

# PLANNING COMMISSION AGENDA SEPTEMBER 10, 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  
City Council Chambers  
411 W. Eighth Street, Third Floor  
Medford, OR 97501  
541-774-2380



## Planning Commission

# Agenda

### Public Hearing

September 10, 2015

5:30 PM

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

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#### 10. Roll Call

#### 20. Consent Calendar/Written Communications (voice vote)

20.1 **ZC-15-085** Final Order 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)

20.2 **LDS-15-091** Final Order 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)

#### 30. Minutes

30.1 Consideration for approval of minutes from August 27, 2015, hearing.

#### 40. Oral and Written Requests and Communications

#### 50. Public Hearings

##### Continuance Request

50.1 **ZC-15-019** Consideration of a request for a zone change from SFR-4 (Single Family Residential, four dwelling units per gross acre) to MFR-30 (Multiple-Family Residential, 30 dwelling units per gross acre) on approximately 6.70 acres located at the southeast corner of Roberts Road and North Keene Way Drive. (Foursquare Gospel Church, Applicant; Richard Stevens & Associates, Agent)

##### New Business

50.2 **DCA-15-104** Consideration of Municipal Code amendments to regulate marijuana-related businesses within the City of Medford. (City of Medford, Applicant)

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- 50.3 **LDP-15-092** Consideration of a request for a partition to create two parcels from 1.82 gross acres located approximately 250 feet north of O’Hare Parkway between Heathrow Way and Biddle Road, within the I-L/PD (Light Industrial/Planned Unit Development) zoning district. (Frank Pulver, Applicant; Hoffbuhr & Associates, Inc., Agent)
- 50.4 **LDS-15-073 / E-15-099** Consideration of a request for a tentative plat approval for Spring Creek Subdivision, a 9-lot residential subdivision located on the southwest corner of North Ross Lane and Finley Lane and an Exception to the required right-of-way dedication for a 1.99 acre property zoned SFR-6 (Single Family Residential – 6 dwelling units per gross acre). (Tony and Tory Nieto, Applicant; Farber Surveying, Agent)

**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 PLANNING COMMISSION FILE ZC-15-085 APPLICATION )  
FOR A ZONE CHANGE SUBMITTED BY DENNIS SULLIVAN ) **ORDER**

ORDER granting approval 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 approximately 5.31 gross acres, generally located north of Diamond Street, east of Lillian Street and approximately 390 feet south of Garfield Street.

WHEREAS, the City Planning Commission in the public interest has given consideration 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 approximately 5.31 gross acres, generally located north of Diamond Street, east of Lillian Street and approximately 390 feet south of Garfield Street; and

WHEREAS, the City Planning Commission has given notice of, and held, a public hearing, and after considering all the evidence presented, finds that the zone change is supported by, and hereby adopts the Planning Commission Report dated August 27, 2015, and the Findings contained therein – Exhibit “A,” and Legal Description – Exhibit “B” attached hereto and hereby incorporated by reference; now, therefore,

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MEDFORD, OREGON, that:

The zoning of the following described area within the City of Medford, Oregon:

37 2W 36DD Tax Lots 1100, 1200 and 1201

is hereby changed 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 approximately 5.31 gross acres, generally located north of Diamond Street, east of Lillian Street and approximately 390 feet south of Garfield Street.

Accepted and approved this 10th day of September, 2015.

CITY OF MEDFORD PLANNING COMMISSION

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

ATTEST:

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



## PLANNING COMMISSION REPORT

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

PROJECT Sullivan Zone Change  
Applicant: Dennis Sullivan

FILE NO. ZC-15-085

DATE August 27, 2015

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### 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.

**ACTION TAKEN**

Adopted the findings as recommended by staff and directed staff to prepare a Final Order for approval of ZC-15-085 per the Planning Commission Report dated August 27, 2015, including Exhibits A through L.

**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
- K **Public Correspondence from Matthew Coy, received August 26, 2015**
- L **Email correspondence from the Medford Water Commission responding to issues raised in public correspondence, received August 27, 2015**  
Vicinity map

**MEDFORD PLANNING COMMISSION**

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**David McFadden, Chair**

**PLANNING COMMISSION AGENDA:**

**AUGUST 27, 2015  
SEPTEMBER 10, 2015**

RECEIVED  
AUG 26 2015  
Planning Dept.

To: Medford Planning

From: Matthew Coy, 812 Diamond St.

RE: File # ZC-15-085

Dear Sirs, I have lived at 812 Diamond St., Medford for the past 19 years. My property is bordered by the proposed parcels on the north and west side. I strongly urge you to deny the zone change to SRF-10. I can tell you without hesitation that this area can not support that amount of population. Since you approved the change across the street the water pressure here has dropped, I can tell if someone in the apartments flushes a toilet when I'm in the shower, also with South Medford High School down the street I am unable to use water between classes because water pressure becomes a trickle at times. The other problem we have had is a huge traffic problem because of both SMHS and the apartments you allowed to be built across the street. Parking is also problematic in this area as there is not enough parking in the apartments so many are forced to park on the street, but they have marked the area in front of the apartments as a bike path ( that goes nowhere but into the ditch ) and ticketing people that park there. More and more adult children are living at home with parents due to the economy and high student loans which means more cars and more people in each dwelling. Another problem with SFR-10 is there is no place for the children to play, the kids across the street play in the ditch or the street, it's not safe.

Please consider my poorly written concerns and take them to heart, they are valid. Padding one man's retirement is not worth degrading the quality of life of the others in the neighborhood.

Thank you, Matt Coy.

CITY OF MEDFORD  
EXHIBIT # K  
File # ZC-15-085  
10F3

FC -15-085

Mott Coy

Parking for SFR-10 property  
apartments on Diamond St

2013  
11/11

Page 14

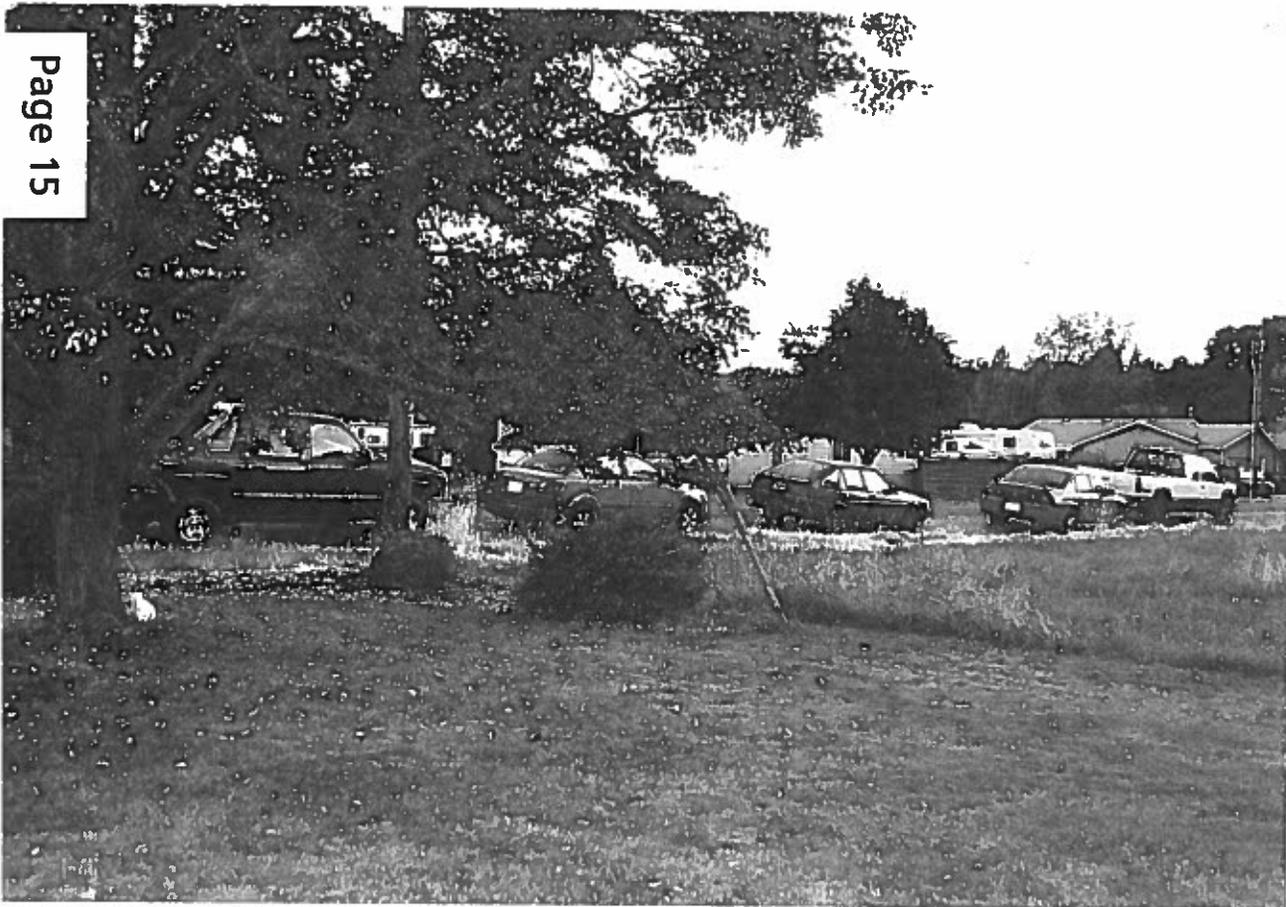


ZC-15-085

Matt Poy

uL  
3063  
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## **Desmond M. McGeough**

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**From:** Eric C. Johnson  
**Sent:** Thursday, August 27, 2015 2:14 PM  
**To:** Desmond M. McGeough  
**Cc:** Rodney L. Grehn; Kelly A. Akin  
**Subject:** RE: 8-27-15 PC Meeting 50.1 ZC-15-085 50Letter from Matthew Coy  
**Attachments:** Diamond Street.pdf

Desmond,

In response to the two water concerns in Matthew Coy's letter, MWC has not received any complaints of low water pressure in this area. The water pressure in this area is in the range of 48psi to 49psi static ( see attached field test of fire hydrants, rotate view counterclockwise). The South Medford High School domestic water service is on the Southwest Pressure zone and has no effect on the Gravity Pressure Zone that Matthew Coy resides in.

Thanks,

Eric

Eric C. Johnson P.E.  
Principal Engineer  
Medford Water Commission  
Ph 541-774-2452  
Fax 541-774-2555  
Email [Eric.Johnson@ci.Medford.or.us](mailto:Eric.Johnson@ci.Medford.or.us)

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**From:** Kelly A. Akin  
**Sent:** Wednesday, August 26, 2015 3:50 PM  
**To:** Rodney L. Grehn; Eric C. Johnson  
**Cc:** Desmond M. McGeough  
**Subject:** FW: 8-27-15 PC Meeting 50.1 ZC-15-085 50Letter from Matthew Coy

FYI. If you have any response, please let Desmond know.

Thanks!

Kelly

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**From:** Terri L. Rozzana  
**Sent:** Wednesday, August 26, 2015 2:41 PM  
**To:** Bianca L. Petrou; David \_ Culbertson; David \_ McFadden; David McFadden; Donna J. Holtz; Jared \_ Pulver; Jim E. Huber; Joe \_ Foley; John K. Adam; Kelly A. Akin; Mark \_ McKechnie; Norman \_ Fincher; Patrick \_ Miranda; Terri L. Rozzana; Tim \_ D'Alessandro; Tim D'Alessandro  
**Cc:** Desmond M. McGeough; Kevin R. McConnell; Alex T. Georgevitch; Greg G. Kleinberg; [scottsinner@yahoo.com](mailto:scottsinner@yahoo.com)  
**Subject:** 8-27-15 PC Meeting 50.1 ZC-15-085 50Letter from Matthew Coy

Please find attached a letter received today from Matthew Coy regarding 8-27-15 PC meeting, agenda item 50.1 ZC-15-085.

*Terri L. Rozzana*  
Administrative Support Technician  
Medford Planning Department

CITY OF MEDFORD  
EXHIBIT # 7L  
File # ZC-15-085  
10FZ

2062



Field tested 3 fire hydrants at 1:30pm on 8-27-2015.

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

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF TENTATIVE PLAT APPROVAL OF )  
PANORAMA HEIGHTS SUBDIVISION [LDS-15-091] ) **ORDER**

ORDER granting approval of a request for tentative plat approval for Panorama Heights 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 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, with the public hearing a matter of record of the Planning Commission on August 27, 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 Panorama Heights Subdivision stands approved per the Planning Commission Report dated August 27, 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 27, 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 10th day of September, 2015.

CITY OF MEDFORD PLANNING COMMISSION

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

ATTEST:

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



## PLANNING COMMISSION REPORT

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

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

File no.      LDS-15-091

Date          August 27, 2015

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### 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.

### **ACTION TAKEN**

Adopted the findings as recommended by staff and directed staff to prepare a Final Order for approval of LDS-15-091 per the Planning Commission Report dated August 27, 2015, including Exhibits A through L, adding the revised Public Works Report as Exhibit G-1.

### **EXHIBITS**

- A-1 Conditions of Approval, dated August 27, 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-1 Public Works Report, revised August 20, 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

**MEDFORD PLANNING COMMISSION**

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David McFadden, Chair

**PLANNING COMMISSION AGENDA:**

**AUGUST 27, 2015  
SEPTEMBER 10, 2015**

**EXHIBIT A-1**

Panorama Heights Subdivision  
LDS-15-091  
Conditions of Approval  
August 27, 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, revised August 20, 2015 (Exhibit G-1).
  - 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)



Continuous Improvement Customer Service

**CITY OF MEDFORD**

Revised Date: 8/20/2015  
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-foot plus 12-foot north of centerline. This is not consistent with the standard prescribed by MLDC 10.430. The Developer may elect to dedicate the 32.5-foot south plus 12-foot north of centerline as shown on the tentative plat. Otherwise, the Developer shall dedicate sufficient right-of-way to provide 31.5-foot plus 12-foot north of centerline or a full total width of 63-foot 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”

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ZOF 10

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**

No access to the north or east shall be taken from Cadet Drive for the adjacent parcels.

Currently the proposed right-of-way for Cadet Drive is not within the boundaries of the property owned by the applicant. This has been addressed and resolved to the satisfaction of the City Engineer through an agreement between both parties.

**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.*

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Nexus to a legitimate government purpose

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

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

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

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

**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.

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- 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

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10.486, and water quality treatment in accordance with the Rogue Valley Stormwater Quality Manual per MLDC, Section 10.481. For developments over five acres, Section 10.486 requires that the development set a minimum of 2% of the gross area as open space to be developed as open ponds for stormwater detention and treatment.

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.

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**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

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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

2-6-11

**SUMMARY CONDITIONS OF APPROVAL  
PANORAMA HEIGHTS SUBDIVISION**

LDS-15-091

**A. Streets**

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

- Dedicate Cadet Drive full right-of-way of 63-feet wide or 31.5-feet (Half) plus 12-feet or 32.5-feet 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. City of Medford 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.

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**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.**

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## Planning Commission

# Minutes

from Public Hearing on **August 27, 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  
Patrick Miranda, Vice Chair  
Tim D'Alessandro  
David Culbertson  
Norman Fincher  
Joe Foley  
Bill Mansfield  
Jared Pulver

### Staff Present

Kelly Akin, Principal Planner  
Kevin McConnell, Deputy City Attorney  
Alex Georgevitch, City Engineer  
Greg Kleinberg, Fire Marshal  
Terri Rozzana, Recording Secretary  
Desmond McGeough, Planner II

### Commissioners Absent

Mark McKechnie, Excused Absence

### 10. Roll Call

### 20. Consent Calendar/Written Communications.

**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)

Motion: Adopt the consent calendar.

Moved by: Commissioner Foley

Seconded by: Commissioner D'Alessandro

Voice Vote: Motion passed, 8-0.

30. Minutes

30.1. The minutes for August 13, 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 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)

Chair McFadden inquired whether any Commissioners have a conflict of interest or ex parte communication they would like to disclose. Commissioner Pulver disclosed that either his father or mother is a partner with Mr. Sullivan on an unrelated property on Barnett Road. It will not affect his ability to be impartial.

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

Desmond McGeough, Planner II, read the zone change criteria and gave a staff report.

The public hearing opened.

a. Scott Sinner, Scott Sinner Consulting, Inc., 4401 San Juan Drive, Medford, Oregon, 97504. Mr. Sinner stated that he is the agent for the applicant, Dennis Sullivan that is in the audience this evening. Mr. Sinner reported that they agree completely with staff. They believe all the approval criteria have been met. This application is consistent with the Transportation System Plan. It has all the locational criteria that are required. All facilities are in adequate capacity or can be made to be adequate capacity with future development.

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 ZC-15-085 per the staff report dated August 20, 2015, including Exhibits A through L.

Moved by: Commissioner D'Alessandro      Seconded by: Commissioner Foley

Roll Call Vote: Motion passed, 8-0.

**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)

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

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

Desmond McGeough, Planner II, read the land division criteria and gave a staff report.

The public hearing was opened.

a. Herb Farber, Farber Surveying, 431 Oak Street, Central Point, Oregon, 97502. Mr. Farber stated that he is the agent for Van Wey Homes, LLC. They have thoroughly reviewed the staff report and have been meeting with the City and they are in full agreement with the staff report. They believe they have met all the applicable criteria relevant to this application.

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 LDS-15-091 per the staff report dated August 20, 2015, including Exhibits A through L.

Moved by: Commissioner Miranda

Seconded by: Commissioner D'Alessandro

Roll Call Vote: Motion passed, 8-0.

## 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, reported that the Planning Commission has a study session scheduled for Monday, September 14, 2015. They will be discussing housekeeping text amendments.

There is business scheduled for the Planning Commission through October.

Last week the City Council approved the alley vacation that the Planning Commission heard earlier. They also completed the public hearings on the Urban Growth Boundary expansion. They closed the public hearing and left the record open. It is scheduled for

City Council again on Thursday, September 17, 2015. They intend to make a decision in November of 2015. From there it will go to the County for staff review, then to the County Planning Commission and then to the County Board of Commissioners. After that it goes to the State.

The City Council will hear the portable storage container amendment that the Planning Commission heard at their last meeting.

This will be the last meeting for the Planning Commission in the Jackson County Courthouse Auditorium. The next meeting will be back in the City Council Chambers on Thursday, September 10, 2015. Ms. Akin expressed gratitude to the County for the use of their facilities for the last two meetings.

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

The meeting was adjourned at 6:01 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

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Terri L. Rozzana  
Recording Secretary

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David McFadden  
Planning Commission Chair

Approved: September 10, 2015



**STAFF REPORT – CONTINUANCE REQUEST**

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

**Project** Four Square Gospel Church Zone Change  
Applicant: Four Square Gospel Church;  
Agent: Richard Stevens & Associates, Inc.

**File no.** ZC-15-019

**To** Planning Commission *for 09/10/2015 hearing*

**From** Jennifer Jones, Planner III

**Date** September 01, 2015

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**PROJECT DESCRIPTION**

Zone change from SFR-4 (Single Family Residential, 4 dwelling units per gross acre) to MFR-30 (Multiple-Family Residential, 30 dwelling units per gross acre) of approximately 6.70 acres located at the southeast corner of Roberts Road and North Keene Way Drive.

**REQUEST**

The applicant requests additional time for the completion of sanitary sewer analysis.

The applicant requests that the item be continued to October 08, 2015.

**EXHIBITS**

- A Continuanance Request, received September 01, 2015  
Vicinity Map

**PLANNING COMMISSION AGENDA:**

**SEPTEMBER 10, 2015**

## Continuance Request

To:  Landmarks and Historic Preservation Commission  
 Planning Commission  
 Site Plan and Architectural Commission

RE: Project Name: Four square Church Zone Change  
File No(s): ZC-15-019

I am the  applicant  authorized agent for the above referenced project. Please continue the public hearing for the above referenced file to the following date:

October 8, 2015

Reason for request: Sanitary Sewer Analysis

This request is made pursuant to ORS 222.178(5):

*The 120-day period set in subsection (1) of this section may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (11) of this section for mediation, may not exceed 245 days.*

I understand that this request extends the 120-day period equal to the number of calendar days between hearings (i.e., April 10 to May 8 = 28 days).

Clark Stevens 9/1/15  
Signature Date

Clark Stevens  
Print Name

# Vicinity Map

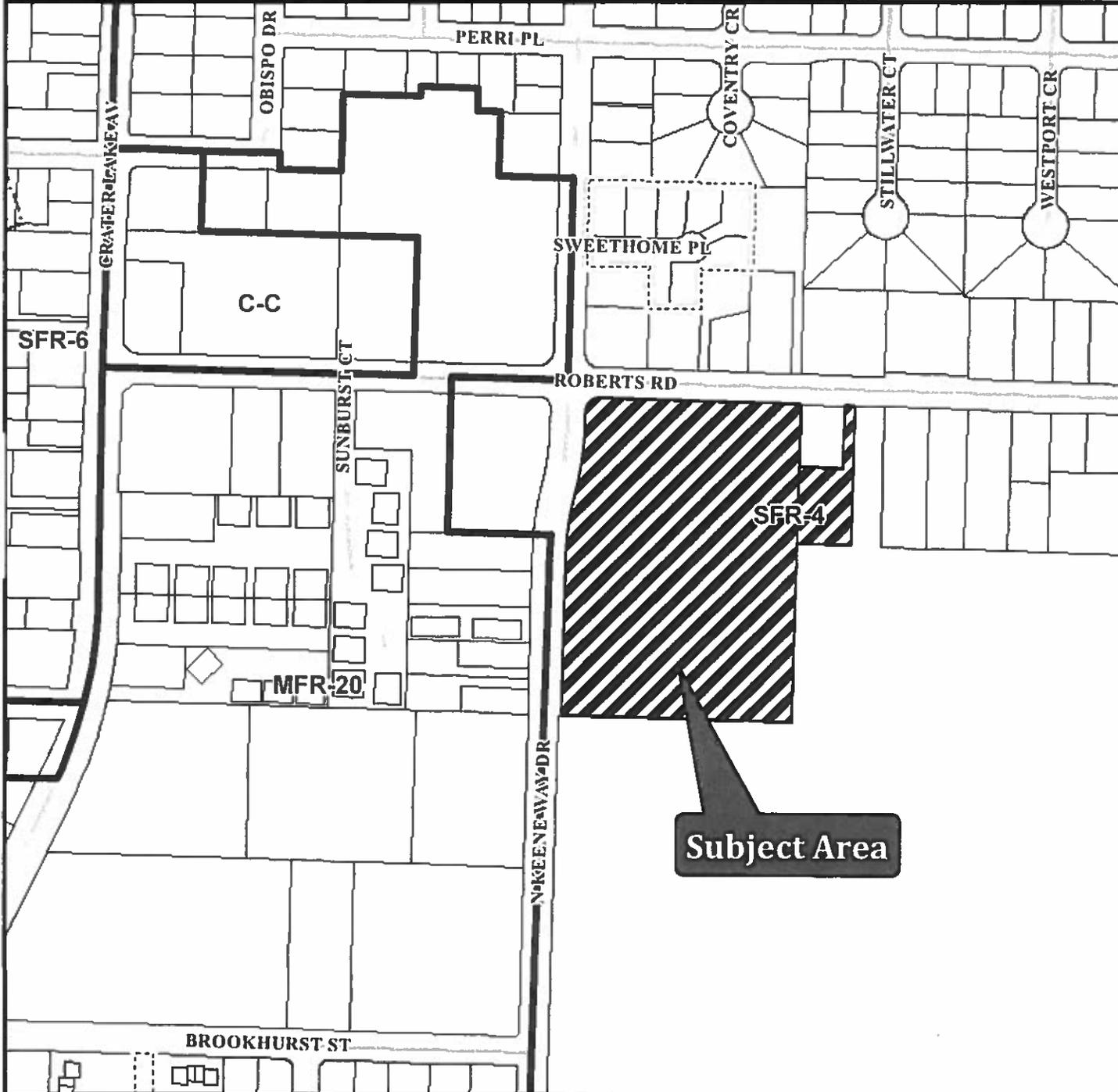
Application Name/Description:  
**Foursquare Gospel Church**

Proposal:  
**Zone Change:  
SFR-4 to MFR-30**

File Numbers:  
**ZC-15-019**

Applicant:  
**Foursquare Gospel Church**

Map/Taxlot:  
**371W17CA TL 2700  
371W17CB TL 4500**



	Subject Area
	Medford Zoning
	UGB
	Tax Lots
	City Limits
	PUD

**Subject Area**

Area of Map

02/12/2015



City of Medford

# Planning Department

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

## STAFF REPORT

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

Project Regulation of marijuana-related businesses  
File no. DCA-15-104  
To Planning Commission *for 9/10/2015 hearing*  
From John Adam, Principal Planner  
Reviewer Bianca Petrou, Assistant Planning Director  
Date August 28, 2015

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## BACKGROUND

### Proposal

A legislative amendment to regulate marijuana-related businesses (see Exhibit A). There are five categories in the industry regulated in State law: production (growing), processing, wholesale, testing, and retail.

### History

The City Council decided to prepare for the legalization of marijuana production, processing, and retail sales in Oregon. Council and Planning Commission held a joint study session on 07-09-2015 to lay out for staff time, place, and manner restrictions. Legal and Planning staff worked together to develop regulations based on that direction. Planning Commission reviewed a draft of the regulations at its 07-27-2015 study session. The Council held a study session on 08-27-2015. Councilmember Corcoran wanted the odor-control requirement to apply to separate units in commercial buildings. Councilmember Stine thought that was a property owner or manager's role to regulate, not the City's. Councilmember Jackle wanted the uses to all be conditional.

### Authority

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

## ANALYSIS

This is a unique situation as far as code amendments go; it is not often that a whole new industry springs into being. Staff approached this task as though the City had decided to regulate every step in the production, processing, testing, and sales of tomatoes and tomato products. That meant learning roughly what happens at each stage and applying the City Council's and Planning Commission's concerns to the issue. The standout features of this industry are odor and a theft motivation created by high prices and the cash-only nature of the business.

To categorize the marijuana-related uses in the same manner that all other commercial uses are categorized in Chapter 10, Article III, staff looked for equivalents in the Standard Industrial Classification (SIC) in order to determine which zoning districts these new uses should be permitted in. The only exception made was to disallow retail, dispensary, and laboratory uses in the Neighborhood Commercial district, as was indicated by discussion at the joint study session.

In response to Councilmember Corcoran's request about inter-unit odor control, staff added optional language in §10.839 for the Commission to consider. Staff agrees with Councilmember Stine that the City should not be involved in building management issues.

Staff does not agree that marijuana-based businesses should be conditional uses. It would be an inefficient use of time and resources for staff and the Planning Commission to process such applications.

- The Commission is unlikely ever to find that "the development proposal is in the public interest" (§10.248(2)).
- In order to find that "the development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property" (§10.248(1)), the Commission will each time have to impose mitigating controls to prevent adverse impacts.
- If the negative externalities are known and mitigating controls can be developed and codified, it is pointless to go through the CUP process.

## FINDINGS AND CONCLUSIONS

The criteria that apply to code amendments are in Medford Municipal Code §10.184(2). The criteria are rendered in italics; findings and conclusions in roman type.

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

*10.184 (2) (a). Explanation of the public benefit of the amendment.*

### Findings

There are negative externalities associated with marijuana products: strong odors, the temptation for theft, and degradation of community health, safety, and morals. Odors can be controlled mechanically, just as is done for other odiferous industries. Security measures employed by businesses can be controlled so they are not a nuisance to the community. The display of products can be restricted so that the general public is not impacted.

### Conclusions

In the absence of choice for the community, the City has the power to lessen negative impacts through careful regulation of the marijuana industry.

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

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

### Findings

The City has an acknowledged comprehensive plan that implements the Goals. Conformity with the Comprehensive Plan is examined and established under criterion 10.184(2)(b)(2).

### Conclusions

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

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

### Findings

The following goals, policies, and implementation measures are from the Economy Element.

*Goal: To actively stimulate economic development and growth that will provide opportunities to diversify and strengthen the mix of economic activity in the City of Medford.*

*Policy 1-1: The City of Medford shall strengthen its role as the financial, medical, tourist, governmental, and business hub of Southern Oregon and shall build on its comparative advantages in the local and regional marketplace.*

*Implementation 1-1(c): Provide incentives for businesses that produce value-added products to expand or locate in the community.*

*Implementation 1-1(f): Provide incentives for entrepreneurial small businesses to start up and/or expand in the City.*

### Conclusions

The City Council may not have envisioned marijuana when it adopted the Economy Element, but the related business activities do fit within the goal of promoting economic growth.

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

### Findings

No comments were received.

### Conclusions

This criterion does not apply.

4. *Public comments.*

### Findings

No comments were received before publication of the staff report.

### Conclusions

This criterion does not apply.

### *Applicable governmental agreements.*

### Findings

Staff could find no agreement that is related to how the City elects to regulate businesses within its jurisdiction.

Conclusions

This criterion does not apply.

**RECOMMENDED ACTION**

Adopt the findings as recommended by staff and direct staff to prepare a Final Report per the staff report dated August 26, 2015, including Exhibits A through C.

**EXHIBITS**

- A Proposed amendment
- B Minutes, CC/PC joint study session, 07-09-2015
- C Minutes, PC study session, 07-27-2015

**PLANNING COMMISSION AGENDA:**

**09-10-2015**

## Exhibit A

### Proposed amendment

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

#### [Part 1. Definitions]

10.012 Definitions, Specific

\* \* \*

**Marijuana.** The plant *Cannabis*, family *Cannabaceae*, and any part of the plant. It does not include industrial hemp.

**Marijuana-related businesses.** The various types of marijuana-related businesses, as regulated by the State of Oregon, are organized into the following categories:

**Production.** Planting, cultivating, growing, and harvesting marijuana, and drying marijuana leaves or flowers.

**Processing.** Conversion of marijuana into products.

**Wholesale.** A wholesale operation that handles marijuana and marijuana products.

**Laboratory.** A product-testing laboratory that tests marijuana and marijuana products.

**Dispensary.** A medical marijuana facility.

**Retail.** A business that sells marijuana and marijuana products retail.

\* \* \*

#### [Part 2. Use Categorization]

10.337 Uses Permitted in Commercial and Industrial Zoning Districts.

**A.** The uses allowed within each commercial and industrial zoning district are based on the Standard Industrial Classification (SIC) Manual, 1987 Edition. This chapter classifies uses by Industry Group Number (3 digits) of the SIC Manual. When necessary to resolve any ambiguity in defining a use classification as per this chapter the Industry Num-

ber (4 digit) classification contained in the SIC Manual shall be used as the acceptable reference source.

**B.** There are ~~two~~ **four** classifications in the following ~~list tables, however, which that~~ do not appear in the SIC Manual; ~~first is a separate classification which has been added at the beginning of the list entitled~~ "Business Offices," (001); "Parks, Recreation, and Leisure Facilities" (002); "Marijuana-related businesses" (003); and ~~second is the classification~~ "Dwelling Units" (881). ~~For convenience,~~ "Dwelling Units" ~~is has been placed~~ in the Services group, but this is not intended to suggest any relationship to the SIC classification scheme. In this context the use classification "Dwelling Units"; includes housing types that are allowed in the MFR-30 zoning district.

**C.** All uses have been identified by zoning district as either permitted, permitted subject to special use standards, conditional, or not permitted.

"P" = Permitted Uses.

Ps = **Special Use (see Special Use Regulations, sections 10.811–839).**

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

"X" = Uses specifically prohibited.

"\*" = Permitted when within an EA overlay district.

"nec" = not elsewhere classified

~~"S" = Special Use~~

~~\*(See Article V, 10.810, Special Use Regulations.)~~

\* \* \*

SIC      USE                                      ZONING DISTRICT

O. USES NOT CLASSIFIED. This major group includes uses not covered in the Standard Industrial Classification (SIC) Manual, 1987 Edition.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
001	Business Offices, nec; no material or equipment storage	P	P	P	P	P	P	X	X
002	Public Parks, Recreation and Leisure Facilities and services	C	C	C	C	C	C	X	X
<b>003</b>	<b>Marijuana-related busi- nesses</b>								
	<b>Type</b>								
	<b>SIC equivalent</b>								
<b>0031</b>	<b>Production</b>	<b>013</b>							
		x	x	x	x	x	Ps	Ps	Ps

			C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
0032	Processing	205–207	x	x	x	x	Ps	Ps	Ps	Ps
0033	Wholesale	512, 516, 519	x	x	x	x	Ps	Ps	Ps	Ps
0034	Laboratory	873	Ps	x	Ps	Ps	Ps	Ps	x	x
0035	Dispensary	549, 591	x	x	Ps	Ps	Ps	x	x	x
0036	Retail	549, 591	x	x	Ps	Ps	Ps	x	x	x

See section 10.839 for regulations on marijuana-related businesses.

\* \* \*

### [Part 3: Use Regulations]

SPECIAL USE REGULATIONS. (10.811–10.838839)

\* \* \*

#### 10.839 Marijuana-related businesses

**A. General Provisions.** The following provisions apply to any marijuana-related business.

- (1) All marijuana-related businesses will conduct operations inside secure, enclosed structures. No grow sites, production, processing, storage, or sales may be conducted out of doors.
- (2) No marijuana-related business shall cause or allow an offensive odor of marijuana or marijuana products to emanate from a structure, [from a unit therein,] or from any property. [Note: the phrase in brackets is the option to consider]
- (2) No marijuana-related business shall permit trespass or glare from security or other lighting beyond its property line. In addition, lighting must be “full cut-off” according to Illuminating Engineering Society of North America (IES) definitions and standards.
- (3) The hazardous fence and wall provisions in Section 9.560 apply.
- (4) Marijuana and marijuana products may not be displayed in a manner that is externally visible to the public.

#### B. Processing

- (1) Processors using high-heat extraction methods are allowed only in the I-G and I-H zoning districts.

## **Exhibit B**

### **Minutes, CC/PC joint study session 7-9-2015**

Thursday, July 9, 2015  
12:00 p.m.  
Carnegie Building  
Medford, Oregon

The joint meeting of the Medford City Council and Planning Commission was called to order at 12:00 pm in the Carnegie Building on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers Clay Bearson, Daniel Bunn, Dick Gordon, Tim Jackle, Eli Matthews, Kevin Stine, Michael Zarosinski

City Manager Pro Tem Bill Hoke; Acting City Attorney Kevin McConnell; Deputy City Recorder Karen Spoons

Councilmember absent: Chris Corcoran

Planning Commissioners Tim D'Alessandro, Joe Foley, Bill Mansfield, David McFadden, Mark McKechnie, Jared Pulver, Patrick Miranda (Patrick Miranda arrived at 12:15 pm)

Planning Commissioner absent: Norman Fincher

City Manager Pro Tem Bill Hoke stated that it was Council's desire to meet with the Planning Commission to discuss the time, place and manner, relative to the marijuana laws that have been passed recently, and how we deal with this within the city limits of Medford. Where, how, when and why and since it does involve land use type items and questions that arise Council felt that it would be important to have the joint session with the Planning Commission to get the discussion started since we are going to be depending quite a bit on Planning Commission's input on the time, place and manner for these issues as they come forward.

Mayor Wheeler requested planning staff input. Acting Deputy City Attorney Kevin McConnell stated that Council was to direct the Planning Commission to start the process for time, place and manner restrictions for all marijuana licensees, which includes the Measure 91 retail licensees and the Oregon Medical Marijuana Act licensees. A summary on HB 3400 was provided and included information on where they can be located in a city. He provided an example of the 1,000 foot rule. Mayor Wheeler thought

this was a great place to start with the Planning Commission. Mr. McConnell stated that the State has the public safety area taken care of, so the issue will be where the City wants them located if they lift the moratorium.

Councilmember Stine did not want a regulation of where they should be located as it tells you where it can't be within HB 3400. Mr. McConnell provided an example from another city in Oregon, such as near a drug store. Councilmember Bearnson questioned the locations of the drug stores. Councilmember Bunn stated that it does not fit well around certain businesses and we currently do regulate other businesses. It should not be different from other businesses. Councilmember Bunn thought that Community Commercial, Regional Commercial and Heavy Commercial would be a good location and it does not make sense in Neighborhood Commercial or CSP. Councilmember Stine further questioned locations of businesses. Councilmember Jackle agreed with Councilmember Bunn and thought there would be less marijuana dispensaries which may impact the location of the business.

Commissioner D'Alessandro noted that OLCC does limit the number of liquor stores in an area and this should be somewhat similar to that on the recreational side based on the process they need to go through. Commissioner Pulver had not heard if that would pertain to this situation. Mr. McConnell provided information on the differences between the marijuana businesses. HB 3400 does allow OLCC to segregate these premises in a separate area, but that's another little twist. Marijuana extraction method cannot be in a residential area unless they do not use high heat to do so. Councilmember Bunn questioned the different categories. Mr. McConnell indicated that on the retail side you have: producers, wholesalers, processors and retailers. On the medical side you have: marijuana growers/producers, medical marijuana processors, and medical marijuana dispensaries.

Senate bill 460 would allow medical marijuana dispensaries to sell retail marijuana until the end of 2016. It may not be signed yet and may not be an issue that we are faced with.

Councilmember Bearnson talked about buffers and indicated that OLCC is still meeting to set their rules for where they are going to be allowed and where they are not going to be allowed. Mr. Bearnson indicated his recommendation would be that if volatile or industrial gases are used they should be relegated to industrial areas because if there were an accident they could do a lot of damage. This is a public safety issue that he hasn't seen dealt with on the state level.

Commissioner Mansfield stated that the majority of people voted in favor of the marijuana passage but there was a large minority that voted against the passage and he just wanted to indicate that we are not of a like mind regarding the issue. Councilmember Bearnson noted that passing more prohibitive measures and trying to get it out of town

would exacerbate the black market and keep it functioning solid. Commissioner Mansfield noted that there are arguments against that as well.

Mayor Wheeler stated that for us it is a question of what do we want our city to look like. In Colorado it drove out the antique shops in a certain district. We need to take everything into consideration and give the input to planning staff and have them come back with their recommendation that would best suit our needs for Medford, and what we want our city to look like.

Councilmember Gordon requested information on the testing labs that was mentioned in the materials on hand. Mr. McConnell noted there is no law of where they can be at this time. Councilmember Bearson noted that from the outside they look the same as any other business. Councilmember Gordon questioned if there were any extra precautions that need to be taken. Councilmember Bearson noted that they use the same machines as any other lab and assumed they would be held to the same standards. Mr. McConnell noted that if the moratorium is lifted labs are necessary.

Commissioner D'Alessandro questioned if staff has checked on what has worked for the states that have done this already. Mr. McConnell noted that lack of labeling was an issue; another issue is taxation which is in place for the retail side. If the moratorium is lifted we would need to capture new language that has taken place and tax the medical and retail the same. He noted we are not in line with the tax as noted with HB 3400.

Councilmember Bearson indicated HB 3400 is a culmination of the best of what worked for the two states; he also noted that we can regulate advertising to some extent. Mr. McConnell indicated that in a big indoor grow for recreational use you may want to regulate due to the odor issue. Commissioner Foley noted there was a huge spike in energy consumption at two different states due to the indoor grows.

Commissioner Pulver questioned what planning staff and Planning Commission is being tasked with. Mr. McConnell indicated that the Council would direct the Planning Commission to draft some reasonable time, place and manner restrictions. Planning Department will help you do that. The Planning Department would come up with a zoning text amendment, come back to the Planning Commission for a public hearing, with Planning Commission recommendations to the City Council. Commissioner Pulver questioned if medical and recreational marijuana would be separated or merged or is it just an unknown at this time. Mr. McConnell noted that for the time being politics dictates that they be separate. The Oregon Health Authority is regulating the medical marijuana portion and the OLCC is regulating the retail side. HB 3400 tried to make them as close as possible as far as their definitions are, especially the lab testing requirements. They are mentioned together to address who would monitor them and to make sure the safety standards are the same.

Councilmember Bunn indicated that we have time, place and manner authority and questioned whether or not they are in Chapter 10 and if they are land use. If so, do we want to task the Planning Commission with at least looking at time, place and manner restrictions or do we want them just to stick to zoning districts. Mr. McConnell noted other cities put in hours of operation, the no drive-through item, and advertising limits into their text amendments. Planning Department might not like to see that in there, and maybe that is something you put in the business license chapter. A broader question from Councilmember Bunn was do we want to have our Planning Commission look at time, place and manner. Councilmember Gordon would like that to be dealt with within the Emergency Services. Councilmember Zarosinski indicated that after reviewing Colorado's regulations they are similar to alcohol. We deal with alcohol different than most states and questioned if we could we use that as a guiding principle. Councilmember Bunn questioned if we want to task that process to the Planning Commission. Commissioner D'Alessandro questioned if OLCC would take care of hours, etc. Mr. McConnell indicated he would do more research on that issue.

Mr. McConnell indicated other issues raised were design standards and whether or not a review from SPAC would be necessary. The reason for zoning in Chapter 10 is because on the retail side HB 3400 requires OLCC to obtain a Land Use Compatibility Statement from the City before it actually issues a state license. If we say no, they don't get a license. Councilmember Jackle thought the Planning Commission needs to address all three issues. The Mayor would appreciate as much input from Planning Commission and the Site Plan and Architectural Commission as possible.

Commissioner McFadden remarked that a comment he received was when a current clinic is open there is no parking available for the neighborhood. He assumed that marijuana use was only allowed in the home and Mr. McConnell indicated that he was right. Commissioner McFadden questioned clubs being opened under the current regulations. Mr. McConnell will research whether or not cannabis clubs would be allowed in the City of Medford.

Commissioner McKechnie talked about time, place and manner, stores vs. bars, etc., and that we are breaking new ground and need as many minds as possible look at these issues to come up with some sort of solutions on these issues. Councilmember Bearson stated that OLCC will probably set a time as liquor stores close at 9 pm, etc.

Mr. McConnell mentioned that on the retail side in HB 3400 if a licensee is convicted of violating a local ordinance in the Municipal Court or the Circuit Court we can report that conviction to the OLCC and enforcement action against that licensee will be taken.

Mayor Wheeler talked about clubs and the difference between that and a bar. A ventilation system would be extremely important and we do put restrictions on restaurants on hoods, etc., so we need to take a look at that issue.

Councilmember Gordon stated that if we are looking at retail he agreed with Councilmember Bunn; no on CSP and CN, yes on CC, CR, CH, IG and IH. He was not sure in IL because it is up against lots of residential areas. Commissioner Pulver agreed with Councilmember Bunn's comments in the commercial arena just for the outlets. He would be inclined to not allow retail sales in industrial zones as currently we do not allow them. Councilmember Bunn indicated it might be that this would be an ancillary business in an industrial zone.

Councilmember Jackle questioned the light industrial zone possibilities. Commissioner Pulver noted that does not allow retail uses. It allows restaurants and banks and might allow personal services category uses. Liquor may be allowed in that zone also.

Councilmember Bunn asked if the Council needs to regulate commercial outdoor grows. Mr. McConnell was unsure where you could grow that in the city. Commissioner McKechnie questioned if that would be in the exclusive agriculture overlay. Councilmember Bearson stated that retail should be restricted to industrial zone. The County will be the one tasked with the outdoor grow. Mayor Wheeler noted that the County will need to look at this regardless of the law.

Councilmember Bearson questioned Mr. McConnell regarding retail sales of medical marijuana come October 1, 2015, is that correct. Mr. McConnell indicated that that was the estimate. Councilmember Bearson spoke to the timing issue on this and the more we drag our heels the more disservice we are doing to our local business people who would like to be in this business. We are also keeping the playing field un-level because there is out of state well-funded outside interests that can buy up that property and sit on it, so he would like this process to go relatively quick.

Commissioner Mansfield questioned a report from Mr. McConnell regarding content regulation of signs. Mr. McConnell noted that marijuana cannot be seen on a storefront. We can regulate size but we are not in the business of regulating content and he is not sure whether OLCC may get into this or not. It cannot be appealing to minors, promote excessive use, promote illegal activity, or otherwise be a significant risk to public health and safety. Commissioner Mansfield thought it was getting close to content.

Mayor Wheeler questioned if Planning Director Jim Huber had received enough direction to work with Legal staff. Mr. Huber noted direction on the time, place and manner restrictions is wide open. Commissioner Pulver identified how we will tackle the use issue; which is basically that we will take the seven categories and try to determine where they fit in the Code. He reviewed the Milwaukee, Oregon ordinance about time, place and manner restrictions on a medical marijuana facility. Restrictions included; they defined it; could not be within 1000 feet of a public or private elementary or secondary school or a career school that worked with minors; could not be within 1000 feet of another medical marijuana facility; couldn't be within 1000 feet (two certain properties);

could not collocate with another business; couldn't display marijuana or marijuana products from outside the facility; and the hours of operation would be 8 am to 10 pm. After that they mapped locations where facilities would be permitted.

Mr. McConnell questioned when Council would like to see this back to them. Mayor Wheeler agreed with Councilmember Bearnson that this needs to be as soon as possible. Mr. Huber stated they will rough something up before the Planning Commission in a draft form. Commissioner Pulver questioned time, place and manner for other uses outside OLCC. Mr. Huber noted there are some restrictions. Councilmember Bunn asked if it would be helpful to formally initiate this text amendment at the next Council meeting; Mr. Huber stated that it would.

Councilmember Stine questioned how fast this could be done. Mayor Wheeler noted we need to follow the rules of our State and our Code. Mr. Hoke talked about Mr. Huber's comments about his timeline.

The meeting adjourned at 1:13 p.m.

## Exhibit C

### Minutes [excerpt], PC study session 07-27-2015

#### 2. DCA-15-104 Marijuana-related businesses

Mr. Adam reported there are existing uses in the Standard Industrial Classification (SIC) that these marijuana-related businesses will fit into, and so would correspond to the SIC tables in the Code, but staff decided to isolate the marijuana-related businesses under their own category.

Commissioner Foley asked about people holding multiple licenses, those who are retailers, processors and wholesalers. He pointed out that the Heavy Commercial district is the only one that a business can be all three. Is that what the City wants? He does not see this as a big wholesale operation. He questioned if they should be more flexible on that one. Currently, this is illegal federally and there will be an administration change at the Federal level in 2017. Who knows if they will have the same hands-off approach to the States as the current one. Should this be conditional upon Federal regulations? Mr. Huber said the Planning Commission could make that recommendation to the City Council

Commissioner Mansfield reported that there is no liability to the City if the Federal government steps in. They do not need a conditional repeal, if that happens, the City can repeal its laws.

Kelly Akin, Principal Planner, addressed Commissioner Foley's question regarding bakeries. There are two different kinds. There is manufacturing which staff considers the processors to be and then there is the retail component. There can be a retail bakery in any of the commercial zoning districts. The processors are a manufacturing class. You can have a bakery as manufacturing in the heavy commercial zone and dairy products but those are the only two food manufacturing processes that are permitted in heavy commercial zones. Extracting processes are not permitted in the commercial zone.

Commissioner Mansfield said he would vote yes on "all growth will be conducted inside enclosed structures."

Chair McFadden is not sure of the term "dispensaries". Staff responded that it is medical marijuana. Mr. McConnell reported that medical marijuana dispensaries is the medical side and marijuana retailers is the Measure 91 recreational side. Ms. Akin stated that staff did not define these. Producers are growers. Processors are people that make

something with the product such as baked items and extracted oils. Wholesalers are exactly what it says and the rest are what they say.

Commissioner Culbertson reported that in his opinion this will marry along with grapes as far as cultivation, bringing it in and how it is going to be processed. He does not believe it will fit in the commercial zone. It will fit in the light industrial.

Chair McFadden asked where does the marijuana have to be tested? Staff reported in laboratories.

Commissioner McKechnie thought that the labs were like quality control. If there are laboratories why indicate they cannot be in the C-N, I-G and I-H zones? Ms. Akin replied that they carried it across from the existing table: labs are not allowed in those districts now; there is no reason to change it for this purpose. Mr. Adam reported that these are unique laboratories that are uniquely allowed in the industrial zoning districts. More than likely the current laboratories will pick up this business. Commissioner McKechnie asked why do we really care if a laboratory is testing marijuana, building products, or something else? It seems a little odd that they would be in C-S/P. Mr. Adam stated that C-S/P is where the medical uses are allowed.

Mr. Adam asked Commissioner McKechnie if he was asking to specifically give this one special use across the board or asking generally about laboratories? Commissioner McKechnie reported there are too many choices. Staff needs to thin it down by about two thirds.

Chair McFadden sees no problem with concentrating most of this into a certain area. The market is only going to support a certain amount.

Commissioner Pulver thinks staff did a reasonable job allowing them in the certain zoning districts. There needs to be discussion on limitation.

Mr. Adam asked if there was a particular opinion on heavy commercial for processors? It was suggested put it as a Ps.

Mr. McConnell reported that there have been several presentations to the City Council on marijuana in general. Producers will not have a big impact on the City, it is the processing. He has taken dozens of calls from citizens who are interested in setting up shop in Medford and the surrounding area. The processors are where the money is as well as the retailers.

Commissioner Culbertson stated that production will be outside the city limits. The biggest question is the processors. What are they going to do with it? Are they going to be bringing it in bins or truckloads? How are they going to process it? He thinks they will do

the processing out in the field and they will do packaging, the final product in a packing house or somewhere downtown.

Commissioner D'Alessandro reported that a lot of the process will be turning it into edibles, oils, and all the different things they do. He agrees some will be done out in the field as they break it down. The creation of all the other products is going to happen in a warehouse or facility. That is where Commissioner Mansfield's comment came in regarding the production inside a facility. How do you keep that at a level where the smells are not intrusive?

Moving on to looking at the prospective use regulations, Mr. Adam pointed out that no marijuana-related business shall permit trespass or glare from security or other lighting beyond its property line. Section 9.560 is fence provisions that specifies as permitted in the commercial and industrial zones but it talks about hazardous fencing materials.

Chair McFadden asked if "enclosed" meant fully enclosed or just walls? Mr. Adam stated that the intent is fully enclosed.

Commissioner D'Alessandro asked if processors should be held under the same standard as far as odor filtration as the producers and wholesalers? Mr. Adam replied yes.

Commissioner Pulver asked what happens if they are found in violation? Do they get fined? If neighbors complain of the odor what happens? Mr. McConnell reported that any violation of the Code can be prosecuted through Municipal Court. They usually do not do that for a Chapter 10 violation. The businesses do not want to be in violation of State law because OLLC could revoke or suspend their license. He has not read this all the way through and does not know if there is anything specific to marijuana businesses as to what the stake is for violation of the Code. There would certainly be something in the Code for violations. Any violation of the City's Code that has gone on for more than 10 or more days the City can seek injunction relief through the Jackson County Circuit Court.

Commissioner Culbertson asked if there was anything on the books governing the industrial area on Front and Fir Streets or on pear-packing facilities that have ammonia systems? Ms. Akin replied not from a land use perspective.

Commissioner D'Alessandro stated that there are state and federal laws and safety regulations through OSHA that mandate a lot of those types of things when it comes to chemicals in confined spaces.

Staff said its approach to regulation was to normalize this; this is an industry like any other.

Commissioner Pulver equates dispensaries and retailers to liquor stores. They are limited to locations and hours. Is staff addressing that? Mr. McConnell stated that state law says on medical marijuana dispensaries cannot be within 1,000 feet of schools and each other. On the retail side they cannot be within 1,000 feet of schools but it does not say they cannot be within 1,000 feet of each other. House Bill 3400 allows cities to put that limitation as not beyond 1,000 feet. The Commission needs to figure out if they want to put a distance limitation on marijuana recreational retailers.

Commissioner Foley asked if the Planning Commission wanted to discuss hours of operation? Mr. McConnell stated that there is a Rules Advisory Committee that just got started and he does not know if they have hours of operation limitation or not. If not, there probably will be. That may not have to be addressed. The Commission can discuss time, place and manner. If there is something they would like to see now is the time to do it.

Commissioner D'Alessandro stated that if it is going to be similar to alcohol beverages; maybe the time, place, and manner should follow suit in a sense on the retail side in terms of hours and locations. Mr. McConnell said he can see one difference between marijuana and alcohol. The southern Oregon marijuana side has an allure to it because there may be more marijuana retailers congregating because of tourists supporting them. This was happening in Colorado.

Commissioner Mansfield stated that he is fully aware that the public voted for Ballot Measure 91. His motivation is to cooperate as little as possible. He likes all the limitations, and that products cannot be displayed in a manner externally visible to the public. He would like to eliminate both off- and on-premises advertising. He thinks that attention needs to be paid that the OLCC may adopt rules regulating advertising that is appealing to minors, promotes excessive use and promotes illegal activity.

Commissioner McKechnie reported that it might be advantageous to discuss with other cities like Seattle, Denver, and Colorado Springs regarding safety. What kind of occupancy will this fall under? Mr. Adam stated that he will see what he can come up with.

Chair McFadden has concerns with transportation.



### Applicable Criteria

Medford Land Development Code (MLDC) §10.270.

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

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

### Corporate Names

The application lists Mandell Landing LLC as the owner of the subject property. As per the State of Oregon Business Registry, Frank Pulver is listed as the registered agent.

## ISSUES AND ANALYSIS

### Project Summary

The subject site is vacant and undeveloped. The applicant seeks to partition the 1.82 acre site into two parcels. Both parcels would be accessed via a shared access easement from Heathrow Way. An application was recently approved by the Site Plan and Architectural Commission for the construction of a 7,092 square foot office building for Steelhead Finance (AC-15-070), which would occupy the western parcel fronting Heathrow Way.

### *Proposed Parcels*

This partition includes the creation of two parcels. Parcel 1, approximately 0.852 acres in size, is positioned along Heathrow Way and includes the site for Steelhead Finance. This parcel will include an approximate 13-foot wide private drainage easement along the north property line, as well as a 15-foot public utility easement and 24-foot ingress/egress easement, all of which will also serve Parcel 2.

Parcel 2, approximately 0.812 acres in size, is located adjacent to Biddle Road, east of Parcel 1. Access to Parcel 2 will be limited to the shared access easement across Parcel 1 from Heathrow Way. Parcel 2 includes a 15-foot public utility easement along Biddle Road. There are no immediate plans for development of Parcel 2 at this time.

### *Lot Standards*

The lots in this partition are zoned I-L/PD, light industrial and planned unit development. The site development standards for I-L lots are outlined in MLDC §10.721. The minimum lot area for I-L lots is 20,000 square feet. Parcel 1 is proposed to be approximately 37,147 square feet and Parcel 2 is proposed to be 35,381 square feet. Both parcels meet the minimum size requirement. In addition, both proposed parcels meet the frontage requirement of 70-feet, as well as the lot width and lot depth specifications. Lot coverage, maximum floor area, setbacks, and height restrictions are currently met with the approved development for Parcel 1 and will continue to be applied as Parcel 2 develops in the future.

### *Right-of-Way Dedication*

No right-of-way dedication is required with this partition. Heathrow Way is a Commercial Street and Biddle Road is a Major Arterial Street; both meet the current City standards.

### *Access*

Access to the two parcels created by this partition will be provided via the shared access easement on Parcel 1 from Heathrow Way. This access easement meets or exceeds all

Code requirements. In accordance with MLDC §10.550 and the Public Works Report (Exhibit G), Parcel 2 will have no vehicular access to Biddle Road.

No other issues were identified by staff.

#### **FINDINGS AND CONCLUSIONS**

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

#### **RECOMMENDED ACTION**

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of LDP-15-092 per the staff report dated August 18, 2015, including Exhibits A through H.

#### **EXHIBITS**

- A Conditions of Approval, dated August 18, 2015
- B Tentative Partition Plat, received July 24, 2015
- C Applicant's Findings of Fact, received June 24, 2015
- D Building Department Memo, received August 12, 2015
- E Fire Department Report, received August 12, 2015
- F Medford Water Commission Memo, received August 12, 2015
- G Public Works Report, received August 13, 2015
- H Rogue Valley Sewer Services Letter, received July 31, 2015  
Vicinity Map

**PLANNING COMMISSION AGENDA:**

**SEPTEMBER 10, 2015**

**EXHIBIT A**

**Mandell Partition  
LDP-15-092  
Conditions of Approval  
August 18, 2015**

**CODE REQUIREMENTS**

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

1. Comply with the Building Department Memo received August 12, 2015 (Exhibit D).
2. Comply with the Fire Department Report received August 12, 2015 (Exhibit E).
3. Comply with the Medford Water Commission Memo received August 12, 2015 (Exhibit F).
4. Comply with the Public Works Report received August 13, 2015 (Exhibit G).
5. Comply with the Rogue Valley Sewer Services Letter received July 31, 2015 (Exhibit H).



**RECEIVED**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW** JUN 24 2015  
**BEFORE THE CITY OF MEDFORD** PLANNING DEPT.  
**PLANNING COMMISSION**

**IN THE MATTER OF AN APPLICATION FOR  
TENTATIVE PLAT APPROVAL OF A LAND  
PARTITION.**

**APPLICANT'S  
EXHIBIT 1**

**APPLICATION:** Request for approval of a 2 lot partition on a 1.66-acre parcel, located on Heathrow Way about 500 feet north of O'Hare Parkway in a I-L (Light Industrial) zoning district.

**APPLICANT/  
OWNER:** Mandell Landing LLC  
3518 Heathrow Way  
Medford, OR 97504

**AGENT:** Hoffbuhr & Associates, Inc.  
880 Golf View Drive, Suite 201  
Medford, OR 97504

**A. BACKGROUND INFORMATION**

The vacant 1.66-acre subject site consists of Lot No. 36 of Navigators Landing, a subdivision.

**B. SCOPE AND PURPOSE OF THE APPLICATION**

The applicant proposes to divide Lot No. 36 of the Navigators Landing subdivision into 2 smaller parcels. Parcel 1 will contain 37,147 Sq. ft., Parcel 2 is proposed to be 35,381 sq. ft. in size. Access to Parcel 2 will be provided by an easement across Parcel 1 as show on the tentative map.

**C. APPLICANT'S ADDITIONAL SUBMITTALS**

Exhibit 2 – Assessor's Map showing subject property;  
Exhibit 3 – Final Plat of Navigators Landing

**D. RELEVANT APPROVAL CRITERIA**

MEDFORD LAND DEVELOPMENT CODE

LAND DIVISION CRITERIA – SECTION 10.270

**CITY OF MEDFORD**  
**EXHIBIT C**  
**FILE # LDP-15-092**

Section 10.270 of the Land Development Code states that the approving authority (the 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. *Contains streets, if applicable, and lots which are oriented to make maximum effective use of passive solar energy; exceptions to this provision may be granted whenever it is impractical to comply due to: (a) The configuration or orientation of the property; (b) The nature of surrounding circulation patterns, or other existing physical features of the site such as topography;*
7. *Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.*

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

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

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

#### **LAND DIVISION CRITERIA**

## CRITERION NO. 1

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

### FINDINGS OF FACT

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

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

The subject tentative plat application meets all of the applicable design standards in Articles IV and V.

Conditions of approval will assure that all Code standards will be met.

### CONCLUSION OF LAW

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

## CRITERION NO. 2

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

### FINDINGS OF FACT

The subject property exists as a single tax lot and is bounded on the front and rear by existing rights-of-way. There is no other adjacent property under the same ownership. The development of and access to adjoining lands will take place from the existing Heathrow Way.

### CONCLUSION OF LAW

The Planning Commission concludes that the tentative plat will not prevent development of or the access to adjoining land.

### CRITERION NO. 3

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

#### FINDINGS OF FACT

The proposal is a partition this criterion is not applicable.

#### CONCLUSION OF LAW

This criterion is not applicable to this application.

### CRITERION NO. 4

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

#### FINDINGS OF FACT

The proposed partition does not include the creation of any public streets or alleys.

#### CONCLUSION OF LAW

The Planning Commission concludes that as neither public streets nor alleys will be created, this criterion does not apply to the subject tentative plat.

### CRITERION NO. 5

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

### FINDINGS OF FACT

The proposed partition does not include the creation of any private streets or alleys. Permanent access to the new lots will be provided from Heathrow Way.

### CONCLUSION OF LAW

The Planning Commission concludes that as neither private streets nor alleys will be created, this criterion does not apply to the subject tentative plat.

### **CRITERION NO. 6**

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

### FINDINGS OF FACT

The proposed partition does not include the creation of any public or private streets or alleys. Permanent access will be provided from Heathrow Way. The proposed parcels range in size from 0.80 acres to 0.85 acres.

### CONCLUSION OF LAW

The Planning Commission concludes that the large size and configuration of the proposed lots will allow the future developers to position their facilities on each lot to make maximum effective use of passive solar energy.

### **CRITERION NO. 7**

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

### FINDINGS OF FACT

The adjoining lands to the north, south, and east of the subject property are zoned Light Industrial. Land to the east, on the opposite side of Biddle Road is occupied by the Medford/Jackson County airport.

### CONCLUSION OF LAW

As no adjoining lands are zoned Exclusive Farm Use, the criterion does not apply to the proposed tentative plat.

## G. ULTIMATE CONCLUSION

Based upon the above Findings of Fact and Conclusions of Law, the Planning Commission concludes that the application for the tentative plat, together with the applicant's stipulations, is consistent with the relevant decisional criteria found in Section 10.270 of Medford's Land Development Code.

Dennis Hoffbuhr  
Hoffbuhr and Associates

FOR ASSESSMENT AND TAXATION ONLY

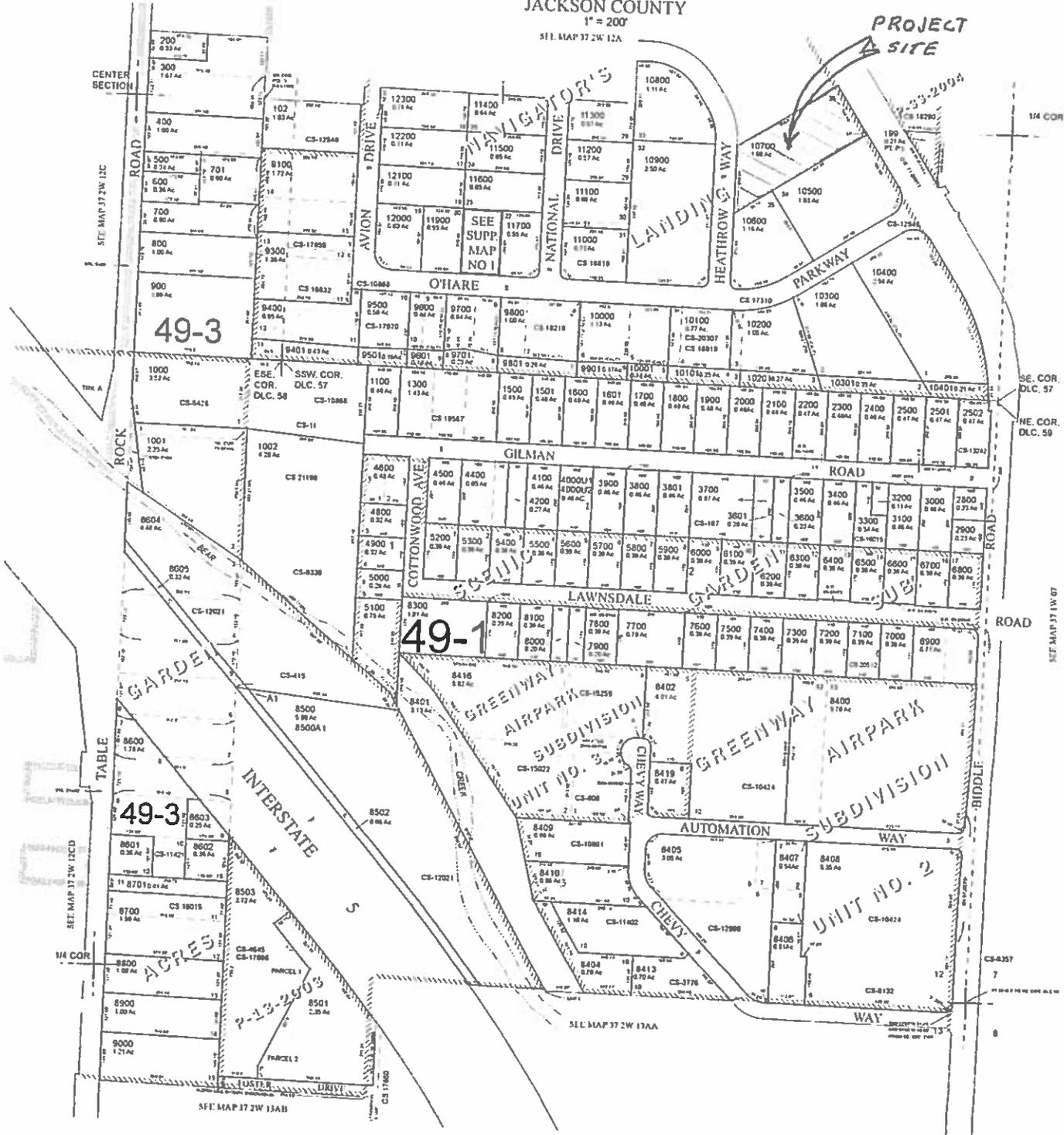
# EXHIBIT 2

S.E. 1/4, SEC. 12, T.37S., R.2W., W.M.  
JACKSON COUNTY

1" = 200'  
SEE MAP 37 2W 12A

37 2W 12D  
MEDFORD

PROJECT  
SITE



CANCELLED TAX  
LOT NUMBERS

105  
1100 RE MAPPED TO 9400  
1200 ADDED TO 1300  
1300 ADDED TO 1350  
204  
2600  
2700 ADDED TO 2500  
3701  
3000 RE MAPPED TO 4000/11  
3700  
8403  
8404  
8411  
8412  
8413, 8417, 8418 ADDED TO 8416  
8502  
8605  
8700  
8901

17310

# NAVIGATOR'S LANDING

A SUBDIVISION

LOCATED IN:

Parcel No. 1 of Partition Plat No. P-27-2000 and in the N.E. 1/4 and The S.E. 1/4 of Section 12, T.37S., R.2W., W.M., City of Medford, Jackson County, Oregon

I certify this plot to be a true and correct photograph of the original  
*Douglas C. McMahan*  
 SURVEYOR

(PARCEL 1 OF PARTITION PLAT NO. P-108-1992)

Found 3/8" rebar with cap stamped "HARGRESS & ASSOC." per S/N 13183

Set 5/8"x30" Rebar with cap stamped "D.MCMAHAN LS 1913" in position of found 5/8" iron pin with cap stamped "HARGRESS & ASSOC." per S/N 13183 (DESTROYED BY CONSTRUCTION)

LOT NO.	SQUARE FEET	LOT SIZE	SQUARE FEET
1	119,814	52	108,801
2	96,330	33	48,278
3	57,168	34	64,327
4	36,718	35	30,471
5-8	36,110	38	72,528
9	74,000	37	53,963
10	22,913	38	63,713
11	28,320	39	50,880
12	29,580	40	43,385
13	24,865	41	45,000
14-15	24,800	42	43,000
16	33,914		

HOFFBURR & ASSOCIATES, INC.  
 3155 ALAMEDA STREET, SUITE 201 MEDFORD, OREGON  
 (541) 778-4641  
 BY: DOUGLAS C. MCMAHAN PLS No. 1913  
 SCALE: 1" = 100' March 3, 2002  
 BASIS OF BEARING: S/N 13183 (SOUTHERLY BOUNDARY OF S/N 18506)

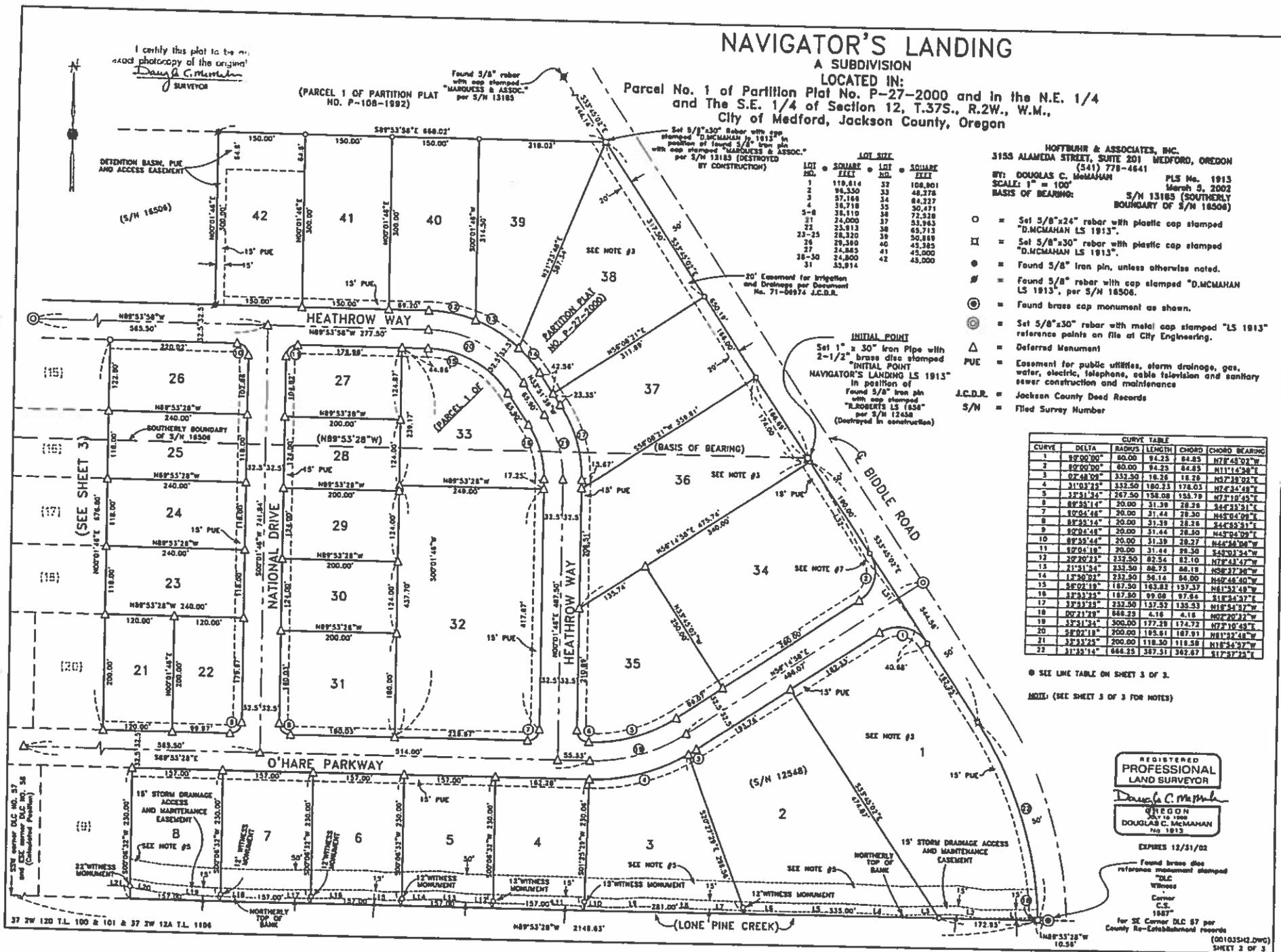
- = Set 5/8"x24" rebar with plastic cap stamped "D.MCMAHAN LS 1913".
- ⊠ = Set 5/8"x30" rebar with plastic cap stamped "D.MCMAHAN LS 1913".
- = Found 5/8" iron pin, unless otherwise noted.
- ⊙ = Found 5/8" rebar with cap stamped "D.MCMAHAN LS 1913", per S/N 18506.
- ⊙ = Found brass cap monument as shown.
- ⊙ = Set 1" x 30" rebar with metal cap stamped "LS 1913" reference points on file at CHY Engineering.
- △ = Deferred Monument
- PUE = Easement for public utilities, storm drainage, gas, water, electric, telephone, cable television and sanitary sewer construction and maintenance
- J.C.D.R. = Jackson County Deed Records
- S/N = Filed Survey Number

CURVE	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
1	89°00'00"	50.00	94.25	84.85	N78°43'02"W
2	89°00'00"	50.00	94.25	84.85	N11°14'38"E
3	07°48'09"	333.50	18.26	18.26	N87°28'02"E
4	31°03'23"	132.50	180.23	178.03	N74°34'48"E
5	32°31'34"	267.50	158.08	158.79	N77°10'45"E
6	82°58'14"	20.00	31.39	28.28	S44°33'31"E
7	10°24'48"	20.00	31.44	28.30	N45°04'08"E
8	82°58'14"	20.00	31.39	28.28	S44°33'31"E
9	80°24'48"	20.00	31.44	28.30	N45°04'08"E
10	82°58'44"	20.00	31.39	28.27	N45°04'08"E
11	10°24'18"	20.00	31.40	28.30	S45°03'54"W
12	32°30'23"	232.50	82.94	82.10	N78°43'47"W
13	21°31'34"	232.50	88.73	88.19	N58°37'28"W
14	11°38'02"	232.50	96.16	94.00	N49°48'40"W
15	82°58'14"	20.00	183.32	193.37	N81°53'48"W
16	32°33'25"	187.50	99.08	97.64	N18°24'37"E
17	32°33'25"	232.50	137.52	138.53	N18°24'37"E
18	00°21'28"	846.23	4.16	4.16	N02°20'32"W
19	32°31'34"	300.00	177.38	174.72	N77°10'45"E
20	32°33'25"	200.00	103.61	107.91	N81°53'48"W
21	32°33'25"	200.00	118.30	118.58	N18°24'37"E
22	31°39'14"	648.23	387.31	382.67	S17°37'24"E

SEE LINE TABLE ON SHEET 3 OF 3.  
 (SEE SHEET 3 OF 3 FOR NOTES)

REGISTERED PROFESSIONAL LAND SURVEYOR  
*Douglas C. McMahan*  
 OREGON  
 DOUGLAS C. MCMAHAN No. 1913

EXPIRES 12/31/02  
 Found brass disc reference monument stamped "Witness Corner C.S. 1887" for SE Corner D.C. 87 per County Re-Establishment records (00103542.DWG) SHEET 2 OF 3



17310



# Memo

**To:** Jennifer Jones, Planner, Planning Department  
**From:** Chad Wiltrout, Building Department (541) 774-2363  
**CC:** Frank Pulver, Applicant (Hoffbuhr & Associates, Inc., Agent).  
**Date:** August 12, 2015  
**Re:** August 12, 2015 LDC Meeting: Item #1 - LDP-15-092

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***Please Note:***

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

***Fees are based on valuation. Please contact Building Department front counter for estimated fees at (541) 774-2350 or [building@cityofmedford.org](mailto:building@cityofmedford.org).***

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

**Conditions of Approval:**

1. The property appears to be located in the 100 year flood plain, which will require flood resistant materials and construction in accordance with the 2014 Oregon Structural Specialty Code, ASCE 24 and ASCE 7-10. Flood certificates from a licensed surveyor will also be required to determine that the elevation of the finished floor is 12" minimum above the base flood elevation.

**General Comments:**

2. For list of applicable Building Codes, please visit the City of Medford website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
3. All plans are to be submitted electronically. Information on the website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" for information.
4. A site excavation and grading permit will be required if more than 50 cubic yards is disturbed.
5. A separate demolition permit will be required for demolition of any structures not shown on the plot plan.

**Comments:**

6. Proposed construction in proximity to property lines shall comply with table 602 and code section 705 of the Oregon Structural Specialty Code.
7. ADA parking spaces shall be required in accordance with code section 1106 of the Oregon Structural Specialty Code.



# Medford Fire Department

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

RECEIVED  
AUGUST 12, 2015  
PLANNING DEPARTMENT

## LAND DEVELOPMENT REPORT - PLANNING

To: Jennifer Jones

LD Meeting Date: 08/12/2015

From: Greg Kleinberg

Report Prepared: 07/30/2015

Applicant: Frank Pulver, Applicant (Hoffbuhr & Associates, Inc., Agent)

File #: LDP - 15 - 92

Site Name/Description: Partition to create two parcels from 1.82 acres

Partition to create two parcels from 1.82 gross acres located approximately 250 feet north of O'Hare Parkway between Heathrow Way and Biddle Road, within the I-L/PD (Light Industrial/Planned Unit Development) zoning district; Frank Pulver, Applicant (Hoffbuhr & Associates, Inc., Agent). Jennifer Jones, Planner.

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

**Requirement MINIMUM ACCESS ADDRESS SIGN**

OFC

505

The developer must provide a minimum access address sign for lot #10700.2. See attached minimum access street address sign installation sheet for the proper installation information. A pre-approved address sign can also be utilized.

**Requirement FIRE HYDRANTS-INTERNAL**

OFC

508.5.1

An internal fire hydrant will be required before development of Lot #10700.2.

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

Exceptions:

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

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

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

**Requirement PRIVATE FIRE DEPARTMENT ACCESS PARKING RESTRICTION**

OFC

503.4

Parking shall be posted as prohibited along the shared access driveway by one of the methods shown below.

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

CITY OF MEDFORD

EXHIBIT E

FILE # LDP-15-092



# Medford Fire Department

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

## LAND DEVELOPMENT REPORT - PLANNING

To: Jennifer Jones

LD Meeting Date: 08/12/2015

From: Greg Kleinberg

Report Prepared: 07/30/2015

Applicant: Frank Pulver, Applicant (Hoffbuhr & Associates, Inc., Agent)

File #: LDP - 15 - 92

Site Name/Description: Partition to create two parcels from 1.82 acres

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

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

Alternative:

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

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

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

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

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

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

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

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



## BOARD OF WATER COMMISSIONERS

**Staff Memo**

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

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

**SUBJECT:** LDP-15-092

**PARCEL ID:** 372W12D TL 10700

**PROJECT:** Partition to create two parcels from 1.82 gross acres located approximately 250 feet north of O'Hare Parkway between Heathrow Way and Biddle Road, within the I-L/PD (Light Industrial/Planned Unit Development) zoning district; Frank Pulver, Applicant (Hoffbuhr & Associates, Inc., Agent). Jennifer Jones, Planner.

**DATE:** August 11, 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. A new water meter is required to be installed for this parcel. Water meter shall be located in the public right-of-way along Heathrow Way, and is required to be installed on the existing 8-inch water line stub to the parent parcel (TL 10700). Applicants' civil engineer shall coordinate with MWC engineering staff for water meter size and location.
4. Installation of an MWC approved backflow device is required for all commercial, industrial, municipal, and multi-family developments. New backflow devices shall be tested by an Oregon certified backflow tester. See MWC website for list of certified testers at the following web link <http://www.medfordwater.org/Page.asp?NavID=35>.
5. If Medford Fire Department requires the installation of a new fire sprinkler system for this proposed building, the applicants' civil engineer shall coordinate with MWC engineering department for vault location.

**COMMENTS**

1. Off-site water line installation is not required.

*Continued to next page*



*Continued from previous page*

2. On-site water facility construction may be required depending on Fire Department requirements.
3. MWC-metered water service does not exist to this property. (See Condition 3 above)
4. Access to MWC water lines is available. There is a 12-inch water line in Heathrow Way.
5. Maximum static water pressure is expected to be 90 psi. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".



Continuous Improvement Customer Service

**CITY OF MEDFORD**

Revised Date: 8/13/15  
File Number: LDP-15-092

**PUBLIC WORKS DEPARTMENT STAFF REPORT  
MANDELL LANDING LLC - PARTITION**

**Project:** Partition to create two parcels from 1.82 gross acres located approximately 250 feet north of O'Hare Parkway between Heathrow Way and Biddle Road, within the I-L/PD (Light Industrial/Planned Unit Development) zoning district.

**Applicant:** Frank Pulver, Applicant (Hoffbuhr & Associates, Inc., Agent). Jennifer Jones, Planner.

**NOTE:** Items 1 through 5 shall be completed and accepted prior to approval of the final plat.

There is a separate Public Works Staff Report for conditions of development on Parcel 1, see AC-15-070. There will be a separate Public Works Staff Report for conditions of future development on Parcel 2.

**1) STREETS**

**a) Dedications**

**Biddle Road** is a Major Arterial Street with 100 feet of right-of-way, which meets current City Standards. There is also a 20 foot Public Utility Easement (PUE) along Biddle Road, which was dedicated on the Plat for Navigator's Landing. No additional right-of-way is required for Biddle Road.

**Heathrow Way** is a Commercial street, which was dedicated as a part of Navigator's Landing Subdivision. The width dedicated for the street was 65 feet, and 15 feet was dedicated for a Public Utility Easement along Heathrow Way. This meets current City Standards, and no other right-of-way dedication is required.

**b) Public Improvements**

**i) Public Streets**

**Biddle Road** is already improved to a 5-lane section including bike lanes, curb, gutter, and street lights. There is currently no sidewalk along this developments frontage to Biddle Road. As a condition of future development on the parcel 2, the Developer shall provide a 5 foot sidewalk with a 10 foot planter strip along this developments frontage to Biddle Road. The sidewalk improvements shall be constructed in conformance with City of Medford standards.

**Heathrow Way** is already improved with a commercial street including AC pavement, curb and gutter. As a condition of development on the parcel 1, the Developer is providing a 5 foot sidewalk with an 8 foot planter strip along this developments frontage to Heathrow Way prior to issuance of the Certificate of Occupancy. The sidewalk improvements shall be constructed in conformance with City of Medford standards.

**ii) Street Lights and Signing**

No additional street lights are required.

**iii) Pavement Moratoriums**

There is a limitation on pavement cutting currently in effect on Biddle Road along this frontage until August of 2018. There is no limitation on pavement cutting currently in effect on Heathrow Way.

**iv) Access and Circulation**

**No direct vehicular access to Biddle Road will be allowed with this partition**, which is in accordance with the MLDC, Section 10.550, and is also a condition of the Plat of Navigator's Landing.

A minimum of 20-feet shall be provided as an ingress/egress easement and PUE across Parcel 1 to serve Parcel 2. If there are any shared facilities, such as driveway and associated storm drainage, the developer shall record a joint use and maintenance agreement prior to the final plat.

**2) SANITARY SEWERS**

This site lies within the Rogue Valley Sanitary Sewer (RVSS) service area. Contact RVSS for availability and connection.

There is one sewer lateral already extended to this site. The Developer shall provide an additional sanitary sewer lateral to serve Parcel 2.

### 3) STORM DRAINAGE

#### a) Hydrology

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

#### b) Grading, Stormwater Detention and Water Quality Treatment

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

#### c) Mains and Laterals

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

#### d) Wetlands

The Developer shall contact the Division of State Lands for the approval or clearance of the subject property with regards to wetlands and/or waterways.

### 4) SURVEY MONUMENTATION

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

### 5) SYSTEM DEVELOPMENT CHARGES

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

Parcel 2 of this development is also subject to storm drain system development charges. A portion of the storm drain system development charge shall be collected at the time of approval of the final plat.

Report Prepared by: Doug Burroughs  
Revised by: Doug Burroughs

## **SUMMARY CONDITIONS OF APPROVAL**

### **Mandell Landing LLC - Partition**

LDP-15-092

#### **A. Streets**

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

No street dedications are required for either Biddle Road or Heathrow Way.

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

No public improvements are required.

No direct access will be allowed to Biddle Road.

A Pavement moratorium is currently in effect on Biddle Road until August 2018.

#### **B. Sanitary Sewer:**

Provide separate individual sanitary sewer laterals to each parcel.

#### **C. Storm Drainage:**

Provide a private stormdrain lateral to each parcel.

Provide DSL approval or clearance of any wetlands.

**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.**

JULY 31, 2015

PLANNING DEPARTMENT



## ROGUE VALLEY SEWER SERVICES

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

July 31, 2015

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

**Re: Mandell Landing Partition, LDP 15-092, REF LDP-11-119, (372W12D - 10700)**

ATTN: Jennifer

There is an 8 inch sanitary sewer line with a 4 inch sewer service generally as shown on the tentative partition plat. The existing service can be used to serve development on Parcel 1. Sewer service to Parcel 2 will require a new tap into the existing main line in line with the proposed access easement.

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

1. Applicant must obtain a permit from Rogue Valley Sewer Services for the installation of a sewer tap to serve Parcel 2.
2. Applicant must pay related System Development Charges to RVSS prior to issuance of building permits. This condition applies to both Parcel 1 and Parcel 2.

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

Sincerely,

*Carl Tappert*

Carl Tappert, PE  
Manager

K:\DATA\AGENCIES\MEDFORD\PLANNING\LAND PART\2015\LDP-15-092MANDELL  
LANDING.DOC

CITY OF MEDFORD

EXHIBIT H

FILE # LDP-15-092

# Vicinity Map



Application Name/Description:  
**Mandell Landing LLC  
Partition**

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Proposal:  
**2 Lot Partition**

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File Numbers:  
**LDP-15-092**

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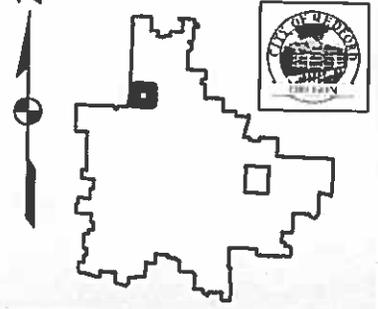
Applicant:  
**Frank Pulver**

---

Map/Taxlot:  
**372W12D TL's 10700**

	<b>Subject Area</b>
	<b>Medford Zoning</b>
	<b>UGB</b>
	<b>Tax Lots</b>
	<b>Airport Approach</b>
	<b>PUD</b>

Area of Map





**STAFF REPORT**

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

PROJECT Spring Creek Subdivision  
Applicant: Tony & Tory Nieto; Agent: Farber Surveying  
FILE NO. LDS-15-073/E-15-099  
TO Planning Commission for 09/10/2015 hearing  
FROM Sarah Sousa, Planner IV  
REVIEWER Kelly Akin, Principal Planner *KA*  
DATE September 3, 2015

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**BACKGROUND**

Proposal

Request for a tentative plat approval for Spring Creek Subdivision, a 9-lot residential subdivision located on the southwest corner of North Ross Lane and Finley Lane and an Exception to the required right-of-way dedication for a 1.99 acre property zoned SFR-6 (Single Family Residential – 6 dwelling units per gross acre).

Subject Site Characteristics

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

Surrounding Site Characteristics

North

Zoning: SFR-10 (Single Family Residential – 10 dwelling units per gross acre)  
Use: Multi-Family Housing

South

Zoning: SFR-00 (Single Family Residential – 1 dwelling unit per lot)  
Use: Single Family Homes

East

Zoning: SFR-00  
Use: Single Family Homes

West

Zoning: SR-2.5 (Suburban Residential – 2.5 acre minimum)  
Outside the City Limits & Within Urban Growth Boundary  
Use: Single Family Homes

Related Projects

A-08-031 Annexation  
ZC-08-032 Zone Change (to SFR-00)  
ZC-08-126 Zone Change (to SFR-6)  
PA-10-054 Pre-Application for Subdivision

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 §10.253, 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.

## ISSUES AND ANALYSIS

### Project Summary

The tentative plat submitted consists of a two-phase development with 9 single family lots (Exhibit B). In addition, the applicant has submitted an Exception to the required right-of-way dedication for a portion of Finley Lane.

All proposed lots conform to the standards of the Medford Land Development Code for length, width, square footage, lot frontage, and access.

### 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 9 to 13 dwelling units. The applicant is proposing 9 lots which meet the minimum and does not exceed the maximum number of units.

### Street Circulation

The subject property fronts upon two existing streets: Finley Lane and North Ross Lane. The tentative plat does not include the creation of new streets, as only two minimum access easements are shown (Exhibit B). Lots 1-3 have frontage on North Ross Lane but will obtain vehicular access from a minimum access easement off of Finley Lane. Lots 4-6 front upon and take access off of the second proposed minimum access easement, also off of Finley Lane. Lots 7-9 front upon and will take direct vehicular access off of Finley Lane.

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, 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. In this case, the creation of a new street does not seem practical due to the two existing streets that front upon the proposed subdivision in relation to the small size of the property. Also, the minimum access easement behind Lots 1-3 is being created for the sole purpose of vehicular access. Although those lots front upon North Ross Lane, Medford Land Development Code Section 10.550 restricts direct access on higher order streets when a lower order street is abutting.

### Exception

The applicant submitted an Exception to the right-of-way dedication required on a portion of Finley Lane around the existing dwelling. The existing dwelling is not proposed for removal as part of the subdivision, but instead would be retained on Lot 1. Around the existing home, a 7.5 foot dedication is proposed, instead of the required 15.5 foot amount. According to the Public Works Report, this will still provide adequate right-of-way for all the components of a Minor Residential Street, with the exception of a planter strip (Exhibit H).

The Applicant's Findings explain that the home on the property originally met setbacks. However, right-of-way acquisitions have reduced the setbacks to the dwelling (Exhibit G). If the full dedication is required, the home would be located within the right-of-way.

The Public Works Department – Engineering Division report expressed concern with the potential impact the reduced right-of-way might have on the construction of improvements around the existing home. In response, the applicant submitted a sidewalk grading diagram (Exhibit E). At the time of this report, the Public Works Department was reviewing this additional information in order to provide a revised report. Planning staff is in support of the Exception with a favorable recommendation from the Public Works Department.

### Phasing

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

## **FINDINGS AND CONCLUSIONS**

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

## **RECOMMENDED ACTION**

Direct staff to prepare a Final Order of Approval per the staff report dated September 3, 2015, including Exhibits A through S.

## **EXHIBITS**

- A Conditions of Approval dated September 3, 2015
- B Tentative Plat received August 18, 2015

- C Conceptual Grading & Drainage Plan received May 14, 2015
- D Conceptual Sewer & Water Plan received May 14, 2015
- E Sidewalk & Grading Diagram received August 18, 2015
- F Applicant's Findings of Fact (Land Division) received August 18, 2015
- G Applicant's Findings of Fact (Exception) received August 18, 2015
- H Public Works Report received August 5, 2015
- I Medford Fire Department Report received August 5, 2015
- J Medford Building Department memo received August 5, 2015
- K Address Technician memo received August 5, 2015
- L Medford Water Commission memo received August 10, 2015
- M Rogue Valley Sewer Services letter received July 23, 2015
- N Jackson County Roads letter received July 31, 2015
- O Oregon Department of Transportation email received August 18, 2015
- P Wetland Land Use Notification Response from Department of State Lands received July 30, 2015
- Q Aerial Photograph
- R Site Photos received July 13, 2015
- S Jackson County Assessor's Map received July 13, 2015  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**SEPTEMBER 10, 2015**

**EXHIBIT A**

Spring Creek Subdivision  
LDS-15-073/E-15-099  
Conditions of Approval  
September 3, 2015

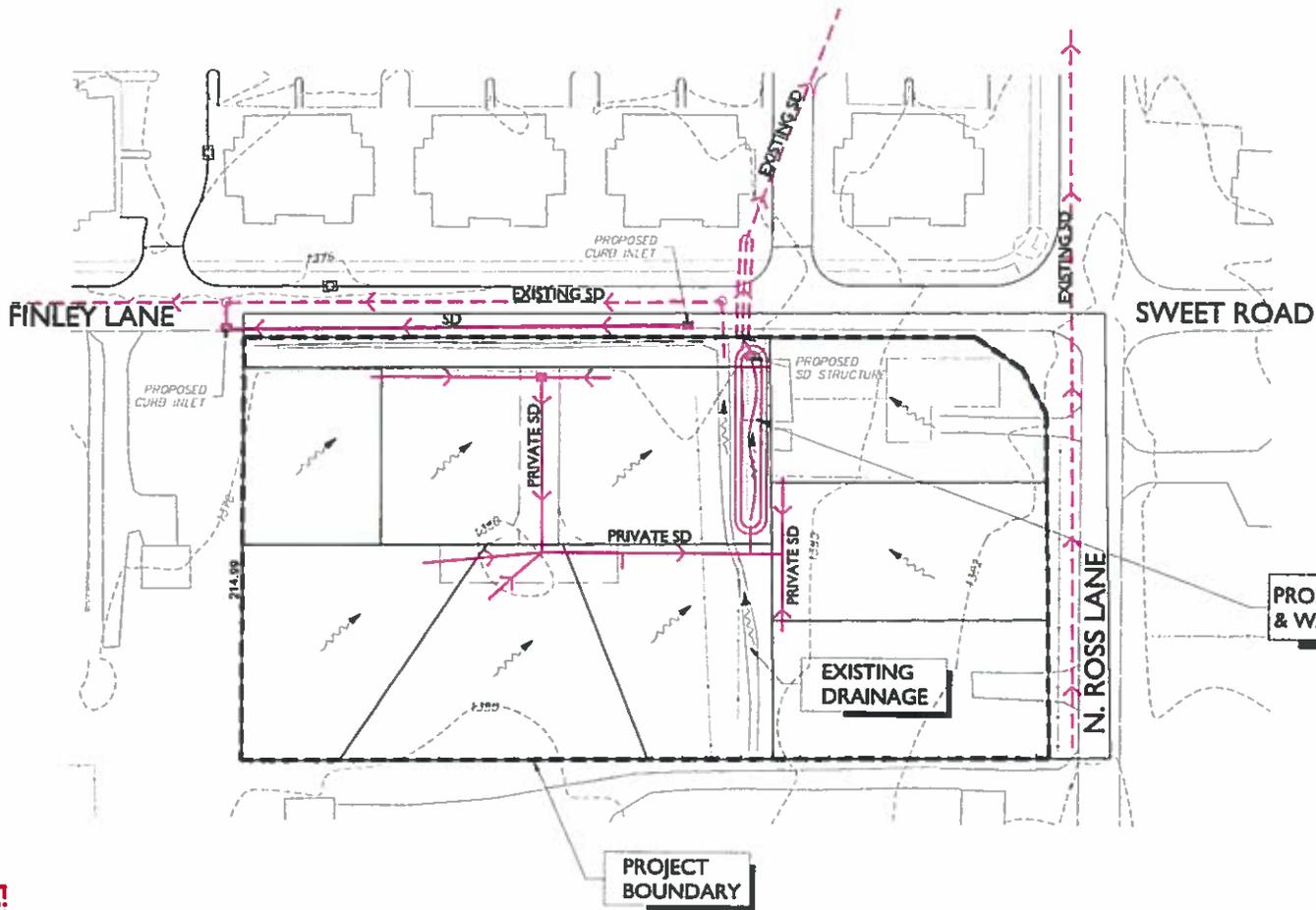
**DISCRETIONARY CONDITIONS**

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

**CODE CONDITIONS**

2. Prior to Final Plat approval of each phase, the applicant shall:
  - a. Comply with the Public Works Department Report received August 5, 2015 (Exhibit H);
  - b. Comply with the Fire Department Report received August 5, 2015 (Exhibit i);
  - c. Comply with the Address Technician Memo received August 5, 2015 (Exhibit K);
  - d. Comply with the Medford Water Commission Memo received August 10, 2015 (Exhibit L);
  - e. Comply with the Rogue Valley Sewer Services Memo received July 23, 2015;
  - f. Comply with the Department of State Lands Wetland Land Use Notification Response Form received July 30, 2015.





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



PROJECT BOUNDARY

PROPOSED STORM DETENTION & WATER QUALITY POND

EXISTING DRAINAGE

CITY OF MEDFORD  
 EXHIBIT #C  
 File # LD-15-073/E-15-099



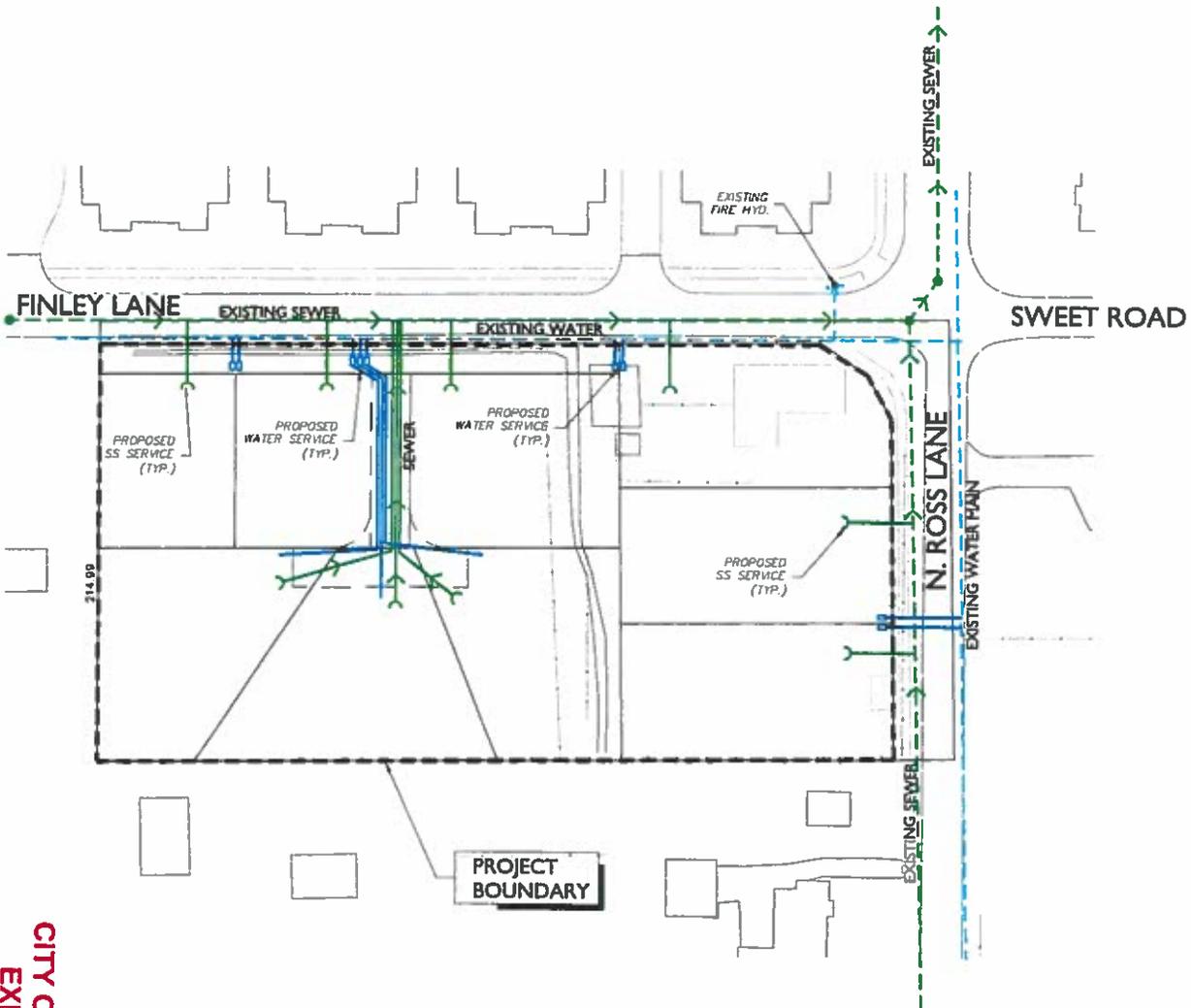
P.O. BOX 1724 • MEDFORD, OREGON 97501  
 PH. (541) 779-6288 • FAX (541) 779-2129

DRAWN BY:	ASH	DATE:	06/75
CHECKED BY:	AMEL MAR	DATE:	04/75
		DATE:	
		DATE:	
		DATE:	

NO.	REVISION	DATE	BY



EXHIBIT C.1  
 CITY OF MEDFORD  
 SPRING GREEK  
 CONCEPTUAL GRADING AND  
 STORMWATER DRAINAGE FACILITY PLAN  
 PLANNING DEPT.  
 2015  
 REVISED



**NOTE:**  
FIRE HYDRANT PLACEMENT SHALL BE COORDINATED WITH CITY OF MEDFORD FIRE DEPARTMENT REQUIREMENTS.

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



**EXHIBIT C.2**

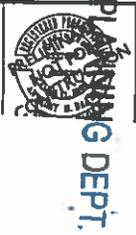
CITY OF MEDFORD  
 EXHIBIT #D  
 File #LDS-15-073/E-15-099



P.O. BOX 1784 • MEDFORD, OREGON 97501  
TEL. (541) 770-5280 • FAX (541) 770-3130

DESIGNED BY:	BSH	DATE:	04/13
CHECKED BY:	AND, W/M	DATE:	04/13
		DATE:	
		DATE:	
		DATE:	

NO.	REVISION	DATE	BY



MAY 14 2015

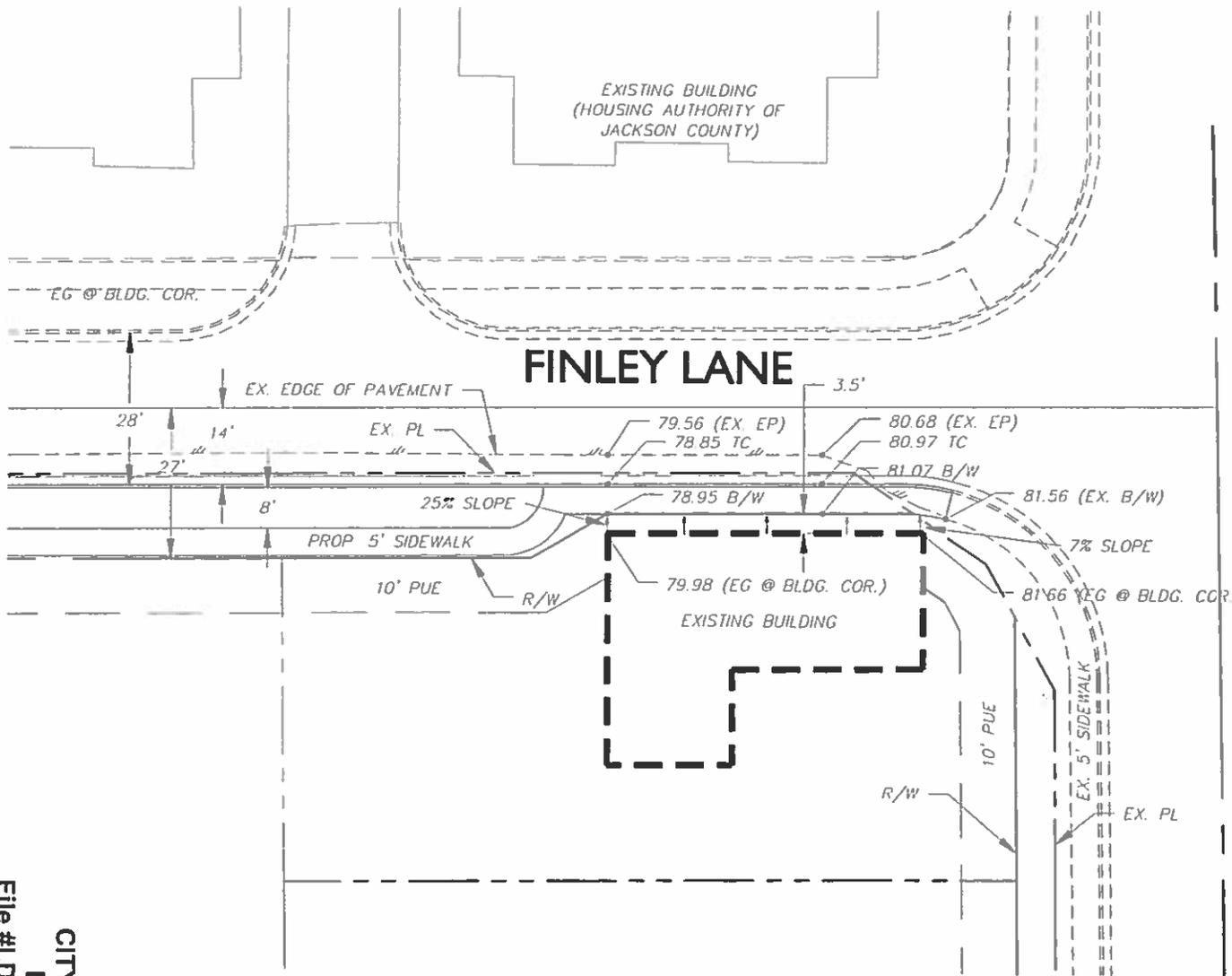
**RECEIVED**

**CITY OF MEDFORD**  
**SPRING CREEK**  
 CONCEPTUAL SEWER AND WATER PLAN  
 PROJECT NO. \_\_\_\_\_  
 DRAWING NO. \_\_\_\_\_  
 2 of 3  
 01 0418 04/23/15

CITY OF MEDFORD  
EXHIBIT # E



P.O. BOX 1724 • MEDFORD, OREGON 97501  
PH. (541) 779-5266 • FAX (541) 779-3139



ROSS LANE

**RECEIVED**  
AUG 18 2015  
PLANNING DEPT.

CONSTRUCTION ENGINEERING CONSULTANTS, INC.		SHEET
SPRING CREEK SUBDIVISION		—
SIDEWALK GRADING EXHIBIT		OF
		—

**RECEIVED**  
AUG 18 2015  
PLANNING DEPT.

# Findings of Fact

---

for  
SPRING CREEK a subdivision of  
Taxlot 1200, Assessor's map no. 37 2W 26AB

A LAND DIVISION APPLICATION IN THE  
CITY OF MEDFORD, OREGON

ADDRESSING THE CRITERIA OF MLDC §10.270

May 14, 2015

8-18-15

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 with the exception requested by separate findings.*

(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, the intention of this subdivision is to re-configure the existing land and improvements to be consistent with the abutting properties that are already developed.*

(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;

- *Name approval has been applied for to the County Surveyor's office.*

(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;

- *N/A; no change to existing street pattern are planned.*

(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 public streets or alleys being created in this application. The minimum access streets will be owned and maintained by the property owners.*

(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;

- *N/A; No streets are being created in this application.*

(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; all adjoiningers are zoned for residential.*

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

Respectfully submitted,



Herbert A Farber

Farber & Sons Inc  
Dba., Farber Surveying  
431 Oak Street  
Central Point Oregon 97502

Phone: 541 664-5599

Email: herb@farbersurveying.com

August 18, 2015

# Findings of Fact

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for

Tax lot 1200, Assessor's Map No. 37 2W 26AB  
AN EXCEPTION APPLICATION IN THE  
CITY OF MEDFORD, OREGON

ADDRESSING THE CRITERIA OF MLDC §10.253

- ***Text bulleted and italicized represents the findings per § 10.251 & 10.253***

## 10.251 Application, Exception

The purpose of Sections 10.251 to 10.253 is to empower the approving authority to vary or adapt the strict application of the public improvement and site development standards as contained in Article III, Sections 10.349 through 10.361, and 10.370 through 10.385, as well as Articles IV and V of this chapter. Exceptions may be appropriate for reasons of exceptional narrowness or shape of a parcel; for reasons of exceptional topographic conditions, extraordinary and exceptional building restrictions on a piece of property; or if strict applications of the public improvement or site development standards in the above-referenced Articles would result in peculiar, exceptional, and undue hardship on the owner.

- ***This exception application is for a variation on Chapter 10.430 and 4.30(B) for the full street right of way and street section requirements. Meeting these standards due to the location of the existing dwelling as shown on the accompanying plot plan is not practical.***

## 10.253 Criteria for an Exception

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority 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 approving authority shall have the authority to impose conditions to assure that this criterion is met. (Effective Dec. 1, 2013).

- ***The intent of Chapter 10.430 and 4.30(B) is to provide vehicle and pedestrian right of way for ingress and egress along the Finley Lane right of way. This will be accomplished with a 14 foot half street centerline to curb line consistent with the existing street cross section and a 5 foot sidewalk as shown. The deviation will be excepting out the 8 foot planter in the area of conflict. There will also be a limited area for a PUE due to the location of the dwelling.***

(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.

- ***The approval of this exception will not allow any use that is not already allowed.***

(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.

- ***This dwelling existed on the property at the time it was purchased by the applicants, Tony and Tori Nieto. At the time the home was constructed in the 1940's it complied with the standards in effect then. The property has been subsequently annexed into the City of Medford and road improvements and right of way acquisitions have reduced the setbacks to the dwelling. While this is an older home it still has value and the applicants plan on keeping it as is.***

(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.

- ***Granting of this exception will not result in any illegal outcome. The resulting lot will be in compliance with all applicable standards. The granting of this exception will not result in a gain by the applicants; the number of proposed lots remains the same.***

Respectfully submitted,



Herbert A Farber

Farber & Sons Inc  
Dba., Farber Surveying  
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August 18, 2015



Continuous Improvement Customer Service

## CITY OF MEDFORD

Revised Date: 9/2/2015

File Numbers: LDS-15-073/E-15-099

### PUBLIC WORKS DEPARTMENT STAFF REPORT SPRING CREEK SUBDIVISION

**Project:** Request for a tentative plat approval for Spring Creek Subdivision, a 9-lot residential subdivision and an Exception to the required right-of-way dedication.

**Location:** Southwest corner of North Ross Lane and Finley Lane on a 1.99 acre property.

**Applicant:** Tony & Tory Nieto, Applicants (Farber Surveying, Agent). Sarah Sousa, Planner.

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

#### A. STREETS

##### 1. Dedications

**North Ross Lane** is classified as a major collector street within the Medford Land Development Code (MLDC), Section 10.428. The developer shall dedicate for public right-of-way, sufficient width of land along the North Ross Lane frontage of this proposed subdivision to comply with the half width of right-of-way for a major collector street, which is 37-feet. Based on County records, it appears there is 30 feet of right-of-way existing west of centerline. **The amount of additional right-of-way needed appears to be 7 feet. (MLDC 10.451).**

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

**Finley Lane** is proposed as a Minor Residential Street with right-of-way width of 55-feet, consistent with the standard prescribed by MLDC 10.430. The developer shall dedicate a sufficient width of land for a public right-of-way along the Finley Lane frontage of this proposed

subdivision to comply with the half width of right-of-way for a minor residential street, which is 27.5 feet. Based on County records, it appears there is 12 feet of right-of-way existing south of centerline. **The amount of additional right-of-way needed appears to be 15.5-feet. (MLDC 10.451).**

**An exception request has been submitted for the Planning Commissions consideration for a reduction of the required right-of-way dedication from approximately 15.5-feet to approximately 8-feet, which will provide a total right-of-way width of approximately 47-feet. This will provide adequate right-of-way for all the components of a Minor Residential Street with the exception of a planter strip on the south side. If the exception request is denied the Developer shall dedicate 55-feet of right-of-way per MLDC 10.430.**

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

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

**Public Utility Easements, 10-feet in width, shall be dedicated along the street frontage of all the Lots within this development. (MLDC 10.471) The PUE adjacent to lot 9 will be greatly impacted if the exception is approved. The Developer shall provide written concurrence from all the utilities benefitting from the PUE that a reduction is acceptable.**

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**

**North Ross Lane** along the frontage of this proposed development is already improved in close conformance to Major Collector Street Standards with a 44-foot wide curb-to-curb striped paved section, complete with curbs, gutters, street lights, and 5-foot sidewalks. Street lights were not included with the previous street improvements constructed by Jackson County.

**Finley Lane**, located along the north side of this development, shall be improved to minor residential street standards in accordance with MLDC Section 10.430. The developer shall improve the remaining southerly portion of Finley Lane, including AC paving, curb and gutter, 8-foot wide planter strip and 5-foot wide sidewalk. The developer shall cut one foot into the existing pavement, and construct the remaining portion of Finley along the frontage of this project.

**b. Minimum Access Drive**

The minimum access drives shall be improved to a minimum width of 18 feet with AC pavement. The minimum TI for the structural section shall be 3.5, the minimum AC section shall be 3" thick, and the base aggregate shall extend one foot beyond the edge of pavement. The minimum access drive shall be designed by a civil engineer licensed in the State of Oregon and plans submitted to the Public Works-Engineering Division for approval. A drainage system shall be incorporated into the paved access design to capture stormwater and direct it to the storm drain system.

**c. Street Lights and Signing**

All street lights for public streets shall be installed to City of Medford specifications. The following street lighting installations will be required:

Street Lighting - Developer Provided & Installed  
2 – 250 watt HPS street lights with BMC

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

The existing overhead power lines along the frontage of this site on North Ross Lane may prevent the installation of the street light on the west side of North Ross Lane without relocating power poles. The Developer shall pay for PP&L to install new distribution poles to raise the overhead power lines to accommodate a 10 foot clearance from 2 – 250 watt HPS (35' mounting height) or as an option the Developer may Install 2 – 250 watt HPS on the east side, accessing power from the existing BMC north of Sweet Rd (road crossing already installed). Developer to ensure that there is sufficient right-of-way to for conduit and foundations. Also, the Developer's engineer shall verify that the existing circuits can handle the load of the new lights or modify the existing BMC to add additional circuits.

**d. Pavement Moratoriums**

There is a pavement cutting moratorium currently in effect along this frontage of North Ross Lane until 10/28/2016.

**e. Soil Testing**

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

**f. Access to Public Street System**

In accordance with MMC 10.430A(1), lots 4, 5 and 6 as well as Lots 1, 2 and 3 shall take access via 20-foot wide minimum access easements. The tentative plat shows two minimum access

easements providing access from Finley Lane. The Developer shall record shared access maintenance agreements for the mutual benefit and responsibility of all the respective parcels, including the maintenance of stormwater run-off from the asphalt.

**A note shall be placed on the final plat stating that direct vehicular access to any lot from North Ross Lane is prohibited.**

**g. Easements**

An easement shall be shown on the final plat for the drainage channel that crosses this site. The easement shall be centered on the channel and shall be 25-feet in width. This easement shall be for the purpose of access and maintenance for the City of Medford. The Developer shall install riparian plantings on the upper bank of the channel.

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, 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.

**Finley Lane:** In determining rough proportionality, the City averaged the lineal footage of roadway per dwelling unit for road improvements and averaged square foot of right-of-way per dwelling unit for dedications. The proposed development has 9 dwelling units and will improve approximately 385 lineal feet of roadway which equates to 43 lineal feet per dwelling unit. Also the development will dedicate approximately 6242 square feet of right-of-way which equates to approximately 694 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 9 Lots within the City of Medford and increase vehicular traffic by approximately 86 average daily trips. The proposed street improvements will provide a safe environment of all modes of travel (vehicular, bicycles, & pedestrians) to and from this development.
- b. Dedication will ensure adequate street circulation is maintained. The street layout and connectivity proposed in this development will provide alternate route choices for the residents that will live in this neighborhood. This will decrease emergency vehicle response times and will decrease overall vehicle miles traveled.
- c. Dedication will provide access and transportation connections at urban level of service standards for this development. Each Lot in this development will have direct access to a public street with facilities that will allow for safe travel for vehicles, bicycles and pedestrians. There is also sufficient space for on-street parking. The connections

proposed in this development will enhance the connectivity for all modes of transportation and reduce trip lengths. As trip lengths are reduced, it increases the potential for other modes of travel including walking and cycling.

- d. Dedication of PUE will benefit development by providing public utility services, which are out of the roadway and more readily available to each Lot being served.

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

## **B. SANITARY SEWERS**

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

## **C. STORM DRAINAGE**

### **1. Hydrology**

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

For the main drainage channel running through the development, a drainage and hydrology study must be prepared by a licensed civil engineer. The study must establish the 10, 25, and 100-year flood plain boundaries and the 100-year base flood elevations. No fill shall be allowed within the floodplain without a Flood Plain Permit from the Building Department. The drainage channel must be shown to, or improved to, convey the 10 year storm with 1-foot of freeboard.

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

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

Upon completion of the project, the developer's design engineer shall provide written certification to the Engineering Division that the construction of the controlled storm water

release drainage system was constructed per plan. This letter shall be received by the City of Medford Public Works Engineering Department prior to certificate of occupancy of the new building.

### **3. Grading**

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

### **4. Mains and Laterals**

The Developer shall show all existing and proposed Storm Drain mains, channels, culverts, outfalls and easements on the Conceptual Grading and Drainage Plan and the final Construction Plans.

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

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

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

### **5. Wetlands**

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

### **6. Erosion Control**

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

## **D. SURVEY MONUMENTATION**

All survey monumentation shall be in place, field-checked, and approved by the City Surveyor

prior to the final "walk-through" inspection of the public improvements by City staff.

## **E. GENERAL CONDITIONS**

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

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

### **2. Construction Plans**

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

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

### **3. Phasing**

The Tentative Plat shows 2 phases.

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

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

### **5. Permits**

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

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

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

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

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

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

#### **7. Pavement Moratoriums**

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

#### **8. Construction and Inspection**

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

For City of Medford facilities, the 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 SPRING CREEK SUBDIVISION**

LDS-15-073/E-15-099

### **A. Streets**

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

- Dedicate approximately 7-feet of additional right-of-way on North Ross Lane.
- Dedicate approximately 15.5-feet of additional right-of-way on Finley Lane unless otherwise approved through an exception.
- Dedicate Minimum Access Drive easements.
- Dedicate 10 foot public utility easements (PUE) unless otherwise approved through an exception.

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

- a. Public Streets
  - Construct southerly portion of Finley Lane to Minor Residential standards.
  - Construct Minimum Access Drives to standards.
- b. Lighting and Signing
  - Developer supplies and installs all street lights at own expense.
  - City installs traffic signs and devices at Developer's expense.
- c. Provide soil testing.
- d. No direct access to North Ross Lane.
- e. Provide easement for drainage channel and riparian plantings.

### **B. Sanitary Sewer:**

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

### **C. Storm Drainage:**

- Provide an investigative drainage report.
- Provide a 100 year flood study.
- The site requires water quality and detention facilities.
- A comprehensive grading plan is required for the project and made part of the public improvement plans.
- A storm drain lateral shall be constructed to each tax lot. In the event lots drain to the back, a private system will be required.
- The developer shall contact Division of State Lands for approval and/or clearance of the development with regards to wetlands.

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

**D. Survey Monumentation**

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

**E. General Conditions**

Provide public improvement plans and drafts of the final plat.

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

Provide pavement moratorium letters.

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



# Medford Fire Department

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

**RECEIVED**

AUG 05 2015

PLANNING DEPT.

## LAND DEVELOPMENT REPORT - PLANNING

To: Sarah Sousa

LD Meeting Date: 08/05/2015

From: Greg Kleinberg

Report Prepared: 07/30/2015

Applicant: Tony & Tory Nieto, Applicants (Farber Surveying, Agent)

File #: LDS - 15 - 73

Associated File #'s: E - 15 - 99

Site Name/Description: Spring Creek Subdivision

Request for a tentative plat approval for Spring Creek Subdivision, a 9-lot residential subdivision located on the southwest corner of North Ross Lane and Finley Lane and an Exception to the required right-of-way dedication for a 1.99 acre property zoned SFR-6 (Single Family Residential - 6 dwelling units per gross acre); Tony & Tory Nieto, Applicants (Farber Surveying, Agent). Sarah Sousa, Planner.

### DESCRIPTION OF CORRECTIONS

### REFERENCE

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

OFC

503.3

Parking shall be posted as prohibited along the minimum access driveway.

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 MINIMUM ACCESS ADDRESS SIGN**

OFC

505

The developer must provide a minimum access address sign for lots #4-6. See attached minimum access street address sign installation sheet for the proper installation information. A pre-approved address sign can also be utilized.

**Requirement MEDFORD CODE STREET DESIGN OPTIONS**

MEDFORD

10.430

Section 10.430 of the Medford Code states the following:

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

(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'



# 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: Sarah Sousa

LD Meeting Date: 08/05/2015

From: Greg Kleinberg

Report Prepared: 07/30/2015

Applicant: Tony & Tory Nieto, Applicants (Farber Surveying, Agent)

File #: LDS - 15 - 73

Associated File #'s: E - 15 - 99

Site Name/Description: Spring Creek Subdivision

(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.

**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.**



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AUG 05 2015  
PLANNING DEPT.

# Memo

**To:** Sarah Sousa, Planning Department  
**From:** Mary Montague, Building Department  
**CC:** Tony & Tory Nieto, Applicant  
**Date:** August 4, 2015  
**Re:** File No. LDS-15-073/E-15-099

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## 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](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" for information.
3. A Demolition Permit is required for any buildings being removed.
4. A Site Excavation Permit is required for development of subdivision.
5. A minimum access sign is required as per fire department and addressing.
6. This property is located in the 100 year flood plain. The north end of the property appears to have a LOMR on file. Provide a copy showing this area has been revised. Any structures on the south end of the property would require a Flood Elevation Certificate prior to construction, during construction and at final construction phases. If this property is not included in the LOMR then all lots would require a Flood Elevation Certificate.
7. A Floodplain permit is required for all properties located in the Floodplain.
8. The areas located in the wetlands is per planning and engineering departments.

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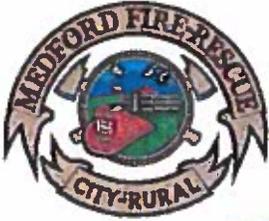
## **STAFF MEMO**

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**To:** Sarah Sousa  
**From:** Jennifer Ingram, Address Technician  
**Date:** 8/26/2015  
**Subject:** LDS-15-073

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1. Lots 4, 5, and 6 will require a minimum access drive address sign to be placed at the entrance of the minimum access drive.



# Minimum Access Address Signs

## SIGN:

Two sign faces (each minimum 0.080" thick aluminum) of engineering grade reflectivity, sandwiching the post facing perpendicular to the direction of traffic. The sign face shall have a white rounded border 1/2" wide centered 3/4" from the sign edge.

## NUMBERS:

Numbers shall be white on green; numbers shall be four inches (4") as specified by the Federal Highway Administration (HTO-20). The message shall be centered on a 12" x 24" sign blank and shall be oriented with the long axis vertical. There shall be a maximum of four (4) digits horizontally. Multiple addresses shall be placed vertically on the sign.

## BOLTS:

Mounting holes shall be 3/8" diameter located along the vertical axis, and centered 1 1/2" from the top and bottom edge. Bolts shall be 3/8" diameter with sufficient length to properly secure signs to the posts. Properly sized steel rivets may be substituted for bolts.

## LOCATION of SIGN:

- Install sign at the junction of the provider street and the minimum access street/driveway.
- Locate sign at the back of sidewalk (as much as is practical) and outside the right of way if sidewalk does not exist.
- Sign shall be installed to the City of Medford Operations Division standards, and utility companies shall be notified 48 hours before digging by calling Rogue Basin Utilities at: 1-800-332-2344.

## POST:

Galvanized steel square post, pre-punched, 2" square by 10'0" long.

## SLEEVE:

Square 2 1/8" by 30" long galvanized steel square, pre-punched with 3/8" holes on 1" centers, anchor inserted into a 2 1/4" by 18" long square, pre-punched, galvanized steel sleeve forming a two piece anchor. The sleeve and the breakaway anchor are driven into the ground so that only 1- 2" of the top is sticking out of the ground. The sleeve and breakaway anchor are then driven into the ground with a sledgehammer. A 3/8" bolt is used to secure post to sleeve.

min. 7' 0"

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PLANNING DEPT.



BOARD OF WATER COMMISSIONERS  
**Staff Memo**

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

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

**SUBJECT:** LDS-15-073 & E-15-099

**PARCEL ID:** 372W26AB TL 1200

**PROJECT:** Request for a tentative plat approval for Spring Creek Subdivision, a 9-lot residential subdivision located on the southwest corner of North Ross Lane and Finley Lane and an Exception to the required right-of-way dedication for a 1.99 acre property zoned SFR-6 (Single Family Residential – 6 dwelling units per gross acre); Tony & Tory Nieto, Applicants (Farber Surveying, Agent). Sarah Sousa, 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 existing water meter located along N Ross Lane near the northeast corner of proposed Lot 9 within proposed Phase II, is required to be abandoned.
4. Proposed Phase I requires the installation of six (6) water meters along Finley Lane. These water meters shall serve proposed Lots 1-6. Coordinate with MWC engineering staff for location of proposed water meters.
5. Proposed Phase II requires the installation of one (1) water meter along Finley Lane for proposed Lot 9; and the installation of two (2) water meters along N Ross Lane for proposed Lots 7-8. Coordinate with MWC engineering staff for location of proposed water meters.

**COMMENTS**

1. Off-site water line installation is not required.
2. On-site water facility construction is not required.

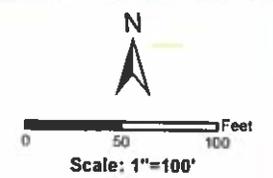
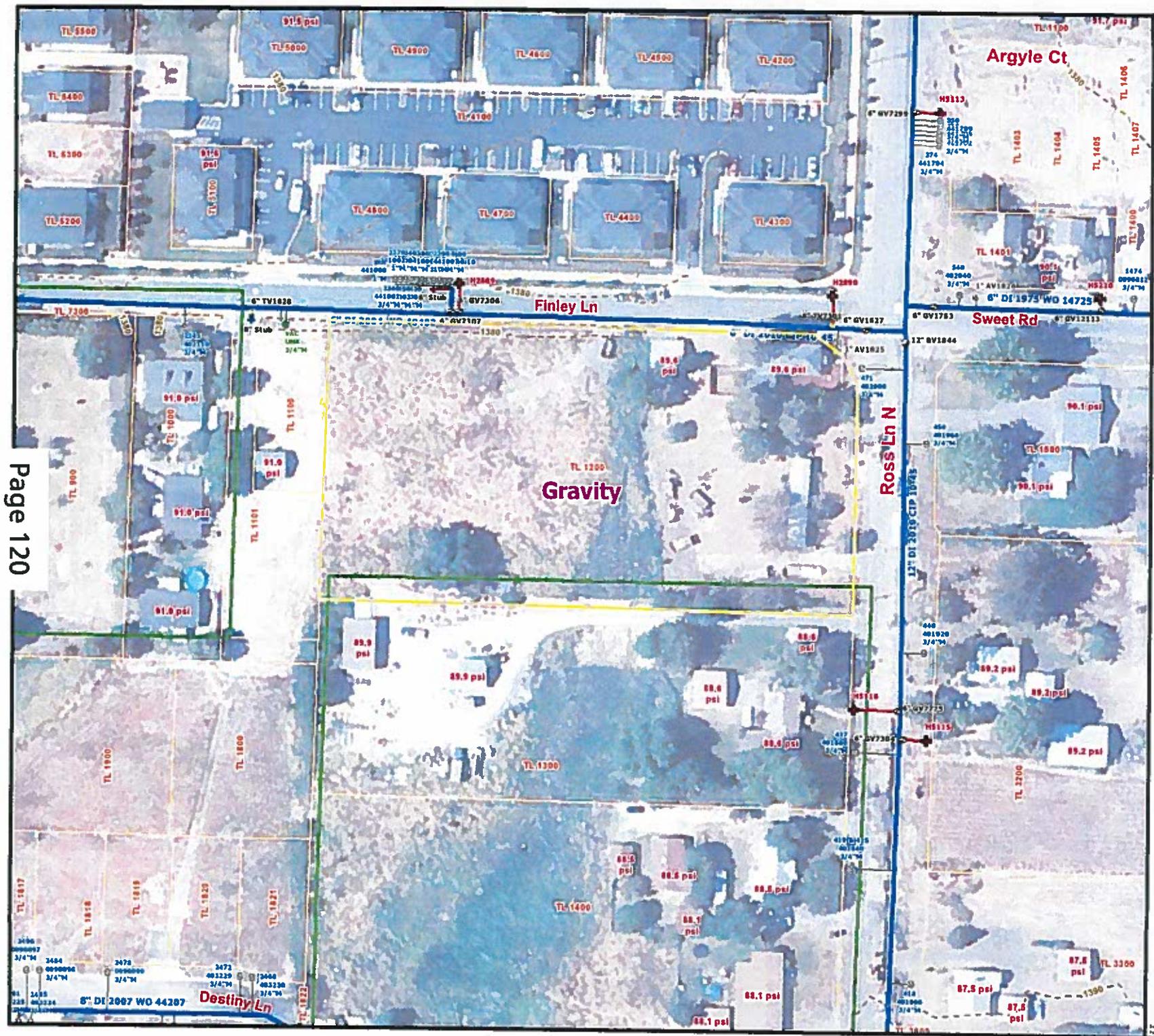
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BOARD OF WATER COMMISSIONERS  
**Staff Memo**

*Continued from previous page*

3. MWC-metered water service does exist to this property. There is one (1) ¾" water meter that serves the existing home at 471 N Ross Lane. (See Condition 3 above)
4. Access to MWC water lines is available. There is a 6-inch water line in Finley Lane, and a 12-inch water line in N Ross Lane.



**Water Facility Map for Spring Creek Subdivision LDS-15-073 & E-15-099**

**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:**
- Control Station
- Pump Station
- Reservoir



This map is based on a 2008 Aerial Photography Update from Earthstar Inc. A variety of other Medford Water Commission records have been incorporated into this information as provided. Medford Water Commission assumes no responsibility for errors or omissions in this information. Medford Water Commission reserves the right to update this information as needed.

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## 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 23, 2015

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

Re: LDS-15-073/E-15-099, Spring Creek Subdivision, Ref PA 10-054, REF ZC-08-126,  
(372W26AB - 1200)

ATTN: Sarah,

There is an 8 inch sewer main on Finley Lane and a 30 inch sewer main on Ross Lane. The existing house is currently connected to the 8 inch sewer main on Finley Lane.

Sewer service to lots 1, 2, and 3 will require service taps into the 8 inch sewer main on Finley Lane. Permits for the taps will be issued by RVSS upon payment of related development fees.

Sewer service to lots 4, 5, and 6 will require a main line extension along the proposed minimum access road. This main line extension must be designed and constructed in accordance with RVSS standards.

Sewer service to lots 7 and 8 will require service taps into the 30 inch sewer main on Ross Lane. Permits for the taps will be issued by RVSS upon payment of related development fees.

The existing house on Lot 9 is currently served. The proposed development will not affect this service.

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

1. Applicant must obtain permits from Rogue Valley Sewer Services to tap existing main lines and extend services to Lots 1, 2, 3, 7, and 8.
2. Applicant must install a new sewer main in accordance with RVSS standards to serve lots 4, 5, and 6.

Sincerely,

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

Carl Tappert P.E.  
Manager

K:\DATA\AGENCIES\MEDFORD\PLANNING\LAND SUB\2015\LDS-15-073\_SPRING CREEK.DOC

CITY OF MEDFORD  
EXHIBIT #M



# JACKSON COUNTY

Roads

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Roads  
Engineering  
PLANNING DEPT.

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

RE: Subdivision off Ross Lane North and Finley Lane – city maintained roads.  
Planning File: LDS-15-073 & E-15-099

Dear Sarah:

Thank you for the opportunity to comment on the consideration of a 9-lot residential subdivision located on 1.99 acres within a SRF-6 (Single Family Residential – 6 dwelling units per gross acre) Zone District and an Exception to the required right-of-way dedication. This subdivision is located on the southwest corner of Ross Lane North and Finley Lane, both city maintained roads. Jackson County has no comments.

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

Sincerely,

Kevin Christiansen  
Construction Manager

CITY OF MEDFORD  
EXHIBIT #N  
File #LDS-15-073/E-15-099

**Sarah K. Sousa**

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**From:** MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>  
**Sent:** Tuesday, August 18, 2015 11:13 AM  
**To:** Sarah K. Sousa  
**Subject:** LDS-15-073/ E-15-099

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Sarah,

Thank you for sending agency notice of a consideration of a request for a tentative plat approval for Spring Creek Subdivision, a 9-lot residential subdivision located on the southwest corner of North Ross Lane and Finley Lane and an Exception to the required right-of-way dedication for a 1.99 acre property zoned SFR-6 (Single Family Residential – 6 dwelling units per gross acre). We reviewed this and determined that it would not significantly affect state transportation facilities under the State Transportation Planning Rule (OAR 660-012-0060) or State Access Management Rule (OAR 734-051-000). We have no further comments at this time.

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

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WETLAND LAND USE NOTIFICATION RESPONSE  
OREGON DEPARTMENT OF STATE LANDS  
775 Summer Street NE, Suite 100, Salem, OR 97301-1279  
Phone (503) 986-5200  
[www.oregonstatelands.us](http://www.oregonstatelands.us)



DSL File Number: WN2015-0226

Cities and counties have a responsibility to notify the Department of State Lands (DSL) of certain activities proposed within wetlands mapped on the Statewide Wetlands Inventory. Sarah Sousa from city of Medford submitted a WLUN pertaining to local case file #: LDS-15-073/E-15-099.

**Activity location:**

township: 37S	range: 02W	section: 26	quarter-quarter section:
tax lot(s): 1200			
street address: 471 N Ross Lane, Medford			
city: Medford		county: Jackson	
latitude: 42.329458		longitude: -122.90014	

**Mapped wetland/waterway features:**

- The local wetlands inventory shows a wetland on the property.
- The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.

**Oregon Removal-Fill requirement (s):**

- A state permit is required for 50 cubic yards or more of removal and/or fill in wetlands, below ordinary high water of streams, within other waters of the state, or below highest measured tide where applicable.

**Your activity:**

- It appears that the proposed project may impact wetland and may require a wetland delineation.
- An onsite inspection by a qualified wetland consultant is recommended prior to site development to determine if the proposed project may impact wetlands or waters. If wetlands are present, a wetland delineation is needed to determine precise wetland boundaries. The wetland delineation report should be submitted to DSL for review and approval.

**Contacts:**

- For permit information and requirements contact DSL Resource Coordinator (see website for current list) [http://www.oregonstatelands.us/DSL/contact\\_us\\_directory.shtml#Wetlands\\_Waterways](http://www.oregonstatelands.us/DSL/contact_us_directory.shtml#Wetlands_Waterways)
- For wetland delineation report requirements and information contact DSL Wetlands Specialist (see website for current list) [http://www.oregonstatelands.us/DSL/contact\\_us\\_directory.shtml#Wetlands\\_Waterways](http://www.oregonstatelands.us/DSL/contact_us_directory.shtml#Wetlands_Waterways)
- For removal-fill permit and/or wetland delineation report fees go to [http://www.oregon.gov/DSL/PERMITS/docs/rf\\_fees.pdf](http://www.oregon.gov/DSL/PERMITS/docs/rf_fees.pdf)
- A permit may be required by the U.S. Army Corps of Engineers (503-808-4373).

CITY OF MEDFORD  
EXHIBIT #P  
File #LDS-15-073/E-15-099

**Related wetland delineations/determinations:**

WD #	Status
WD2015-0186	Approved

This is a preliminary jurisdictional determination and is advisory only.

Comments: There is an approved delineation for this property--WD2015-0186, so no additional delineation is required at this time. The delineation is valid for 5 years.

Response by:  date: 07/28/2015

# Aerial Photograph



N Ross Lane

Finley Lane

Sweet Road

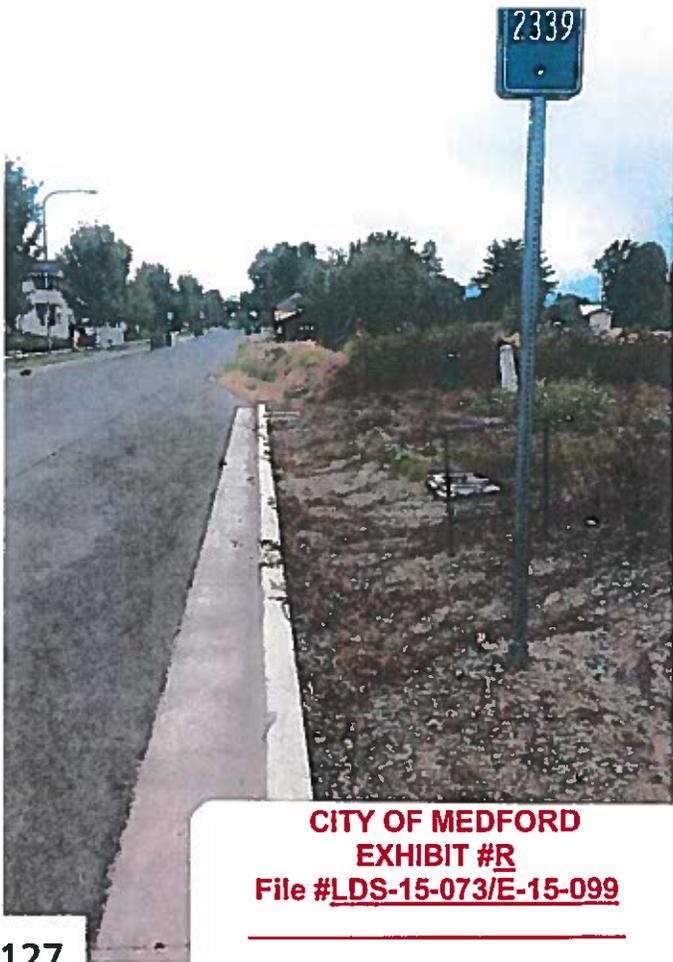
Subject Site

**CITY OF MEDFORD**  
**EXHIBIT #Q**  
**File #LDS-15-073/E-15-099**

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PLANNING



CITY OF MEDFORD  
EXHIBIT #R  
File #LDS-15-073/E-15-099

FOR ASSESSMENT AND TAXATION ONLY

N.W. 1/4, N.E. 1/4, SEC. 26, T. 37S., R. 2W., W.M.  
JACKSON COUNTY  
1" = 100'

37 2W 26AB  
MEDFORD



CANCELLED TAX  
LOT NUMBERS  
REKILLED INTO 1901

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CITY OF MEDFORD  
EXHIBIT #S  
File #LDS-15-073/E-15-099

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37 2W 26AB  
MEDFORD  
N.W. MAP FEBRUARY 16, 2010  
REV MARCH 02, 2010

# Vicinity Map

Application Name/Description:  
**Spring Creek Subdivision**

Proposal:  
**9 lot subdivision**

File Numbers:  
**LDS-15-073**

Applicant:  
**Tony and Tory Nieto**

Map/Taxlot:  
**372W26AB TL 1200**

	Subject Area
	Medford Zoning
	UGB
	Tax Lots
	City Limits
	PUD

Area of Map



05/18/2015

