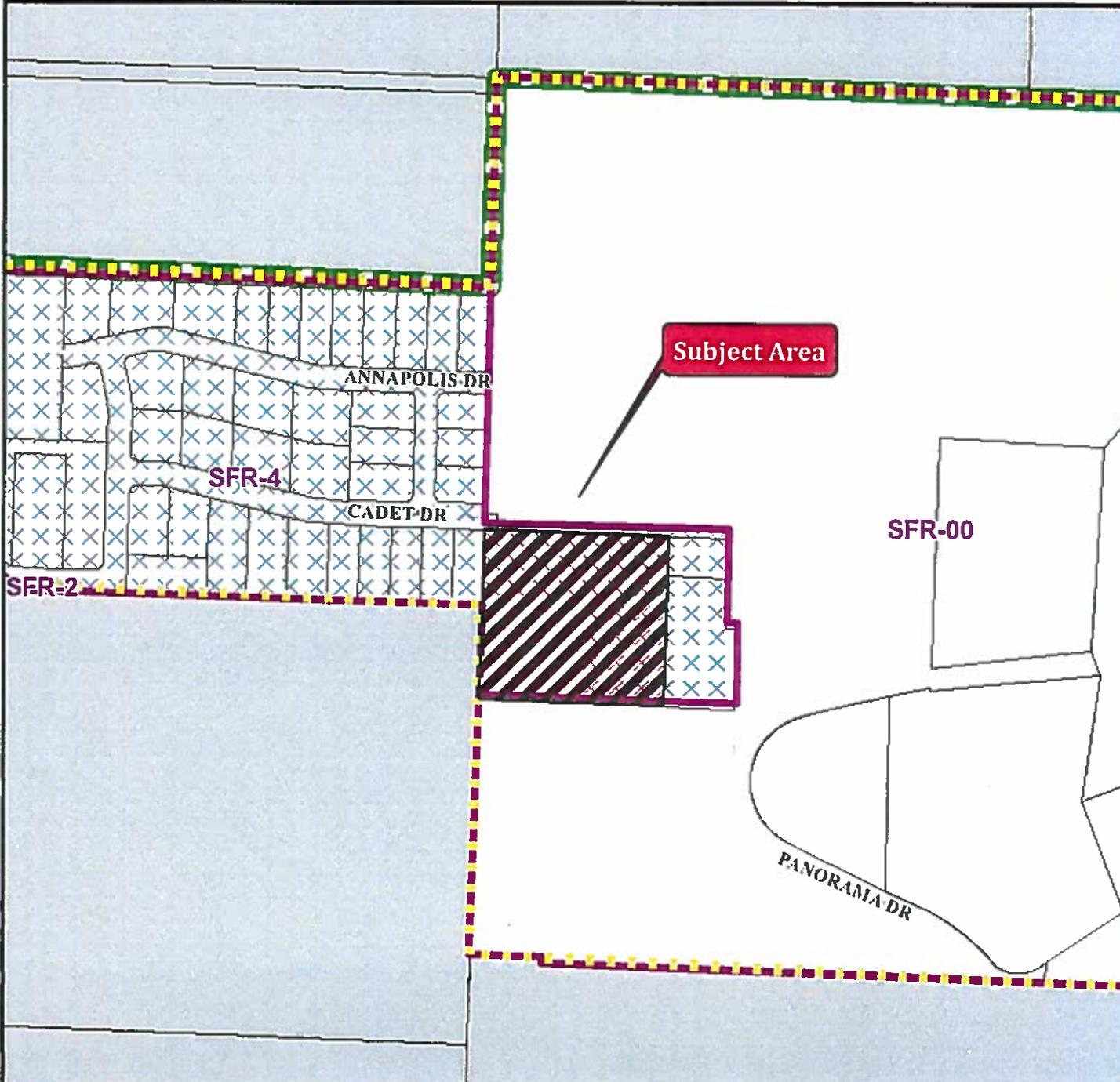
Applicant:

Van Wey Homes, LLC

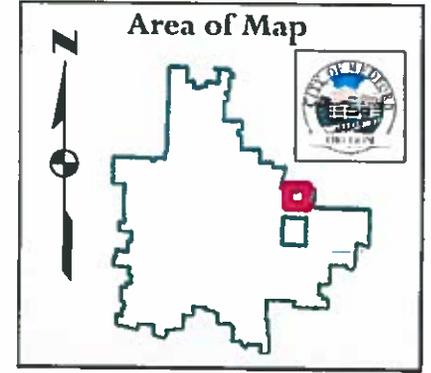
Map/Taxlot:

371W15 TL 207

Page 100



-  Subject Area
-  Medford Zoning
-  UGB
-  Tax Lots
-  City Limits
-  Limited Service



06/24/2015