Planning Commission Agenda

December 10, 2015

<u>Commission Members</u>

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

<u>City of Medford</u>

City Council Chambers

411 W. Eighth Street, Third Floor

Medford, OR 97501

541-774-2380

Agenda

Public Hearing
December 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-15-117** Final Order for a zone change from SFR-10 (Single Family Residential – 10 dwelling units per gross acre) to C-S/P (Service Commercial and Professional Office) on three lots on East Jackson Street between Mae Street and Marie Street with addresses of 300 Mae Street, 1027 E. Jackson Street, and 1029 E. Jackson Street. Ryan Cantor, Mike Malepsy and James Kell, Applicants (Ryan Kantor, Agent).

20.2 **ZC-15-127** Final Order for a zone change from SFR-6 (Single Family Residential – 6 dwelling units per gross acre) to MFR-20 (Multi-Family Residential – 20 dwelling units per gross acre) on two parcels on the west side of Orchard Home Drive approximately 400 feet north of Westwood Drive (372W35DA Tax Lots 1300 & 1400). Housing Authority of Jackson County, Applicant (Scott Sinner Consulting, Inc., Agent).

20.3 **ZC-15-119** Consideration of a request for a change of zone from SFR-6 (Single Family Residential, six dwelling units per gross acre) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) on approximately 1.12 acres generally located at the northeast corner of the intersection of Howard Avenue and Berrydale Avenue. Michael & Carolyn Mabry, Applicant (Richard Stevens & Associates, Agent).

30. Minutes

30.1 Consideration for approval of minutes from the October 22, 2015, hearing.

40. Oral and Written Requests and Communications

50. Public Hearings – <u>Continuance Request</u>

50.1 **LDS-15-118** Consideration of a tentative plat application for a mixed-use development to be known as West Meadows Village, consisting of a total of 15 lots on 9.14 acres within a SFR-10 (Single-Family Residential – 10 dwelling units per gross acre) and MFR-20 (Multiple-Family Residential – 20 dwelling units per gross acre) with PUD (Planned Unit Development) Zoning Overlay. Subject tentative plat consists of 5 Single-family lots, 5 duplex lots, 2 commercial lots and 3 multi-family lots. The site is generally located on the east side of Lozier Lane on the north and south sides of Meadows Lane. David & Elahe Young Family Trust, Applicant (Richard Stevens & Associates, Agent).

New Business

50.2	**CP-11-007 / GLUP-11-008**	Consideration of Class "B" minor quasi-judicial amendments to the General Land Use Plan Element, the Public Facilities Element and the General Land Use Plan Map of the Comprehensive Plan to remove the Limited Service Area Overlay from 50 parcels totaling approx. 36 acres in the Lone Pine/Foothill area. City of Medford, Applicant.
50.3	**SV-15-114**	Request for the vacation of 10,379 square feet of public street right-of-way at the southwest corner of the intersection of South Holly Street and Garfield Street. City of Medford Public Works Department, Applicant.
50.4	**ZC-15-126**	Consideration of a request for a zone change from SFR-4 (Single Family Residential, four dwelling units per acre) to C-C (Community Commercial) on a 2.5 acre parcel located at the northeast corner of East McAndrews Road and Springbrook Road. Thomas Fox Properties, LLC, Applicant (Ian Foster, Agent).
50.5	**ZC-15-143**	Consideration of a request for a change of zone from SFR-10 (Single Family Residential, ten dwelling units per gross acre) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) on approximately 6.36 acres located on the west side of North Ross Lane approximately 400' south of West McAndrews Road. Housing Authority of Jackson County, Applicant (Scott Sinner Consulting, Inc., Agent).
50.6	**LDP-15-136**	Partition to create three parcels from an 89.1 acre lot located at the southern terminus of Industry Drive (300 feet south of the intersection of Industry Drive and Enterprise Drive), within the I-G (General Industrial) zoning district. Airport One LLC, Applicant (Farber Surveying, Agent).
50.7	**LDP-15-138 / E-15-137**	Consideration of tentative plat for a 2-lot partition of a 0.70 acre property, and associated exception request of elimination of sidewalk, curb, gutter and street paving improvements for the portion of Keene Way Drive fronting the site and elimination of curbs, gutters, and sidewalks on Woodlawn Drive. The subject site is located between Keene Way Drive and Woodlawn Drive, approximately 170 feet east of Lynnwood Avenue, within an SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district. Joseph Hoppe et al, Applicant (Stephen Terry, Land Use Planning Inc., Agent).
50.8	**LDS-14-072**	Consideration of a request for revision to a Tentative Plat condition of approval for Annapolis Drive Estates (LDS-14-072), pertaining to pavement improvement width required for Normil Terrace. The subject site is located at the western terminus of Annapolis Drive, and the northeast side of Normil Terrace, approximately 700 feet east of Foothill Road, within an SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district. Buntin Construction LLC; Applicant (Maize & Associates, Inc., 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

110. Photographs for January Luncheon

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

IN THE MATTER OF PLANNING COMMISSION FILE ZC-15-117 APPICATION)
FOR A ZONE CHANGE SUBMITTED BY KANTOR/MALEPSY/KELL) **ORDER**

ORDER granting approval of a request for changing the zoning from SFR-10 (Single Family Residential – 10 dwelling units per gross acre) to C-S/P (Service Commercial and Professional Office) on three lots on East Jackson Street between Mae Street and Marie Street with addresses of 300 Mae Street, 1027 E. Jackson Street, and 1029 E. Jackson Street.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below from SFR-10 (Single Family Residential – 10 dwelling units per gross acre) to C-S/P (Service Commercial and Professional Office) on three lots on East Jackson Street between Mae Street and Marie Street with addresses of 300 Mae Street, 1027 E. Jackson Street, and 1029 E. Jackson 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 Staff Report dated November 5, 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 areas within the City of Medford, Oregon:

37 1W 19DD Tax Lot 8400
37 1W 19DD Tax Lot 8500
37 1W 19DD Tax Lot 8600

is hereby changed from SFR-10 (Single Family Residential – 10 dwelling units per gross acre) to C-S/P (Service Commercial and Professional Office) on three lots on East Jackson Street between Mae Street and Marie Street with addresses of 300 Mae Street, 1027 E. Jackson Street, and 1029 E. Jackson Street.

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

CITY OF MEDFORD PLANNING COMMISSION

_____
Planning Commission Chair

ATTEST:

_____
Planning Department Representative

Exhibit "B"

Jackson Cc ficial Records 2014-031512
R-WD
Cnt=1 SHINGLJS 11/28/2014 09:16:36 AM
$10 00 $10 00 $8 00 $11 00 $20 00 Total:$59.00

01647253201400315120020029

I, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Christine Walker - County Clerk

RECEIVED
AUG 27 2015
PLANNING DEPT.

RECORDING REQUESTED BY:

Ticor Title Company of Oregon
1555 E. McAndrews, Suite 100
Medford, OR 97504

GRANTOR'S NAME:
Bill F. Smith, Jr. and Jennifer L. Smith

GRANTEE'S NAME:
Ryan J. Kantor

SEND TAX STATEMENTS TO:
Ryan J. Kantor
PO Box 460
Medford, OR 97501

AFTER RECORDING RETURN TO:
Ryan J. Kantor
PO Box 460
Medford, OR 97501

Escrow No: 470313030301-TTJA37

371W19DD 8600 / 10332269

1029 E. Jackson Street
Medford, OR 97504

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY SPECIAL WARRANTY DEED IN FULFILLMENT OF CONTRACT

Bill F. Smith, Jr. and Jennifer L. Smith, Grantor, conveys and specially warrants to

Ryan J. Kantor, Grantee, the following described real property, free of encumbrances created or suffered by the Grantor except as specifically set forth below, situated in the County of Jackson, State of Oregon:

> The East half of Lots 13 and 14 of Block 10, LAURELHURST ADDITION to the City of Medford, Jackson County, Oregon, according to the official plat thereof, now of record.

Subject to and excepting:
Covenants, Conditions, Restrictions, Reservations, set back lines, Power of Special Districts, and easements of Record, if any.

2013-2014 taxes a lien not yet payable

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

THE TRUE CONSIDERATION FOR THIS CONVEYANCE IS FULFILLMENT OF THAT CERTAIN CONTRACT RECORDED AS 2013-023342, JACKSON COUNTY, OREGON. (See ORS 93.030)

470313030301-TTJA37
Deed (Special Warranty In Fulfillment of Contract - Statutory)

CITY OF MEDFORD
EXHIBIT #
File # ZC-15-117

DATED: 7-10-13

Bill F. Smith, Jr.

Bill F. Smith, Jr.

Jennifer L. Smith

Jennifer L. Smith

State of OREGON

COUNTY of Jackson

This instrument was acknowledged before me on 7-10-13, 20____

by Bill F. Smith Jr. and Jennifer L. Smith.

Amber McCarty

Notary Public - State of Oregon
My commission expires: 4 2014

OFFICIAL SEAL
AMBER LYNN McCARTY
NOTARY PUBLIC-OREGON
COMMISSION NO. A447633
MY COMMISSION EXPIRES APRIL 28, 2014

470313030301-TTJA37
Deed (Special Warranty In Fulfillment of Contract - Statutory)

99-58142 (file) 10- 10- 20—

JACKSON COUNTY TITLE
DIVISION OF OREGON TITLE INSURANCE COMPANY
502 W. Main Street (P. O. Box 218) Medford, OR 97501 (541) 779-2811

89775ji

RECEIVED
AUG 27 2015
PLANNING DEPT.

TENANTS BY ENTIRETY
WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that ,

MARY LAURENCE

hereinafter called the Grantor, for the consideration hereinafter stated, to Grantor paid by

JAMES B. KELL AND EVA A. KELL

husband and wife, Grantees, do hereby grant, bargain, sell and convey unto the Grantees, as tenants by the entirety, the heirs of the survivor and their assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of JACKSON , State of Oregon, described as follows, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TO HAVE AND TO HOLD the same unto the said Grantee and Grantee's heirs, successors and assigns forever.

And Grantor hereby covenants to and with Grantees and the heirs of the survivor and their assigns, that Grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances, EXCEPT
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

and that Grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

THE TRUE AND ACTUAL CONSIDERATION paid for this transfer, stated in terms of dollars is $ 86,000.00 "PAID BY AN ACCOMMODATOR PURSUANT TO A 1031 EXCHANGE"

WHERE THE CONTEXT SO REQUIRES, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to individuals and to corporations.

IN WITNESS WHEREOF, the grantor has executed this instrument this 19 day of November, 1999.

"THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930."

Mary Laurence
MARY LAURENCE

STATE OF OREGON
COUNTY OF Jackson

The foregoing instrument was acknowledged before me this 19 day of Nov., 1999.
by
MARY LAURENCE

Jenifer R Ireland
Notary Public for Oregon
My commission expires 12/13/99

OFFICIAL SEAL
JENNIFER R. IRELAND
NOTARY PUBLIC-OREGON
COMMISSION NO. 049722
MY COMMISSION EXPIRES DEC. 13, 1999

Mail Tax Statements to:

Grantees
1330 HILLCOURT
MEDFORD OR 97504

CITY OF
BY:
File# ZC-15-117

99-58142

89775ji

EXHIBIT A

Lot Twelve (12) in Block Ten (10) of LAURELHURST ADDITION to the City of Medford, Jackson County, Oregon, according to the official plat thereof, now of record.

(Code 49-01, Account #1-33224-4, Map #371W19DD, Tax Lot #8400)

SUBJECT TO:

1. Building restrictions that no dwelling house shall be erected or placed on said lot by the grantee or his successors in interest which shall cost less than $1,000.00, set out in deed to Anna B. Lindley, recorded in Volume 87 page 18 of the Deed Records of Jackson County, Oregon.

Jackson County, Oregon
Recorded
OFFICIAL RECORDS
NOV 22 1999
2:10 PM
COUNTY CLERK

2-

Jackson County Official Records 2013-041094
R-BSD
Stn=1 SHINGLJS 12/10/2013 10:44:13 AM
$10.00 $11.00 $10.00 $8.00 $15.00 $54.00

I, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Christine Walker - County Clerk

THIS SPACE RESE

RECEIVED
AUG 27 2015
PLANNING DEPT.

After recording return to:
First American Title
1225 Crater Lake Ave
Medford OR 97504

Until a change is requested all tax statements shall be sent to the following address:
SAME AS OF RECORD

2187051-LB
File No.: 7161-JAACCOM13 (LB)
Date: December 2, 2013

STATUTORY BARGAIN AND SALE DEED

Michael Malepsy and Bonnie Malepsy, Grantor, conveys to **Michael T. Malepsy, Trustee of the Michael T. Malepsy 401K Plan dated 12-1-04**, Grantee, the following described real property:

LEGAL DESCRIPTION: Real property in the County of Jackson, State of Oregon, described as follows:

The West Half of Lots Thirteen (13) and Fourteen (14), Block Ten (10), LAURELHURST ADDITION, in the City of Medford, Jackson County, Oregon, according to the official plat thereof, recorded in Volume 3, Page 27, Plat Records.

The true consideration for this conveyance is **$0.00.** (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

CITY OF MEDFORD
EXHIBIT #
File # ZC-15-117 9

Dated this 5 day of December, 2013.

Michael Malepsy
Michael Malepsy

Bonnie Malepsy
Bonnie Malepsy

STATE OF OREGON)
)ss.
County of Jackson)

This instrument was acknowledged before me on this 5 day of December, 2013 by Michael Malepsy and Bonnie Malepsy.

Amanda Anne Richardson
Notary Public for Oregon
My Commission Expires: November 18, 2014

OFFICIAL SEAL
AMANDA ANNE RICHARDSON
NOTARY PUBLIC - OREGON
COMMISSION NO. 453954
MY COMMISSION EXPIRES NOVEMBER 18, 2014

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

IN THE MATTER OF PLANNING COMMISSION FILE ZC-15-127 APPICATION FOR A ZONE CHANGE SUBMITTED BY HOUSING AUTHORITY OF JACKSON COUNTY	)))	**ORDER**

ORDER granting approval of a request for changing the zoning from SFR-6 (Single Family Residential – 6 dwelling units per gross acre) to MFR-20 (Multi-Family Residential – 20 dwelling units per gross acre) on two parcels on the west side of Orchard Home Drive approximately 400 feet north of Westwood Drive.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below from SFR-6 (Single Family Residential – 6 dwelling units per gross acre) to MFR-20 (Multi-Family Residential – 20 dwelling units per gross acre) on two parcels on the west side of Orchard Home Drive approximately 400 feet north of Westwood Drive; 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 Staff Report dated November 5, 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 areas within the City of Medford, Oregon:

37 2W 35DA Tax Lot 1300
37 2W 35DA Tax Lot 1400

is hereby changed from SFR-6 (Single Family Residential – 6 dwelling units per gross acre) to MFR-20 (Multi-Family Residential – 20 dwelling units per gross acre) on two parcels on the west side of Orchard Home Drive approximately 400 feet north of Westwood Drive.

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

CITY OF MEDFORD PLANNING COMMISSION

_____
Planning Commission Chair

ATTEST:

_____
Planning Department Representative

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SEP 11 2015
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EXHIBIT "B"

LEGAL DESCRIPTION: Real property in the County of Jackson, State of Oregon, described as follows:

TRACT A:
Commencing at the Northeast corner of Donation Land Claim No. 80 in Township 37 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon; thence along the North boundary of said claim South 89° 57' 40" West 20.00 feet; thence South 0° 04' 10" West 105.90 feet to the Southeast corner of tract described in deed 2004-034085 to the true point of beginning; thence parallel with the East boundary of said claim, South 0° 04' 10" West 105.91 feet to a point on the West right of way line of Orchard Home Drive, and being on the North boundary of tract described in Deed 96-31893 Official Records, Jackson County, Oregon; thence parallel with the North boundary of said claim South 89° 57' 40" West (Record West) 939.64 feet to the Northwest corner of said tract; thence North 0° 04' 10" East (Record North) 105.91 feet to the Southwest corner of that tract described in deed 2004-034085; thence along the boundary of said tract, North 89° 57' 40" East 939.64 feet to the true point of beginning.

TRACT B:
Commencing at the Northeast corner of Donation Land Claim No. 80 in Township 37 South, Range 2 West, Willamette Meridian, Jackson County, Oregon; thence South 228.4 feet; thence West, 20.0 feet to a point on the West line of Orchard Home Drive for the true point of beginning; thence continue West along the North line of tract described in Deed recorded September 1, 1988 as Document No. 88-18199, Official Records of Jackson County, Oregon, 939.60 feet to the Northwest corner of said tract; thence North 16.6 feet, to the South line of tract described in Deed recorded May 8, 1985, as Document No. 85-07070, said Official Records; thence East along the South line of said tract 939.65 feet, to the West line of said Orchard Home Drive; thence South, along said West line 16.6 feet, to the true point of beginning.

NOTE: This legal description was created prior to January 1, 2008

CITY OF MEDFORD
EXHIBIT _____
FILE # ZC-15-127

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

IN THE MATTER OF PLANNING COMMISSION FILE ZC-15-119 APPICATION)
FOR A ZONE CHANGE SUBMITTED BY MICHAEL AND CAROLYN MABRY) **ORDER**

ORDER granting approval of a request for changing the zoning from SFR-6 (Single Family Residential, six dwelling units per gross acre) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) on approximately 1.12 acres generally located at the northeast corner of the intersection of Howard Avenue and Berrydale Avenue.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below SFR-6 (Single Family Residential, six dwelling units per gross acre) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) on approximately 1.12 acres generally located at the northeast corner of the intersection of Howard Avenue and Berrydale Avenue; 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 Staff Report dated November 5, 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 areas within the City of Medford, Oregon:

37 2W 13CB Tax Lot 2408
37 2W 13CB Tax Lot 2500

is hereby changed from SFR-6 (Single Family Residential, six dwelling units per gross acre) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) on approximately 1.12 acres generally located at the northeast corner of the intersection of Howard Avenue and Berrydale Avenue.

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

CITY OF MEDFORD PLANNING COMMISSION

_____
Planning Commission Chair

ATTEST:

_____
Planning Department Representative

Exhibit "B"

470315039448

Jackson County Official Records 2015-017275
R-WD
Stn=12 BARROWCK 06/08/2015 10:30:20 AM
$20.00 $11.00 $10.00 $8.00 $20.00 $69.00

I, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Christine Walker - County Clerk

RECEIVED
AUG 27 2015
PLANNING DEPT.

TICOR TITLE

RECORDING REQUESTED BY:
Ticor Title Company of Oregon
3539 Heathrow Way Suite 100
Medford, OR 97504

GRANTOR:
Jimmey Earley, Bill Earley, Karla Earley and
Lonnie Earley, as tenants in common
706 Sivley Street
Peculiar, MO 64078

GRANTEE:
Michael E. Mabry and Carolyn M. Mabry,
Trustees of the Michael E. Mabry and Carolyn M.
Mabry Trust dated June 29, 2011
233 Berrydale Avenue
Medford, OR 97501

SEND TAX STATEMENTS TO:
Michael E. Mabry and Carolyn M. Mabry,
Trustees of the Michael E. Mabry and Carolyn M.
Mabry Trust dated June 29, 2011
233 Berrydale Avenue
Medford, OR 97501

AFTER RECORDING RETURN TO:
Michael E. Mabry and Carolyn M.
MabryTrustees of the Michael E. Mabry and
Carolyn M. Mabray Trust dated June 29, 2011
233 Berrydale Avenue
Medford, OR 97501

Escrow No: 470315039448-TTJA02
372W13CB 2500 / 10491035
237 Berrydale Avenue
Medford, OR 97501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

This Deed Executed in Counterparts
WARRANTY DEED – STATUTORY FORM
(INDIVIDUAL or CORPORATION)

Jimmey Earley, Bill Earley, Karla Earley and Lonnie Earley, as tenants in common, Grantor, conveys and warrants to Michael E. Mabry and Carolyn M. Mabry, Trustees of the Michael E. Mabry and Carolyn M. Mabry Trust dated June 29, 2011

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

> Commencing at the Northeast corner of Donation Land Claim No. 88 in Township 37 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon; thence East 2.72 chains to the West line of Donation Land Claim No. 60, said Township and Range, thence North 1007.34 feet, thence West 510.0 feet to a point in the center of the County Road, for the true point of beginning; thence North 290.4 feet; thence West 75.0 feet, thence South 290.4 feet; thence East 75.0 feet to the true point of beginning, being a part of lot 22, Howard Park, (Unrecorded)

The true consideration for this conveyance is $65,600.00.

ENCUMBRANCES: Easements, conditions, covenants and restrictions of record

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS

CITY OF MEDFORD
EXHIBIT #
File # ZC-15-119

17

AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated May 27, 2015; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

Jimmey Earley

Bill Earley

Karla Earley

Lonnie Earley

State of Missouri

COUNTY of CASS

This instrument was acknowledged before me on May 28, 2015

by Jimmey Earley

Suzanette Hancock

SUZANETTE HANCOCK Notary Public - State of Missouri

My commission expires: 08/01/2018

SUZANETTE HANCOCK
Notary Public - Notary Seal
State of Missouri, Cass County
Commission # 14395000
My Commission Expires Aug 1, 2018

State of Washington

COUNTY of _____

This instrument was acknowledged before me on _____, 2015

by Bill Earley

_____

_____, Notary Public - State of Washington

My commission expires: _____

470315039448-TTJA02
Deed (Warranty – Statutory (Individual or Corporation))

AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated May 27, 2015; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

Jimmey Earley

Billy Earley
Bill Earley

Karla J Earley
Karla Earley

Lonnie Earley
Lonnie Earley

State of Missouri

COUNTY of _____

This instrument was acknowledged before me on _____, 2015

by Jimmey Earley

_____

_____, Notary Public - State of Missouri
My commission expires: _____

State of Washington

COUNTY of Spokane

This instrument was acknowledged before me on June 3rd, 2015

by Bill Earley

Kayla M. Roberts

Kayla M. Roberts, Notary Public - State of Washington
My commission expires: March 29, 2017

KAYLA M. ROBERTS
Notary Public, State of Washington
My Commission Expires
March 29, 2017

470315039448-TTJA02
Deed (Warranty – Statutory (Individual or Corporation))

State of Washington

COUNTY of Spokane

This instrument was acknowledged before me on June 3rd, 2015

by Karla Earley

Kayla m. Roberts

Kayla M. Roberts, Notary Public - State of Washington
My commission expires: March 29, 2017
State of Washington

KAYLA M. ROBERTS
Notary Public, State of Washington
My Commission Expires
March 29, 2017

COUNTY of Spokane

This instrument was acknowledged before me on June 3rd, 2015

by Lonnie Earley

Kayla m. Roberts

Kayla M. Roberts, Notary Public - State of Washington
My commission expires: March 29, 2017

KAYLA M. ROBERTS
Notary Public, State of Washington
My Commission Expires
March 29, 2017

470315039448-TTJA02
Deed (Warranty – Statutory (Individual or Corporation))

Minutes

from Public Hearing on **November 12, 2015**

The regular meeting of the Planning Commission was called to order at 5:34 PM in the City Hall Council Chambers 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
Mark McKechnie

Staff Present
Jim Huber, Planning Director
Kelly Akin, Principal Planner
Kevin McConnell, Deputy City Attorney
Alex Georgevitch, City Engineer
Greg Kleinberg, Fire Marshal
Terri Rozzana, Recording Secretary
Sarah Sousa, Planner IV
Tracy Carter, Planner II

Commissioners Absent
Jared Pulver, Excused Absence
Bill Mansfield, Unexcused Absence

10. Roll Call

20. Consent Calendar/Written Communications.

20.1 ZC-15-116 Final Order for a tentative plat to re-plat Lots 13-16 of Cox Estates Subdivision Phase 2, consisting of 0.75 net acres located on the northwest and northeast corners of Lozier Lane and Layla Drive within the SFR-10 (single-family residential 10 dwelling units per gross acre) zoning district. (Sullivan Development LLC, Applicant; Neathamer Surveying, Agent)

Motion: Adopt the consent calendar.

Moved by: Vice Chair Miranda Seconded by: Commissioner Fincher

Voice Vote: Motion passed, 7–0.

30. Minutes

30.1. The minutes for October 22, 2015, were approved with the below correction on page 3 of 7. The second paragraph from the bottom of the page should read "Commissioner McKechnie asked when the duplexes are built, will the driveways be combined in the middle..."

40. Oral and Written Requests and Communications. None.

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

50. Public Hearings – Continuance Request

50.1 LDS-15-118 Consideration of a tentative plat application for a mixed-use development to be known as West Meadows Village, consisting of a total of 15 lots on 9.14 acres within a SFR-10 (Single-Family Residential – 10 dwelling units per gross acre) and MFR-20 (Multiple-Family Residential – 20 dwelling units per gross acre) with PUD (Planned Unit Development) Zoning Overlay. Subject tentative plat consists of 5 Single-family lots, 5 duplex lots, 2 commercial lots and 3 multi-family lots. The site is generally located on the east side of Lozier Lane on the north and south sides of Meadows Lane. (David & Elahe Young Family Trust, Applicant; Richard Stevens & Associates, Agent)

Kelly Akin, Principal Planner, stated that the applicant is requesting additional time to perfect the proposed street alignments. They have requested to continue the item to the December 10, 2015, Planning Commission meeting.

Chair McFadden stated that if there was anyone in the audience that would not be able to make the December 10, 2015, Planning Commission meeting could testify at tonight's meeting. No one came forward.

Motion: Continue LDS-15-118, as per the applicant's request, to the December 10, 2015, Planning Commission meeting.

Moved by: Vice Chair Miranda Seconded by: Commissioner Fincher

Roll Call Vote: Motion passed, 7–0.

New Business

50.2 ZC-15-117 Request for a zone change from SFR-10 (Single Family Residential – 10 dwelling units per gross acre) to C-S/P (Service Commercial and Professional Office) on three lots on East Jackson Street between Mae Street and Marie Street with addresses of 300 Mae Street, 1027 E. Jackson Street, and 1029 E. Jackson Street. (Ryan Cantor, Mike Malepsy and James Kell, Applicants; Ryan Kantor, Agent)

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

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

Sarah Sousa, Planner IV, read the zone change criteria and gave a staff report.

The public hearing was opened.

a. Ryan Kantor, P. O. Box 460, Medford, Oregon, 97501. Mr. Kantor reported that he is one of the applicants. He is available to answer any questions the Planning Commissioners may have.

The public hearing was closed.

Motion: The Planning Commission adopts the applicant's findings and directs staff to prepare a Final Order for approval of ZC-15-117 per the staff report dated November 5, 2015, including Exhibits A through G.

Moved by: Vice Chair Miranda Seconded by: Commissioner Culbertson

Roll Call Vote: Motion passed, 7–0.

50.3 ZC-15-127 Request for a zone change from SFR-6 (Single Family Residential – 6 dwelling units per gross acre) to MFR-20 (Multi-Family Residential – 20 dwelling units per gross acre) on two parcels on the west side of Orchard Home Drive approximately 400 feet north of Westwood Drive (372W35DA Tax Lots 1300 & 1400). Housing Authority of Jackson County, 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 McKechnie disclosed that Mr. Sinner is his neighbor but it would not affect his decision.

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

Sarah Sousa, Planner IV, stated that the zone change criteria was read with the previous application and gave a staff report.

Commissioner Fincher asked if there was a connection from the subject property? He could not see one on his map. Alex Georgevitch, City Engineer, reported that Cunningham will eventually extend to Thomas Road. The parcel to the north of the subject area is owned by the City for right-of-way. Depending on how this site develops there may be a need for additional right-of-way across the north boundary.

Chair McFadden asked if the City owns the property will the City put most of the street in so all the applicant will have to do is put in a half street? Mr. Georgevitch replied that timing and the alignment will determine how much they will have to do.

The public hearing was opened.

a. Scott Sinner, Scott Sinner Consulting, Inc., 4401 San Juan Drive, Medford, Oregon, 97504-9343. Mr. Sinner reported that he and the applicant agrees with the written and oral staff reports. They have met all the criteria that are outlined in the Medford Land Development Code. He is available to answer any questions.

The public hearing was closed.

Motion: The Planning Commission adopts the applicant's findings and directs staff to prepare a Final Order for approval of ZC-15-127 per the staff report dated November 5, 2015, including Exhibits A through I.

Moved by: Vice Chair Miranda Seconded by: Commissioner D'Alessandro

Roll Call Vote: Motion passed, 7–0.

50.4 ZC-15-119 Consideration of a request for a change of zone from SFR-6 (Single Family Residential, six dwelling units per gross acre) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) on approximately 1.12 acres generally located at the northeast corner of the intersection of Howard Avenue and Berrydale Avenue. (Michael & Carolyn Mabry, Applicant; Richard Stevens & Associates, Agent)

Chair McFadden inquired whether any Commissioners have a conflict of interest or ex parte communication they would like to disclose. 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.

Tracy Carter, Planner II, stated that the zone change criteria had been read in the first application and gave a staff report.

The public hearing was opened.

Commissioner McKechnie asked what is the minimum density on an MFR-20 parcel? Mr. Carter replied that it is 15 to 20 units. According to his density calculation it will be 18 to 23 units.

Commissioner Foley asked Mr. Georgevitch what was the implications on Berrydale for this development? Mr. Georgevitch replied that they do not assess local streets for traffic impacts.

Commissioner Foley asked if the applicant is going to do anything to improve the road? Mr. Georgevitch replied that there is a small amount of frontage along Berrydale that the applicant would be required to improve at the time of development.

Commissioner Fincher asked if this project is a phased project if they agreed to not put more than seven units on the property and it is zoned for 18? Mr. Carter replied that it depends when the improvements are made or potentially more capacity is determined available.

Chair McFadden reported that the answer to Commissioner Fincher's question is yes it would be phased. They could develop seven and leave the other space open for further development.

a. Clark Stevens, Richard Stevens & Associates, Inc., 100 East Main Street, Medford, Oregon, 97501. Mr. Stevens reported that he was present tonight representing the applicant, Mr. Mike Mabry who is present in the audience this evening for this zone change application from SFR-6 to MFR-20. The property consists of two separate parcels totaling 1.12 acres. They have reviewed the staff report and conditions of approval, particularly, the sanitary sewer system and those conditions. The applicant agrees to build the equivalent of seven single family dwellings.

In response to Commissioner Fincher's question they have two properties. They could develop one of those properties and do some property line adjustments to reserve the balance of the site for future development when capacity becomes available. It is a viable option on this site.

They have reviewed the staff report which demonstrates that this project is in compliance with the GLUP map, TSP, and the Category A public facilities.

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-15-119 per the staff report dated November 5, 2015, including Exhibits A through G and the afore mentioned conditions.

Moved by: Vice Chair Miranda Seconded by: Commissioner Foley

Roll Call Vote: Motion passed, 7–0.

60. Reports

60.1 Site Plan and Architectural Commission.

Commissioner D'Alessandro reported that the Site Plan and Architectural Commission met on Friday, November 6, 2015. It was a brief meeting with three items on the consent calendar.

60.2 Report of the Joint Transportation Subcommittee. None.

60.3 Planning Department

Kelly Akin, Principal Planner, reported that Monday, November 23, 2015, the Planning Commission will have a study session. Discussion will be on revisions to the limited services overlay plan.

The Planning Commission meeting scheduled for Thursday, November 26, 2015, will be cancelled due to the holiday.

The Planning Commissions last meeting of the year will be Thursday, December 10, 2015, resuming business on Thursday, January 14, 2016.

Today, the City Council continued the UGB hearing. There were some updates on agreements proposed by property owners. The record remains open. The City Council approved a contract for a consultant to prepare a sewer master plan.

Next week the City Council will hear a street vacation for Cedar Landing that the Planning Commission considered at their last meeting, housekeeping amendments, an annexation, and the appeal of the Site Plan and Architectural Commissions decision that they did not have jurisdiction to hear.

Friday, January 29, 2016, is the Boards and Commissions appreciation luncheon. The City Manager's office will be sending out invitations.

70. Messages and Papers from the Chair. None.

80. Remarks from the City Attorney. None.

90. Propositions and Remarks from the Commission. None.

100. Adjournment

The meeting was adjourned at 6:12 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

110. Photographs for January Luncheon.

Due to all members were not present for photographs for the January Luncheon, the photograph session has been rescheduled to the Thursday, December 10, 2015, Planning Commission meeting.

Submitted by:

Terri L. Rozzana
Recording Secretary

David McFadden
Planning Commission Chair

Approved: December 10, 2015

STAFF REPORT – CONTINUANCE REQUEST

for a Type-C quasi-judicial decision: **Land Division**

Project	West Meadows Village Subdivision Applicant: David & Elahe Young Family Trust Agent: Richard Stevens & Associates, Inc.	
File no.	LDS-15-118	
To	Planning Commission	*for December 10, 2015 hearing*
From	Kelly Akin, Principal Planner	
Date	December 3, 2015	

PROJECT DESCRIPTION

Consideration of a tentative plat application for a mixed-use development to be known as West Meadows Village, consisting of a total of 15 lots on 9.14 acres within the SFR-10 (Single-Family Residential – 10 dwelling units per gross acre) and MFR-20 (Multiple-Family Residential – 20 dwelling units per gross acre) zone districts, with the PUD (Planned Unit Development) Zoning Overlay. Subject tentative plat consists of 5 single-family lots, 5 duplex lots, 2 commercial lots and 3 multi-family lots. The site is generally located on the east side of Lozier Lane on the north and south sides of Meadows Lane.

REQUEST

The applicant requests that the item be continued to January 28, 2016, to allow time to perfect the proposed street alignments.

EXHIBITS

A Continuance Request, received November 12, 2015
Vicinity Map

PLANNING COMMISSION AGENDA: **DECEMBER 10, 2015**

RECEIVED
NOV 12 2015
PLANNING DEPT

Continuance Request

To:
- ☐ Landmarks and Historic Preservation Commission
- ☒ Planning Commission
- ☐ Site Plan and Architectural Commission

RE: Project Name: West Meadows Village

File No(s): LDS-15-118

I am the ☐ applicant ☒ authorized agent for the above referenced project. Please continue the public hearing for the above referenced file to either:

☐ the January 28, 2016 meeting,
(hearing date)

or

☐ for a period of _____ calendar days.

Reason for request: Continued negotiations and design of project

This request is made pursuant to ORS 227.178(5).

Thank you,

Clark Stevens 11/12/15
Signature Date

Clark Stevens
Print Name

P:\FORMS\Continuance Letter.doc

CITY OF MEDFORD
EXHIBIT # A
File # LDS-15-118
CONTINUANCE 2

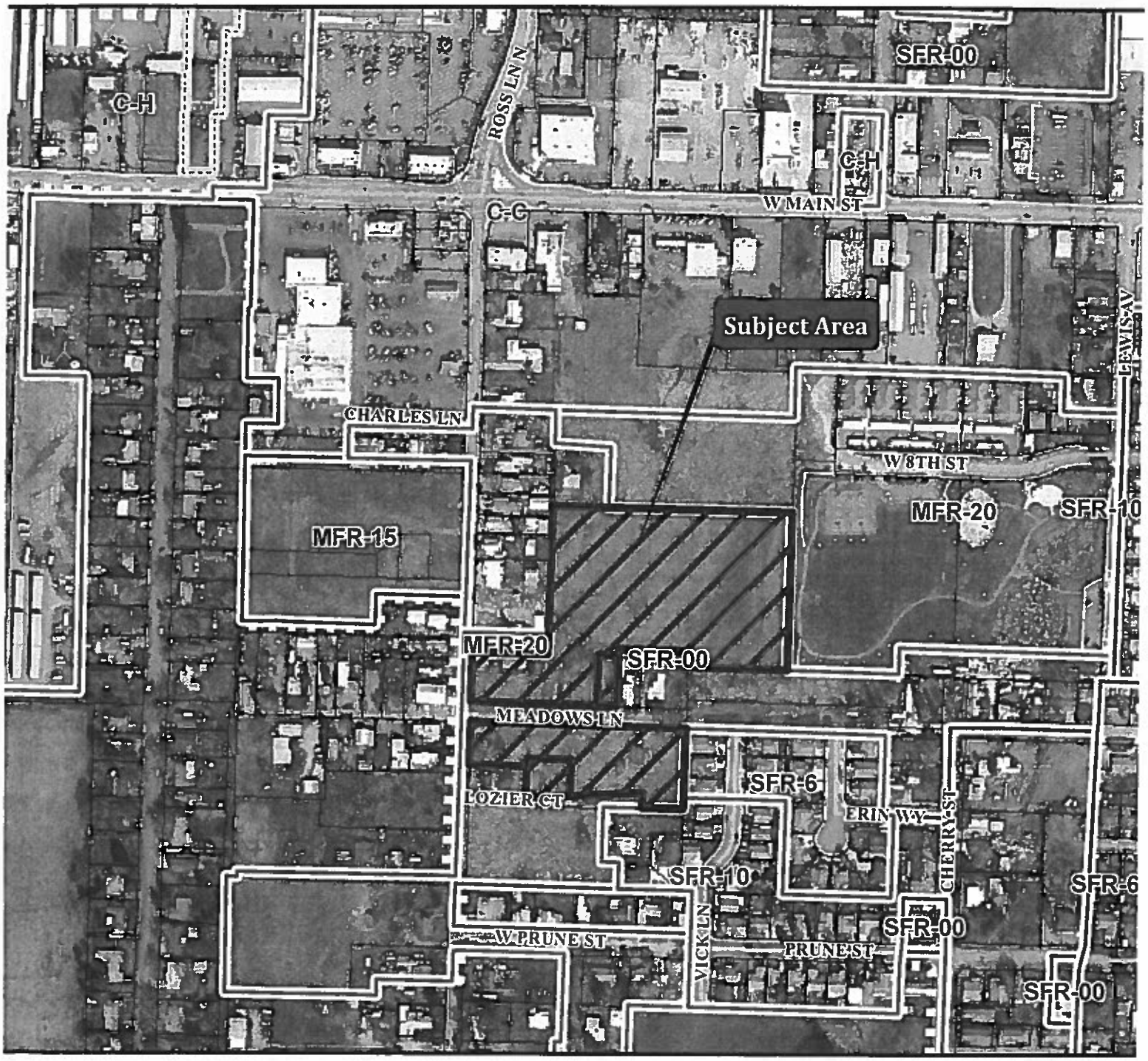
City of Medford

Planning Department

Vicinity Map

File Number:

LDS-15-118



Project Name:

West Meadows Village

Map/Taxlot:

372W26DA TL's 2200 & 2900
372W26DD TL's 900 & 1000

0 250 500 Feet

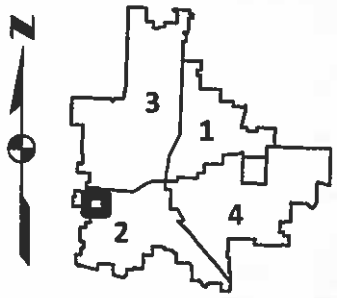
Subject Area

Medford Zoning

Tax Lots

PUD

Medford UGB with Wards



STAFF REPORT

for a Class-B quasi-judicial decision: **Minor Comprehensive Plan Amendments to the Public Facilities Element, General Land Use Plan Element, and the General Land Use Plan Map.**

Project	Remove the Limited Service Area Overlay from the Lone Pine/Foothills Area	
File no.	CP-11-007/GLUP-11-008	
To	Medford Planning Commission	*for 12/10/15 hearing*
From	Praline McCormack, Planner II, Long-Range Planning PM	
Reviewer	John Adam, Principal Planner, Long-Range Planning JA	
Date	December 3, 2015	

BACKGROUND

Proposal

Quasi-judicial amendments to elements of the City's Comprehensive Plan including the Public Facilities Element, the General Land Use Plan Element, and the General Land Use Plan (GLUP) map to remove the Limited Service Area Overlay from 50 parcels totaling approximately 36 acres in the Lone Pine/Foothill area.

History

The General Land Use Element describes the Limited Service Area Overlay designation as being intended for areas that are not presently serviced with adequate public facilities or other services required for development to urban densities. When the designation is applied the City must provide a development management program that will eventually facilitate the provision of the necessary facility or service. The Limited Service Area Overlay limits development to one single-family home and one accessory dwelling unit per parcel until facilities are built to serve the parcels at urban densities.

In 1982 the Limited Service Area Overlay was placed on 50 parcels in the Lone Pine/Foothill area due to a lack of water service. Several years ago the Fordyce Water Association built a water tank and brought water to the area up to the 1,950 foot elevation. Due to residential development in the area, the Fordyce Water Association was then able to hook up to the Medford Water Commission system. Water service is now available and has adequate capacity. The Limited Service Area Overlay is no longer necessary.

The Planning Department began working on this project in 2011. Other projects of higher priority came to the forefront and this project was postponed. Staff has been able to pick it up again and presents it to you now for consideration.

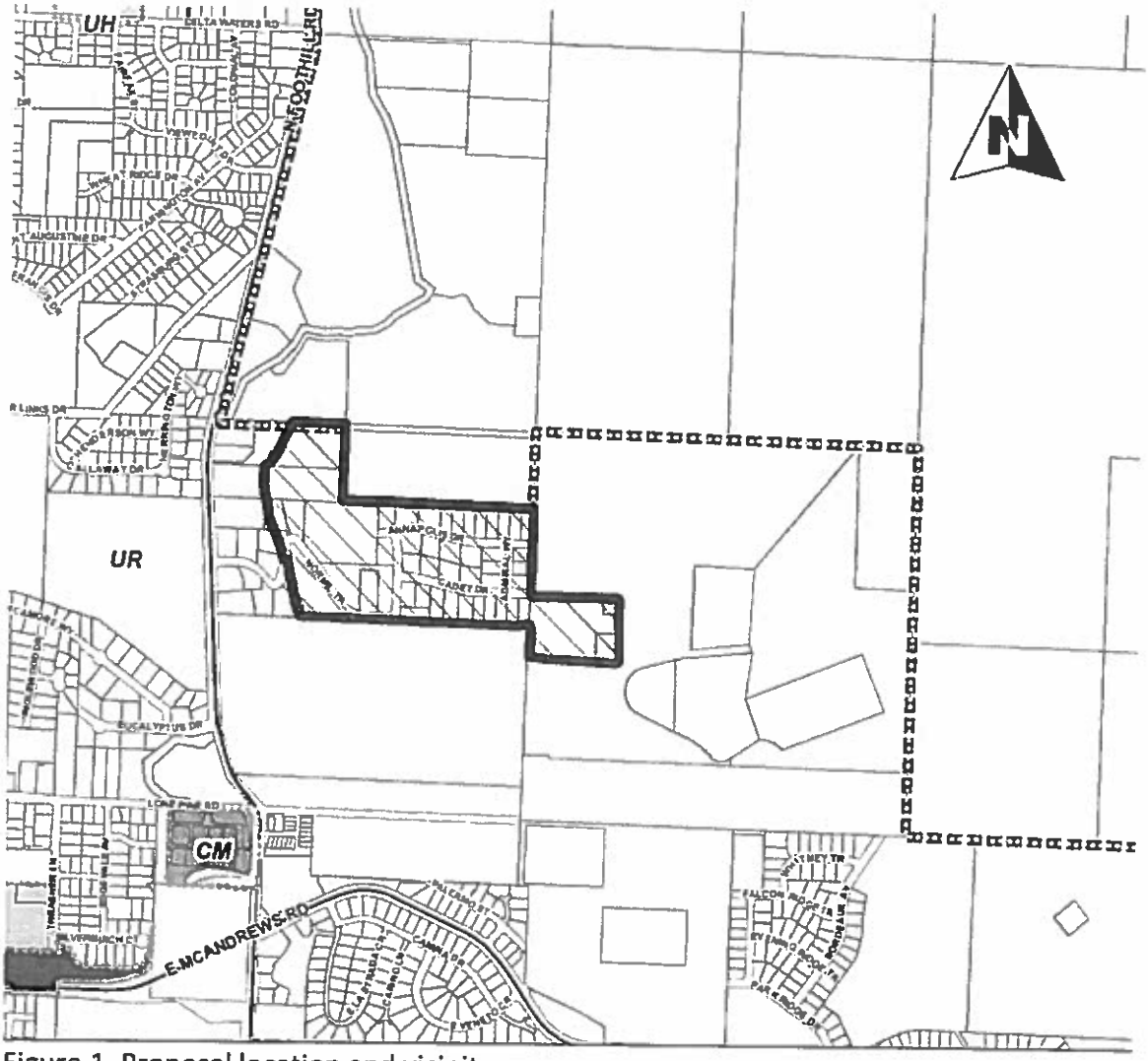


Figure 1. Proposal location and vicinity

A Planning Commission Study Session occurred on April 8, 2013. At that time, Planning Staff were considering removal of the Limited Service Area Overlay in the Lone Pine/Foothill area, and application of the Overlay to a new area north of Satellite Drive and east of Panorama Drive above the 1,950-foot elevation contour where sewer service is not available. Planning Staff also considered eliminating the GLUP entirely due to the presence of other zoning designations that would possibly result in the same limit on development until adequate facilities/services were available.

More recently, there was a Planning Commission Study Session on November 23, 2015 in which the current proposal was presented and discussed.

Related projects

CP-82-028 – Comprehensive Plan amendment that applied the Limited Service Area Overlay to the Lone Pine/Foothills area.

Authority

Due to its limited scope, this proposed land use application is a Class-B Minor Quasi-Judicial Comprehensive Plan Amendment. The Planning Commission is authorized to initiate and recommend, and the City Council to approve, amendments to the Comprehensive Plan under Medford Municipal Code Sections 10.102, 10.110, 10.111, 10.122, 10.165, 10.185, and 10.186.

ANALYSIS

Subject site characteristics

Zoning	SFR-4 (49 parcels)	Single-family residential, 4 units/acre
	SFR-2 (1 parcel)	Single-family residential, 2 units/acre
GLUP	Urban Residential (UR) with Limited Service Area Overlay (LS)	
Use	Residential	

Surrounding site characteristics

North		Outside city limits
South		Outside city limits
East	SFR-00	Residential
West	SFR-00/SFR-4	Residential

The need for the Limited Service Area Overlay in the Lone Pine/Foothill area is no longer applicable. Water facilities have been built and water is adequate to serve the area. Removing the Overlay will encourage under-developed parcels to develop to urban densities, and in a small way contribute to the larger need for urban residential land. Staff concludes that the proposed Comprehensive Plan amendments are supportable.

FINDINGS AND CONCLUSIONS

Applicable Criteria

For the applicable criteria the Medford Municipal Code Section 10.184(1) redirects to the criteria in the "Review and Amendments" chapter of the Comprehensive Plan. The applicable criteria in this action are those for conclusions, goals and policies, and map amendments. The criteria are set in *italics* below; findings and conclusions are in roman type.

Comprehensive Plan, Review and Amendments chapter: Amendments to Conclusions shall be based on the following:

1. *A change or addition to the text, data, inventories, or graphics which substantially affects the nature of one or more conclusions.*

   Findings

   Water service is now available and has adequate capacity to serve the Lone Pine/ Foothill area up to the 1,950-foot elevation.

   Conclusions

   In the Public Facilities Element, Water Service Conclusion #4 identifies the Lone Pine/Foothill area as having limited water service. This is no longer applicable, so the conclusion is being removed.

Comprehensive Plan, Review and Amendments chapter: Amendments to Goals and Policies, and Map Designations shall be based on the following:

1. *A significant change in one or more Goal, Policy, or Implementation Strategy.*

   Findings

   Now that water is available and there is adequate capacity to serve the Lone Pine/ Foothill area, all of the Lone Pine/Foothill Limited Service Area Goals and Policies in the Water Service section of the Public Facilities Element are no longer applicable.

   Conclusions

   In the Public Facilities Element, Water Service section, all of the Lone Pine/Foothill Limited Service Area Goals and Policies are no longer applicable and are being removed.

2. *Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.*

   Findings

   The proposed amendments do not accommodate unpredicted population trends, or assure adequate employment opportunities. They will, in a small way, satisfy urban housing needs. The Housing Element, adopted 12/2/10, projects a 465-acre need for low-density urban residential (UR) land. Removal of the Limited Service Area Overlay will enable 13 under-developed (half an acre or larger) parcels totaling 30 acres, to develop to urban densities. The remaining 37 parcels have already been subdivided and built to urban densities.

Conclusions

By removing the Limited Service Area Overlay designation from these properties, this proposal will enable 13 under-developed parcels to develop to urban densities thus contributing 6% to the 465-acre need for low-density UR land.

3. *The orderly and economic provision of key public facilities.*

Findings

Transportation, water, and sewer utilities are available to these parcels with sufficient capacity to meet the needs of development at urban densities. The GLUP designation was applied to the parcels in 1982 due to a lack of water service. That issue has been resolved and water service is now available.

Conclusions

Sufficient facilities exist to accommodate the proposed change.

4. *Maximum efficiency of land uses within the current urbanizable area.*

Findings

The Urban Residential (UR) GLUP designation allows for low- to medium-density residentially-zoned properties. The Limited Service Area Overlay limits development to one dwelling unit and one accessory dwelling unit per parcel. Where development has not occurred in this area due to the lack of water service, the removal of the designation will encourage development

Conclusions

Removal of the Limited Service Area Overlay will result in a more efficient use of residential buildable land within the current city limits.

5. *Environmental, energy, economic, and social consequences.*

Findings

The subject parcels are inside the urban growth boundary and have already met the test concerning environmental impacts. No energy consequences are discernable. The removal of the Limited Service Area Overlay designation will, in a very small way, help to address a deficit in residential land. When the under-developed parcels are built to urban densities it will stimulate economic development due to the jobs generated and the materials purchased.

Conclusions

There are no adverse environmental impacts since the subject properties have long been identified for urban development. In addition, there are no energy consequences as a result of the proposed amendments. The City has a deficit of urban residential land. A small amount of under-developed urban residential land in the Lone Pine/Foothill area will be able to develop to urban densities as a result of the removal of the Limited Service designation. A small degree of economic development will be seen as those properties begin to develop.

6. *Compatibility of the proposed change with other elements of the City Comprehensive Plan.*

Findings

General Land Use Plan Element

Goal 1: To maintain and update the City of Medford General Land Use Plan Map.

Policy 1-A: The City of Medford General Land Use Plan shall be reviewed at least every five years, and may be amended whenever it is determined that a change is warranted...

Conclusions

Now that water facilities are adequate for the area, a change to the GLUP Map to remove the Limited Service designation is warranted.

7. *All applicable Statewide Planning Goals.*

Goal 1—Citizen Involvement

Findings

Goal 1 requires the City to have a citizen involvement program that sets the procedures by which affected citizens will be involved in the land use decision process, including participation in the quasi-judicial revision of the Comprehensive Plan. Goal 1 requires provision of the opportunity to review proposed amendments prior to a public hearing, and recommendations must be retained and receive a response from policy-makers. The rationale used to reach land use decisions must be available in the written record. The City of Medford has an established citizen-involvement program consistent with Goal 1 that includes review of proposed Comprehensive Plan amendments by the Planning Commission and City Council. Affected agencies and departments are invited to review and comment on such proposals, and hearing notices are published in the local newspaper. This process has been adhered to in this proposed amendment. The proposal was made available for review on the City of Medford website and at the Planning Department. It was considered by the Planning Commission and the City Council during televised public hearings.

Conclusions

By following the standard notification and comment procedure, the City provided adequate opportunities for citizen input.

Goal 2— Land-use Planning

Findings

The City has a land use planning process and policy framework in the form of a Comprehensive Plan and development regulations in Chapter 10 of the Municipal Code that comply with Goal 2. These are the bases for decisions and actions.

Conclusions

There is an adequate factual basis for the proposed designation change.

Goal 3—Agricultural Lands does not apply.
Goal 4—Forest Lands does not apply.
Goal 5—Natural Resources, Scenic & Historic Areas & Open Spaces does not apply.
Goal 6—Air, Water, and Land Resources Quality does not apply.
Goal 7—Areas Subject to Natural Hazards does not apply.
Goal 8—Recreation Needs does not apply.

Goal 9—Economic Development

Findings

Thirty-seven of the subject parcels are already subdivided and built out. One-quarter of the subject parcels are greater than one-half an acre and if not vacant then the Limited Service designation has restricted them to only one home. Once the Limited Service designation is removed the property owners will be able to develop to urban densities. Development of these parcels will spur a small amount of economic development through construction job creation and material procurements

Conclusions

A small degree of economic development can be anticipated as a result of the proposed amendments.

Goal 10—Housing

Findings

Goal 10 requires that "plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density." The proposed change would remove the limit on devel-

opment in the subject area and replace it with a potential for a greater number of housing units.

Conclusions

The removal of the Limited Services Area Overlay will result in a greater number of housing units, thus complying with Goal 10.

Goal 11—Public Facilities and Services

Findings

Refer to the findings under Criterion 3, above.

Conclusions

Refer to the conclusion under Criterion 3 above.

Goal 12—Transportation does not apply.

Goal 13—Energy Conservation does not apply.

Goal 14—Urbanization does not apply.

Goals 15–19 do not apply to this part of the State.

RECOMMENDED ACTION

Based on the findings and conclusions that all of the approval criteria are met or are not applicable, initiate this amendment and forward a favorable recommendation for approval of CP-11-007 & GLUP-11-008 to the City Council per the Staff Report dated December 3, 2015, including Exhibits A through D.

EXHIBITS

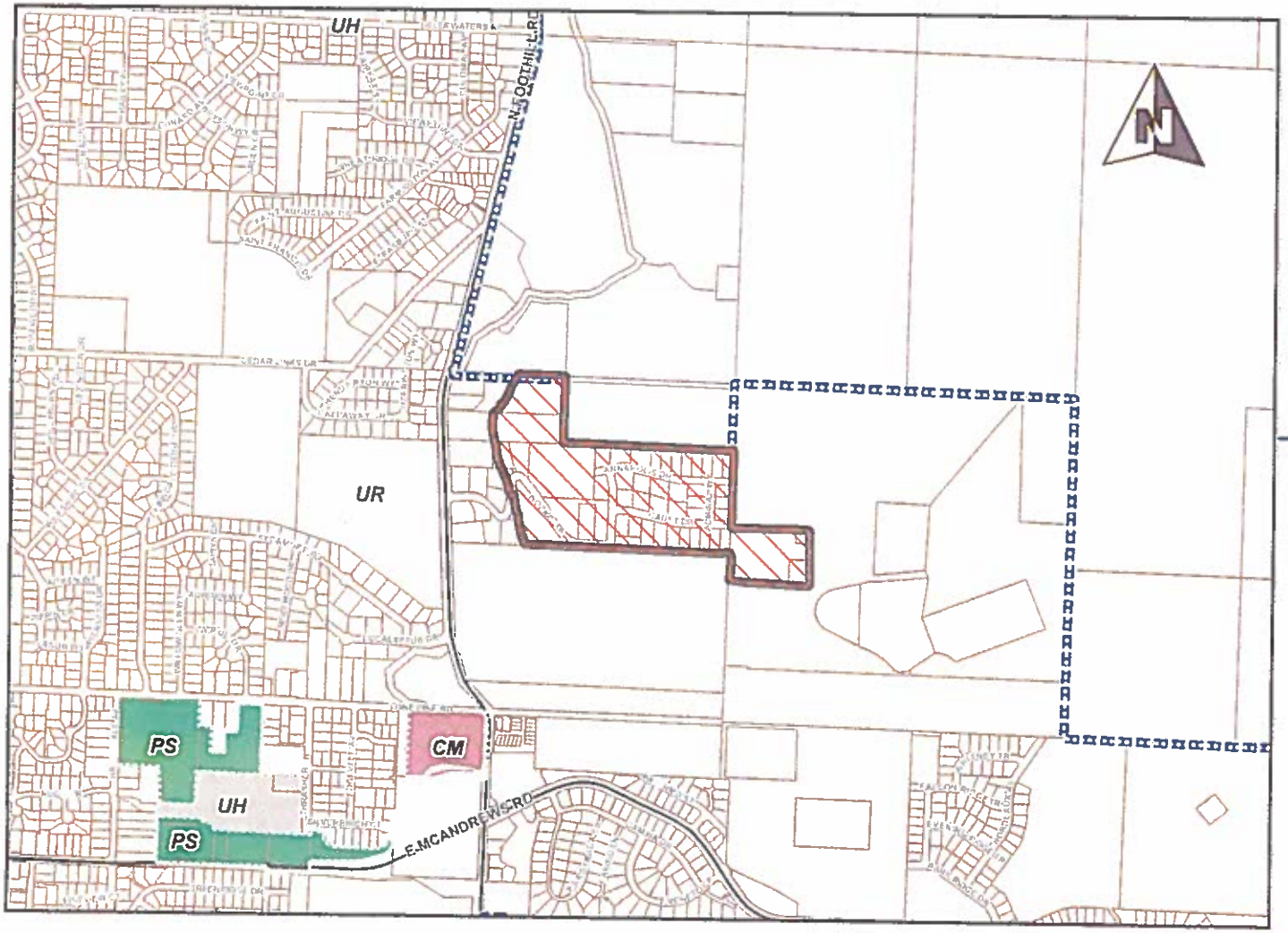
A Map of Limited Service Area Overlay to be Removed.
B Proposed revisions to Public Facilities Element.
C Proposed revisions to General Land Use Plan Element.
D Letter from Mike Jantzer dated July 10, 2015

PLANNING COMMISSION AGENDA: **DECEMBER 10, 2015**

Removal of Limited Service Area Overlay

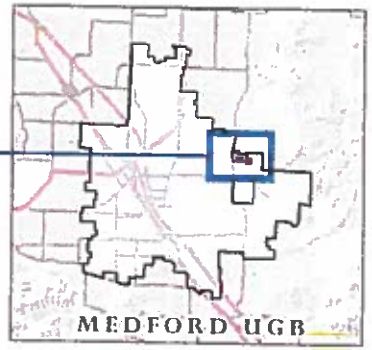
GLUP-11-008

Medford GLUP Map Update



LEGEND

- Removal of Limited Service Overlay
- Urban Growth Boundary
- Tax Lots
- GLUP (labeled w/ bkgd color)



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CITY OF MEDFORD OREGON

Date: 4.18.13

CITY OF MEDFORD
EXHIBIT # A
File # CP-11-007 / GLUP-11-008

26

I. INTRODUCTION

The fundamental purpose of the Public Facilities Element is to establish and maintain a general but timely view of where, when, and how public facilities and services will be provided to support planned urban growth within Medford's Urban Growth Boundary. Each year, decisions are made to commit considerable funds for acquisition, construction, expansion, and repair of public facility systems. One important role of this *Comprehensive Plan* element is to describe the principles and criteria underlying these decisions and to integrate them with the overall land use planning process.

Public facilities elements are required by state law (ORS 1197.175 and OAR 660-011) for all cities with a population greater than 2,500. The Public Facilities Element implements Statewide Planning Goal 11, which is intended to assure that cities plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development. This element was written in accordance with Oregon Administrative Rules (OAR) 660-011 (Public Facilities Planning).

Public Facilities Categories

Public facilities and services are divided into two categories.

Category "A" includes:

- Water Service
- Sanitary Sewer and Treatment
- Storm Drainage
- Transportation Facilities*

*Transportation will be temporarily covered in this element until adoption of the new Transportation Element when Medford's Transportation System Plan (TSP) is completed.

These are the key minimum physical facilities necessary for urban development and are those for which specific documentation is required by state rule.

Category "B" include:

- Fire Protection
- Law Enforcement
- Parks and Recreation
- Solid Waste Management
- Schools
- Health Services

Category "B" public facilities and services enhance and protect development within the city and are provided in response to development that occurs. Because of this they will generally be discussed in less intensive detail than Category "A" facilities. The division of public facilities into these two categories is useful when determining facility adequacy prior to developme[illegible] these two

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EXHIBIT # B
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categories complies with OAR 660-011. This document identifies Category "A" facilities and the improvements to city infrastructure and services that are necessary to support land uses allowed by the *Comprehensive Plan*. Because this plan element also describes potential funding mechanisms, the plan is essential to long range financial planning of capital facilities, and provides general guidance for the cost and location of future facilities.

* * *

Service Areas

Each facility system serves different geographic sub-areas of the City. While facilities such as parks and schools relate more to neighborhoods defined by population size and travel time/distance, systems such as sewers, water, and storm water drainage are more logically defined by topography, soils, and other natural constraints. Such disparities can interfere with coordination of planning for public facilities, affecting different client populations.

To help overcome these barriers, the "Public Facilities Element" is organized, where possible, in relation to a common set of geographic sub-areas. These sub-areas are the nine Drainage Basins as defined in the 1996 *Comprehensive Medford Area Drainage Master Plan.*

Limited Service Areas

The timely provision of essential urban facilities and services is a policy of the City of Medford. The City's ability to provide public facilities and services relates directly to the location and type of the new development being served. In cases, where the timely provision of essential urban facilities and services cannot be accomplished so as to achieve minimum adequate service levels, then that portion of the city subject to inadequate facilities or services is designated a **Limited Service Area** and any or all development may be restricted until threshold levels of essential urban services can be achieved. Limited Service Areas are considered as priority areas for public facility planning subject to other growth and development factors. Timely provision of essential urban facilities and services mean that such services will be provided in adequate condition and capacity prior to or concurrent with development of the subject area.

~~The area identified as the Lone Pine/Foothill Limited Service Area on the General Land Use Plan Map represents those parcels either within the city or the urban growth boundary that are unable to obtain public water as required for development at urban densities. Identification of this area as a limited service area provides notice to those concerned that the Lone Pine/Foothill Limited Service Area is subject to development restrictions as specifically set forth in the Lone Pine/Foothill Limited Service Area policies.~~

* * *

Conclusions, Goals, Policies, and Implementation Strategies

Each section of the "Public Facilities Element" contains its own conclusions, goals, policies, and implementation strategies. The conclusions are drawn from the information assembled and analyzed in each section. These conclusions are then used as a basis for the goals, policies, and implementation strategies.

General Public Facilities Conclusions

* * *

5. In areas of the Medford Urban Growth Boundary where the timely provision of essential urban facilities and services cannot be accomplished so as to achieve minimum established service levels, a "Limited Service Area" is designated. Development within a designated Limited Service Area may be restricted until threshold levels of essential urban services can be achieved.

* * *

General Public Facilities Goals, Policies, and Implementation Measures

* * *

Goal 2: To assure that General Land Use Plan (GLUP) designations and the development approval process remain consistent with the City of Medford's ability to provide adequate levels of essential public facilities and services.

Policy 2-A: In cases where the timely provision of essential urban facilities and services cannot be accomplished so as to achieve minimum adequate service levels, that portion of the Medford urban growth area subject to inadequate services shall be designated **limited service area,** and any or all development may be restricted until threshold levels of essential services can be achieved. Limited service areas should be considered as priority areas for public facility planning subject to other growth and development factors. "Timely provision of essential urban facilities and services" shall mean that such services can be provided in adequate condition and capacity prior to or concurrent with development of the subject area. "Essential urban facilities and services" shall mean sanitary sewers, water systems, stormwater management facilities, and transportation facilities. A determination of minimum adequate service levels for essential urban facilities and services shall be based on the following:

* * *

Sanitary Sewers – Sufficient to serve any proposed development consistent with the General Land Use Plan (GLUP) designation. Sanitary sewer facilities shall be considered adequate if they are consistent with the adopted sewer plan document, as interpreted by the City Engineer.

Domestic Water – Sufficient to serve any proposed development with a permanent urban domestic water system capable of supplying minimum pressure and volume for projected domestic and fire control needs consistent with the General Land Use Plan (GLUP) designation. Water facilities shall be considered adequate if they are consistent with the adopted water system plan documents, as interpreted by the Water Commission Manager.

Storm Drainage Facilities – Sufficient to serve any proposed development consistent with the General Land Use Plan (GLUP) designation. Stormwater management facilities shall be considered adequate if they are consistent with the adopted storm drainage plan document, as interpreted by the City Engineer.

II. CATEGORY "A" FACILITIES

WATER SERVICE

Level of Service

* * *

~~There is one area in the UGB where the MWC is able to provide only limited service, north of Lone Pine Road and east of Foothill Road. This area has been designated as a Limited Service Area, and the Fordyce Water Association provides water service in this area. This area consists of about 16 households and a number of undeveloped parcels, all above the elevation of 1,650 feet. The Fordyce Water Association has a metered pump on a MWC line. The water is pumped up to a cedar holding tank for all the households in the area. In return for being allowed to tap into the MWC system, the Fordyce Water Association has agreed to hook up to the MWC system when the MWC is able to provide full service to this area. With increasing residential development in this area, it is expected that the Fordyce Water Association will be able to hook up to the MWC system within five to ten years.~~

* * *

Water Service Conclusions

* * *

~~4. There is one area in the Medford Urban Growth Boundary, located north of Lone Pine Road and east of Foothill Road above the 1,650 foot elevation contour, where the Medford Water Commission is able to provide only limited service. This area is designated as a Limited Service Area in the *Medford Comprehensive Plan*.~~

~~5.~~4. The Medford Water Commission has begun water conservation efforts to facilitate improved conservation efficiencies over time.

~~6.~~5. The "Water Fund" is the general operating fund of the Medford Water Commission, and is generated from the sale of water, the income from the sale of service extensions and improvements, and system development charges (SDCs) applied to new customers.

Water Service Goals, Policies, and Implementation Measures

* * *

~~Lone Pine/Foothill Limited Service Area Goals and Policies~~

~~*Goal 1: To identify the specific geographic area that is affected by the lack of a sufficient public water system as required to develop to urban densities. The area identified includes parcels that are all or partially above the 1,650 feet elevation contour in the Lone Pine/Foothill Area and within the Medford Urban Growth Boundary.*~~

~~**Policy 1-A:** The 1,650 foot elevation contour represents the Medford Water Commission's present service boundary for the Lone Pine/Foothill Limited Service Area. This particular boundary identifies the Water Commission's present service limits for providing urban water service based on existing storage and distribution facilities.~~

~~***Goal 2: To manage the development of the Lone Pine/Foothill Limited Service Area in an acknowledged manner conducive to the ultimate provision of a public water system meeting urban service requirements as per the "Water System Plan for the City of Medford Water Commission, September 1999."***~~

~~**Policy 2-A:** Within the Medford City limits, existing parcels on January 1, 1983 designated as in the Lone Pine/Foothill Limited Service Area, are permitted to develop at a density of one single family residence per existing tax lot. All such new development shall be serviced by an on-site private well, and, prior to the issuance of building permits, the property owner shall sign and record an agreement which runs with the land and commits same to participate in a local improvement district for the development of a public water system.~~

~~**Policy 2-B:** Final plats for land divisions within the City of Medford in the Lone Pine/Foothill Limited Service Area shall not be approved until a local improvement district for the development of a public water system is formed and construction commenced. However, tentative plats will be reviewed, and can be approved subject to the property owner(s) signing an agreement per Policy 2-A above. All tentative plats shall identify thereon, using City datum, the 1,650 foot elevation contour. A licensed land surveyor shall certify said contour line.~~

~~**Policy 2-C:** Those parcels within the Lone Pine/Foothill Limited Service Area that are only partially above the 1,650 foot elevation contour shall be permitted to subdivide and record a final plat as per City of Medford standards provided that the following is complied with:~~

~~a) Lots that are not serviceable by a public water system due to their proximity to the 1,650-foot elevation contour shall be identified on the tentative plat, and separated from the serviceable lots by a phase line drawn and identified in a manner prescribed by the Planning Director.~~

~~b) Prior to final plat approval for the serviceable phase of a subdivision, a final partition plat shall be prepared segregating the serviceable phase from the unserviceable phase of the subdivision as per the tentative plat. This final partition plat must be approved by the City and recorded with the Jackson County Recorder in conjunction with an agreement per Policy 2-A.~~

~~**Policy 2-D:** Lone Pine/Foothill Limited Service Area land located outside the Medford City limits, but within the Urban Growth Boundary, may subdivide and develop as per Jackson County regulations. Such development proposals that exceed RR-5 (Rural Residential - 5 acre minimum lot size) density are not permitted.~~

~~**Policy 2-E:** As a prerequisite to urban development within the Lone Pine/Foothill Limited Service Area, annexations may be approved subject to the Limited Service Area designation and policies. Upon annexation, existing County zoning may remain in effect and be administered by the City.~~

* * *

GLUP MAP DESIGNATIONS

The GLUP Map has 13 different land use designations, as listed below.

* * *

12. ***Limited Service Area Overlay*** This overlay designation represents those areas within the Urban Growth Boundary (UGB) that are not presently serviced with adequate public facilities or other services required for development to urban densities. The fundamental objective of distinguishing such areas is to provide development management programs that will eventually facilitate the provision of necessary facilities and services. ~~One such area is identified on the GLUP Map. The "Lone Pine/Foothills Limited Service Area," located in the northeast part of the city, lacks a sufficient water system. (See the *Public Facilities Element* for additional information regarding this area.)~~

13. ***Urban Growth Boundary*** The City of Medford and Jackson County have established an Urban Growth Boundary (UGB), which delineates Medford's urban and urbanizable areas. Following the 1990 UGB amendment there was a total of 17,889 acres (27.95 square miles) within the UGB including that land within the City. The UGB is site specific. Since the GLUP Map does not indicate lot lines, the UGB is also specified on the City of Medford Zoning Map, a map having lot lines, so that the location of specific parcels inside or outside of the UGB can be determined.

CITY OF MEDFORD
EXHIBIT C
File # CP-11-007/GLUP-11-008

RECEIVED
JUL 10 2015
Planning Dept.

Mike W Jantzer
1701 Panorama Dr.
Medford, Or 97504

July 10, 2015

James E Huber, A.I.C.P.
Planning Director
City of Medford Planning Department
Lausmann Annex, 200 S. Ivy Street
Medford, Or 97501

Re: 371W150000400

Dear Mr. Huber:

I own tax lot 400, 63.43 acres, off of Panorama Drive in East Medford. It seems that the property is still designated as a limited service district. We brought water into the property several years ago and it has pressure to the upper property line at 1950 feet. Eric Johnson of the MWC said he has confirmed this with your department. I would like to request removal of tax lot 400 from the limited service designation.

Sincerely,

Mike W. Jantzer

Mike W. Jantzer

CITY OF MEDFORD
EXHIBIT D
File # CP-11-007/GLUP-11-008

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STAFF REPORT

for a type-B decision: Vacation

PROJECT	Holly Street Right-of-Way Vacation Applicant: Public Works Department
FILE NO.	SV-15-114
TO	Planning Commission *for 12/10/2015 hearing*
FROM	Jennifer Jones, AICP, Planner III
REVIEWER	John Adam, AICP, Principal Planner
DATE	December 03, 2015

BACKGROUND

Proposal

Request for the vacation of 10,379 square feet of public street right-of-way at the southwest corner of the intersection of South Holly Street and Garfield Street.

Subject Site Characteristics

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

Surrounding Site Characteristics

	Zoning	Use
North	SFR-6	Single Family Home; Golf Course
South	SFR-6	Single Family Homes
East	Jackson County EFU (Exclusive Farm Use)	Vacant
West	SFR-6	Single Family Homes

Applicable Criteria

Oregon Revised Statue Chapter 271.130

Medford Municipal Code §10.202, Vacation Criteria

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

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

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

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

ISSUES AND ANALYSIS

Background

The Public Works Department has requested to vacate 10,379 square feet of excess right-of-way that resulted from the Holly Street extension improvements. The Public Works Department agreed to vacate the surplus right-of-way per the City Council meeting on October 19, 2006.

Ownership after Vacation

The right-of-way will revert to the owners of the abutting parcels.

Easements

No comments have been received regarding existing utilities within the subject area of the vacation. The Public Works Report suggests that the entire portion of the area to be vacated needs to be reserved as an easement for utilities including storm drain, water, and any other public utilities currently existing therein (Exhibit C). However, according to the Findings of Fact (Exhibit A) there are no records which indicate any public utilities are located within the subject area.

COMPLIANCE WITH VACATION CRITERIA

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

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

The applicant's findings demonstrate that the subject vacation is in compliance with the goals and policies of the Comprehensive Plan and Transportation System Plan. Utilities are available to adjoining parcels without having to utilize the area proposed to be vacated. There will be no identifiable diminishment of service in any public facility. Criterion 1 has been met.

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

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

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

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

a. That the owners of more than 50% of the affected area do not object in writing; and,

b. That the vacation will not substantially affect the market value of any abutting property where the owner objects, unless the City provides for paying damages to the owner.

The City Council initiated the vacation on October 15, 2015 by Resolution No. 2015-107; therefore, this criterion applies. To date, no written objections have been received. The vacation will not substantially affect the market value of any abutting property.

Committee Comments

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

FINDINGS AND CONCLUSIONS

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

RECOMMENDED ACTION

Forward a favorable recommendation to the City Council for SV-15-114 per the Staff Report dated December 03, 2015, including Exhibits A-E.

EXHIBITS

A Applicant's Finding of Fact received August 07, 2015
B Legal Descriptions of area to be vacated received February August 07, 2015
C Public Works Report received October 21, 2015
D Jackson County Assessors Map received August 07, 2015
E Subject Area Map received August 07, 2015
Vicinity map

PLANNING COMMISSION AGENDA: **DECEMBER 10, 2015**

RECEIVED
AUG 07 2015
PLANNING DEPT.

FINDS OF FACT AND CONCLUSIONS OF LAW
BEFORE THE CITY OF MEDFORD
CITY COUNCIL

IN THE MATTER OF AN APPLICATION FOR THE VACATION OF PUBLIC RIGHT-OF-WAY

EXHIBIT "1"

APPLICATION: Request for the vacation of 10,379 square feet of public street right-of-way at the southwest corner of the intersection of Holly Street and Garfield Street.

APPLICANT: City of Medford

CONTACT: Kenneth Parducci – Eng. Tech. III
City of Medford/Public Works-Engineering Dept.

A. BACKGROUND AND GENERAL INFORMATION

Surplus right-of-way exists at the southwest corner of the intersection of Holly Street and Garfield Street as a result of the Holly Street Extension Project. This right-of-way is currently under the jurisdiction of the City of Medford. Public Works/Engineering agreed to vacate the surplus right-of-way per the City Council meeting of October 19, 2006. The surplus right-of-way and the new right-of-way are illustrated on Exhibit '2'.

B. PURPOSE AND SCOPE OF THE APPLICATION

The purpose and scope of the subject application is to vacate the surplus right-of-way discussed above and illustrated on Exhibits '2'. The total area proposed to be vacated is 10,379 square feet. It is intended for this area to be converted to private property upon its vacation.

The Jackson County Assessor will determine the ownership, and discussions with the County Mapping Department indicate that the right-of-way will revert to the owners of the abutting parcels upon vacation.

C. PROCEDURE AND SUBMITTAL REQUIREMENTS

Section 10.185 of the Medford Land Development Code requires that the vacation of a public street be reviewed as a Class "B" procedural action, which specifies the review procedures and approval process for such an action. Section 10.200, below, also requires that such a vacation be subject to Chapter 271 of the Oregon Revised Statutes, more specifically ORS 271.130 with this application, as discussed below.

CITY OF MEDFORD
EXHIBIT # A
File # SV-15-114

5

10.200 Application - Vacation

A request to vacate a public street, alley, easement, plat, or public place shall, in addition to the requirements contained herein, be subject to ORS Chapter 271. Vacation shall be initiated either by petition under ORS 271.080 or by City Council under ORS 271.130.

10.201 Application Form

Petitioners or persons requesting a vacation shall file an application containing the following items:

1. Vicinity Map drawn to scale identifying the proposed area of vacation.

2. Legal description of area proposed to be vacated in electronic form per the instructions of the City of Medford Planning Department.

3. A letter requesting City Council initiation, or, if initiated by petition rather than by Council, consent to vacate forms completed and signed by owners of all abutting property and of not less than two-thirds in area of the real property affected as defined in ORS 271.080.

4. Assessor's maps of the proposed vacation area identifying abutting and affected properties. The assessor's maps shall identify those parcels for which consents to vacate have been acquired.

5. Names and addresses of property owners within 200-feet of the site including map and tax lot numbers typed on mailing labels.

6. Findings that address the approval criteria in Section 10.202, Vacation Criteria.

D. RELEVANT APPROVAL CRITERIA

The City of Medford and the State of Oregon have established criteria that must be met before an application for vacation of a public right-of-way can be approved. The applicant has addressed each of the relevant approval criteria in Section "F" of this document, which follows.

MEDFORD LAND DEVELOPMENT CODE

10.202 Vacation Criteria

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

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

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

Initiated by the Council, the applicable criteria found in ORS 271.130.

OREGON REVISED STATUTES

271.130 Vacation on city governing body's own motion; appeal.

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

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

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

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

E. APPLICANT'S SUBMITTALS

Exhibit "1"	Findings of Fact
Exhibit "2"	Vicinity Map drawn to scale identifying the proposed area of vacation
Exhibit "3"	Jackson County Assessor's Map of area to be vacated
Exhibit "4"	Legal Description of area to be vacated

F. FINDINGS OF FACT AND CONCLUSIONS OF LAW

CITY OF MEDFORD: SUBMITTAL REQUIREMENTS OF SECTION 10.201

10.201 Application Form

Petitioners or persons requesting a vacation shall.file an application containing the following items:

Vicinity Map drawn to scale identifying the proposed area of vacation.

Legal description of area proposed to be vacated in electronic form per the instructions of the City of Medford Planning Department.

A letter requesting City Council initiation, or, if initiated by petition rather than by Council, consent to vacate forms completed and signed by owners of all abutting property and of not less than two-thirds in area of the real property affected as defined in ORS 271.080.

4. Assessor maps of the proposed vacation area identifying abutting and affected properties. The assessor's maps shall identify those parcels for which consents to vacate have been acquired.

Names and addresses of property owners within 200-feet of the site including map and tax lot numbers typed on mailing labels.

Findings that address the approval criteria in Section 10.202, Vacation Criteria.

Findings of Fact

The submitted application includes a vicinity map (Exhibit '2') and legal description of the area proposed to be vacated (Exhibit '4').

The application also includes an assessor map showing the proposed vacation area, and identifying those properties, which are abutting and those that fall within the affected area (Exhibit "3"), as defined by ORS 271.080.

Since this application is being initiated by the City, the letter requesting initiation is not needed.

The names and addresses of all abutting and other affected property owners, together with their map and tax lot numbers have been submitted on typed mailing labels.

Conclusion of Law

The City Council concludes that the submittal requirements of Section 10.201 have been met.

CITY OF MEDFORD CRITERIA FOR VACATION

Land Development Code Section 10.202 - Vacation Criteria

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

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

The City of Medford has separated the transportation goals, policies, and implementations from the Public Facilities Element, with the adoption of the Transportation System Plan in 2003, which then became a separate element of Medford's Comprehensive Plan. In addition to addressing the Public Facilities Element as required by (1) above, the applicant's findings also address compliance with the Transportation System Plan document.

Finding of Fact

The Medford City Council has considered the following facts, which are fundamental in making their decision regarding the subject application.

A review of the Public Facilities Element shows that there are no Goals, Policies, or Implementations of the element which serve as specific decisional criteria for the proposed vacation of this surplus right-of-way. However the following elements show that the proposed vacation is in compliance with the Public Facilities Element.

PUBLIC FACILITIES ELEMENT

Goal 1: To assure that development is guided and supported by appropriate types and levels of urban facilities and services, provided in a timely, orderly, and efficient arrangement.

Policy 1-A: The City of Medford shall provide, where feasible and as sufficient funds are available from public or private sources, the following facilities and services at levels appropriate for all land use types within the City:

- *Water service;*
- *Sanitary sewers;*
- *Stormwater management facilities;*
- *Fire and emergency services;*
- *Law enforcement;*
- *Parks and recreation;*
- *Planning, zoning, and subdivision control*

All of these key facilities are all available to the adjoining parcels from public infrastructure within the abutting rights-of-way, without having to utilize the area proposed to be vacated. According to records available, there does not appear to be any public utilities currently located within the subject area proposed to be vacated.

Goal 2: To assure that General Land Use Plan (GLUP) designations and the development approval process remain consistent with the City of Medford's ability to provide adequate levels of essential public facilities and services.

Policy 2-B: The City of Medford shall strive to ensure that new development does not create public facility demands that diminish the quality of services to current residences and businesses below established minimum levels.

Any new development on the adjoining properties will be subject to City of Medford standards pertaining to public facility utilization. There are no known public facility service issues that will be diminished by virtue of the vacation of this area.

Conclusion of Law

The City Council concludes that there are no goals, policies, or implementation measures in the Public Facilities Element that serve as specific decisional criteria for the vacation of this right-of-way. The City Council also concludes that the proposed vacation is in conformance with Goal 2 as the vacation will not have an effect upon the quality of service to current residences and businesses and therefore, is not in conflict with the Public Facilities Element.

TRANSPORTATION SYSTEM PLAN

The following sections of the Transportation System Plan deal with Medford's street system and contain Goals, Policies, and Implementations that will be addressed to show that the proposed application is in compliance with the Transportation System Plan.

Street System

GOAL 2: To provide a comprehensive street system that serves the mobility and multi-modal transportation needs of the Medford planning area.

Street System - Classification

Policy 2-A: The City of Medford shall classify streets so as to provide an optimal balance between mobility and accessibility for all transportation modes consistent with street function.

Implementation 2-A(1): Utilize the Street Classification Map of the Medford Transportation System Plan to identify land for public rights-of way and to give Advance notice to property owners and citizens regarding future expansions of the street system.

Findings of Fact

Holly Street is classified as a Minor Collector Street and Garfield Street is classified as a Major Arterial Street on the City's Street Classification map. Within the area of the proposed vacation, both roadways have been recently improved to the City's Standards for each road classification.

Conclusion of Law

The City Council concludes that the City's Street System Goals as stated above have been met, and that the vacation of the surplus area outside of the improvements will not affect Medford's circulation plan.

Street System - Design

Policy 2-C: The City of Medford shall design the street system to safely and efficiently accommodate multiple travel modes within public rights-of way.

Implementation 2-C(I): Apply the street design standard that most safely and efficiently provides multi-modal capacity respective to the functional classification of the street, mitigating noise, energy consumption, neighborhood disruption, economic losses, and other social, environmental, or institutional disruptions. Use of adopted neighborhood plans should determine the specific look and character of each neighborhood and its street system.

Findings of Fact

When Holly Street and Garfield Street were improved, both facilities included bike lanes in each direction and sidewalks on both sides of the streets, which meet the City standards for a multi-modal facility.

Conclusion of Law

The City Council concludes that the City's standards for a multi-modal facility have already met through the road improvements.

STATE OF OREGON CRITERIA FOR VACATION

Vacation on city governing body's own motion; appeal. ORS 271.130

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

Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.

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

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

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

Findings of Fact

The City Council has initiated the vacation of the right-of-way without a petition or consent of property owners. Notice has been given as provided by ORS 271.110. The applicant has submitted Exhibit "4" showing the legal affected area, as defined by ORS 271.080(2). To date, no owners of property within the affected area have objected in writing to the vacation.

The opportunity exists for a property owner affected by the order of vacation to appeal the City Council's decision.

Conclusion of Law

The City Council concludes that the vacation has been initiated on their own motion, and that owners of a majority of the area affected have not objected in writing to the vacation. The City Council also concludes that all city liens and all taxes have been paid on the lands covered by the vacation area.

G. ULTIMATE CONCLUSION

Based upon the above Findings of Fact and Conclusions of Law, the City Council concludes that the application for vacation of the subject area as depicted in the submitted application is consistent with the relevant decisional criteria found in Section 10.202 of Medford's Land Development Code and Chapter 271.130 of the Oregon Revised Statutes, and can therefore be approved.

Respectively Submitted,

Kenneth Parducci
CITY OF MEDFORD – PUBLIC WORKS/ENGINEERING DEPT.

Dated: July 27th, 2015

RECEIVED
AUG 07 2015
PLANNING DEPT.

OREGON

EXHIBIT A

HOLLY STREET IMPROVEMENT PROJECT # P-1561
PARTIAL VACATION
SOUTH HOLLY STREET
CITY OF MEDFORD
371W31C
RW# 7400

VACATION

A TRACT OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON AND BEING A PORTION OF THAT PROPERTY DEDICATED TO THE CITY OF MEDFORD AS PUBLIC RIGHT OF WAY ON WOODSIDE PARK SUBDIVISION FILED AS VOLUME 17 PAGE 7 OF RECORDS OF JACKSON COUNTY, RECORDED APRIL 20TH, 1992 AND FILED AS SURVEY NUMBER 12955 IN THE JACKSON COUNTY SURVEYORS OFFICE, ALSO SHOWN ON SURVEY NUMBER 21256 AS FILED IN THE JACKSON COUNTY SURVEYORS OFFICE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

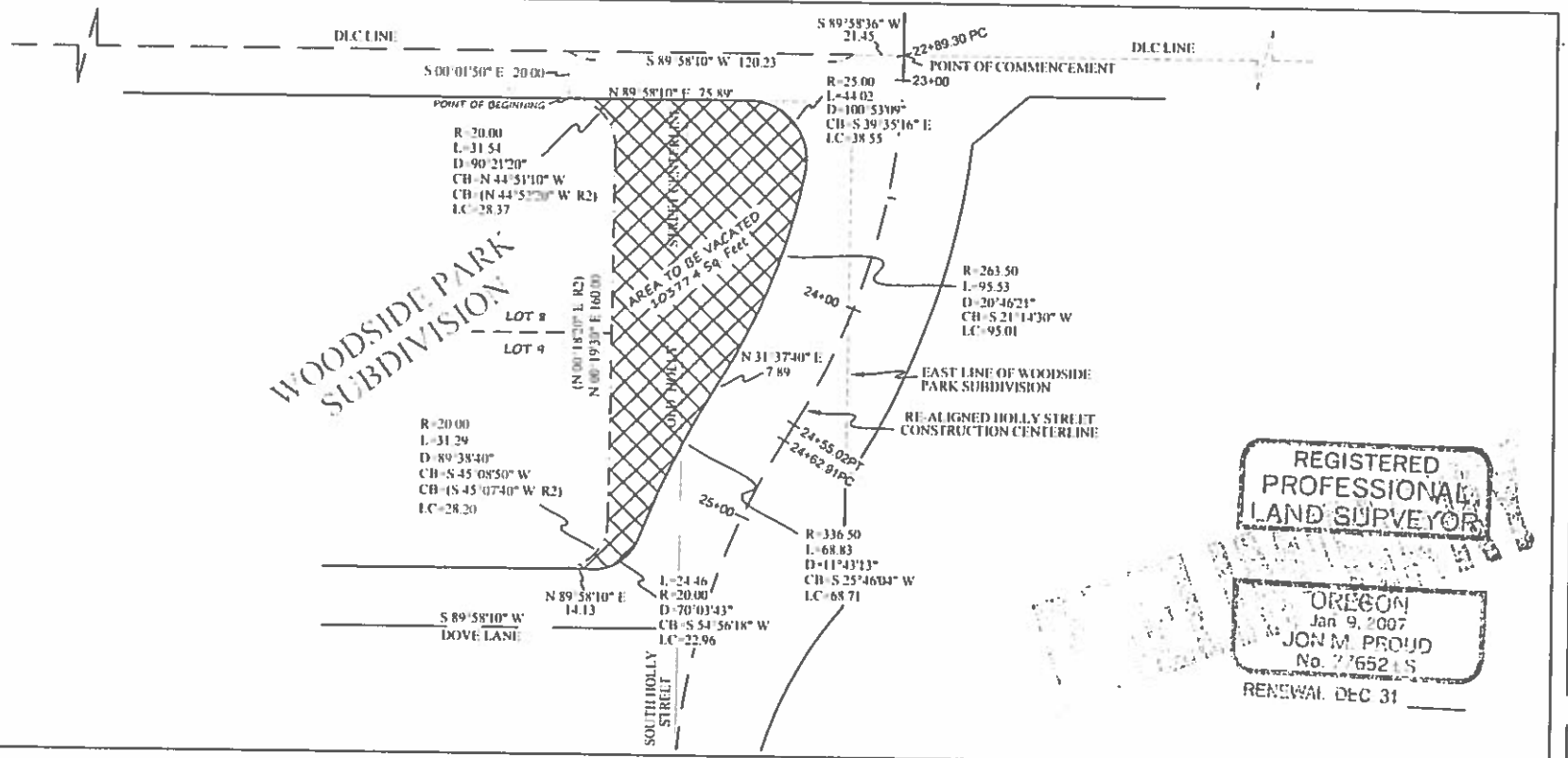
COMMENCING AT THE INTERSECTION OF THE DONATION LAND CLAIM LINE AND THE CONSTRUCTION CENTERLINE OF SOUTH HOLLY STREET AS SHOWN ON SAID FILED SURVEY 21256; THENCE ALONG SAID DONATION LAND CLAIM LINE SOUTH 89°58'36" WEST A DISTANCE OF 21.45 FEET; THENCE SOUTH 89°58'10" WEST A DISTANCE OF 120.23 FEET; THENCE LEAVING SAID DONATION LAND CLAIM LINE SOUTH 00°01'50" EAST A DISTANCE OF 20.00 FEET, TO A POINT ON THE NORTH LINE OF WOODSIDE PARK SUBDIVISION ALSO BEING A POINT ON THE DEDICATED RIGHT OF WAY LINE OF SOUTH HOLLY STREET PER SAID WOODSIDE PARK SUBDIVISION AND THE POINT OF BEGINNING; THENCE ALONG SAID RIGHT OF WAY ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS: SOUTH 44°51'10" EAST A DISTANCE OF 28.37 FEET) AN ARC DISTANCE OF 31.54 FEET; THENCE SOUTH 00°19'30" WEST A DISTANCE OF 160.00 FEET; THENCE ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS: SOUTH 45°08'50" WEST A DISTANCE OF 28.20 FEET) AN ARC DISTANCE OF 31.29 FEET, TO A POINT OF CUSP ON THE NORTHERLY RIGHT OF WAY OF DOVE LANE AS DEDICATED IN SAID WOODSIDE SUBDIVISION; THENCE LEAVING SAID RIGHT OF WAY NORTH 89°58'10" EAST A DISTANCE OF 14.13 FEET; THENCE ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE LEFT (THE CHORD OF WHICH BEARS: NORTH 54°56'18" EAST A DISTANCE OF 22.96 FEET) AN ARC DISTANCE OF 24.46 FEET, TO A POINT OF REVERSE CURVATURE AND BEING 36.50 FEET WHEN MEASURED RADIAL FROM THE AFOREMENTIONED CONSTRUCTION CENTERLINE OF SOUTH HOLLY STREET; BEING 36.50 FEET PARALLEL AND CONCENTRIC TO SAID CONSTRUCTION CENTERLINE THE FOLLOWING THREE CALLS: THENCE ALONG THE ARC OF A 336.50 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS: NORTH 25°46'04" EAST A DISTANCE OF 68.71 FEET) AN ARC DISTANCE OF 68.83 FEET; THENCE NORTH 31°37'40" EAST A DISTANCE OF 7.89 FEET; THENCE ALONG THE ARC OF A 263.50 FOOT RADIUS CURVE TO THE LEFT (THE CHORD OF WHICH BEARS: NORTH 21°14'30" EAST A DISTANCE OF 95.01 FEET) AN ARC DISTANCE OF 95.53 FEET TO A POINT OF COMPOUND CURVATURE; THENCE ALONG THE ARC OF A 25.00 FOOT RADIUS CURVE TO THE LEFT (THE CHORD OF WHICH BEARS: NORTH 39°35'16" WEST A DISTANCE OF 38.55 FEET) AN ARC DISTANCE OF 44.02 FEET TO A POINT ON THE NORTH LINE OF SAID WOODSIDE PARK SUBDIVISION; THENCE ALONG SAID NORTH LINE SOUTH 89°58'10" WEST A DISTANCE OF 75.89 FEET, TO THE POINT OF BEGINNING.

THIS TRACT OF LAND TO WHICH THIS DESCRIPTION APPLIES CONTAINS 10,379 SQUARE FEET, MORE OR LESS.

BEARINGS BASED ON COUNTY SURVEY NUMBER 21256, FILED AT THE JACKSON COUNTY SURVEYORS OFFICE.

THE GRAPHIC DEPICTION OF THE ABOVE DESCRIPTION IS SHOWN ON EXHIBIT "B" ATTACHED HERETO.

CITY OF MEDFORD
EXHIBIT # B
File # SV-15-114



LEGEND

RIGHT OF WAY TO BE VACATED
(10,378+/- SQ FT)

0' 60'

SCALE: 1"=60'

CITY OF MEDFORD - SURVEYING DEPARTMENT

EXHIBIT "B"

SOUTH HOLLY STREET VACATION
VACATION EXHIBIT

WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"

DRAWN BY SPM	DATE 6/29/15	PROJECT NO.	
CHECKED BY JP	DATE 6/29/15	P-1561	
APPROVED	DATE		
APPROVED BY TRANSPORTATION MANAGER	DATE	SHEET NO.	
REVIEWED BY CITY ENGINEER	DATE	1	
APPROVED BY ORDINANCE NO	DATE		

371W31C

Drawing name: P:\STAFF FOLDERS\Sean\P-1561 HOLLY\DRAWINGS\H 2ST CONSTRUCTION-VAC.00.dwg Jun 29, 2015 12:43pm

RECEIVED
AUG 07 2015
PLANNING DEPT.

EXHIBIT A

HOLLY STREET IMPROVEMENT PROJECT # P-1561
PARTIAL VACATION
SOUTH HOLLY STREET
CITY OF MEDFORD
371W31C
RW# 7401

PUBLIC UTILITY EASEMENT (PUE)

A TRACT OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON AND BEING A PORTION OF THAT PROPERTY DEDICATED TO THE CITY OF MEDFORD AS PUBLIC RIGHT OF WAY ON WOODSIDE PARK SUBDIVISION FILED AS VOLUME 17 PAGE 7 OF RECORDS OF JACKSON COUNTY, RECORDED APRIL 20TH, 1992 AND FILED AS SURVEY NUMBER 12955 IN THE JACKSON COUNTY SURVEYORS OFFICE, ALSO SHOWN ON SURVEY NUMBER 21256 AS FILED IN THE JACKSON COUNTY SURVEYORS OFFICE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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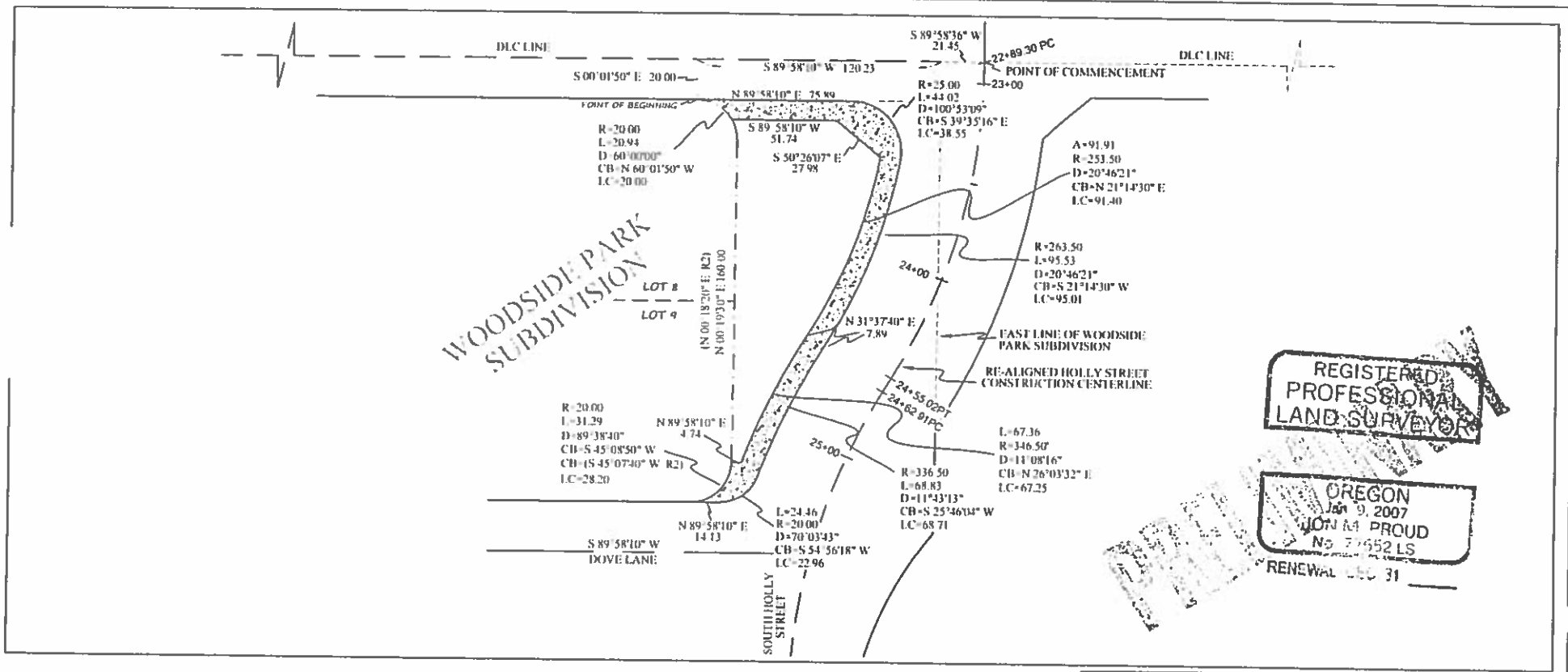
THIS TRACT OF LAND TO WHICH THIS DESCRIPTION APPLIES CONTAINS 3,082 SQUARE FEET, MORE OR LESS.

BEARINGS BASED ON COUNTY SURVEY NUMBER 21256, FILED AT THE JACKSON COUNTY SURVEYORS OFFICE.

THE GRAPHIC DEPICTION OF THE ABOVE DESCRIPTION IS SHOWN ON EXHIBIT "B" ATTACHED HERETO.

CITY OF MEDFORD
EXHIBIT #_____
File # SV-15-114



LEGEND

PUBLIC UTILITY EASEMENT
(3,082+/- SQ FT)

0' 60'
SCALE: 1"=60'

CITY OF MEDFORD - SURVEYING DEPARTMENT			
EXHIBIT "B" SOUTH HOLLY STREET VACATION PUBLIC UTILITY EASEMENT WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"			
DRAWN BY	SPM	DATE 6/29/15	PROJECT NO. P-1561
CHECKED BY	JP	DATE 6/29/15	
APPROVED		DATE	
APPROVED CITY TRANSPORTATION MANAGER		DATE	SHEET NO 1
REVIEWED BY CITY ENGINEER		DATE	
APPROVED BY ORDINANCE NO		DATE	

371W31C

Drawing name P:\STAFF FOLDERS\Sam\P-1561 HOLLY\DRAWINGS\HK JST CONSTRUCTION-VAC-00.dwg Jun 29, 2015 - 1:02pm

RECEIVED
AUG 07 2015
PLANNING DEPT.

EXHIBIT A

HOLLY STREET IMPROVEMENT PROJECT # P-1561
EXCLUSIVE PERPETUAL SEWER EASEMENT
SOUTH HOLLY STREET
CITY OF MEDFORD
371W31C
RW# 7402

SEWER EASEMENT

A TRACT OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON AND BEING A PORTION OF THAT PROPERTY DEDICATED TO THE CITY OF MEDFORD AS PUBLIC RIGHT OF WAY ON WOODSIDE PARK SUBDIVISION FILED AS VOLUME 17 PAGE 7 OF RECORDS OF JACKSON COUNTY, RECORDED APRIL 20TH, 1992 AND FILED AS SURVEY NUMBER 12955 IN THE JACKSON COUNTY SURVEYORS OFFICE, ALSO SHOWN ON SURVEY NUMBER 21256 AS FILED IN THE JACKSON COUNTY SURVEYORS OFFICE, BEING A 10.00 FOOT WIDE SANITARY SEWER EASEMENT LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE INTERSECTION OF THE DONATION LAND CLAIM LINE AND THE CONSTRUCTION CENTERLINE OF SOUTH HOLLY STREET AS SHOWN ON SAID FILED SURVEY 21256; THENCE ALONG SAID DONATION LAND CLAIM LINE SOUTH 89°58'36" WEST A DISTANCE OF 21.45 FEET; THENCE SOUTH 89°58'10" WEST A DISTANCE OF 120.23 FEET; THENCE LEAVING SAID DONATION LAND CLAIM LINE SOUTH 00°01'50" EAST A DISTANCE OF 20.00 FEET, TO A POINT ON THE NORTH LINE OF WOODSIDE PARK SUBDIVISION ALSO BEING A POINT ON THE DEDICATED RIGHT OF WAY LINE OF SOUTH HOLLY STREET PER SAID WOODSIDE PARK SUBDIVISION; THENCE ALONG SAID NORTH LINE OF WOODSIDE PARK SUBDIVISION NORTH 89°58'10" EAST A DISTANCE OF 40.04 FEET; TO THE POINT OF BEGINNING; THENCE SOUTH 01°13'49" WEST A DISTANCE OF 234.71 FEET, TO A SANITARY SEWER MANHOLE LOCATED SOUTH 54°57'34" WEST A DISTANCE OF 16.86 FEET FROM THE INTERSECTION OF SOUTH HOLLY STREET AND DOVE LANE PER SAID WOODSIDE PARK SUBDIVISION.

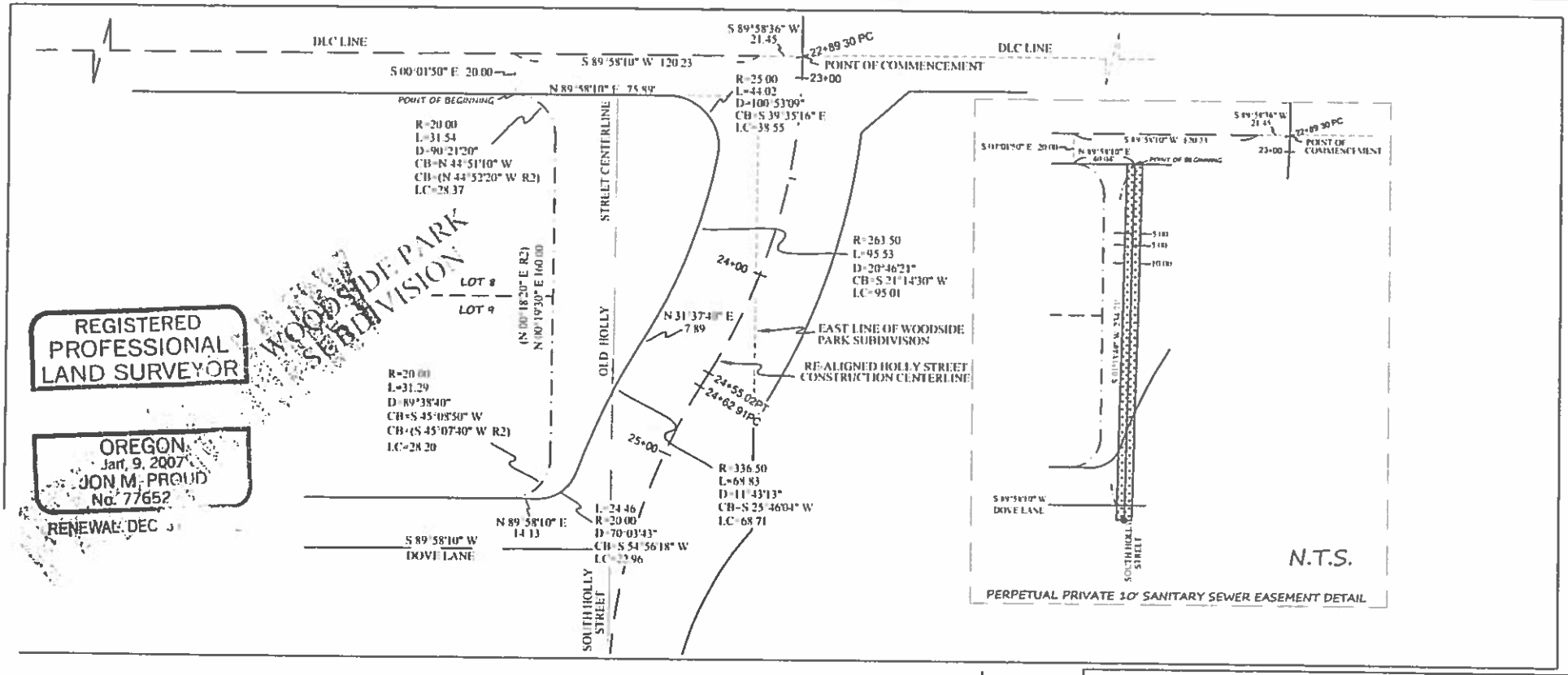
EXCEPT THEREFROM ANY PROPERTY DESIGNATED AS PUBLIC RIGHT OF WAY.

THIS TRACT OF LAND TO WHICH THIS DESCRIPTION APPLIES CONTAINS 2,347 SQUARE FEET, MORE OR LESS.

BEARINGS BASED ON COUNTY SURVEY NUMBER 21256, FILED AT THE JACKSON COUNTY SURVEYORS OFFICE.

THE GRAPHIC DEPICTION OF THE ABOVE DESCRIPTION IS SHOWN ON EXHIBIT "B" ATTACHED HERETO.

CITY OF MEDFORD
EXHIBIT #_____
File # SV-15-114



LEGEND

PERPETUAL PRIVATE/EXCLUSIVE ACCESS EASEMENT
(2,347+/- SQ FT)

0' 60'
SCALE: 1"=60'

371W31C

CITY OF MEDFORD - SURVEYING DEPARTMENT

EXHIBIT "B"

SOUTH HOLLY STREET VACATION
10' PRIVATE PERPETUAL SEWER EASEMENT

WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"

DRAWN BY	SPM	DATE 8/29/15	PROJECT NO
CHECKED BY	JP	DATE 8/29/15	P-1561
APPROVED		DATE	
APPROVED CITY TRANSPORTATION MANAGER		DATE	SHEET NO.
REVIEWED BY CITY ENGINEER		DATE	1
APPROVED BY ORDINANCE NO		DATE	

Drawing name: P:\STAFF FOLDERS\Sean\P-1561 HOLLY\DRAWINGS\HOLLY-POST CONSTRUCTION VAC.dwg Jun 26, 2015 - 1:07pm

RECEIVED
AUG 07 2015
PLANNING DEPT.

EXHIBIT A

HOLLY STREET IMPROVEMENT PROJECT # P-1561
EXCLUSIVE PERPETUAL ACCESS EASEMENT
SOUTH HOLLY STREET
CITY OF MEDFORD
371W31C
RW# 7403

ACCESS EASEMENT

A TRACT OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON AND BEING A PORTION OF THAT PROPERTY DEDICATED TO THE CITY OF MEDFORD AS PUBLIC RIGHT OF WAY ON WOODSIDE PARK SUBDIVISION FILED AS VOLUME 17 PAGE 7 OF RECORDS OF JACKSON COUNTY, RECORDED APRIL 20TH, 1992 AND FILED AS SURVEY NUMBER 12955 IN THE JACKSON COUNTY SURVEYORS OFFICE, ALSO SHOWN ON SURVEY NUMBER 21256 AS FILED IN THE JACKSON COUNTY SURVEYORS OFFICE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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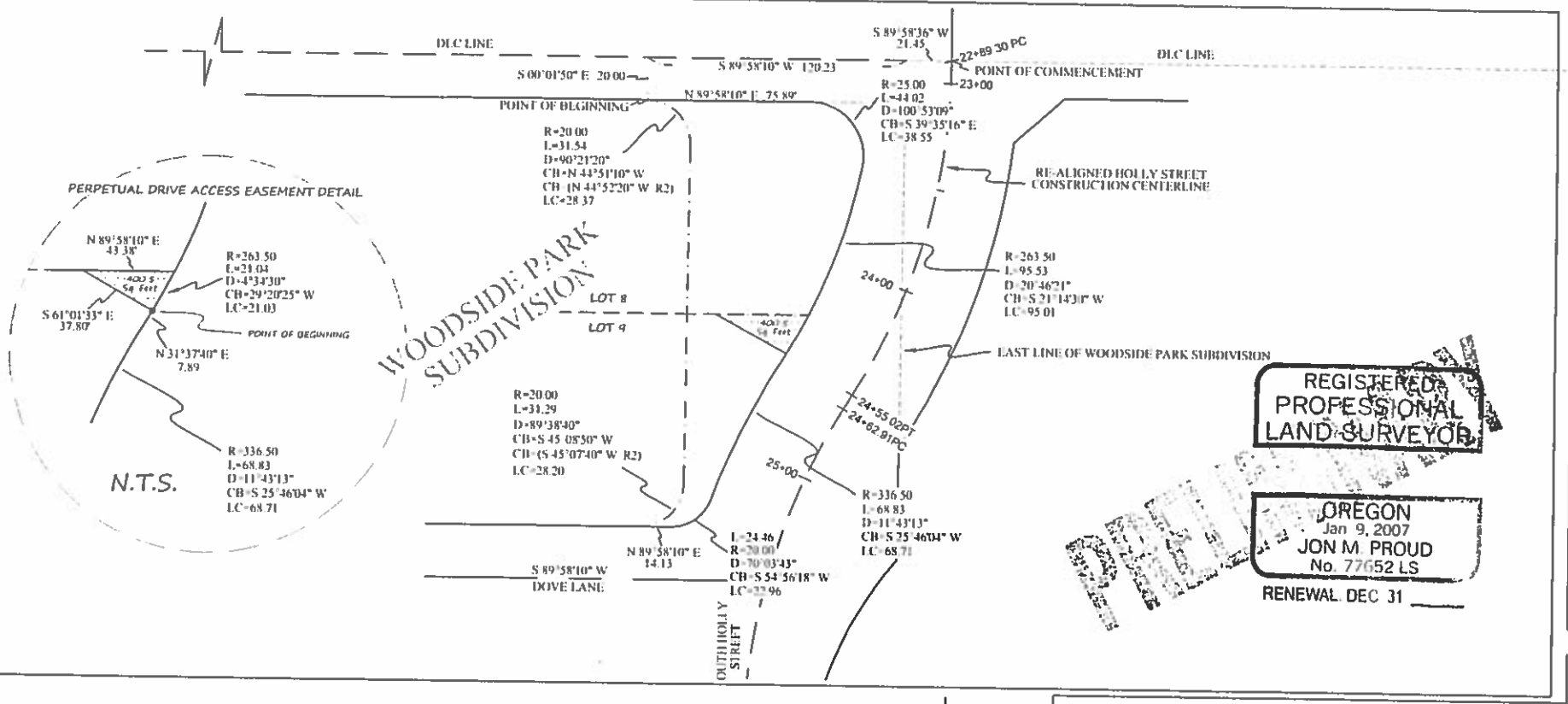
THIS TRACT OF LAND TO WHICH THIS DESCRIPTION APPLIES CONTAINS 401 SQUARE FEET, MORE OR LESS.

BEARINGS BASED ON COUNTY SURVEY NUMBER 21256, FILED AT THE JACKSON COUNTY SURVEYORS OFFICE.

THE GRAPHIC DEPICTION OF THE ABOVE DESCRIPTION IS SHOWN ON EXHIBIT "B" ATTACHED HERETO.

CITY OF MEDFORD
EXHIBIT #_____
File # SV-15-114



LEGEND

PERPETUAL DRIVEWAY ACCESS EASEMENT
(401+/- SQ FT)

0' 60'

SCALE: 1"=60'

CITY OF MEDFORD - SURVEYING DEPARTMENT

EXHIBIT "B"

SOUTH HOLLY STREET VACATION
PERPETUAL DRIVEWAY ACCESS EASEMENT

WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"

DRAWN BY	SPM	DATE 6/29/15	PROJECT NO. P-1561
CHECKED BY	JP	DATE 6/29/15	
APPROVED		DATE	
APPROVED CITY TRANSPORTATION MANAGER		DATE	SHEET NO 1
REVIEWED BY CITY ENGINEER		DATE	
APPROVED BY ORDINANCE NO		DATE	

371W31C

Drawing name: P:\STAFF FOLDERS\Sean\P-1561 HOLLY\DRAWINGS\HI 287 CONSTRUCTION VAC-00.dwg Jun 29, 2015 - 12:37pm

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OCT 21 2015
PLANNING DEPT.

Continuous Improvement Customer Service

CITY OF MEDFORD

Date: 10/21/2015
File Number: SV-15-114

PUBLIC WORKS DEPARTMENT STAFF REPORT
Right-of-Way Vacation Holly Street

Project: **Request for the vacation of 10,379 square feet of public street right-of-way at the southwest corner of the intersection of South Holly Street and Garfield Street; City of Medford Public Works Department, Applicant (Kenneth Parducci, Agent). Jennifer Jones, Planner.**

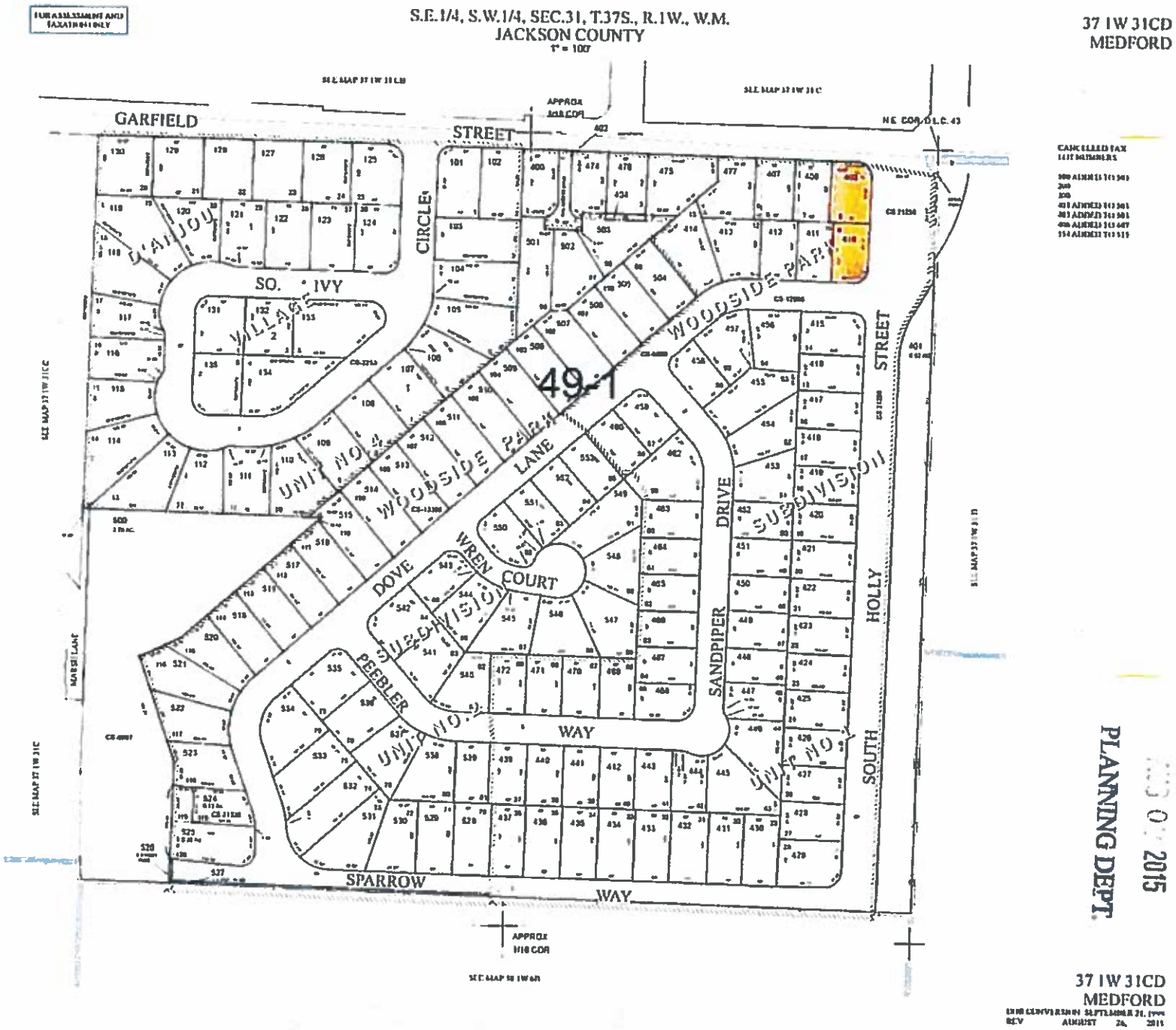
The right-of-way under consideration was previously used for Holly Street prior to the Holly Street Extension Improvements. There is a public storm drain and waterline within this section of the right-of-way, but it is unknown whether there are any other public utilities within the right-of-way.

Public Works concurs with the request to vacate the subject existing right-of-way, with the condition that an easement over the entire area shall be reserved for storm drain, water, and any other public utility improvements currently existing therein. The easement shall include the right to access, maintain, and construct these utilities within the easement area.

Prepared by: Doug Burroughs

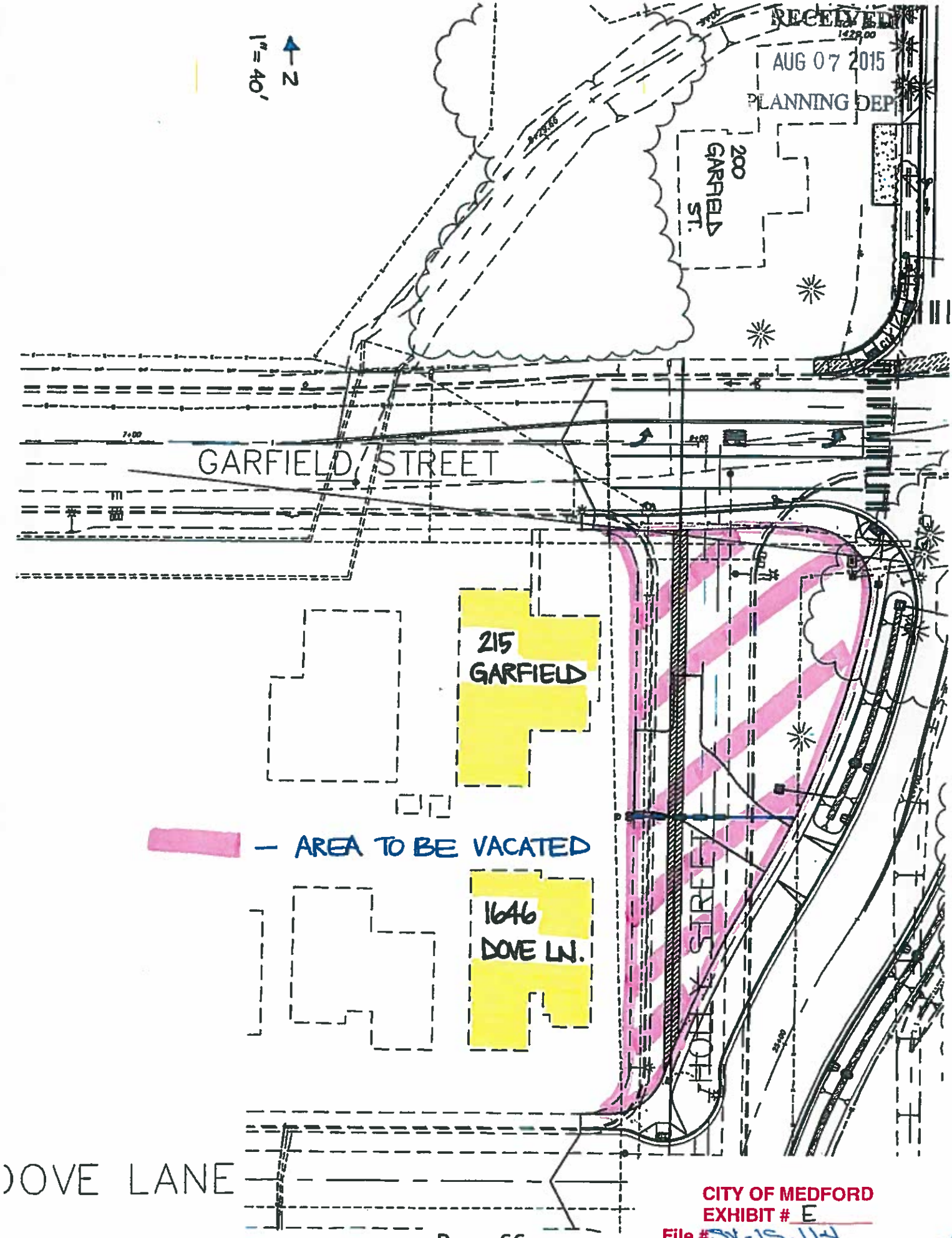
PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION
200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us
TELEPHONE (541) 774-2100
FAX (541) 774-2552

CITY OF MEDFORD
EXHIBIT # C
File # SV-15-114



RECEIVED
2015
PLANNING DEPT.

CITY OF MEDFORD
EXHIBIT # D
File # SV-15-114



CITY OF MEDFORD
EXHIBIT # E
File # SV-15-114

CITY OF MEDFORD ✱ PLANNING DEPARTMENT

Vicinity Map

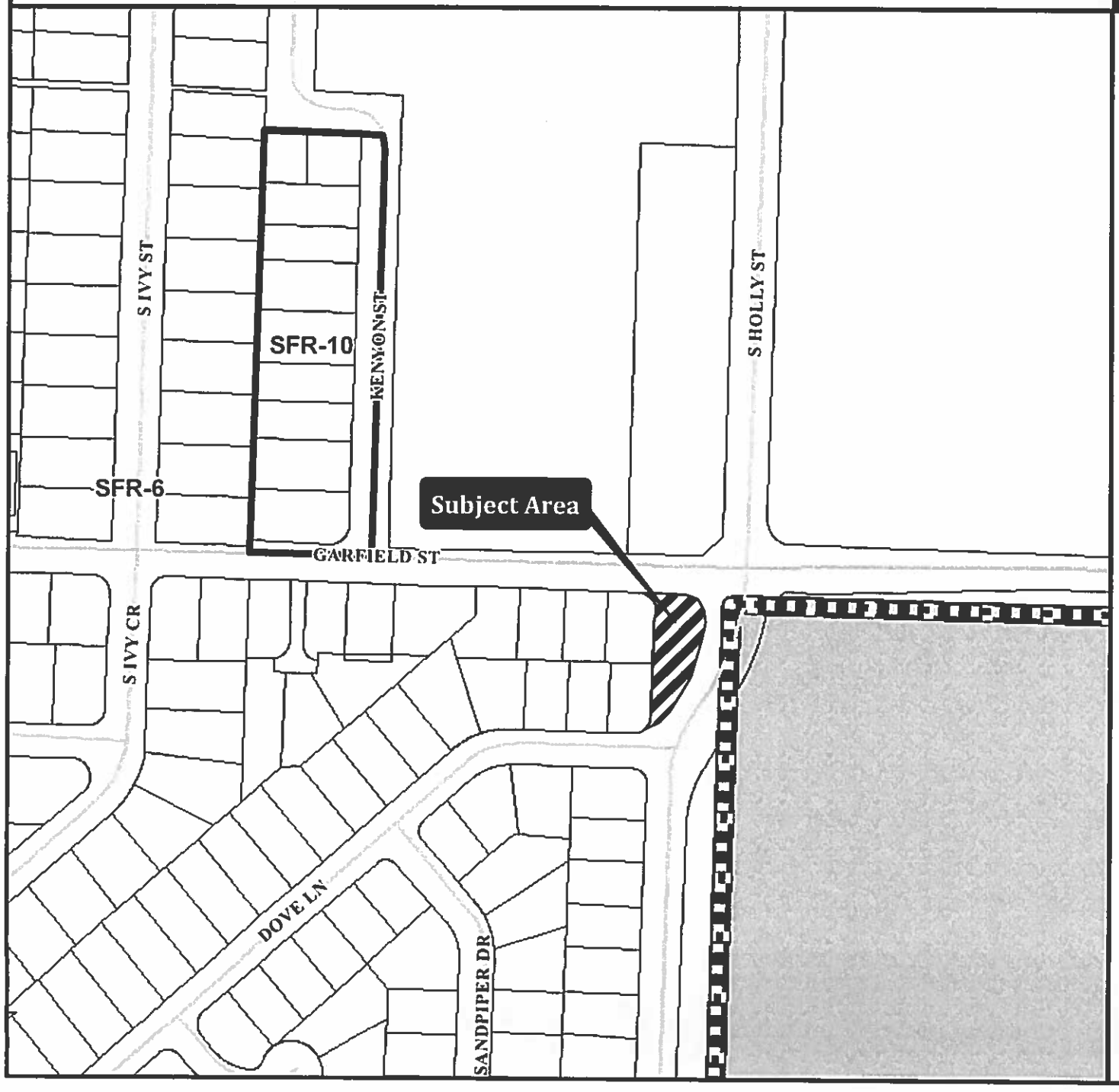
Application Name/Description:
Holly St Right-of-Way Vacation

Proposal:
Vacate right-of-way at intersection of Holly St & Garfield St (SW corner)

File Numbers:
SV-15-114

Applicant:
Medford Public Works

Map/Taxlot:
N/A



Subject Area

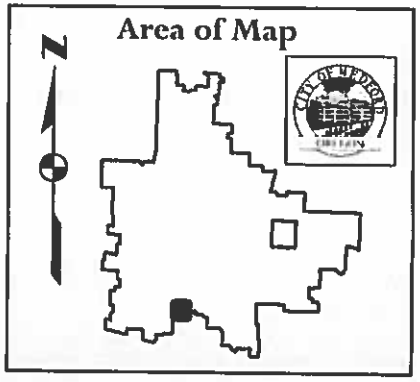
Medford Zoning

UGB

Tax Lots

CIty Limits

Area of Map



08/11/2015

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

IN THE MATTER OF PLANNING COMMISSION FILE ZC-15-126 APPICATION	)
FOR A ZONE CHANGE SUBMITTED BY	) **ORDER**
THOMAS FOX PROPERTIES LLC	)

ORDER granting approval of a request for a zone change from SFR-4 (Single Family Residential, four dwelling units per acre) to C-C (Community Commercial) on a 2.5 acre parcel located at the northeast corner of East McAndrews Road and Springbrook Road.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below from SFR-4 (Single Family Residential, four dwelling units per acre) to C-C (Community Commercial) on a 2.5 acre parcel located at the northeast corner of East McAndrews Road and Springbrook Road; 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 Staff Report dated December 3, 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 areas within the City of Medford, Oregon:

37 1W 20AB Tax Lot 3500

is hereby changed from SFR-4 (Single Family Residential, four dwelling units per acre) to C-C (Community Commercial) on a 2.5 acre parcel located at the northeast corner of East McAndrews Road and Springbrook Road.

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

CITY OF MEDFORD PLANNING COMMISSION

_____
Planning Commission Chair

ATTEST:

_____
Planning Department Representative

L-59018 94-20368

EXHIBIT A

Commencing at the southwest corner of the Northwest Quarter of the Northeast Quarter of Section 20, Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon, thence along the centerline of East McAndrews Road as shown on the official plat of Mesa Verde Estates Subdivision, now of record, Jackson County, Oregon, South 89°53'30" East, 265.08 feet, thence North 00°06'30" East, 25 feet to the northerly right of way line of East McAndrews Road for the point of beginning; thence North 03°02'56" West, 100.72 feet; thence along a line lying 37 feet northerly of and parallel with said centerline of East McAndrews, North 89°53'30" West, 104.31 feet; thence North 45°23'14" West, 43.48 feet to the easterly right of way line of Springbrook Road; thence along said easterly right of way line South 00°05'50" East, 42.48 feet to the northerly right of way line of East McAndrews Road; thence along said northerly right of way line South 89°53'30" East, 235.17 feet to the point of beginning.

(Code 49-1, Account #1-33307-7, Map #371W20AB, Portion Tax Lot #3500)

SUBJECT TO:

1. The effect of said property, or any part thereof, lying within the Medford Irrigation District, and subject to all water and irrigation rights, easements for ditches and canals, and all regulations of said District, including any and all assessments, liens and charges assessed, and to be assessed.

2. Easement over that portion lying within East McAndrews Road and Springbrook Road. (County Road)

3. Water and mineral rights reserved in United States patent recorded in Volume 13 page 46 of the Deed Records of Jackson County, Oregon.

4. Rights of way for irrigation lateral ditches now laid out or constructed, received in deed from the Medford Irrigation District recorded in Volume 258 page 70 of the Deed Records of Jackson County, Oregon.

5. Easement for communication line purposes granted to Pacific Northwest Bell Telephone Company in document recorded February 27, 1989 as No. 89-03939 and re-recorded February 15, 1991 as No. 91-03399 of the Official Records of Jackson County, Oregon.

Jackson County, Oregon
Recorded
OFFICIAL RECORDS
8:30 MAY 31 1994 AM
KATHLEEN S. BECKETT
CLERK and RECORDER
By [signature] Deputy

EXHIBIT 4 2 of 2

STAFF REPORT

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

PROJECT	Thomas Fox Properties, LLC Zone Change Applicant: Bret Fox and John Batzer	
FILE NO.	ZC-15-126	
TO	Planning Commission	*for December 10, 2015 hearing*
FROM	Aaron Harris, Planner II	
REVIEWER	Kelly Akin, Principal Planner	
DATE	December 3, 2015	

BACKGROUND

Proposal

Consideration of a request for a change of zone from SFR-4 (Single Family Residential, four dwelling units per lot) to C-C (Community Commercial) on a 2.5 net acre parcel located at the northeast corner of East McAndrews Road and Springbrook Road.

Subject Site Characteristics

Zoning	SFR-4	Single-Family Residential – 4 dwelling units per gross acre
GLUP	CM	Commercial
Use	Existing single family home	

Surrounding Site Characteristics

North	SFR-4	Single family homes
South	C-S/P	Vacant
East	SFR-4	Single family homes
West	SFR-4	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.

***

(c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:

***

(ii) The overall area of the C-C zoning district shall be over three (3) acres in size and shall front upon a collector or arterial street or state highway. In determining the overall area, all abutting property(s) zoned C-C shall be included in the size of the district.

***

(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

On December 4, 2014, the City Council adopted Ordinance 2015-154 changing the General Land Use Plan (GLUP) designation of lots within the Urban Growth Boundary in order to increase development capacity. The GLUP designation for the subject property was changed at that time from Urban Residential (UR) to Commercial (CM).

Agency Comments

Public Works Department

The Public Works staff report states that the downstream sanitary sewer system currently has a number of capacity constraints. As a condition of approval, the applicant shall either only develop so the total sewer flows do not exceed the current zoning limitation of 12 units or the Developer shall make improvements to the downstream sanitary sewer system to alleviate the existing capacity constraints (Exhibit F). The project agent has submitted an email stating that the applicant agrees to restrict the sanitary sewer flows to the current limit. A condition has been included to accept the stipulation (Exhibit C).

A Traffic Impact Analysis was required as part of the subject application by the Public Works Department. The study shows that no existing intersections will be significantly impacted by the potential trip generation of the site with the proposed zone change. As a condition of approval, a left turn lane and a right turn lane shall be required at the Springbrook site access driveway at the time of development (Exhibit F).

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

Medford Water Commission

Water facilities have adequate capacity to serve the subject property (Exhibit H).

Medford Irrigation District

The property has a total of one acre under Irrigation. The owner needs to contact the Irrigation District to transfer water rights off prior to dividing the lot into parcels (Exhibit I).

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

With the applicant's stipulation regarding sanitary sewer (Exhibit C), the conclusion can be made that all of the criteria for a conditional zone change have been met.

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

RECOMMENDED ACTION

Adopt the findings as recommended by staff and adopt the Final Order for approval of ZC-15-126 per the staff report dated December 3, 2015, including Exhibits A through J.

EXHIBITS

A Conditions of Approval
B Applicant's Findings of Fact received October 8, 2015
C Development Stipulations email, received November 25, 2015
D GLUP Map with subject site highlighted received September 3, 2015
E Zoning Map with subject site highlighted received September 3, 2015
F Public Works Department Staff Report received November 11, 2015
G Medford Fire Department Land Development Report received November 5, 2015
H Medford Water Commission memo received November 11, 2015
I Medford Irrigation District memo received November 3, 2015
J ODOT memo received November 6, 2015
Vicinity map

PLANNING COMMISSION AGENDA: DECEMBER 10, 2015

Thomas Fox Properies LLC, Zone Change
ZC-15-126
Conditions of Approval
December 3, 2015

DISCRETIONARY CONDITIONS

1. Accept the applicant's stipulation to develop no more than the equivalent of 12 single family residential units until the downstream sanitary sewer is improved with sufficient capacity to serve the potential future development.

CODE CONDITIONS

1. Comply with the Public Works Department Report received November 11, 2015 (Exhibit F);

2. Comply with the Water Commission memo received November 11, 2015 (Exhibit H);

3. Comply with the Irrigation District memo received November 3, 2015 (Exhibit I);

4. Within 30 days of the approval of the Final Order, the applicant shall produce a restrictive covenant, in a form acceptable to the City Attorney, and record such covenant for each of the subject properties stipulating to only develop an equivalent of twelve single family residential units until the downstream sanitary sewer system is improved with sufficient capacity to serve the potential future development.

RECEIVED
OCT 08 2015
Planning Dept.

BEFORE THE PLANNING COMMISSION

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

IN THE MATTER OF CONDIDERATION FOR A ZONE CHANGE FROM SINGLE FAMILY RESIDENTIAL 4 UNITS PER ACRE TO COMMUNITY COMMERCIAL FOR THE PARCEL LOCATED ON THE NORTHEAST CORNER OF SPRINGBROOK AND MCANDREWS ROADS 37 1W 20 AB, TAX LOT 3500, WITHIN THE CORPORATE LIMITS OF THE CITY OF MEDFORD, JACKSON COUNTY, OREGON

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Applicant's exhibit 2

APPLICATION: Request for a change of zone from SFR-4 (Single Family Residential) to C-C (Community Commercial) on one parcel located on the northeast corner of Springbrook and McAndrews Roads.

APPLICANT: Thomas Fox Properties, LLC
515 West Pickett Circle, Suite 400
Salt Lake City, Utah 84115

AGENT: Ian Foster
2435 Lyman Ave
Medford, OR 97504

SOPE AND PURPOSE OF APPLICATION

Applicants Thomas Fox Properties, LLC seek to rezone the parcel located on the northeastern corner of Springbrook and McAndrews Roads within the corporate limits of the City of Medford, Oregon (Tax Lot 3500 on Assessor's Map 37 1W 20AB). The subject property is depicted on the Jackson County Assessor's Map as Exhibit "4." The property is currently zoned Single Family Residential- 4 Units per acre (SFR-4). In accordance with the Land Development Code and the Medford Comprehensive Plan, the applicants seek to allow for the property to be used for commercial development. The property is identified as Commercial on the City's General Land Use Plan Map. The

CITY OF MEDFORD
EXHIBIT # B
File # ZC-15-126

submitted Findings of Fact and Conclusions of Law support the zone change from its present SFR-4 to Community Commercial (CC) zoning.

APPLICANT'S SUBMITTALS

Exhibit 1	Signed and completed application forms and authorization from the current property owners
Exhibit 2	Findings of Fact and Conclusions of Law dated August 10, 2015
Exhibit 3	Traffic Impact Analysis
Exhibit 4	Legal Description of Subject Area
Exhibit 5	Assessor's Map of subject property
Exhibit 6	General Land Use Plan Map with subject property
Exhibit 7	City of Medford Zoning Map
Exhibit 8	Surveyor's Description of subject property
Exhibit 9	Correspondence with City of Medford Utility Engineer, Roger Thom

RELEVANT APPROVAL CRITERIA

Section 10.227 of the Land Development Code states that the Planning Commission shall approve a quasi-judicial zone change if it finds that the zone change complies with subsections (1) and (2) of that section. The Oregon Transportation Planning Rule (OAR 660-012-0060) also contains criteria, which apply to zone change applications. Both sets of criteria are listed below. Provisions that do not apply are omitted. The findings also address the provisions of ORS 197.625 (3b) that deals with approval of a land use decision that is subject to an unacknowledged amendment to a comprehensive plan.

MEDFORD LAND DEVELPOMENT CODE

Zone Change Approval Criteria – SECTION 10.227 (*Inapplicable provisions omitted)*

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.

(c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:

(ii) The overall area of the C-C zoning district shall be over three (3) acres in size and shall front upon a collector or arterial street or state highway. In determining the overall area, all abutting property(s) zoned C-C shall be included in the size of the district.

(e) *For purposes of (1)(c) and (1)(d) above, a zone change may be found to be "suitable" where compliance is demonstrated with one (1) or more of the following criteria:*

(i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows only one (1) zone;

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 Land Development Code and Goal 3, Policy 1 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan*

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

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

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

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

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

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

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

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

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

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

(ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule, (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

<u>OREGON ADMINISTRATIVE RULES</u>

OREGON TRANSPORTATION PLANNING RULE
SECTION 660-012-0060

1. *Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity and performance standards (e.g. level of service, volume to capacity ration, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
   d. *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in a adopted plan);*
   e. *Change standards implementing a functional classification system; or*
   f. *As measured at the end of the planning period identified in the adopted transportation system plan:*
      (i) Allow land uses or levels of development that would result in types of levels of travel or access that are inconsistent with the

functional classification of an existing or planned transportation facility;

(ii) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standards identified in the TSP or comprehensive plan; or

(iii) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standards identified in the TSP or comprehensive plan.

2. *Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:*
   a. *Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.*
   b. *Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.*
   c. *Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.*
   d. *Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*
   e. *Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.*
3. *Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:*
   a. *The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;*
   b. *In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;*
   c. *Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the*

performance of the facility by the time of the development through one or a combination of transportation improvements or measures;

d. *The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and*

e. *For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding; and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.*

4. *Determinations under sections (l)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.*

   a. *In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (l)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.*

   b. *Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:*

      (A) *Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.*

      (B) *Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.*

      (C) *Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally approved, financially constrained regional transportation system plan.*

      (D) *Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.*

      (E) *Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service*

provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

c. *Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:*
   (A) *ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or*
   (B) *There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.*

OREGON REVISED STATUTES

When Amendment or new regulation considered acknowledged; application prior to acknowledgement ORS 197.625

(3) (a) Prior to its acknowledgment, the adoption of a new comprehensive plan provision or land use regulation or an amendment to a comprehensive plan or land use regulation is effective at the time specified by local government charter or ordinance and is applicable to land use decisions, expedited land divisions and limited land use decisions if the amendment was adopted in substantial compliance with ORS 197.610 and 197.615 unless a stay is granted under ORS 197.845.

(b) Any approval of a land use decision, expedited land division or limited land use decision subject to an unacknowledged amendment to a comprehensive plan or land use regulation shall include findings of compliance with those land use goals applicable to the amendment.

(c) The issuance of a permit under an effective but unacknowledged comprehensive plan or land use regulation shall not be relied upon to justify retention of improvements so permitted if the comprehensive plan provision or land use regulation does not gain acknowledgment

(d) The provisions of this subsection apply to applications for land use decisions, expedited land divisions and limited land use decisions submitted after February 17, 1993, and to comprehensive plan and land use regulation amendments adopted:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

ZONE CHANGE CRITERIA – SECTION 10.227

The Planning Commission has considered the following facts to be pertinent to the application and to the Commission's approval of that application:

CRITERION 1

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.*

CONSISTENCY WITH THE OREGON TRANSPORATION PLANNING RULE (OAR 660-012-0060)

MEDFORD TRANSPORTATION SYSTEM PLAN CONSISTENCY

The City of Medford and the State of Oregon interpret the language of Chapter 660-012-0060 to apply to applications for not only changes to the City's Comprehensive Plan, but also applications for zone changes within the City.

Zone change criterion 1, which requires consistency with the TPR, states that when the City adopts a Transportation System Plan (TSP), then, "a demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule."

The TSP was adopted by the Medford City Council on November 20, 2003. The TSP identifies both existing and future needs, and includes improvements to meet those needs. In order to achieve those needs, the TSP established the City's goals, policies, and implementation measures in order for the City to develop and maintain its transportation system for both the short and long term.

The Medford TSP addresses the Oregon Statewide Planning Goal 12 and the Oregon Transportation Planning Rule (TPR), which directs cities and counties to develop balanced transportation systems addressing all modes of travel including motor vehicles, transit, bicycles and pedestrians. The TPR envisions development of local plans that will promote changes in land use patterns and transportations systems that make it more convenient for people to walk, bicycle, use transit, and drive less to meet their daily needs.

Below are the goals, policies, and implementation strategies from Medford's TSP that are relevant to the subject application:

GOAL 1: To provide multi-modal transportation system for the Medford planning area that supports the safe, efficient, and accessible movement of all people and goods, and recognizes the area's role as the financial, medical, tourism, and business hub of Sothern Oregon and Northern California.

Policy 1-B: *The City of Medford shall use the Transportation System Plan as the legal basis and policy foundation for decisions involving transportation issues.*

Implementation 1-B(6): *Require Comprehensive Plan, Land Development Code, and Zoning Map amendments to contain findings that show how the action is in conformity with the adopted tenets of the Medford Transportation System Plan.*

Findings of Fact

The City of Medford's zone change criteria requires findings that demonstrate consistency with the Transportation System Plan. The applicant's findings below address the TSP's relevant policies and implementation strategies that are applicable to the proposed zone change from Single Family Residential- 4 to Community Commercial.

Goal 4: To facilitate the increased use of bicycle transportation in the Medford Planning area, as bicycle facilities are a measure of the quality of life in a community.
Policy 4-A: *The City of Medford shall undertake efforts to increase the percentage of total daily trips taken by bicycling in Medford consistent with the target benchmarks in the :Alternative Measures" of the Regional Transportation Plan (RTP).*

Policy 4-C: *The City of Medford shall encourage bicycling as an alternative mode of transportation as well as a recreational activity.*

Findings of Fact

Springbrook Road includes north and southbound bicycle lanes, which will allow for cyclists to safely, and comfortably access the site.

Goal 5: To facilitate the increased use of pedestrian transportation in the Medford planning area.

Policy 5-A: *The City of Medford shall develop a connected, comprehensive system of pedestrian facilities that provides accessibility for pedestrians of all ages, focusing on activity centers such as Downtown, other Transit Oriented Districts (TODs), commercial centers, schools, parks/greenways, community centers, civic and recreational facilities, and transit centers.*

Findings of Fact

Community-Commercial zoning will allow for a community center development that will service the surrounding single and multi-family residential developments. The site will be accessible with the existing network of sidewalks, and signalized pedestrian crossings.

Transportation and Land Use
Goal 8: *To maximize the efficiency of Medford's transportation system through effective land use planning.*

Implementation 8-A: *Through revisions of the Medford Comprehensive Plan and Land Development Code, provide opportunities for increasing residential and employment density locations that support increased use of alternative travel modes, such as along transit corridors.*

Findings of Fact

Although the subject site is not serviced by transit, the property abuts single-family residential neighborhoods, and is in proximity to multi-family housing. The proposed Community Commercial Zoning District will increase the area's employment density by creating a "nodal" development. Subsequently, the surrounding neighborhoods will have access to localized services that are easily accessible by pedestrians and cyclists.

Conclusion of Law

Based on the Findings of Fact above, the Planning Commission concludes that the applicant has provided findings demonstrating that the proposed zone change is in conformity with the goals, policies, and implementation measures of the Medford Transportation System Plan, and subsequently with the Oregon Transportation Planning Rule.

Additionally, the Planning Commission finds that approval of the zone change will provide opportunities to increase employment density that supports multi-modal transportation options.

CONSISTENCY WITH GENERAL LAND USE PLAN MAP DESIGNATION

Findings of Fact

The Medford City Council approved an application that amended Medford's General Land Use Plan (GLUP) Map by changing the land use designations on the subject parcel from Single Family Residential to Commercial as shown of the submitted GLUP Map (Exhibit "5") and Zoning Map (Exhibit "6").

Regarding the appropriate zoning district for the land use designations, the General Land Use Plan Element of the Comprehensive Plan states:

Commercial: *This designation permits the largest spectrum of commercial development*
as well as residential development under certain circumstances. It permits multiple-family dwellings meeting the density standards of the MFR-30 (Multiple-Family Residential - 30 units per gross acre) zoning district, except for mixed-use (commercial- residential) buildings, which have no maximum density limitation. In addition, i/ie Southeast Plan authorizes an increase in the maximum permitted density in this designation from 30 to 36 units per acre, and a maximum of 60 dwellings per acre in the Southeast Commercial Core Area if in a mixed-use building. The C-N

(Neighborhood Commercial), C-C (Community Commercial), C-R (Regional Commercial) and C-H (Heavy Commercial) zoning districts are permitted in this designation.

***The C-C zone** provides land for the development of commercial facilities servicing the shopping needs of the local community. The C-C zone shall be located on collector and arterial roadways and cohesive, integrated shopping facilities shall be encouraged.*

The subject property is situated at the northeast corner of the intersection of Springbrook and East McAndrews Road. The Functional Classification for East McAndrews and Springbrook Roads are Arterial and Collector, respectively.

Conclusion of Law

Based on the findings above, the Planning Commission concludes that the request to rezone the subject property from Single Family Residential- 4 to Community Commercial is consistent with the City's GLUP Map designation of commercial.

CONSISTENCY WITH LOCATIONAL STANDARDS- SECTION 10.227(1)

(c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:

(ii) The overall area of the C-C zoning district shall be over three (3) acres in size and shall front upon a collector or arterial street or state highway. In determining the overall area, all abutting property(s) zoned C-C shall be included in the size of the district.

Findings of Fact

The acreage of the area to be rezoned has been demonstrated by the Description prepared by Neathamer Surveying (Exhibit "4") to meet the acreage requirement of Section 10.227(1). According the Medford Comprehensive Plan General Land Use Plan Element, *General Land Use Plan (GLUP) Map Introduction*," the GLUP map is "general." The designations on the GLUP Map are not intended to follow property lines. Interfaces between different designations are purposefully non-site-specific so as to discourage using GLUP Map designations as the sole basis for making decisions on zone change applications."

The Functional Classification for East McAndrews and Springbrook Roads are Arterial and Collector, respectively.

Conclusions of Law

Based on the findings above, the Planning Commission concludes that the application complies with the locational standards of the zone change criteria, specifically:

- The locational standards for the C-C zone have been determined by the Description prepared by Neathamer Surveying to meet the acreage requirement.
- The locational standards for the C-C zone have been met as the subject property fronts an arterial and collector.

CRITERION 2

It shall be demonstrated that Category A urban services and facilities are available and 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."

(c) 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.

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

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

(v) 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

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

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

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

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

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

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

(ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule, (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

Findings of Fact

The *Public Facilities Element* of Medford's Comprehensive Plan lists two categories of Public Facilities. The four Category "A" facilities, the key minimum physical facilities necessary for urban development, are:

- Water Service
- Sanitary Sewer and Treatment
- Storm Drainage
- Transportation Facilities

A. Water Service- The subject property is currently served by the following water lines that are adjacent to the subject property:

- An 8-inch line on East McAndrews Road
- A 6-inch line along Springbrook Road

Both lines are part of the Gravity Zone area extending from the Capital Hill Reservoir located approximately one-half mile to the south of the subject property.

The current Medford Water System serves a population of approximately 80,000. The present maximum daily use is 45 million gallons per day. The present source and distribution of the system has an existing capacity of 56.5 million gallons per day.

Conclusions of Law

Based upon the Findings of Fact, the Planning Commission concludes that the water system, which serves the subject property, is sufficient and available to accommodate the future development of the subject property with uses that are permitted under the proposed Community Commercial zoning districts.

B. Sanitary Sewer and Treatment- There is an existing sanitary sewer line within the right-of-way of East McAndrews Road. This line is located in Sanitary Sewer Drainage Basin D of the City's Sanitary Sewer Master Plan. The current plan indicates a downstream deficiency in future years if there is maximum build out on the site. Roger Thom, Utility Engineer for the City of Medford, requires a stipulation that at the time of site plan review, an engineering report shall be provided to demonstrate that future development shall not exceed outflow of what is currently allowed under the SFR-4 zoning district.

Conclusions of Law

Based on the Findings of Fact, the Planning Commission concludes that the sanitary sewer system and treatment facilities, which serves the subject property are adequately sufficient and available to provide service to the subject property for the future development that is permitted under the proposed Community Commercial zoning districts, provided that, as stipulated, that future development shall not exceed the output of what is currently allowed under the SFR-4 Zoning District.

C. Storm Drainage- The subject property is located in the Bear Creek East Drainage Basin and is currently served by the City of Medford storm drainage infrastructure. Storm drainage lines include:

- 42-inch storm drain located on East McAndrews Road
- 8-inch storm drain pipe fronting Springbrook Road

The City of Medford Ordinance requires on-site collection of storm water and release at pre-development rates. This requirement negates additional impacts to the storm drainage system and allows it to function as it is currently designed.

Conclusions of Law

Based on the Findings of Fact, the Planning Commission concludes that the storm drainage system, which serves the subject property are adequately sufficient and available to provide service to the subject property for the future development that is permitted under the proposed Community Commercial zoning districts.

D. Transportation Facilities- As mentioned previously, the Functional Classification for East McAndrews and Springbrook Roads are Arterial and Collector, respectively. Southern Oregon Transportation Engineering, Inc. conducted a Transportation Impact Analysis (TIA) (Exhibit 3) on the property proposed to be rezoned. The TIA concludes the following:

1. All study area intersections operate acceptably under existing year 2015, design year 2018, and future year 2023 no-build and build conditions during the p.m. peak hour.
2. There were no safety concerns as a result of 95th percentile queue lengths or crash histories.
3. Sight distance is unrestricted on Springbrook Road and McAndrews Road at proposed development access points.
4. Left turn lane criterion is shown to be met southbound on Springbrook Road at the development access under design year 2018 and future year 2023 build conditions. Right turn lane criterion is shown to be met northbound on Springbrook Road at the development access under the same conditions. Our recommendation is to include a requirement for both turn lanes, but to provide the applicant an option to re-assess the need for turn lanes at the time of development since the zone change analysis is based on a reasonable worst case condition. Criterion for a northbound right turn lane is not met on Springbrook Road if the actual proposed development generates less than 270 trips during the p.m. peak hour.

   The TIA report states that a condition can be placed requiring turn lanes with an option for the applicant to re-assess the need for turn lanes at the time of development of the site.

Conclusions of Law

Based on the findings above, the Planning Commission concludes that the transportation facilities which will serve the subject property are adequately sufficient and available to provide transportation service to the subject property with the future development that is permitted under the proposed C-C zoning district, provided that, as stipulated, that turn lanes may be added to the site with an option for the applicant to re-assess the need for turn lanes at the time of development of the site.

Ultimate Conclusions

Based on the preceding Findings of Fact and Conclusions of law, the Planning Commission ultimately concludes that, the case for a zone change with stipulations from the existing Single Family Residential -4 (SFR-4) to Community Commercial (C-C) is consistent with the relevant criteria in the Medford Land Development Code 10.227.

- The proposed change is consistent with relevant goals and polices of the comprehensive plan
- The proposed change is consistent with the Comprehensive Plan General Land Use Plan (GLUP) Map.
- Category "A" urban services and facilities are available to adequately serve the property
- The zone change has been found to be compliant with the Oregon Transportation Planning Rule (OAR 660-12-060)

Respectfully submitted on behalf of the applicant,

Ian Foster, Agent

Aaron J. Harris

RECEIVED
NOV 25 2015
Planning Dept.

From: Ian Foster <plannerfoster@gmail.com>
Sent: Tuesday, November 24, 2015 8:59 PM
To: Aaron J. Harris
Subject: ZC-15-126: Development Stipulation

Aaron-

In accordance with the Public Works Department staff report dated November 11, 2015, the applicant for Zone Change 15-126 agrees to the stipulation that future on-site development shall not exceed the output of what is currently allowed under the SFR-4 zoning district until the Developer makes improvements to the downstream sanitary sewer system to alleviate the existing capacity constraints.

Thank you,

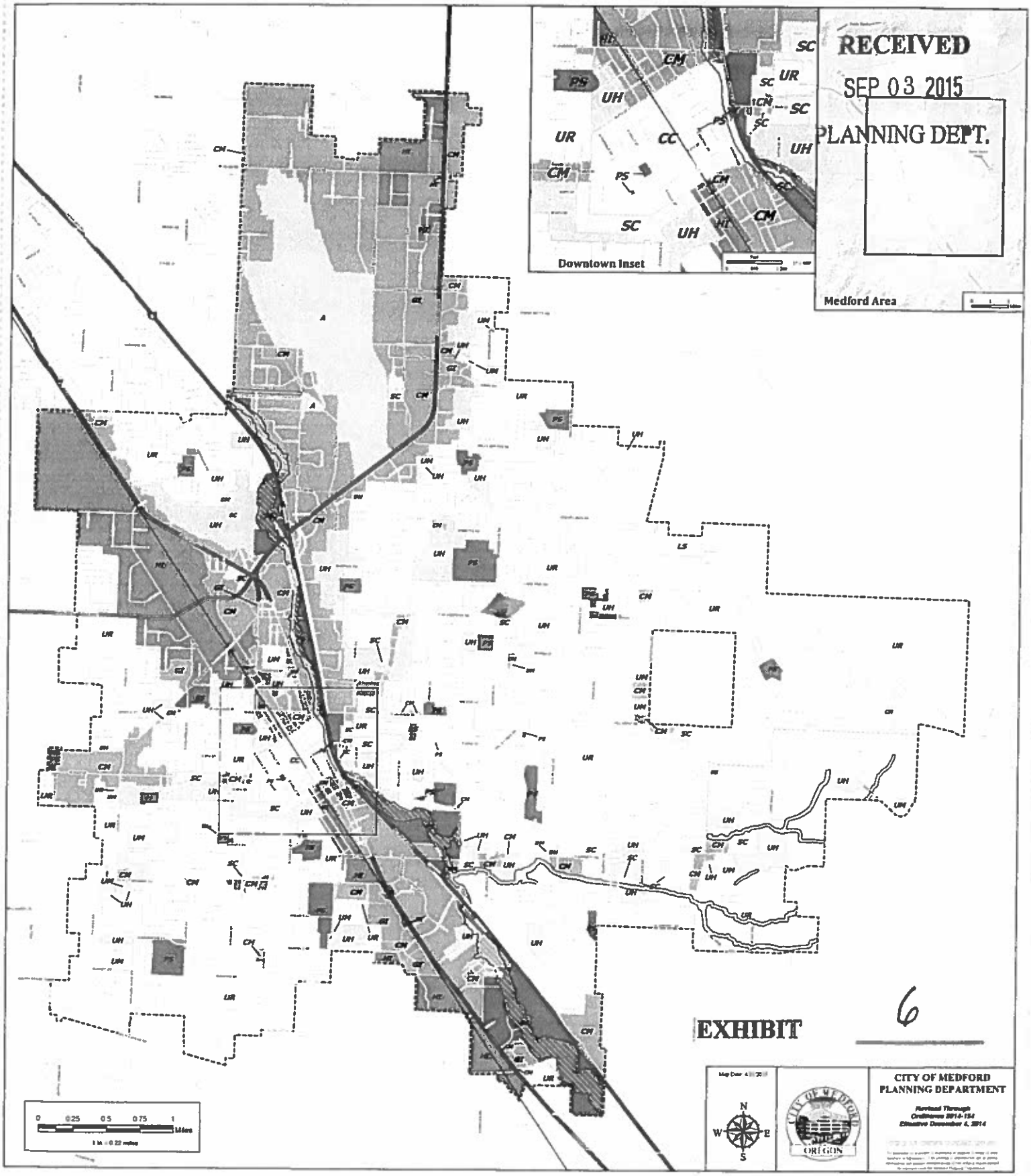
Ian Foster
541-261-6868

Sent from my iPhone

CITY OF MEDFORD
EXHIBIT # C
File # ZC-15-126

21

OFFICIAL MEDFORD GENERAL LAND USE PLAN MAP



LAND USE CLASSIFICATIONS

- Urban High Density Residential (UH)
- Urban Medium Density Residential (UM)
- Urban Residential (UR)
- Limited Service Area Overlay (LS)
- Commercial (CM)
- Service Commercial (SC)
- General Industrial (GI)
- Heavy Industrial (HI)
- Airport (A)
- City Center (CC)
- Parks and Schools (PS)

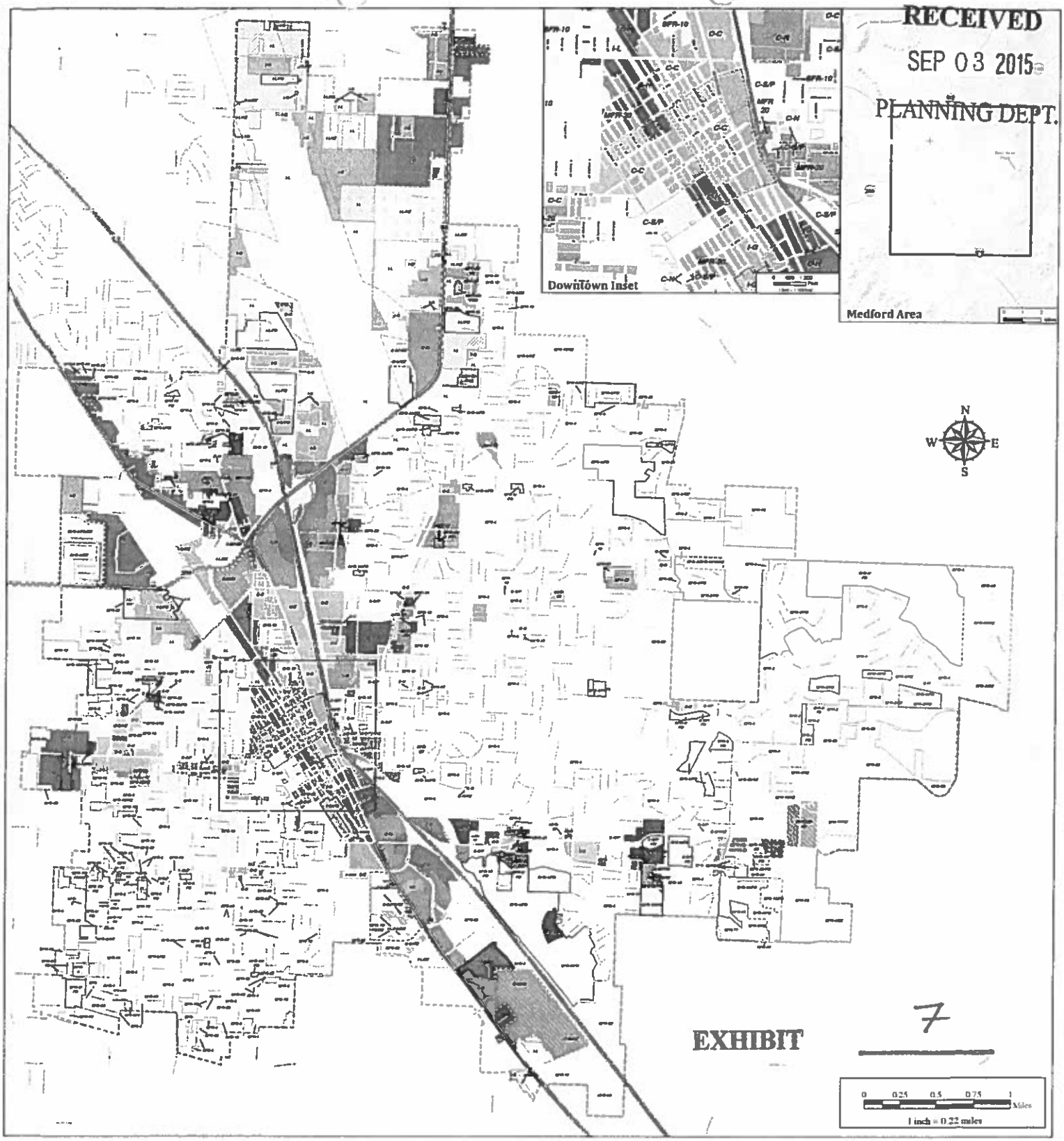
BOUNDARIES

- Urban Growth Boundary
- Southeast Plan Area
- Urban Reserves

CITY OF MEDFORD
EXHIBIT # D
File # ZC-15-126

11

OFFICIAL CITY OF MEDFORD ZONING MAP



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SEP 03 2015
PLANNING DEPT.

MEDFORD CITY ZONES

Residential

- Multi-Family - 30 Units/Acre (MFR-30)
- Multi Family - 20 Units/Acre (MFR-20)
- Multi-Family - 15 Units/Acre (MFR-15)
- Single Family - 10 Units/Acre (SFR-10)
- Single Family - 6 Units/Acre (SFR-6)
- Single Family - 4 Units/Acre (SFR-4)
- Single Family - 2 Units/Acre (SFR-2)
- Single Family - 1 Unit/Lot (SFR-00)

Commercial

- Heavy (C-H)
- Regional (C-R)
- Community (C-C)
- Neighborhood (C-N)
- Service/Professional (C-S/P)

Industrial

- Heavy (I-H)
- General (I-G)
- Light (I-L)

ZONING OVERLAYS

- Airport Approach
- Airport Radar
- Central Business
- Exclusive Agricultural
- Freeway
- Historic
- Limited Industrial
- Southeast

ADMINISTRATIVE MAPPING

- lopment
- arking District
- Limited Service
- Restricted Zoning

City Limits
UGB

CITY OF MEDFORD
PLANNING DEPARTMENT

CITY OF MEDFORD
OREGON

CITY LIMITS REVISED AS OF 9/14/2015
ZONING AND OVERLAYS CURRENT AS OF 9/14/2015

EXHIBIT # E
File # ZC-15-126

Continuous Improvement Customer Service

CITY OF MEDFORD

RECEIVED
NOV 11 2015
Planning Dept.

L.D. Meeting Date: 11/11/15
File Number: ZC-15-126

PUBLIC WORKS DEPARTMENT STAFF REPORT
For Thomas Fox Zone Change

Project: **Consideration of a request for a change of zone from SFR-4 (Single-Family Residential, four dwelling units per gross acre) to C-C (Community Commercial) on a 2.5 acre parcel located at the northeast corner of East McAndrews Road and Springbrook Road.**

Applicant: **Thomas Fox Properties, LLC., Applicant (Ian Foster, Agent). Aaron Harris, Planner.**

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

I. Sanitary Sewer Facilities

This site lies within the City of Medford Sewer Service area. There is an existing 8 inch sanitary sewer in East McAndrews Road and a 6 inch sanitary sewer in Springbrook Road. It is not clear if or where the existing building on this site is connected. **The existing zoning is SFR-4, which would allow approximately 12 units. The proposed zoning to C-C has the potential to increase flows to the sanitary sewer system significantly. The downstream sanitary sewer system currently has a number of capacity constraints, and based on this information the Public Works Department recommends this zone change be denied, or the applicant stipulate to only develop so the total sewer flows do not exceed current zoning limitations, or the Developer make improvements to the downstream sanitary sewer system to alleviate the capacity constraints.**

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION
200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us
TELEPHONE (541) 774-2100

CITY OF MEDFORD
EXHIBIT # F
File # ZC-15-126

34

II. Storm Drainage Facilities

This site lies within the Bear Creek East Drainage Basin. This property drains generally south to north, with the lowest area of this site at the northwest corner of the property. A 42 inch diameter Storm Drain (SD) main is located in Springbrook Road and is available to serve the property. In addition, a 42 inch diameter SD main is also located in McAndrews Road, and would be able to serve a portion of the property if needed. Development of this site will require storm drainage detention and water quality improvements in accordance with Sections 10.486 and 10.729 of the Municipal Code.

III. Transportation System

The Public Works Department has received a Traffic Impact Analysis (TIA) for the proposed Zone Change at the northeast corner of McAndrews & Springbrook, which was prepared by Southern Oregon Transportation Engineering, LLC. The initial report was dated August 26, 2015. An addendum Dated October 16, 2015 was received responding to questions posed by staff.

The report analyzes the traffic impacts of changing the zoning from SFR-4 to C-C on parcel 371W20AB 3500 comprising 2.5 acres (3.00 acres gross).

The study shows that no existing intersections will be significantly impacted by the potential trip generation of the site with the proposed zone change.

The report finds that left turn lane criteria is met southbound on Springbrook at the development access and that right turn lane criteria is met on Springbrook northbound at the development access for both the 2018 and 2023 design years.

Staff recommends approval of the zone change with the condition that a left turn lane and right turn lane are required at the Springbrook site access driveway.

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

Prepared by: Doug Burroughs

The above report is based on the information provided with the Zone Change Application submittal and is subject to change based on actual conditions, revised plans and documents or other conditions. A full report with additional details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection shall be provided with a Development Permit Application.

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION
200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us
TELEPHONE (541) 774-2100
FAX (541) 774-2552

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

RECEIVED
NOV 05 2015
Planning Dept.

LAND DEVELOPMENT REPORT - PLANNING

To: City of Medford Public Works

LD Meeting Date: 11/11/2015

From: Fire Marshal Kleinberg

Report Prepared: 11/03/2015

File #: ZC - 15 - 126

Site Name/Description:

Consideration of a request for a zone change from SFR-4 (Single Family Residential, four dwelling units per acre) to C-C (Community Commercial) on a 2.5 acre parcel located at the northeast corner of East McAndrews Road and Springbrook Road; Thomas Fox Properties, LLC., Applicant (Ian Foster, Agent). Aaron Harris, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE
Approved as Submitted	
Meets Requirement: No Additional Requirements	

Development shall comply with access and water supply requirements in accordance with the Fire Code in affect at the time of development submittal.
Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.
Specific fire protection systems may be required in accordance with the Oregon Fire Code.

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

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

CITY OF MEDFORD
EXHIBIT # 6
File # ZC-15-126 Page 1

BOARD OF WATER COMMISSIONERS

Staff Memo

MEDFORD WATER COMMISSION

RECEIVED

NOV 11 2015

Planning Dept.

TO: Planning Department, City of Medford

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

SUBJECT: ZC-15-126

PARCEL ID: 371W20AB TL 3500

PROJECT: Consideration of a request for a zone change from SFR-4 (Single Family Residential, four dwelling units per acre) to C-C (Community Commercial) on a 2.5 acre parcel located at the northeast corner of East McAndrews Road and Springbrook Road; Thomas Fox Properties, LLC., Applicant (Ian Foster, Agent). Aaron Harris, Planner.

DATE: November 9, 2015

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

COMMENTS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."

2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.

3. The MWC system does have adequate capacity to serve this property.

4. Off-site water facility construction may be required depending on future land development review.

5. On-site water facility construction may be required depending on future land development review.

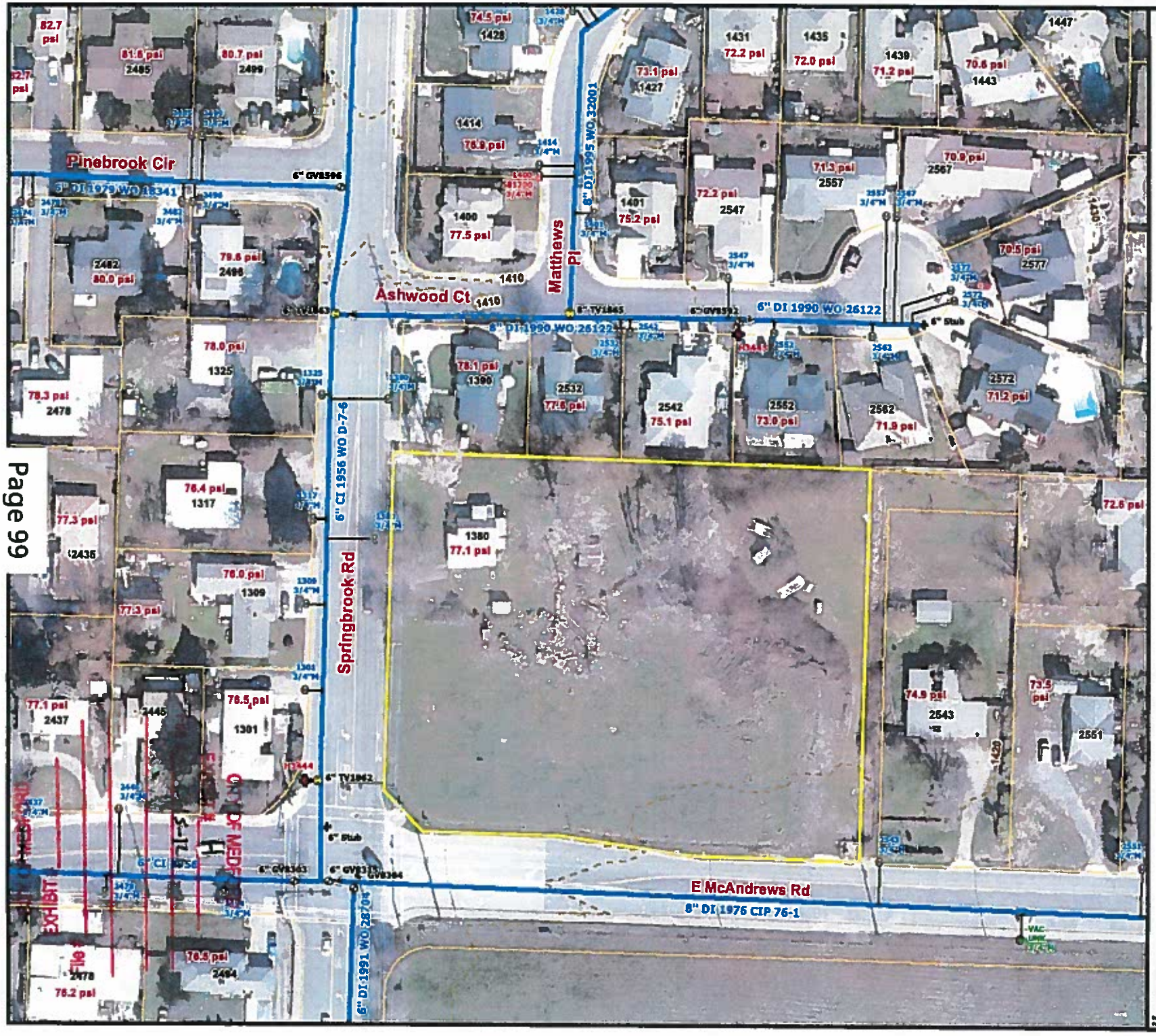
6. MWC-metered water service does exist to this property. There is an existing ¾-inch water meter that serves the existing home at 1380 Springbrook Road.

7. Access to MWC water lines for connection is available. There is a 8-inch water line in McAndrews Road, and a 6-inch water line in Springbrook Road..

CITY OF MEDFORD
EXHIBIT # H
File # ZC-15-126

K:\Land Development\Medford Planning\zc15126 docx

33



N

Feet
0 50 100
Scale: 1"=100'

Water Facility Map
for
ZC-15-126

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 Boun
- City Limits
- Tax Lots

MWC Facilities:

- Control Station
- Pump Station
- Reservoir

MEDFORD WATER COMMISSION

RECEIVED
NOV 03 2015
PLANNING DEPT.

MEDFORD IRRIGATION DISTRICT

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

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

October 30, 2015

RE: File # ZC-15-126
Project Name: Thomas Fox Properties, LLC

Attn: Ian Foster

The property located at: 1380 Springbrook Rd. / 371W20AB 3500 has a total of 1 acre under Irrigation. The owner needs to contact the Irrigation District to transfer the water rights off prior to dividing into parcels.

Phone # 541-899-9913

Sincerely,

Carol Bradford

Carol Bradford. District Manager
Medford Irrigation District

CITY OF MEDFORD
EXHIBIT # I
File # ZC-15-126

28

Aaron J. Harris

RECEIVED
NOV 09 2015
Planning Dept.

From: MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>
Sent: Friday, November 06, 2015 2:49 PM
To: Aaron J. Harris
Subject: ZC-15-126

Aaron,

Thank you for sending agency notice of a consideration of a request for a zone change from SFR-4 (Single Family Residential, four dwelling units per acre) to C-C (Community Commercial) on a 2.5 acre parcel located at the northeast corner of East McAndrews Road and Springbrook Road. We reviewed this and determined that it would not significantly affect state transportation facilities under the State Transportation Planning Rule (OAR 660-012-0060) or State Access Management Rule (OAR 734-051-000). We have no further comments at this time.

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

CITY OF MEDFORD
EXHIBIT # J
File # ZC-15-126

32

City of Medford

Planning Department

Vicinity Map

File Number:

ZC-15-126

Project Name:

Fox Properties Zone Change

Map/Taxlot:

371W20AB TL 3500

0 250 500 Feet

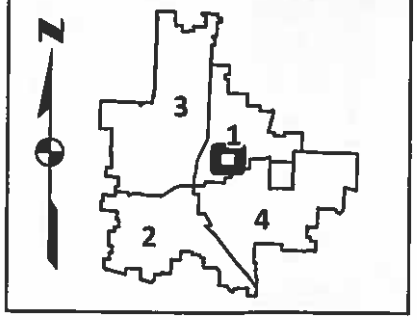
Subject Area

Medford Zoning

UGB

Tax Lots

Medford UGB with Wards



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

IN THE MATTER OF PLANNING COMMISSION FILE ZC-15-143 APPICATION FOR A ZONE CHANGE SUBMITTED BY HOUSING AUTHORITY OF JACKSON COUNTY	)) **ORDER**)

ORDER granting approval of a request for a zone change from SFR-10 (Single Family Residential, ten dwelling units per gross acre) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) on approximately 6.36 acres located on the west side of North Ross Lane approximately 400 feet south of West McAndrews Road.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below from SFR-10 (Single Family Residential, ten dwelling units per gross acre) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) on approximately 6.36 acres located on the west side of North Ross Lane approximately 400 feet south of West McAndrews Road; 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 Staff Report dated December 3, 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 areas within the City of Medford, Oregon:

37 2W 26AC Tax Lot 1200

is hereby changed from SFR-10 (Single Family Residential, ten dwelling units per gross acre) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) on approximately 6.36 acres located on the west side of North Ross Lane approximately 400 feet south of West McAndrews Road.

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

CITY OF MEDFORD PLANNING COMMISSION

_____
Planning Commission Chair

ATTEST:

_____
Planning Department Representative

RECEIVED
OCTOBER 16, 2015
PLANNING DEPARTMENT

EXHIBIT "B"

LEGAL DESCRIPTION:

BEGINNING AT THE SOUTHEAST CORNER OF THE EAST HALF OF DONATION LAND CLAIM NO. 72, IN TOWNSHIP 37 SOUTH, OF RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON; RUNNING THENCE SOUTH 89°42' WEST 1302.5 FEET; THENCE NORTH 0°07' WEST 261.0 FEET; THENCE NORTH 89°20' EAST 867.4 FEET; THENCE SOUTH 149.0 FEET; THENCE NORTH 89°20' EAST 435.6 FEET; THENCE SOUTH 120.5 FEET TO THE PLACE OF BEGINNING. EXCEPTING THEREFROM THAT PORTION CONVEYED TO JACKSON COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF OREGON, FOR ROAD PURPOSES, AS SET FORTH IN THAT CERTAIN BARGAIN AND SALE DEED RECORDED JULY 13, 2007 AS DOCUMENT NO. 2007-032508, OFFICIAL RECORDS, JACKSON COUNTY, OREGON.

NOTE: This legal description was created prior to January 1, 2008.

CITY OF MEDFORD
EXHIBIT #_____
File # ZC-15-143

STAFF REPORT

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

PROJECT	Housing Authority of Jackson County - Zone Change Applicant: Housing Authority of Jackson County Agent: Scott Sinner	
FILE NO.	ZC-15-143	
TO	Planning Commission	*for December 10, 2015 hearing*
FROM	Tracy Carter, Planner II	
REVIEWER	Kelly Akin, Principal Planner	
DATE	December 3, 2015	

BACKGROUND

Proposal

Consideration of a request for a change of zone from SFR-10 (Single Family Residential, ten dwelling units per gross acre) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) on approximately 6.36 acres located on the west side of North Ross Lane approximately 400 feet south of West McAndrews Road.

Subject Site Characteristics

Zoning	SFR-10
GLUP	UH (Urban High Density Residential)
Use	Vacant

Surrounding Site Characteristics

North	SFR-00	Single family homes
	SFR-10	Single family homes
	RR-2.5	County-Rural Residential (2.5 acre minimum parcel size), single family homes
South	C-H	Ministorage
	SFR-10	Undeveloped
East	C-C	ECBlend Flavors building
West	EFU	County-Exclusive Farm Use, undeveloped

Related Projects

A-99-149 Galpin – Schatz Annexation
ZC-02-153 Galpin Zone Change (SR-2.5 to SFR-10)
ZC-06-341 Schatz Zone Change (SR-2.5 to SFR-10)
CP-13-032 GLUP Map Amendment (UGBA)

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.

***

(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 to the City in 2002 by Ordinance #192. Following annexation, a zone change (ZC-06-341) was submitted and approved for a change of zone from County SR-2.5 (Suburban Residential – 2.5 acre minimum) to City SFR-10 (Single Family Residential – 10 units per gross acre).

On December 4, 2014, the City Council adopted an ordinance changing the General Land Use Plan (GLUP) designation of approximately 500 acres throughout the Urban Growth Boundary in order to increase development capacity. At that time the GLUP designation for the subject property was changed from Urban Residential (UR) to Urban High Density Residential (UH).

Project Summary

Staff has reviewed the zone change request and finds that it meets the approval criteria in Medford Land Development Code Section 10.227. The proposed MFR-20 zone district is permitted within the UH GLUP designation, and the proposal is consistent with the Transportation System Plan (TSP). In regards to facility adequacy, the agency reports in Exhibits B, D, and G demonstrate that Category "A" Urban Facilities are available or can and will be made available to serve the site at the time of issuance of building permits.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibit A) 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 ZC-15-143 per the staff report dated November 5, 2015, including Exhibits A through H.

EXHIBITS

A Applicant's Findings of Fact received October 16, 2015
B Public Works Department Staff Report received November 25, 2015
C Medford Fire Department Report received November 11, 2015
D Medford Water Commission Staff Memo received November 25, 2015
E Oregon Department of Transportation email received November 24, 2015
F Building Department email received November 25, 2015
G Rogue Valley Sewer Services Report received November 18, 2015
H Jackson County Roads email received November 30, 2015
Vicinity map

PLANNING COMMISSION AGENDA: **DECEMBER 10, 2015**

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

IN THE MATTER OF AN APPLICATION FOR A ZONE CHANGE FOR THE PROPERTY IDENTIFIED AS T372W26AC TAX LOT 1200 HOUSING AUTHORITY OF JACKSON COUNTY SCOTTSINNER CONSULTING, INC. AGENT	)))))	FINDING OF FACT AND CONCLUSIONS OF LAW

RECEIVED
OCTOBER 16, 2015
PLANNING DEPARTMENT

I. BACKGROUND INFORMATION

Applicant:

Housing Authority of Jackson County
Jason Elsey
2251 Table Rock Road
Medford, OR 97501
Jason@hajc.net

Agent:

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

Property 1:

37 2W 26 AC TL 1200
Housing Authority of Jackson County
217 North Ross Lane
Medford, OR 97501
SFR-10 current zoning
6.36 net acreage

Project Summary:

The subject property is currently zoned SFR-10 units per acre and the applicant seeks approval for this application to rezone the property to the MFR-20 zoning district. The net acreage of the subject properties totals 6.36 acres and the gross acreage is 6.5 acres.

The General Land Use Plan Map designation for the property was changed from Urban Residential (UR) to Urban High Density (UH) in 2015 through City Council action. The approval of this application would rezone the property to the M

CITY OF MEDFORD
EXHIBIT # A
File # ZC-15-143
6

Approval Criteria:

The relevant approval criteria for the requested zone change from SFR-10 to MFR-20 are within MLDC 10.227 as provided below:

10.227 Zone Change Criteria

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

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

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

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

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

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

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

(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one (1) proposed or anticipated development, the Planning Commission may find the street to

be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs:

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

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

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

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

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

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

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

---

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

Findings of Fact:

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

The subject properties are 4.25 miles from the Rogue Valley International Airport, and 2.45 miles from Interstate Highway 5 (I-5). The subject property has frontage on North Ross Lane.

Referring to the adopted Transportation System Plan (TSP), North Ross Lane is classified as a Major Collector street, when fully improved to the standards identified in the MLDC will include bicycle lanes and sidewalks to promote both bicycle and pedestrian modes of transportation.

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

The General Land Use Plan Map (GLUP) map designation for the subject properties is the UH Urban High Density Residential designation. The UH designation allows for the MFR-20 and MFR 30 zoning districts. The requested zone change proposed with this application is the MFR-20 zoning district and is consistent with the GLUP designation.

Conclusions of Law:

The Planning Commission can conclude this application is consistent with the adopted Medford Transportation System Plan and also the Oregon Transportation Planning Rule, and the MFR-20 zoning district is appropriate within the UR GLUP designation.

(2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are

contained in Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.

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

Findings of Fact:

In preparing this application the Medford Public Works Department was contacted to determine the ability to access the existing public storm drainage facilities in the area. According to Roger Thom of the Public Works Department the property has direct access to an existing storm drainage facility in North Ross Lane.

A portion of the west side of the property may be sloping to the west and collecting in a ditch at the west side of the property. Future development will be subject to the current City requirements for storm water control and treatment and there is adequate capacity for the proposed zone change.

The subject property is within the Rogue Valley Sewer Service (RVS) territory. According to Carl Tappert of RVS there is a 30" sanitary sewer line in the Ross Lane frontage. The sanitary sewer facilities have adequate capacity for the purposes of the requested zone change. Future development of the properties will require the extension of facilities in accordance with the standards for development at the time of development.

Rodney Grehn of the Medford Water Commission indicated the Medford Water Commission provides municipal water for this area and there is adequate capacity for the requested zone change. The parcel has access to a 12" water line in North Ross Lane. Future development of the properties will require the extension of facilities in accordance with the standards for development at the time of development.

Conclusions of Law:

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

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

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

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

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

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

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

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

Findings of Fact:

The subject property has frontage and access from North Ross Lane. North Ross Lane is classified as a major collector according to the adopted Transportation System Plan for the City of Medford. A Major Collector street section requires a total Right of Way width of 74 feet at full development.

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

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

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

Conclusions of Law

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

> *(c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction or covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:*
>
> > *(i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,*
> >
> > *(ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,*
> >
> > *(iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.*

Findings of Fact:

In preparing this application for a zone change from the SFR-10 zoning district to the MFR-20, the agencies were queried and the replies indicated any limitations identified in MLDC 10.227 (2) (c) will not be necessary as the facilities are available for the requested zone change from SFR-10 to MFR-20.

Conclusions of Law

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

Application Summary and Conclusion:

This application identifies the relevant approval criteria contained in the MLDC for a zone change from the SFR-10 zoning district to the MFR-20 zoning district.

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

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

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

Scott Sinner
Scott Sinner Consulting, Inc.

Continuous Improvement Customer Service

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CITY OF MEDFORD

LD Date: 11/25/2015
File Number: ZC-15-143

PUBLIC WORKS DEPARTMENT STAFF REPORT
Housing Authority Zone Change

Project: Consideration of a request for a change of zone from SFR-10 (Single Family Residential, ten dwelling units per gross acre) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) on approximately 6.36 acres located on the west side of North Ross Lane approximately 400' south of West McAndrews Road; Housing Authority of Jackson County, Applicant (Scott Sinner Consulting, Inc., Agent). Tracy Carter, Planner.

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

I. Sanitary Sewer Facilities

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

II. Storm Drainage Facilities

This site lies within the Little Elk Creek Drainage Basin. The City of Medford has existing storm drain facilities in North Ross Lane. In addition, there is a public drainage system running through the site approximately 450' west of North Ross Lane and another drainage channel on the western portion of this parcel. This site would be able to connect to these facilities at the

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION
200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us
TELEPHONE (541) 774-2100

CITY OF MEDFORD
EXHIBIT # B
File # ZC-15-143

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

III. Transportation System

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

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

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

Prepared by: Doug Burroughs

The above report is based on the information provided with the Zone Change Application submittal and is subject to change based on actual conditions, revised plans and documents or other conditions. A full report with additional details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection shall be provided with a Development Permit Application.

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION
200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us
TELEPHONE (541) 774-2100
FAX (541) 774-2552

Medford Fire Department

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

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NOV 11 2015
PLANNING DEPT.

LAND DEVELOPMENT REPORT - PLANNING

To: City of Medford Public Works

LD Meeting Date: 11/25/2015

From: Fire Marshal Kleinberg

Report Prepared: 11/12/2015

File #: ZC - 15 - 143

Site Name/Description:

Consideration of a request for a change of zone from SFR-10 (Single Family Residential, ten dwelling units per gross acre) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) on approximately 6.36 acres located on the west side of North Ross Lane approximately 400' south of West McAndrews Road; Housing Authority of Jackson County, Applicant (Scott Sinner Consulting, Inc., Agent). Tracy Carter, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE
Approved as Submitted	
Meets Requirement: No Additional Requirements	

Development shall comply with access and water supply requirements in accordance with the Fire Code in affect at the time of development submittal.
Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.
Specific fire protection systems may be required in accordance with the Oregon Fire Code.

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

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

CITY OF MEDFORD
EXHIBIT # C
File # ZC-15-143

BOARD OF WATER COMMISSIONERS

Staff Memo

RECEIVED
NOV 2 201
PLANNING D

TO: Planning Department, City of Medford

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

SUBJECT: ZC-15-143

PARCEL ID: 372W26AC TL 1200

PROJECT: Consideration of a request for a change of zone from SFR-10 (Single Family Residential, ten dwelling units per gross acre) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) on approximately 6.36 acres located on the west side of North Ross Lane approximately 400' south of West McAndrews Road; Housing Authority of Jackson County, Applicant (Scott Sinner Consulting, Inc., Agent). Tracy Carter, Planner.

DATE: November 25, 2015

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

COMMENTS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The MWC system does have adequate capacity to serve this property.
4. Off-site water facility construction may be required depending on future land development review.
5. On-site water facility construction may be required depending on future land development review.
6. MWC-metered water service does not exist to this property.
7. Access to MWC water lines for connection is available. There is a 12-inch water in Ross Lane North.

CITY OF MEDFORD
EXHIBIT # D
File # ZC-15-143

N

Feet
0 100 200
Scale: 1"=200'

Water Facility Map for ZC-15-143

Legend

- Air Valve
- Sample Station
- Fire Service
- Hydrant
- Reducer
- Blow Off
- Plugs-Caps

Water Meters:

- Active Meter
- On Well
- Unknown
- Vacant

Water Valves:

- Butterfly Valve
- Gate Valve
- Tapping Valve

Water Mains:

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

Boundaries:

- Urban Growth Boundary
- City Limits
- Tax Lots

MWC Facilities:

- C Control Station
- P Pump Station
- R Reservoir

MEDFORD WATER COMMISSION

Tracy R. Carter

From: MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>
Sent: Tuesday, November 24, 2015 11:10 AM
To: Tracy R. Carter
Subject: ZC-15-143

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NOV 2015
PLANNING

Tracy,

Thank you for sending agency notice of a consideration of a request for a change of zone from SFR-10 (Single Family Residential, ten dwelling units per gross acre) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) on approximately 6.36 acres located on the west side of North Ross Lane approximately 400' south of West McAndrews Road. We reviewed this and determined that it would not significantly affect state transportation facilities under the State Transportation Planning Rule (OAR 660-012-0060) or State Access Management Rule (OAR 734-051-000). We have no further comments at this time.

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

CITY OF MEDFORD
EXHIBIT # E
File # ZC-15-143

20

Tracy R. Carter

From: Chad E. Wiltrout
Sent: Wednesday, November 25, 2015 7:46 AM
To: Tracy R. Carter; Aaron J. Harris
Cc: Mary E. Montague
Subject: LDC meeting 11/25/15

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NOV 2 2015
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Hello gentlemen,

Concerning applications ZC-15-143 and E-15-151, there are no building comments and therefore no memos from building will be sent out for these projects. Please let me know if you have any questions or concerns.

Thanks,

Chad Wiltrout
Assistant Building Safety Director
City of Medford
Building Department
P (541) 774-2363
C (541) 944-8991
chad.wiltrout@cityofmedford.org

CITY OF MEDFORD
EXHIBIT # P
File # ZC-15-143

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1 2015

PLANNING DEPT.

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

November 18, 2015

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

Re: ZC-15-143, Housing Authority of Jackson County Zone Change, Tax Lots 1200, Map 372W26AC (REF: ZC-06-341, ZC-02-153)

ATTN: Tracy,

There is a 30 inch sewer main on Ross Lane and an 8 inch sewer pipe extended a short distance into the subject property. There is adequate capacity to serve the proposed density.

Future development proposals must be done in compliance with RVSS standards.

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

Sincerely,

Carl Tappert

Carl Tappert P.E.
Manager

K:\DATA\Agencies\MEDFORD\PLANNG\Zone Change\2015\ZC-15-143_Housing Authority.doc

CITY OF MEDFORD
EXHIBIT # G
File # ZC-15-143

JACKSON COUNTY
Roads

Roads
Engineering

Kevin Christiansen
Construction Manager

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

www.jacksoncounty.org

November 16, 2015

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

RE: Development off North Ross Lane – a city maintained road.
Planning File: ZC-15-143.

Dear Tracy:

Thank you for the opportunity to comment on the request for a change of zone from SFR-10 (Single Family Residential, ten dwelling per gross acre) to MFR-20 (Multiple-Family Residential – 20 dwelling units per gross acre) on approximately 6.36 acres located on the west side of North Ross Lane approximately 400' south of West McAndrews Road. Jackson County Roads has no comment.

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

Sincerely,

Kevin Christiansen
Construction Manager

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CITY OF MEDFORD
EXHIBIT # H
File # ZC-15-143

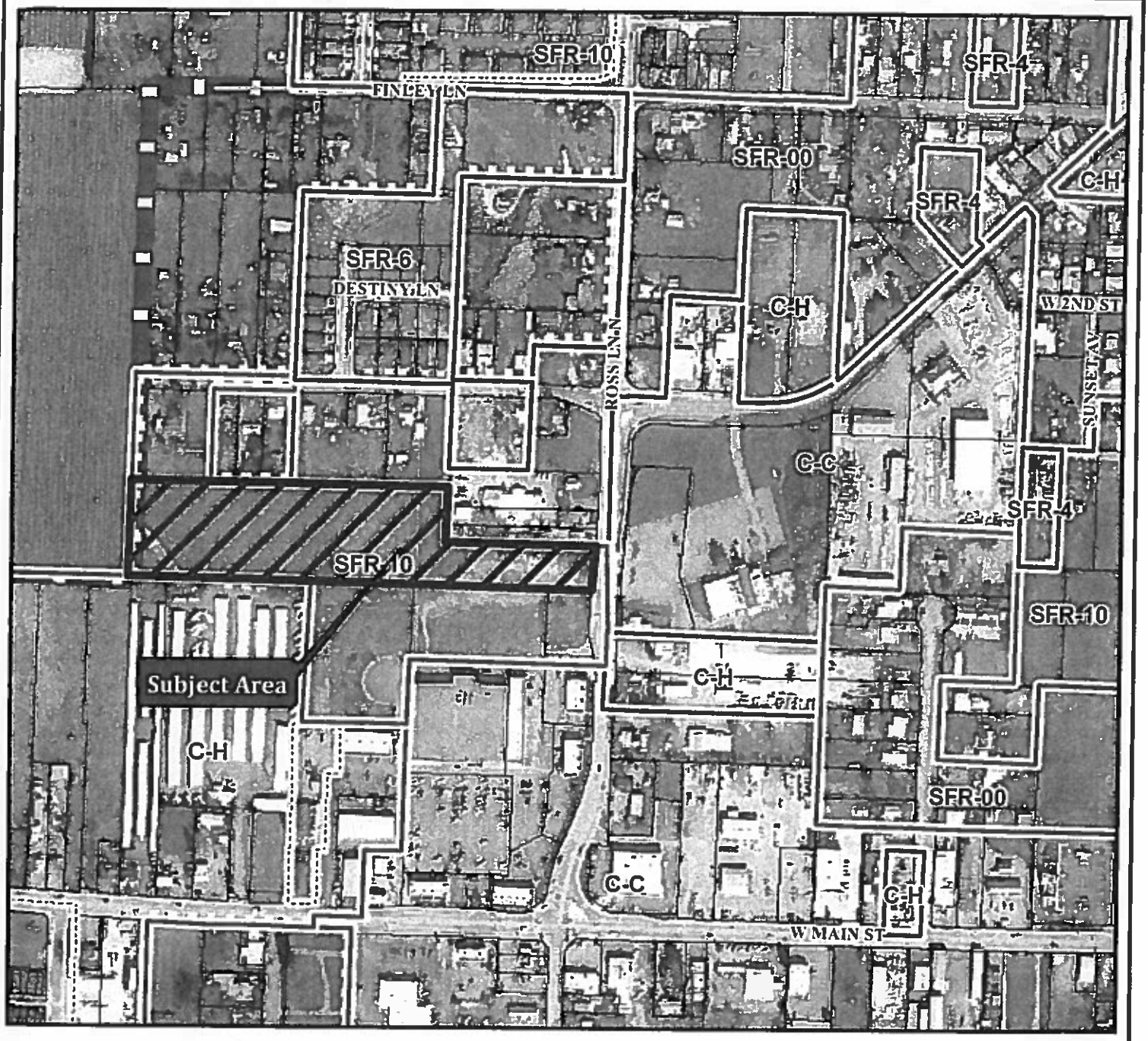
City of Medford

Planning Department

Vicinity Map

File Number:

ZC-15-143



Project Name:

Housing Authority of J. Co. - Zone Change (SFR-10 to MFR-20)

Map/Taxlot:

372W26AC TL 1200

0 250 500 Feet

10/19/2015

Subject Area

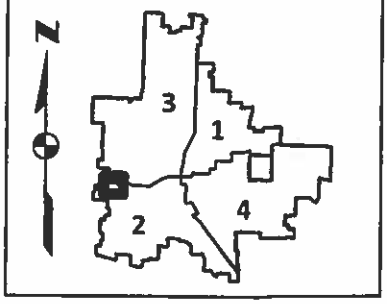
Medford Zoning

UGB

Tax Lots

PUD

Medford UGB with Wards



BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF TENTATIVE PLAT APPROVAL OF	)	
	)	**ORDER**
AIRPORT ONE LLC [LDP-15-136]	)	

ORDER granting approval of a request for tentative plat approval of File No. LDP-15-136.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.265 through 10.267; and

2. The Medford Planning Commission has duly held a public hearing on the request for consideration of a partition to create three parcels from an 89.1 acre lot located at the southern terminus of Industry Drive (300 feet south of the intersection of Industry Drive and Enterprise Drive), within the I-G (General Industrial) zoning district, with a public hearing a matter of record of the Planning Commission on December 10, 2015; and

3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and

4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat approval and approved the 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 Airport One LLC, stands approved per the Staff Report dated December 1, 2015, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Staff Report dated December 1, 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 December, 2015.

CITY OF MEDFORD PLANNING COMMISSION

_____

Planning Commission Chair

ATTEST:

_____

Planning Department Representative

STAFF REPORT

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

Project	Airport One LLC Applicant: Airport One LLC; Agent: Herbert Farber	
File no.	LDP-15-136	
To	Planning Commission	*for 12/10/2015 hearing*
From	Aaron Harris, Planner II	
Reviewer	Kelly Akin, Principal Planner	
Date	December 1, 2015	

BACKGROUND

Proposal

Land partition to create three parcels from an 89.1 acre lot located at the southern terminus of Industry Drive (300 feet south of the intersection of Industry Drive and Enterprise Drive), within the I-G/AR (General Industrial/Airport Radar Overlay) zoning district.

Subject Site Characteristics

Zoning	I-G	General Industrial
Overlay	AR	Airport Radar Overlay
GLUP	GI	General Industrial
Use	Vacant lot	

Surrounding Site Characteristics

North	I-G	General Industrial
	I-L	Light Industrial
	AD-MU	Airport Development-Mixed Use (County zoning)
	LI	Light Industrial (County zoning)
East	I-H	Heavy Industrial
South	I-L	Airport
West	I-L	Airport

Related Projects

AC-15-128 American Tire Storage and Distribution Facility

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

Airport One, LLC is the property owner on record. The Oregon Secretary of State Business Registry lists William Bagley as the Registered Agent.

ISSUES AND ANALYSIS

Project Summary

The subject site is currently vacant. AC-15-128 is a Site Plan and Architectural Review application to construct a new one-story, 100,000 square foot storage and distribution facility on Parcel 1 of the proposed lot partition.

Proposed Parcels

This partition includes the creation of three parcels. Parcel 1 is 5.77 acres and is positioned to the west of the proposed extension of Industry Drive. A 30-foot storm drain easement is proposed along the northern boundary of the parcel (Exhibit B).

Parcel 2 is 6.87 acres and is positioned to the east of the proposed extension of Industry Drive. A 30-foot storm drain easement is proposed along the northern boundary of the parcel (Exhibit B).

Parcel 3 is 74.8 acres and includes the remaining portion of the original 89.1 acre lot. Parcel 3 is identified as reserved acreage. A 30-foot storm drain easement is proposed along the northern boundary of the parcel. A 12-inch water line stub and an 8-inch sanitary sewer stub are noted on the tentative partition plat at the southern terminus of Airway Drive. A 12-inch water line stub is also noted on the tentative partition plat at the southern terminus of Industry Drive (Exhibit B).

Lot Standards

The lots in this partition are zoned I-G (General Industrial). The site development standards for I-G lots are outlined in MLDC §10.714. The minimum lot area for I-G lots is 10,000 square feet. Parcel 1 is proposed to be approximately 251,341 square feet. Parcel 2 is proposed to be 299,257 square feet. Parcel 3 is proposed to be 3,258,288 square feet. All parcels meet the minimum size requirement.

The three parcels also meet the 70-foot minimum lot width standard, the 100-foot minimum lot depth standard, and the 70-foot minimum lot frontage standard for lots zoned I-G.

Right-of-Way Dedication

Industry Drive is classified as a major collector street, and therefore requires a total right-of-way width of 74 feet per MLDC §10.428(3). A 15-foot public utility easement is proposed on Parcels 1 and 2 adjacent to the proposed extension of Industry Drive (Exhibit B).

Access

Access to all three parcels is provided by Industry Drive (Exhibit B). Driveway access to the proposed development site shall comply with MLDC §10.550, including cross access easement for all of the adjacent properties (Exhibit H).

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

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

RECOMMENDED ACTION

Adopt the findings as recommended by staff and adopt a Final Order for approval of LDP-15-136 per the staff report dated December 1, 2015, including Exhibits A through J.

EXHIBITS

A Conditions of Approval, dated December 1, 2015
B Tentative Partition Plat, received November 9, 2015
C Grading & Storm Drainage Plan, received October 8, 2015
D Utility Plan, received October 8, 2015
E Applicant's Findings of Fact, received October 8, 2015
F Fire Department Report, received November 11, 2015
G Medford Water Commission Memo, received November 24, 2015
H Public Works Report, received November 18, 2015
I Rogue Valley Sewer Services Memo, received November 9, 2015
J ODOT Memo, received November 19, 2015
Vicinity Map

PLANNING COMMISSION AGENDA: DECEMBER 10, 2015

Airport One LLC, Partition
LDP-15-136
Conditions of Approval
December 1, 2015

CODE CONDITIONS

1. Comply with the Fire Department Report received November 11, 2015 (Exhibit F);

2. Comply with the Water Commission memo received November 24, 2015 (Exhibit G);

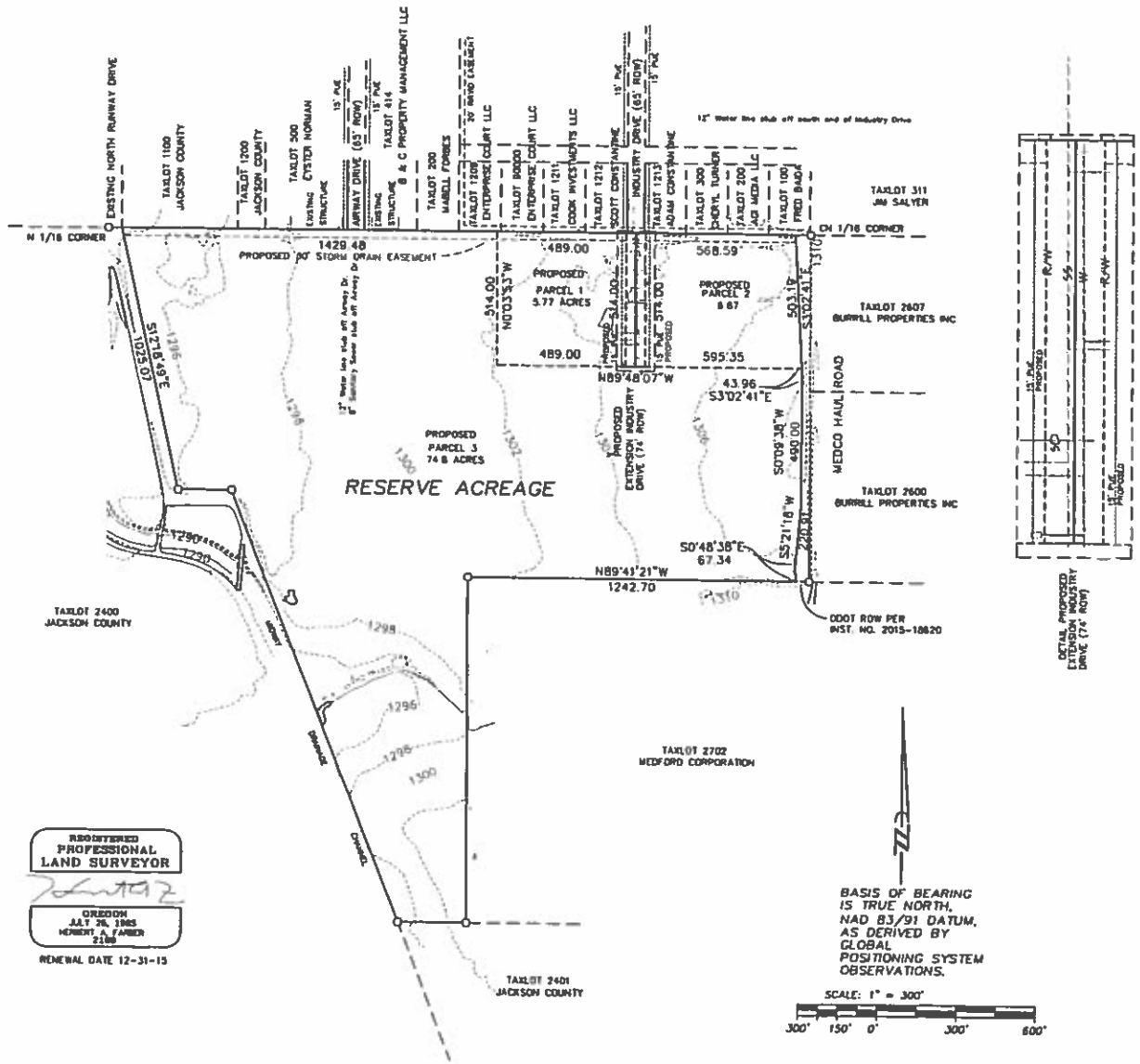
3. Comply with the Public Works Department Report received November 18, 2015 (Exhibit H);

4. Comply with the Rogue Valley Sewer Services memo received November 9, 2015 (Exhibit I).

CITY OF MEDFORD
EXHIBIT A
FILE # LDP-15-136

TENTATIVE PARTITION PLAT
of
TAXLOT 2500
located in the
NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON

for
AIRPORT ONE, LLC
1175 MAIN A2
MEDFORD, OREGON 97504



Sheet 1 of 1

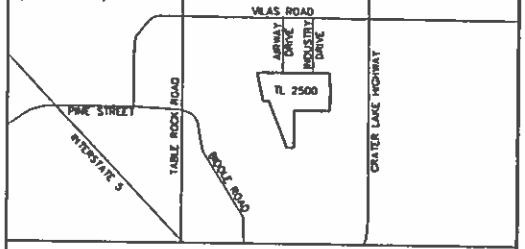
LEGEND

O = FOUND MONUMENT

NOTES:

- PROPERTY IS ZONED IG AND SURROUNDING PROPERTY IS ZONED IL
- SCHOOL DISTRICT = 549C
- IRRIGATION DISTRICT = ROGUE RIVER VALLEY
- MEDFORD FIRE DEPARTMENT
- ROGUE VALLEY SEWER SERVICES
- TOTAL PROJECT AREA = 89.1 ACRES
- CONTOURS AND TOPO DATA IS PER CITY OF MEDFORD GIS
- THERE ARE NO STRUCTURES WITHIN THE BOUNDARY OF THIS PROPERTY

VACINITY MAP:
(NOT TO SCALE)



Surveyed by:
FARBER & SONS, INC. dba
FARBER SURVEYING
PO BOX 5286
431 OAK STREET
CENTRAL POINT, OREGON 97502
(541) 664-5599

DATE: OCTOBER 2, 2015
JOB NO.: 2015-2394
DRAWING FILE: JOBS\Medford_NE\Industry\[illegible]
MicroSurveyTemp\PM[illegible]

DRAWN BY: [illegible] CHK'D DATE: 09/08/2015 REVISED BY: [illegible] DATE: [illegible]

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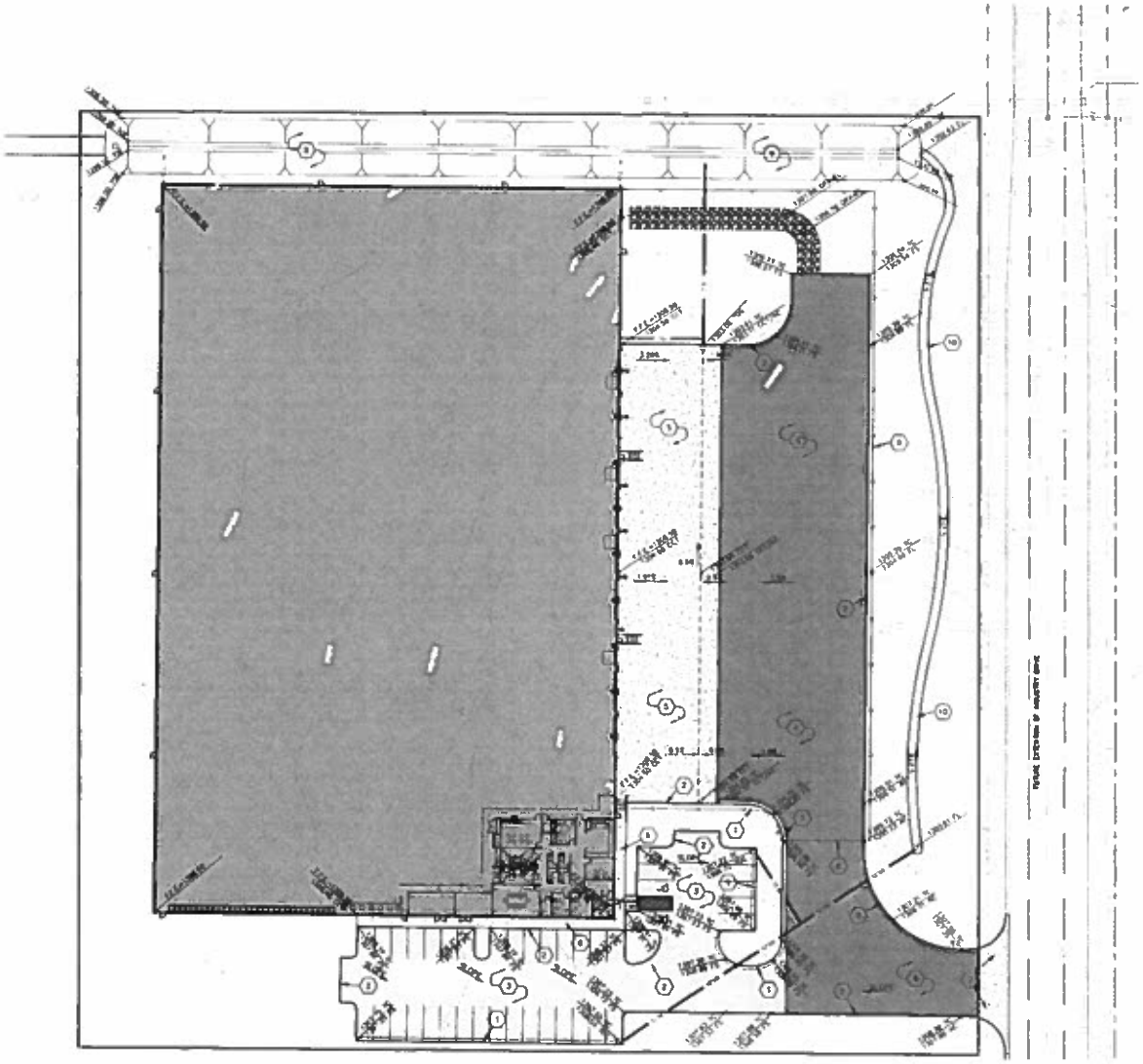
NOV 09 2015
Planning Dept

CITY OF MEDFORD
EXHIBIT B
FILE # LDP-15-136

16

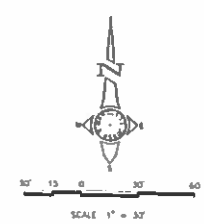


CONSTRUCTION NOTES

1. CONSTRUCT CONCRETE CURB & GUTTER PER DETAIL 3 SHEET C-105
2. CONSTRUCT STANDARD 12" VERTICAL CURB PER DETAIL 6 SHEET C-105
3. CONSTRUCT LIGHT PAVING SECTION PER DETAIL 2 SHEET C-105
4. CONSTRUCT HEAVY PAVING SECTION PER DETAIL 1 SHEET C-105
5. CONSTRUCT REINFORCED CONCRETE PAVING SECTION PER DETAIL 8 SHEET C-105
6. CONSTRUCT STANDARD SIDEWALK PER PWE STD. DETAIL CD720
7. CONSTRUCT STANDARD DRIVEWAY APRON PER PWE STD. DETAIL CD740
8. CONSTRUCT 6' CHAINLINK FENCE, WITH ENTRY GATE.
9. CONSTRUCT DETENTION POND / BIOSWALE PER DETAIL 4 SHEET C-105
10. CONSTRUCT DRAINAGE SWALE, SLOPE = 0.25%
11.

GENERAL NOTES

1. WORK AND MATERIALS SHALL CONFORM TO THE 2008 ODOT/ APWA OREGON STANDARD SPECIFICATIONS FOR CONSTRUCTION, UNLESS OTHERWISE COVERED BY THE OREGON SPECIALTY PLUMBING CODE, THE SPECIFICATIONS WRITTEN FOR THIS PROJECT
2. ALL REFERENCE TO ENGINEER MEANS MARQUESS & ASSOCIATES, INC. CONSULTING ENGINEERS, 1120 EAST JACKSON STREET, P.O. BOX 490, MEDFORD, OREGON 97501, TELEPHONE (541) 772-7115, FAX (541) 779-4079
3. APPROVED PLANS AND SPECIFICATIONS SHALL BE AVAILABLE AT SITE OF CONSTRUCTION AT ALL TIMES DURING CONSTRUCTION
4. THE CONTRACTOR SHALL CALL FOR UTILITY LOCATES (1-800-332-2344) A MINIMUM OF 48 HOURS PRIOR TO BEGINNING CONSTRUCTION
5. EVERY REASONABLE EFFORT HAS BEEN MADE TO LOCATE THE EXISTING UTILITIES ON THE PLANS, BUT NO GUARANTEE IS MADE AS TO THE COMPLETENESS OR ACCURACY OF THESE LOCATIONS. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO LOCATE AND PROTECT THESE AND OTHER EXISTING UTILITIES AND STRUCTURES IN THE FIELD. THE CONTRACTOR SHALL POTHOLE EXISTING UTILITIES AND NOTIFY THE ENGINEER OF ANY CONFLICTS PRIOR TO ANY TRENCHING ACTIVITIES
6. THE CONTRACTOR SHALL ADJUST ALL MANHOLES, CLEANOUTS, METER BOXES MOVED THROUGH CONSTRUCTION AND ALL OTHER APPURTENANCES TO FINISHED GRADE. PATCHING AROUND ALL APPURTENANCES IN STREETS SHALL BE WITH ASPHALTIC PAVEMENT MATERIAL
7. THE CONTRACTOR SHALL MAINTAIN EXISTING STREETS AND REPAIR IF DAMAGED



LEGEND - NEW CONSTRUCTION

AC	ASPHALT	CCT	CONCRETE
CB	CATCH BASIN	SD	STORM DRAIN
DI	DUCTILE IRON	SDCO	STORM DRAIN CLEAN OUT
DW	DOMESTIC WATER	SDMH	STORM DRAIN MANHOLE
FFE	FINISHED FLOOR	SS	SANITARY SEWER, PVC ASTM D-3034
FG	FINISHED GRADE	SSCO	SANITARY SEWER CLEAN OUT
FL	FLOWLINE	SW	SIDEWALK
FS	FINISH SURFACE	TB	TOP OF BANK
GRT	GRATE	TFC	TOP FACE OF CURB
INV	INVERT	TW	TOP OF WALL
RD	ROOF DRAIN	WM	WATER METER
		(00.00)	EXISTING GRADE

GMA

MARQUESS

BCP

ARCO DESIGN/BUILD

Medford, Oregon

Contractor: ARCO Design/Build

PRELIMINARY

THESE DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION, BIDDING, RECORDATION, CONVEYANCE, SIGNATURE OF A PERMIT

PRINT RECORD

REVISIONS

ISSUE DATE

15-1173.1

GRADING & DRAINAGE PLAN

C-101

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OCT 09 2015

Planning Dept.

CALL BEFORE YOU DIG 1-800-332-2344

CITY OF MEDFORD

EXHIBIT C

FILE # LDP-15-136

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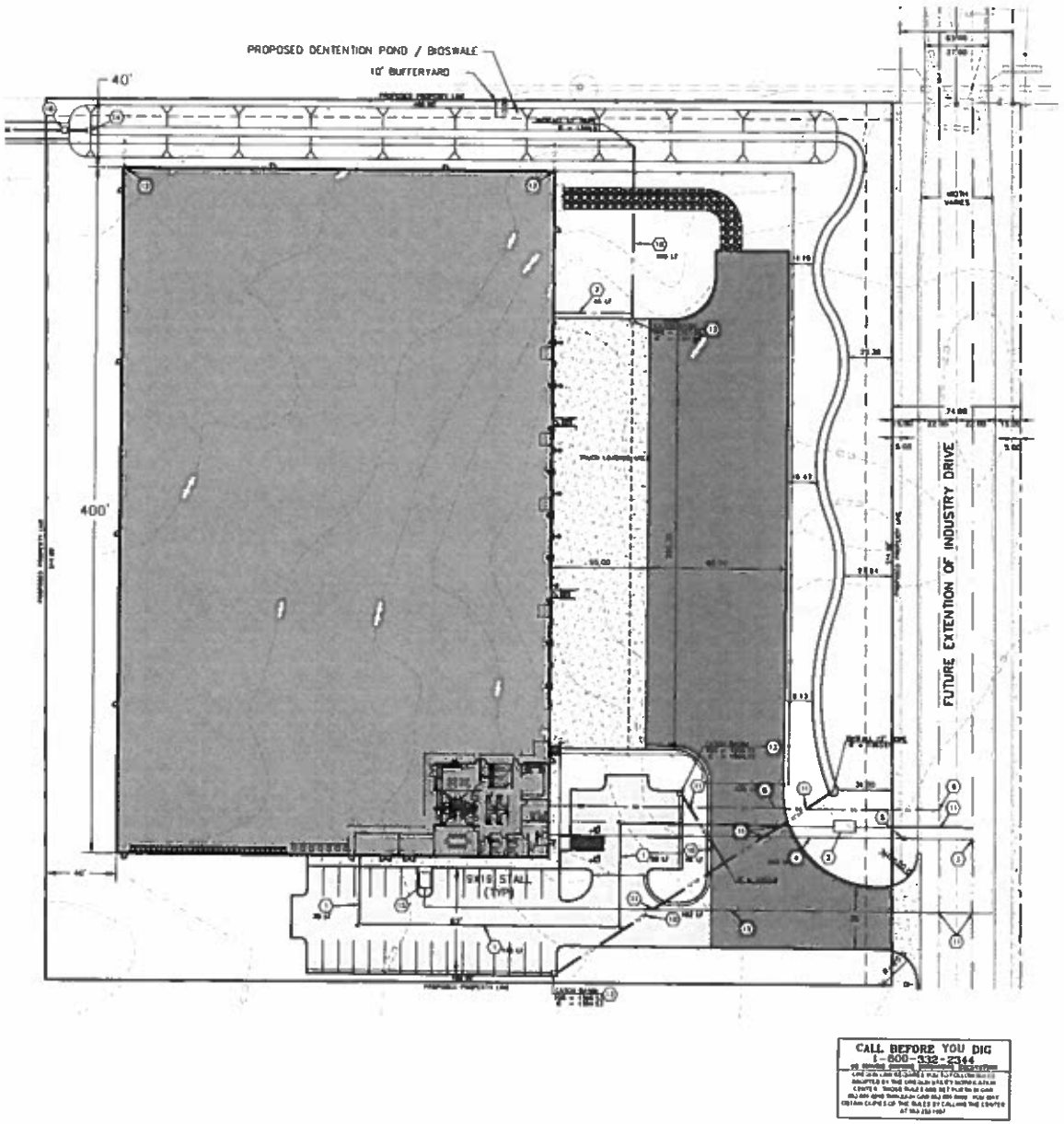


CONSTRUCTION NOTES

1. CONSTRUCT 6" DUCTILE IRON PIPE (CL 54) 3' MIN COVER. PER TRENCH DETAIL 7 ON SHEET C-105.
2. CONSTRUCT FIRE SERVICE VAULT.
3. CONNECT TO EXISTING WATER LINE PER MWC STANDARDS
4. CONSTRUCT 2" DOMESTIC WATER LINE, 3' MIN COVER. PER TRENCH DETAIL 7 ON SHEET C-105. SEE ARCHITECTURAL UTILITY PLANS FOR BUILDING CONNECTION LOCATION
5. INSTALL 2" DOMESTIC WATER METER PER MWC STANDARDS
6. INSTALL FIRE HYDRANT ASSEMBLY PER MWC STD. DETAIL W4.
7. PROPOSED FOUNDATION DRAINS, HAND PIPE WITH 4" 3034, MIN. SLOPE = 1.0% SEE STRUCTURAL DRAWINGS FOR EXACT FOOTING DRAIN LOCATION
8. CONSTRUCT 4" PVC SANITARY SEWER PIPE @ 1.0% MIN. SLOPE, PER TRENCH DETAIL 7 ON SHEET C-105. SEE ARCHITECTURAL UTILITY PLANS FOR BUILDING CONNECTION LOCATION.
9. CONNECT TO EXISTING SANITARY SEWER LINE PER RVSS STANDARDS.
10. CONSTRUCT 12" HDPE STORM DRAIN PIPE @ 0.5% MIN SLOPE, PER DETAIL 7 ON SHEET C-105.
11. *CAUTION* UTILITY CROSSING. CONTRACTOR TO VERIFY LOCATION AND ELEVATION PRIOR TO CONSTRUCTION. NOTIFY ENGINEER IF PROBLEM EXISTS.
12. CONSTRUCT 6" ROOF DRAIN PIPE @ 1.0% MIN. SLOPE, TO NEW PROPOSED DETENTION POND. SEE ARCHITECTURAL UTILITY PLANS FOR EXACT LOCATION
13. CONSTRUCT STD. AREA CATCH BASIN PER DETAIL 8, SHEET C-105. NOTE: CONTRACTOR TO VERIFY PROPOSED 1 INCH BASIN INVERT ELEVATIONS AND STORM PIPE CONNECTION INVERT ELEVATIONS PRIOR TO ORDERING BASIN.
14. CONSTRUCT STANDARD ENTRANCE INLET STRUCTURE PER JACKSON COUNTY ROADS DETAIL, SHEET C-105.
15. CONTRACTOR TO COORDINATE NEW ELECTRICAL CONDUIT AND EQUIPMENT WITH PP&L AND ELECTRICAL ENGINEER. SEE ELECTRICAL PLANS FOR DETAILS.
16. CONSTRUCT OUTLET CONTROL STRUCTURE PER DETAIL 11, SHEET C-105.

STORM DRAIN NOTES

1. CATCH BASINS/CURB INLETS SHALL HAVE A 12" SUMP UNLESS OTHERWISE SHOWN. ALL GRATES SHALL BE TRAFFIC RATED.
2. ALL CORRUGATED POLYETHYLENE PIPE (HDPE DRAINAGE PIPE) SHALL CONFORM TO AASHTO M-294 OR APPROVED EQUAL.
3. ALL P.V.C. STORM DRAIN PIPE SHALL BE SDR 35, ASTM 3034
4. ALL STORM DRAIN SHALL HAVE WATER-TIGHT JOINTS AND FITTINGS.
5. CAP ALL ENDS OF STUBBED OUT STORM PIPE.
6. SEE STRUCTURAL DRAWINGS FOR PERIMETER FOOTING DRAIN REQUIREMENTS.

SANITARY SEWER NOTES

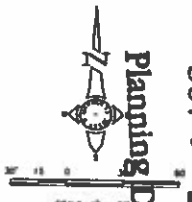
1. CONSTRUCTION SHALL BE PREFORMED IN ACCORDANCE WITH RVSS STANDARDS SPECIFICATIONS AND STANDARD DRAWINGS, AS LAST REVISED.
2. CONTRACTOR SHALL NOTIFY THE OREGON UTILITY NOTIFICATION CENTER 48 HOURS IN ADVANCE
3. SANITARY SEWER PIPE SHALL BE PVC (ASTM 3034) OR AS INDICATED
4. SERVICE CONNECTIONS SHALL BE MADE USING ONE PIECE PRE-MANUFACTURED SERVICE WYE FITTINGS.
5. MAINTAIN 10" CLEARANCE BETWEEN WATER AND SANITARY SEWER, WHERE POSSIBLE.
6. USE ROMAC COUPLERS TO CONNECT TO EXISTING SEWER PIPES.

GENERAL NOTES

1. WORK AND MATERIALS SHALL CONFORM TO THE 2008 ODOT/ APWA OREGON STANDARD SPECIFICATIONS FOR CONSTRUCTION, UNLESS OTHERWISE COVERED BY THE OREGON SPECIALTY PLUMBING CODE, THE SPECIFICATIONS WRITTEN FOR THIS PROJECT.
2. ALL REFERENCE TO ENGINEER MEANS: MARQUESS & ASSOCIATES, INC., CONSULTING ENGINEERS, 1120 EAST JACKSON STREET, P.O. BOX 490, MEDFORD, OREGON 97501, TELEPHONE (541) 772-7115.
3. APPROVED PLANS AND SPECIFICATIONS SHALL BE AVAILABLE AT SITE OF CONSTRUCTION AT ALL TIMES DURING CONSTRUCTION
4. THE CONTRACTOR SHALL CALL FOR UTILITY LOCATES (1-800-332-2344) A MINIMUM OF 48 HOURS PRIOR TO BEGINNING CONSTRUCTION
5. EVERY REASONABLE EFFORT HAS BEEN MADE TO LOCATE THE EXISTING UTILITIES ON THE PLANS, BUT NO GUARANTEE IS MADE AS TO THE COMPLETENESS OR ACCURACY OF THESE LOCATIONS. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO LOCATE AND PROTECT THESE AND OTHER EXISTING UTILITIES AND STRUCTURES IN THE FIELD. THE CONTRACTOR SHALL POTHOLE EXISTING UTILITIES AND NOTIFY THE ENGINEER OF ANY CONFLICTS PRIOR TO ANY TRENCHING ACTIVITIES.
6. THE CONTRACTOR SHALL ADJUST ALL MANHOLES, CLEANOUTS, METER BOXES MOVED THROUGH CONSTRUCTION, AND ALL OTHER APPURTENANCES TO FINISHED GRADE. PATCHING AROUND ALL APPURTENANCES IN STREETS SHALL BE WITH ASPHALTIC PAVEMENT MATERIAL.
7. THE CONTRACTOR SHALL MAINTAIN EXISTING STREETS AND REPAIR IF DAMAGED.
8. STORM DRAIN PIPE SHALL BE PVC PIPE CONFORMING TO ASTM D-3034, ADS N-12 PIPE CONFORMING TO ASTM D-1248, OR HANCOR H-0 CONFORMING TO ASTM D-1248, UNLESS OTHERWISE NOTED ON PLANS OR SPECIFICATIONS.
9. SANITARY SEWER LATERALS, STORM ROOF DRAINS OUTSIDE THE STREET RIGHT OF WAY, AND INDIVIDUAL WATER SERVICES BEHIND THE WATER METER TO BE CONSTRUCTED IN CONFORMANCE TO THE CURRENT EDITION OF THE OREGON SPECIALTY PLUMBING CODE.

LEGEND - NEW CONSTRUCTION

AC	ASPHALT	CCT	CONCRETE
CB	CATCH BASIN	SD	STORM DRAIN
DI	DUCTILE IRON	SDCO	STORM DRAIN CLEAN OUT
DW	DOMESTIC WATER	SDMH	STORM DRAIN MANHOLE
FFE	FINISHED FLOOR	SS	SANITARY SEWER, PVC ASTM D-3034
FG	FINISHED GRADE	SSCO	SANITARY SEWER CLEAN OUT
FL	FLOWLINE	SW	SIDEWALK
FS	FINISH SURFACE	TB	TOP OF BANK
GRT	GRATE	TC	TOP FACE OF CURB
INV	INVERT	TW	TOP OF WALL
RD	ROOF DRAIN	WM	WATER METER
		(00.00)	EXISTING GRADE



Planning Dept.

GMA ARCHITECTS
MARQUESS
BCP
ARCO DESIGN/BUILD

Medford Oregon

Contractor ARCO Design/Build

BID SET

PRINT RECORD

REVISIONS

JOB

UTILITY PLAN

C-102

RECEIVED
OCT 06 2015

CITY OF MEDFORD
EXHIBIT D
FILE # IND-15-136

10

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OCT 08 2015
PLANNING DEPT.

Findings of Fact

for

Assessor's Map No. 371W06 Tax Lot 2500
A LAND DIVISION APPLICATION
CITY OF MEDFORD, OREGON

ADDRESSING THE CRITERIA OF MLDC §10.270

October 7, 2015
PREPARED BY:
FARBER SURVEYING
PO Box 5286
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;

- ***The tentative plan complies with the comprehensive plan as provided for in the Land Development Ordinance (LDO) with parcels consistent with the I-G zone. The street plan is for a Major Collector in conformance with the Medford North Circulation Plan with its connection to existing street stubs and will be designed to City of Medford Standards. This property has adequate facilities or can provide for facilities as noted in the accompanying application.***

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

- ***The extension of Industry Drive to accommodate future development will serve for the future development of the remainder property.***

CITY OF MEDFORD
EXHIBIT E
FILE # LDP-15-136

(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;

- ***Partitions do not get names.***

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

- ***The streets being created will be an extension of Industry Drive that will be dedicated on the final plat.***

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

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

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

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

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

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

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

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

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NOV 11 2015
Planning Dept.

LAND DEVELOPMENT REPORT - PLANNING

To: City of Medford Public Works

LD Meeting Date: 11/18/2015

From: Fire Marshal Kleinberg

Report Prepared: 11/11/2015

File #: LDP - 15 - 136

Site Name/Description:

Partition to create three parcels from an 89.1 acre lot located at the southern terminus of Industry Drive (300 feet south of the intersection of Industry Drive and Enterprise Drive), within the I-G (General Industrial) zoning district; Airport One LLC., Applicant (Farber Surveying, Agent). Aaron Harris, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE
Approved as Submitted	
Meets Requirement: No Additional Requirements	

Development shall comply with access and water supply requirements in accordance with the Fire Code in affect at the time of development submittal.
Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.
Specific fire protection systems may be required in accordance with the Oregon Fire Code.

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

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

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EXHIBIT F
FILE # LDP-15-136

11/11/2015 13:58

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MEDFORD WATER COMMISSION

BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: LDP-15-136

PARCEL ID: 371W16 TL 2500

PROJECT: Partition to create three parcels from an 89.1 acre lot located at the southern terminus of Industry Drive (300 feet south of the intersection of Industry Drive and Enterprise Drive), within the I-G (General Industrial) zoning district; Airport One LLC., Applicant (Farber Surveying, Agent). Aaron Harris, Planner.

DATE: November 20, 2015

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

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."

2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.

3. Installation of a 12-inch water line is required in the southerly extension of Industry Drive. Water line shall terminate at the proposed south end of Indu stry Drive.

4. Proposed "on-site" water lines are required to be installed in paved travel lanes. Water lines shall not extend through landscaping, parking spaces, or under proposed trees. Applicants' civil engineer shall coordinate with MWC engineering staff on layout of onsite water lines, hydrants, meters and back flow devices.

5. Dedication of a 10 foot wide (minimum) access and maintenance easement to MWC over all water facilities located outside of public right-of-way is required. Easement shall be submitted to MWC for review and recordation prior to construction.

6. Applicant shall coordinate with Medford Fire Department for the proposed layout of new fire hydrants for this proposed development, as well as the Medford Fire Department required location for the Fire Service Vault and Fire Department Connection (FDC).

7. 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 .

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CITY OF MEDFORD
EXHIBIT 6
FILE # LDP-15-136

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8. Proposed Parcel 1 is required to have a new water service installed. Applicants' civil engineer shall coordinate with MWC Engineering department for proposed domestic and irrigation water meter locations.

9. Proposed Parcel 2 is not required to have metered water service at this time. Proposed Parcel 2 will be conditioned for installation of metered water service at time of future City of Medford Land Development review.

10. Proposed Parcel 3 (Reserve Acreage) is not required to have metered water service at this time. Proposed Parcel 3 will be conditioned for metered water service installation at time of future City of Medford Land Development review.

COMMENTS

1. Off-site water line installation is required. (See Condition 3 above)

2. On-site water facility construction is required. (See Condition 4 above)

3. Static water pressure is expected to be over 80 psi. Installation of Pressure Reducing Valves (PRV) is required per Uniform Plumbing Code. Pressure Reducing Valves shall be installed on the "private" side of the water meter. PRV's shall be located as close as possible to the water meter serving the parcel being served. Coordinate with City of Medford Plumbing inspector for installation requirements and inspection approval.

4. MWC-metered water service does not exist to this property. (See Conditions 8 thru 10)

5. Access to MWC water lines is available. A 12-inch water line is located in Industry Drive which is stubbed for extension at the existing southerly end of Industry Drive.

E Vilas Rd
Peace Ln
E Vilas Rd
Airway Dr
Industry Dr
Enterprise Dr
Enterprise Dr

Continuous Improvement Customer Service

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CITY OF MEDFORD

LD Date: 11/18/15
File Number: LDP-15-136

PUBLIC WORKS DEPARTMENT STAFF REPORT
Airport One LLC – PARTITION

Project: Partition to create three parcels from an 89.1 acre lot located at the southern terminus of Industry Drive (300 feet south of the intersection of Industry Drive and Enterprise Drive), within the I-G (General Industrial) zoning district.

Applicant: Airport One LLC., Applicant (Farber Surveying, Agent). Aaron Harris, Planner.

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

There will be a separate Public Works Staff Report for the conditions developing proposed Parcel 1, 2 and 3.

A. STREETS

1. Dedications

Industy Drive is classified as a Major Collector Street with a required right-of-way width of 74-feet. Prior to issuance of any permit for construction, the developer shall dedicate for public right-of-way, sufficient width of land along the frontage Parcel 1 & Parcel 2 of this development to comply with the full width of right-of-way. Medford Land Development Code (MLDC 10.451).

The Developer shall receive SSDC. (Street System Development Charge) credits for the public right-of-way dedications on **Industy Drive**, per the value established by the Medford Municipal Code, Section 3.815. **Should the developer elect to have the value of the SSDC credits determined by an appraisal, a letter to that effect must be submitted to the City Engineer within 60 working days of the date of the Final Order by the Site Plan and Architectural Commission. The City will then select an appraiser and a deposit will be required as stated in Section 3.815.**

Streets, as shown on the Site Plan, in which any portion terminates to a boundary line of the Development 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).

CITY OF MEDFORD
EXHIBIT H
FILE # LDP-15-136

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In accordance with MLDC 10.471, **the property owner shall dedicate a 10 foot wide public utility easement** (PUE) adjacent to the right-of-way line of Industry Drive along this Development's respective frontage.

The dedications for public right-of-way and public utility easements shall appear on the final plat for this partition. The right-of-way and PUE dedications shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: right-of-way and PUE dedications, 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, all for review and signature acceptance by the City Engineer prior to recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or mortgages on the areas dedicated.

2. Public Improvements

a. Public Streets

The Developer shall construct **Industry Drive** to Major Collector Street standards in accordance with the MLDC, Section 10.428 and 10.442. The roadway improvements shall include 44-feet of paving from curb face to curb face. Improvements shall also include a 10-foot planter strip, 5-foot sidewalk and street lights along this Development's frontage.

The Developer is eligible to receive SSDC credits for the improvements on Industry Drive, in accordance with the Medford Municipal Code Section 3.815.

b. Street Lights and Signing

1. Traffic Signs and Devices – City installed, Developer paid
   A. 1 – Dead-end Barricade.

2. Street Lighting – Developer Provided and Installed
   A. 3 – 250 watt HPS spaced 185-feet apart starting at the existing light located on Industry Drive.
   B. 1 – New base mounted cabinet (BMC)

c. Pavement Moratoriums

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

3. Access and Circulation

Driveway access to the proposed development site shall comply with MLDC 10.550. The driveway approaches shall have 20 foot curb radii, concrete valley gutters and ADA ramps at the throat of the driveways.

The Developer shall provide cross access easements for all of the adjacent properties in accordance with MLDC 10.550. A draft of the cross access easement shall be submitted with the building permit application for review prior to recording and shall include an exhibit map showing the cross access locations and route from the public right-of-way to the property line and shall be described to include the proposed driveway for this Development.

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION
200 S. IVY STREET
MEDFORD, OREGON 97501
www
TELEPHONE (541) 774-2100
FAX (541) 774-2552

4. MLDC Section 10.668 Analysis

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.

1. 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 are 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, and pedestrians. It can be found that the listed right-of-way dedications and improvements have a nexus to these purposes and policies.

2. Rough proportionality between the required dedications and improvements, and the impacts of development.
No mathematical formula is required to support the rough proportionality analysis. Also, the City is allowed to consider the benefits to the development from the dedication and improvements when determining "rough proportionality."

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.

Industry Drive:

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

B. SANITARY SEWERS

This site lies within the Rogue Valley Sewer Service (RVSS) area. Contact RVSS for sanitary sewer connections.

The Developer shall provide a separate individual sanitary sewer lateral for each parcel not classified as reserve acreage.

C. STORM DRAINAGE

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1. Hydrology

Future development of Parcel 1, 2 and 3 shall provide an investigative report of the offsite drainage on the partition perimeter, a distance not less than 100 feet in all directions.

2. Grading, Stormwater Detention and Water Quality Treatment

Future development of Parcel 1, 2 and 3 shall provide stormwater detention in accordance with MLDC 10.486, and water quality treatment in accordance with the Rogue Valley Stormwater Quality Manual.

3. Mains and Laterals

The Developer shall provide one separate service lateral to each Parcel not classified as reserve acreage 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.

Public mains shall be extended to the south terminus of Industry drive through this development for future extension.

4. Wetlands

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

D. 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 Site Plan and Architectural Commission's Final Order, together with all pertinent details, calculations and other items as noted on the "Checklist for Submittals of Engineering Plans for Public Improvements", which can be found on the City of Medford web site at: "http://www.ci.medford.or.us/Files/Public%20Improvements%20Checklist.pdf". 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

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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.

3. Construction and Inspection

The Developer or Developer's contractor shall obtain appropriate right-of-way permits from the Department of Public Works prior to commencing any work within the public right-of-way that is not included within the scope of work described within approved public improvement plans. Pre-qualification is required of all contractors prior to application for any permit to work in the public right-of-way.

4. System Development Charges (SDC)

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

Parcel 1, 2 & 3 of this development are also subject to storm drain system development charges. A portion of the storm drain system development charge shall be collected at the time of final plat approval.

Report Prepared by: Doug Burroughs

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SUMMARY CONDITIONS OF APPROVAL
Airport One LLC - Partition
LDP-15-136

A. Streets

1. Street Dedications to the Public:

Dedicate 74-feet right-of-way for Industry Drive.

Dedicate a 10 foot wide PUE adjacent to the right-of-way line in Industry Drive along this Developments respective frontage.

2. Improvements:

Construct public improvements for full street width of Industry Drive.

Provide 1 – Dead-end Barricade.

Install street lights and new base mounted cabinet (BMC)

B. Sanitary Sewer:

The site is situated within the RVSS area.

Provide a separate lateral to Parcel 1 & 2

C. Storm Drainage:

Provide a private stormdrain lateral to Parcel 1 & 2.

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.

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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

November 9, 2015

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

Re: Airport One LLC, LDP 15-136, (371W106B – 2500)

ATTN: Aaron

There are 8 inch sewer mains on both Airway Drive and Industry Drive. The main on Airway Drive extends to the end of the road and can be used to serve development on Parcel 3.

The main on Industry Drive terminates approximately 100 feet North of the end of the road. Sewer service to Parcels 1 and 2 will require a main line extension.

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

1. Applicant must extend the sewer main on Industry Drive to the subject property. The sewer main extension must be designed and constructed in accordance with RVSS standards.

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

Sincerely,

Carl Tappert

Carl Tappert, PE
Manager

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CITY OF MEDFORD
EXHIBIT I
FILE # LDP-15-136

17

Aaron J. Harris

RECEIVED
NOV 19 2015
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From: MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>
Sent: Thursday, November 19, 2015 2:43 PM
To: Aaron J. Harris
Subject: LDP-15-136

Aaron,

Thank you for sending agency notice of a partition to create three parcels from an 89.1 acre lot located at the southern terminus of Industry Drive (300 feet south of the intersection of Industry Drive and Enterprise Drive), within the I-G (General Industrial) zoning district. We reviewed this and determined that it would not significantly affect state transportation facilities under the State Transportation Planning Rule (OAR 660-012-0060) or State Access Management Rule (OAR 734-051-000). We have no further comments at this time.

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

CITY OF MEDFORD
EXHIBIT J
FILE # LDP-15-136

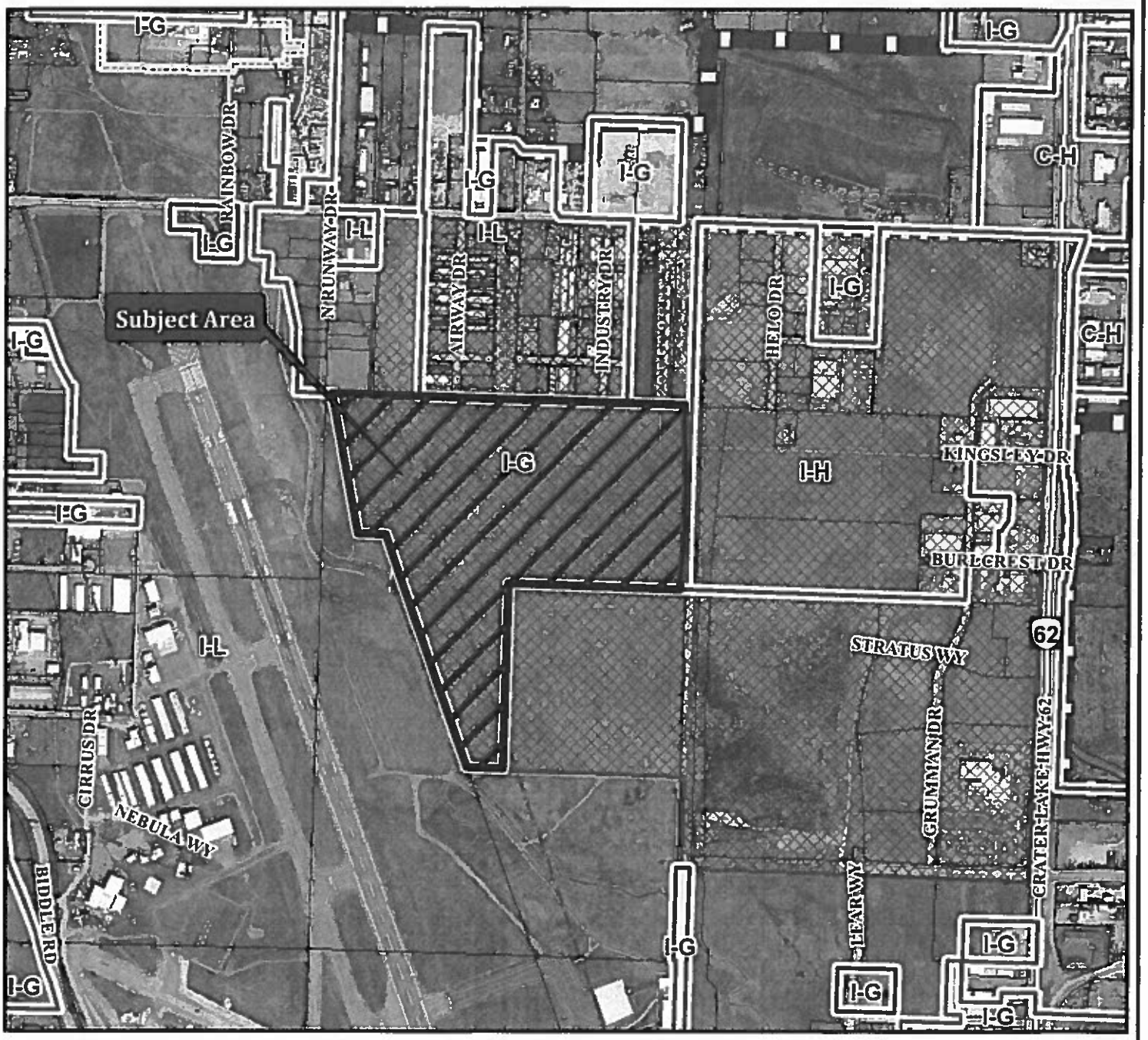
City of Medford

Planning Department

Vicinity Map

File Number:

LDP-15-136



Project Name:

Airport One - 3 Lot Partition

Map/Taxlot:

371W06 TL 2500

0 250 500

Feet

10/15/2015

Subject Area

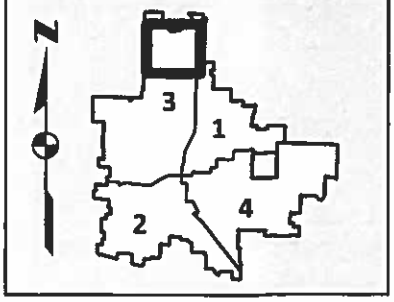
Medford Zoning

City Limits

Tax Lots

PUD

Medford UGB with Wards



BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF TENTATIVE PLAT APPROVAL OF	)	
	)	**ORDER**
JOSEPH HOPPE AND ALICE-WHITE HOPPE [LDP-15-138]	)	

ORDER granting approval of a request for tentative plat approval of File No. LDP-15-138.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.265 through 10.267; and

2. The Medford Planning Commission has duly held a public hearing on the request for consideration of tentative plat approval for a tentative plat for a 2-lot partition of a .70 acre parcel located between Keene Drive and Woodlawn Drive, approximately 170 feet east of Lynnwood Avenue, within an SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district and associated exception request for the elimination of sidewalk, curb, gutter and street paving improvements for the portion of Keene Way Drive fronting the site and elimination of curbs, gutters and sidewalks on Woodlawn Drive, with a public hearing a matter of record of the Planning Commission on December 10, 2015; and

3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff;and

4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat approval and approved the 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 Joseph Hoppe and Alice-White Hoppe stands approved per the Staff Report dated December 3, 2015, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Staff Report dated December 3, 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 December, 2015.

CITY OF MEDFORD PLANNING COMMISSION

_____

Planning Commission Chair

ATTEST:

_____

Planning Department Representative

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

IN THE MATTER OF DENIAL OF AN EXCEPTION FOR	)	
	)	**ORDER**
JOSEPH HOPPE AND ALICE-WHITE HOPPE [E-15-137]	)	

ORDER denying an exception request for elimination of sidewalk, curb, gutter and street paving improvements for the portion of Keene Way Drive fronting the site and elimination of curbs, gutters and sidewalks on Woodlawn Drive. The subject site is located between Keene Way Drive and Woodlawn Drive, approximately 170 feet east of Lynnwood Avenue, within an SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Section 10.251 and 10.252; and

2. The Medford Planning Commission has duly held a public hearing on the request for elimination of sidewalk, curb, gutter and street paving improvements for the portion of Keene Way Drive fronting the site and elimination of curbs, gutters and sidewalks on Woodlawn Drive with consideration of tentative plat for a 2-lot partition of a .70 acre parcel. The subject site is located between Keene Drive and Woodland Drive, approximately 170 feet east of Lynnwood Avenue, within an SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district, with the public hearing a matter of record of the Planning Commission on December 10, 2015.

3. At the public hearing on said exception, evidence and recommendations were received and presented by the developer and Planning Department Staff; and

4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded, denied the exception request and adopted a final order with findings set forth for the denial of the exception request.

THEREFORE LET IT BE HEREBY ORDERED that the exception for Joseph Hoppe and Alice-White Hoppe stands denied per Staff Report dated December 3, 2015.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in denying this request for exception is hereafter supported by the findings referenced in the Staff Report dated December 3, 2015.

BASED UPON THE ABOVE, the Planning Commission determined that the exception is not in conformity with the provisions of law and Section 10.253 Exception Criteria of the Land Development Code of the City of Medford.

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

CITY OF MEDFORD PLANNING COMMISSION

_____
Planning Commission Chair

ATTEST:

_____
Planning Department Representative

STAFF REPORT

for a Type-C quasi-judicial decision: **Land Division – Partition / Exception**

Project	Hoppe Partition Joseph Hoppe, Alice White Hoppe, Applicants (Steve Terry Land Use Planning, Inc., Agent)
File no.	LDP-15-138 / E-15-137
To	Planning Commission *for December 10, 2015 hearing*
From	Desmond McGeough, Planner II
Reviewer	Kelly Akin, Principal Planner
Date	December 3, 2015

BACKGROUND

Proposal

Consideration of tentative plat for a 2-lot partition of a 0.70 acre property, and associated exception request for elimination of sidewalk, curb, gutter and street paving improvements for the portion of Keene Way Drive fronting the site and elimination of curbs, gutters and sidewalks on Woodlawn Drive. The subject site is located between Keene Way Drive and Woodlawn Drive, approximately 170 feet east of Lynnwood Avenue, within an SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district.

Subject Site Characteristics

Zoning	SFR-4
GLUP	UR (Urban Residential)
Use	Single Family Home with Accessory Dwelling Unit

Surrounding Site Characteristics

North	SFR-4	Church
South	SFR-4	Single Family Residences
East	SFR-4	Single Family Residences
West	SFR-4	Single Family Residences

Related Projects

LDP-05-018 2-Lot Partition (Expired)

Applicable Criteria

10.270 LAND DIVISION CRITERIA - MEDFORD LAND DEVELOPMENT CODE
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.

10.253 CRITERIA FOR AN EXCEPTION – MEDFORD LAND DEVELOPMENT CODE
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.

(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

Land Division

Project Summary

The subject site is a 0.70 acre through lot, which sits between Keene Way Drive on the south and Woodlawn Drive on the north. The applicant seeks the partition of the property into two separate parcels. The property currently includes an existing single family dwelling units and a 1,050 square-foot accessory dwelling unit. The first building, built in 1960, fronts toward Keene Way Drive and encompasses 3,250 square feet. The accessory dwelling unit, built in 2003, fronts toward Woodlawn Drive and encompasses 1,050 livable square feet on the second floor and a 1,026 square foot garage on the first floor.

Currently, Woodlawn Drive on the north is a gravel road with no curb, gutter or sidewalk. Keene Way Drive on the south is also without curb, gutter and sidewalk. The current paved width section for Keene Way Drive to the south is 23 feet. With this request for land partition is an exception application to eliminate curb gutter and sidewalk on both street frontages. The exception further requests relief from pavement improvement for Keene Way Drive on the south.

The applicant's findings note that the existing pavement on Keene Way Drive is in good condition. The standard street cross section for Keene Drive requires a full pavement width of 36 feet. Per the MLDC, the applicant would be required to pave the north half of Keene Way Drive (18 feet), plus 12 feet beyond the centerline to the south. Thus, the

applicant would be responsible to construct a 30-foot pavement section for Keene Drive. The applicant has not requested exception to pavement requirements for the section of Woodlawn fronting the site to the north.

Proposed Parcels

This partition includes the creation of two parcels. Parcel 1, fronting Woodlawn Drive, is approximately 14,348 square feet. Lot width is almost 100 feet and lot depth is approximately 140 feet. Parcel 2, fronting Keene Way Drive, is approximately 16,238 square feet in size. Lot width is 100 feet and lot depth is approximately 163 feet. MLDC standards require a minimum lot depth of 90 feet and a minimum lot width of 60 feet. Lot area range specified by the MLDC is 6,500 to 18,875 square feet. Thus, all lot development standards are met by this proposal.

Required density for the SFR-4 zoned property is 2.5 to 4 dwelling units per gross acre. The gross acreage of the site, including adjoining right-of-ways, is 0.862 acres. Thus, minimum density for the partition is 2 units, and the maximum number permitted would be three. The subject partition meets the minimum density standard.

Right-of-Way Dedication

Keene Way Drive and Woodlawn Drive are classified as Standard Residential Streets. Standard residential streets require a total of 63 feet of dedicated right of way. The Public works report notes that amount of needed right of way along the north side of Keene Way appears to be 1.5 feet to meet the requirement. The developer shall dedicate the property required to address the standard section.

Access

Access to Parcel 1 is from Woodlawn Drive, an existing gravel street along the parcel frontage. Access to Parcel 2 is from Keene Way Drive, which is currently a 23-foot wide paved street section.

Improvements

The applicant has requested several exceptions pertaining to right of way improvements, which will be discussed further below in the exception section. The Public Works Report (Exhibit G), states that curb gutter and sidewalk will be required for both Woodlawn Drive and Keene Way Drive. Half street pavement section plus 12 feet south of centerline will be required for Keene Way Drive. Additionally, the Public Works Report identifies two 100W HPS street lights, including secondary power source for each light, will be required for the development.

The Public Works Report notes that Woodlawn Drive along the parcel frontage shall be improve to Standard Residential Street standards. This includes the half-street improvement, plus 12 feet north of centerline, curb, gutter and sidewalks. Additionally,

the MLDC requires that all parcels of land shown on any development intended for vehicles have paved access to an improved street. The nearest improved street is approximately 150 to the east, built to a width of 20 feet. Therefore, the applicant shall extend a 20 foot wide paved section with 1-foot shoulders and with a full structural pavement section 150 feet to the east so Parcel 1 will have paved access. Public works notes in their report that they recommend denial of the exception request. Should the Planning Commission approve the land division application, a condition of approval (Exhibit A) has been included requiring the applicant to comply with the Public Works Report dated November 18, 2015.

No other issues were identified by staff pertaining to the partition.

Exception Findings

The applicant has requested exception to sidewalk, curb, and gutter improvement on both street frontages, and has requested an exception to street paving requirements for Keene Way Drive. As noted above, the Public Works Department does not support the subject exception. Listed below are each of the criteria for exception and staff findings to the criteria.

"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:"

"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."

The Commission may find that the granting of the exception is *not* in harmony with the general purpose and intent of the regulations imposed by the code. The purpose for the improvements is found throughout the Medford Land Development Code, the Transportation System Plan and Statewide Planning Rules. Those statements and policies include a balanced transportation system that addresses all modes of travel, including motor vehicles, transit, bicycles, emergency services and pedestrians. All street section standards within the MLDC, with exception of a minimum access easement, include curb and sidewalk to support pedestrian and multi-modal travel. The applicant contends that many of the surrounding streets do not have curb and sidewalk. This assessment is correct; many of the surrounding streets have been developed without curb, gutter and sidewalk.

However, it is feasible curb, gutter and sidewalk improvement may be pursued at some point in the future. Medford has many parcels throughout the City that can be divided for infill purposes. With past infill development projects in older neighborhoods, sidewalk, curb and gutter were constructed if such improvements were not present, or a deferred improvement agreement established. As such, the Commission may find the exception is not in harmony with the general purpose or intent of the regulations imposed by the Code. The Planning Commission may find that Criterion 1 is not satisfied

"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."

Staff concurs with the Applicant's findings; the granting of an exception does not establish a use that is not permitted in the SFR-4 zone district. The Planning Commission can find that Criterion 2 is satisfied.

"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 criterion contains two provisions and both need to be met. Staff concurs with the Applicant's findings that there are no special circumstances associated with this property, other than it is a through lot. Staff does not believe that this is a unique or unusual circumstance that does not occur elsewhere in the city, or a circumstance that establishes need for exception; it is simply a characteristic of the property caused by previous divisions of property. This exception criterion requires a finding that strict application of the standard would result in a peculiar, exceptional and undue hardship on the owner. The Public Works Report (Exhibit G) provides an analysis of the rough proportionality between the improvement and impact to the development. The analysis finds that the required improvement per unit was similar to other dwelling units in the SFR-4 district. Therefore, it is difficult to conclude that the strict application of the standard establishes in a peculiar, exceptional or undue hardship that supports the request for exception.

The Commission may find that there is no unique circumstance associated with property and the required improvement does not generate undue hardship particular to the owner. The Planning Commission can find that Criterion 3 is not satisfied.

"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."

Staff concurs with the applicants findings; the need for exception was not the result of an illegal act. The Planning Commission can find that Criterion 4 is satisfied.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions for land division (Exhibit B) and recommends the Commission adopt the findings as presented, subject to the full improvements required by the MLDC Article IV for improvements for Keene Way Drive and Woodlawn Drive and all other improvements specified within the Public Works Report and Medford Water Commission Report.

Staff has reviewed the applicant's findings and conclusions for Exception (Exhibit C) and finds that Criterion 2 and 4 are satisfied. Staff does not find that Applicant's Findings for Criterion 1 and 3 demonstrate that these criteria are met. Section 10.253 states that no exception, shall be granted by the approving authority unless it finds all of the criteria and standards are satisfied. Unless the Planning Commission concurs with the applicant findings regarding Criteria 1, and can make a finding demonstrating that Criterion 3 is met, the Commission must deny the exception application.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and adopt a Final Order for denial for E-15-137 and adopt the Final Order for approval of LDP-15-138 per the staff report dated December 3, 2015, including Exhibits A through L.

EXHIBITS

A Conditions of Approval, dated December 3, 2015
B Applicant's Findings of Fact and Conclusions of Law for Land Partition, received October 8, 2015
C Applicant's Findings of Fact and Conclusions of Law for Exception, received October 8, 2015
D Tentative Partition Plat, received October 8, 2015
E Utility Plan, received October 8, 2015
F Assessors Plat Map, received October 8, 2015
G Public Works Report, dated November 18, 2015
H Medford Water Commission Memo, dated November 23, 2015
I Fire Department Report, received July 22, 2015
J Building Department Memo, received July 22, 2015
K E-mail correspondence for ODOT, received November 19, 2015
L Aerial Photo
Vicinity Map

PLANNING COMMISSION AGENDA: **DECEMBER 10, 2015**

EXHIBIT A

Hoppe Partition & Exception
LDP-15-138 / E-15-137
Conditions of Approval
December 3, 2015

CODE REQUIREMENTS

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

1. Comply with the Medford Water Commission Memo dated November 23, 2015 (Exhibit H).

2. Comply with the Public Works Report dated November 18, 2015 (Exhibit G).

CITY OF MEDFORD,
EXHIBIT # "A"
File # LDP-15-138 / E-15-157
1 of 1

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FINDINGS OF FACT BEFORE THE PLANNING COMMISSION OF THE CITY OF MEDFORD, OREGON, OF AN APPLICATION FOR A TENTATIVE PLAT APPROVAL OF A 2-LOT PARTITION AND LOCATED ON THE SOUTH SIDE OF WOODLAWN DRIVE AND THE NORTH SIDE OF KEENE WAY DRIVE APPROXIMATELY 158 FEET EAST OF THE INTERSECTION OF BARNEBURG DRIVE (WOODLAWN DRIVE FRONTAGE) AND 490 FEET EAST OF THE INTERSECTION OF BARNEBURG AND KEENE WAY DRIVE AND DESCRIBED ON THE JACKSON COUNTY ASSESSORS MAP AS:

T37-R1W- Section 29BD Tax Lot 4800

APPLICANT: Joseph Hoppe and Alice White-Hoppe
907 NW 11th Street
Corvallis,Oregon 97330

AGENT: Stephen Terry Land Use Consulting Inc.
POB 8083
Medford, Oregon 97504

The owners of the property are Joseph Hoppe and Alice White-Hoppe. The applicants reside at 2192 Woodlawn Drive. This property was the subject of a public hearing by the Planning Commission in 2005. The applicants did not pursue this approved application and allowed it to expire.

An Exception application accompanies this application. The subject of the Exception sought is for the relief of constructing sidewalk, curb and gutter along the each of the street frontage. The Exception application also requests relief for paving along the Keene Way Drive frontage.

The subject property is moderately landscaped and has accessory structures – sheds and garages.

DEVELOPMENT BACKGROUND

The subject property has a zoning designation of SFR-4 (Single-Family Residential – 4 units per acre). The applicant proposes to divide the subject tax lot into roughly two equal portions so that each of the existing dwellings occupy separate tax lots.. This is an existing through lot that fronts on both Keene Way Drive and Woodlawn Drive. There is an existing SFR that fronts on Keene Way Drive and an Accessory Dwelling Unit (ADU) that takes access from Woodlawn Drive (unimproved). This portion of Woodlawn Drive is gravel without sidewalk curbs and gutters. The street section of the dwelling that fronts on Keene Way Drive is improved with paving without sidewalks, curbs and

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EXHIBIT # B
File # LDP-15-138/E-15-137
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gutters. Neither of the sections of Woodlawn Drive and Keene Way Drive have sidewalks, curbs and gutters.

Residential development {most dominant) in the area spans the 1920's through 1950's. . There are a few dwellings in the immediate area that were developed more recently. Residential structures in the area are in good repair. There is no neighborhood decay.

Street development in the area generally occurred in the 1940's and 1950's. There are some dwellings that were constructed during the 1970's Street sections were not developed with sidewalks, curbs, and gutters. It should be noted that the area was platted in 1911 with large 2+ acre lots. Lots were created by deed while in the county. The area was annexed in 1955.

An exception for sidewalks curbs and gutters to development requirements for both frontages accompanies this application. The paving that exists on Keene Way Drive is in good condition. The exception findings request relief from additional paving, sidewalks, and curbs and gutters along the Keene Way Drive frontage. There is gravel surfacwe along the Woodlawn Drive frontage.

Density

The subject lot is 0.86 acres which included the abutting rights-of-way. The development meets the minimum density for the SFR-4 zoning district (0.86 acres x 2.5 units/acre = 2.15 units). The resultant density with the existing dwellings is 2 units

LAND DIVISION CRITERIA - Tentative Plat

City of Medford Land Development Code Section 10.270 Land Division Criteria is as follows:

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, and other applicable specific plans thereto, and all applicable design standards set forth in Article IV and V;

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

(3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except of 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) Includes the creation of streets, that such streets are laid out to conform, with the limits of the City of Medford and its Urban Growth Boundary, to plats of land division 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 that are proposed to held for private use, that they are distinguished from the public street on the tentative plat, and reservations or restrictions relating to the private streets are set forth;

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

COMPLIANCE WITH CITY OF MEDFORD LAND DEVELOPMENT CODE SECTION 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:

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, and other applicable specific plans thereto, and all applicable design standards set forth in Article IV and V;

CONCLUSION

The City of Medford Land Development Code Section 10.270 defines the criteria that a plat is evaluated by. The City of Medford Comprehensive Plan has no language that regarding evaluation of a tentative plat approval. The City of Medford Land Development Code is the enabling document that contains criteria regarding the processing, standards and other pertinent criterion of a tentative plat. The applicant proposes to divide the subject property (2 lots total) and take access from both Keene Way Drive and Woodlawn Drive. The resultant lots comply with the requirements of City of Medford Land Development Code for width, depth, size, and street access.

Drainage and grading plans and all required construction plans will be submitted for evaluation of the subject property consistent with the requirements of the City of Medford Engineering Department to assure compliance with the Storm Drainage Master Plan and other associated public facilities construction requirements at the time of final plat approval.

The development configuration and street access to the subject property conforms to applicable design requirements of Section IV.

(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;

CONCLUSION

The proposed configuration will not prevent further development of either of the subject property and parcels located to the north, east, and south due to the nature of existing development configuration. The Planning Commission can also find that due to the development configuration, this proposed partition is consistent with Land Development Code standards. No dedication of right-of-way is likely to be required as right-way exists.

(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 of 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;

CONCLUSION

The partition is not required to be named and therefore, complies with this code section.

(4) If it includes the creation of streets or alleys that proposed to be held for private use, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with 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;

CONCLUSION

The proposed partition is imbedded among developed properties with dwellings and accessory structures. The street circulation pattern for the subject area. will not likely be altered as the area is developed with residential dwellings.

(5) If it has streets 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 are set forth.

CONCLUSION

There are no private streets.

(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.

CONCLUSION

The subject partition will not cause a land use conflict with agricultural lands with EFU zoning district designation as it is imbedded within residential (SFR-4) zoning district .

SUMMARY AND CONCLUSIONS

The configuration of the property and abutting development is a logical approach to create parcels that meet the requirements of Land Development Code requirements for lot width, depth, size, access requirements when considering the previous development that abuts the property.

The Planning Commission can find that this partition meets the requirements of the City of Medford Land Development Code Section 10.270. The criteria (Section 10.270) have been considered during the design for this partition. Abutting parcels have been analyzed for consideration for future development opportunity.

The property owner seeks relief for the construction of sidewalk, curb and gutter for each property frontage—Woodlawn Drive and Keene Way Drive. An Exception is included as part of this application. The applicant anticipates that dust free paved surface will be required along the Woodlawn Drive frontage that will connect with existing paving. An Exception application accompanies this land division application that supports the relief for code requirements.

On behalf of the applicant, I respectfully request that this Land Division application in conjunction with an Exception application be approved..

Stephen M. Terry, Agent
Stephen M. Terry Land Use Consulting Inc.
P O Box 8083
Medford, Oregon 97504

"B"
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FINDINGS OF FACT BEFORE THE PLANNING COMMISSION OF THE CITY OF MEDFORD, OREGON, OF AN APPLICATION FOR AN EXCEPTION FOR THE ELIMINATION OF SIDEWALKS, CURBS, GUTTERS, AND PAVING IMPROVEMENTS ON KEENE WAY DRIVE AND ELIMINATION OF CURBS GUTTERS, AND SIDEWALKS ON WOODLAWN DRIVE, IN CONJUNCTION WITH TENTATIVE PLAT (2 LOT) APPROVAL OF PROPERTY DESCRIBED ON THE JACKSON COUNTY ASSESSORS MAP AS:

T37-R1W-29BD Tax Lot 4800 and located on the north side of Keene Way Drive approximately 158 feet east of the intersection of Barneburg Drive (Woodlawn Drive frontage) and 490 feet east of the intersection of Barneburg and Keene Way Drive within a SFR-4 (Single-Family Residential – 4 units per acre) zoning district.

APPLICANT: Joseph Hoppe and Alice White-Hoppe
907 NW 11th Street
Corvallis, Oregon 97330

AGENT: Stephen M. Terry Land Use Consulting Inc.
POBox 8083
Medford, Oregon 97504

The following are findings for an exception consistent with the requirements of the City of Medford Land Development Code Section 10.253 for the elimination of sidewalks, curbs, gutters and paving for the Keene Way Drive and elimination of sidewalks, curbs and gutters for the Woodlawn Drive for the above captioned tax lot as part of consideration of tentative plat approval.

Background/Existing Conditions/Request

Exception to code requirements for the elimination of sidewalks, curbs, gutters and paving for the Keene Way Drive and elimination of sidewalks, curbs, gutters for the Woodlawn Drive frontages are requested.

This is a unique development situation. The subject lot was created as a through lot with frontages on both Keene Way and Woodlawn Drives. The dwelling on the Keene Way Drive frontage was constructed in the 1940's. Most of the other properties along Keene Way Drive were developed in the 1940's and 1950's,. There are no vacant parcels in the immediate the location of this lot. In 2002, an Accessory Dwelling Unit (ADU) was constructed on the Woodlawn Drive frontage. Because it was a building permit that did not require Planning Commission approval, no frontage improvements were required. The impacts on each street frontage are the same today—2015 as they were at the time of

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EXHIBIT # "C"
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development of the ADU in 2002. The dwelling that fronts on Woodlawn Drive has two, off-street paved parking spaces that conforms to current development requirements.

Criteria for an Exception:

The purpose section of the City of Medford Land Development Code Section 10.253 states:

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 by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

Concurrence with the City of Medford Land Development Code Section 10.253 - Criteria for an Exception.

(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.

Finding

The granting of this exception is in harmony with the general purpose and intent of the zoning district. There are no curbs and gutters for properties in the immediate area until Siskiyou Boulevard to the south and Groveland Drive to the north. To the west, there are no sidewalks curbs and gutters to and across Barneburg Road, There are curbs on the north side of Groveland Drive to the east.... but no sidewalks. There are no sidewalks, curbs and gutters to the south of Barneburg Road. Woodlawn Drive is a 80-foot wide right- of-way. Future development or redevelopment would like be preceded by vacation of a portion of this right-of-way. It is unknown what portion if any of this right-of-way, would go to the applicant's property or other abutting properties along Woodlawn Drive.

There are two mechanisms for installation of sidewalks, curbs and gutters, and parkway strip for both Woodlawn Drive and Keene Way street frontages. One mechanism would be the formation of a Local Improvement District (LID) of the abutting property owners. These owners would likely be required to construct these facilities to city standards ***if*** they pursued this approach. The other option would be in initiation of a Capital Improvement Project (CIP) by the city. To date, neither option has been pursued. It is unlikely that the abutting owners would self- impose these improvements.

If the applicant is required to either construct frontage improvements or deposit the currently required 125 percent of the engineers estimate for frontage improvements, it would the only segment of curb, gutter, sidewalk along this street frontage and in the area in general has no sidewalks, curbs or gutters.. Should the owner opt to deposit the required 125 percent of the engineers estimate for the potentially required improvements, these funds would not likely be expended for improvements. In this regard, the "exaction" might be considered to be disproportional to the existing impacts. If a sidewalk for this short section was constructed, it could be considered as non-functioning because it would connect to no other sidewalks.

The only maintenance that has occurred in the general area has been periodic resurfacing of the street surface and cleaning of drainage ditches.

(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.*

Finding

Uses established in the SFR-4 zoning district are either administratively approved or in some circumstances, approved by the Planning Commission. Only those legal uses via the administrative permit process will be allowed to be established consistent with the requirements of the City of Medford Land Development Code.

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Building permits for all structures for will be administratively processed consistent with the requirements of the Land Development Code.

(3) There must be proof of the existence of special circumstances or conditions, fully described in the findings, applicable to the project site or buildings located thereon for which the exception is sought, and which circumstances or conditions are such that the strict application of the provisions of this code would deprive the applicant of the reasonable use of such land or building.

Finding

There are no specific circumstances, other than that of a through lot with two (2) street frontages. As stated before, the uses and impacts are legally created and existing. The through lot was created by deed rather than the current partition process.

(4) That 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 by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

Finding

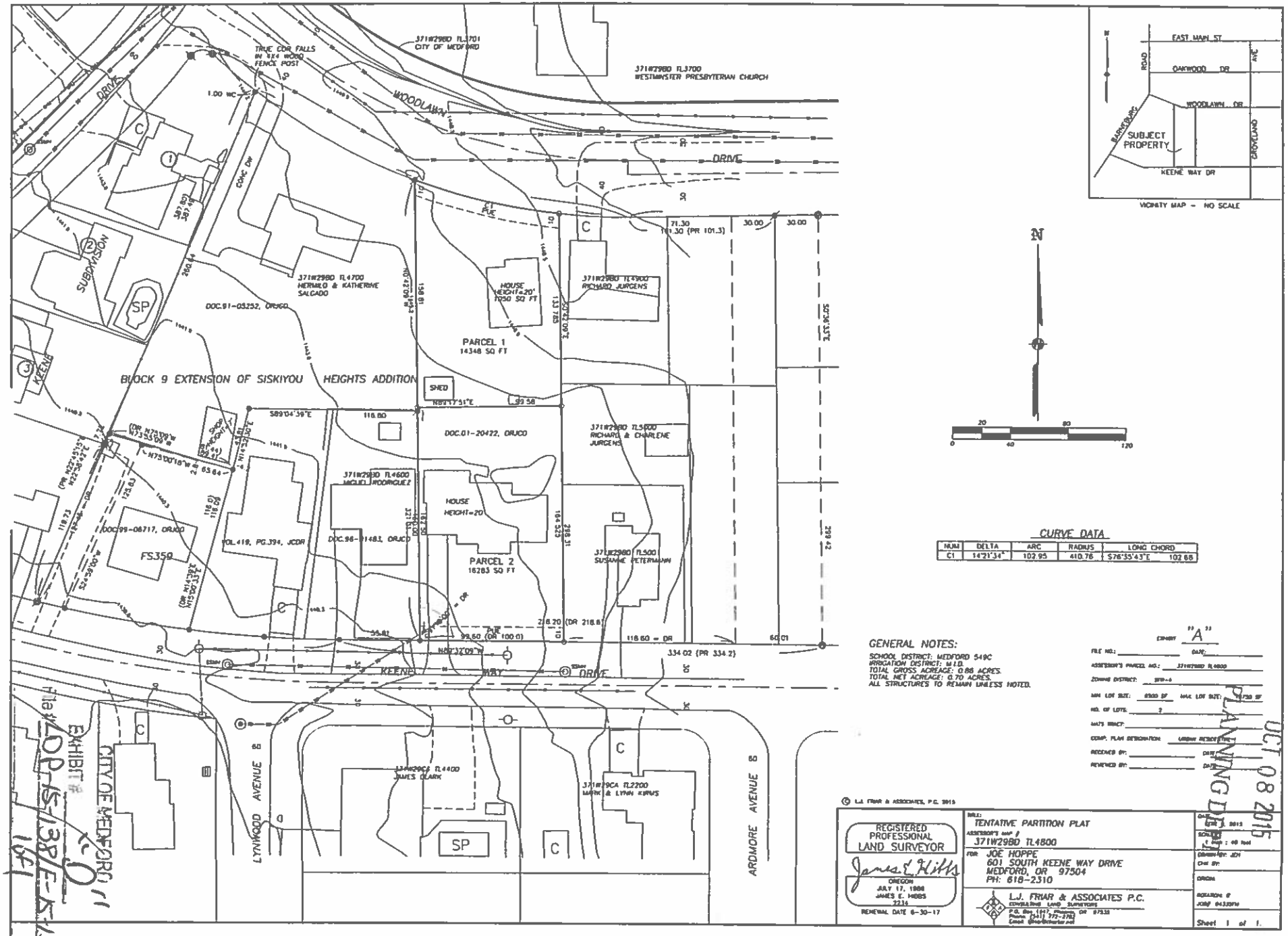
The need for this exception is not the result of an illegal act by the applicant. This lot was created by deed prior to the current partition process which was adopted May 5, 1980. It is unknown if applicant will have a greater profit. It is likely that the Engineering Department will require the paving such as a half street plus 8 feet (an estimate), without sidewalks, curbs, gutters along the Woodlawn Drive frontage. This potential pavement requirement would mitigate airborne pollution that has existed along the Woodlawn Drive frontage for 60 + years.

Conclusion:

I respectfully request that the Planning Commission grant the exception(s) for development requirements as requested for each street frontage. Future construction of street, sidewalk, curb and gutter facilities will likely be pursued by the City as part of a Capital Improvement Project(s) for both the Keene Way Drive and Woodlawn Drive street frontages. To require the construction of a sidewalk along either frontage would create a segment of improvement that would probably not be utilized. The requirement for deposit for "future" improvement would not likely be utilized as well, because the construction of facilities would be the product of a Capital Improvement Project initiated by the city. If this mechanism was used, the applicant would pay an unfair amount when compared to the abutting owners.

Granting of these exceptions will not negatively impact livability of the neighborhood. The neighborhood would maintain its current character which is consistent with the surrounding development.

Stephen M. Terry, Agent for
Joseph Hoppe and
Alice White-Hoppe, Applicants



CURVE DATA

NUM	DELTA	ARC	RADIUS	LONG CHORD	
C1	14°21'34"	102.95	410.76	S76°35'43"E	102.68

GENERAL NOTES:

SCHOOL DISTRICT: MEDFORD 549C
IRRIGATION DISTRICT: M.I.D.
TOTAL GROSS ACREAGE: 0.86 ACRES.
TOTAL NET ACREAGE: 0.70 ACRES.
ALL STRUCTURES TO REMAIN UNLESS NOTED.

EXHIBIT "A"

FILE NO.: DATE:
ASSESSOR'S PARCEL NO.: 371W29BD TL4800
ZONING DISTRICT: SFR-4
MIN. LOT SIZE: 6500 SF MAX. LOT SIZE: 10750 SF
NO. OF LOTS: 2
MAT'S TRACT:
COMP. PLAN DESIGNATION: URBAN RESIDENTIAL
RECEIVED BY: DATE:
REVIEWED BY: DATE:

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REGISTERED PROFESSIONAL LAND SURVEYOR
James E. Hibbs
OREGON
JULY 17, 1986
JAMES E. HIBBS
2234
RENEWAL DATE 6-30-17

TITLE: TENTATIVE PARTITION PLAT
ASSESSOR'S MAP # 371W29BD TL4800
FOR: JOE HOPPE
601 SOUTH KEENE WAY DRIVE
MEDFORD, OR 97504
PH: 618-2310

L.J. FRIAR & ASSOCIATES P.C.
CONSULTING LAND SURVEYORS
P.O. Box 1647, Phoenix, OR 97535
Phone (541) 772-2782
Email: @lfriarlandsurveyors.net

DATE: SEPT 3, 2015
SCALE: 1 inch = 40 feet
DRAWN BY: JEH
CHK BY:
ORIGIN:
ROTATION: 0
JOB# 04335TM
Sheet 1 of 1.

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CITY OF MEDFORD
EXHIBIT # 10
File # LOP-15-138/E-15-137
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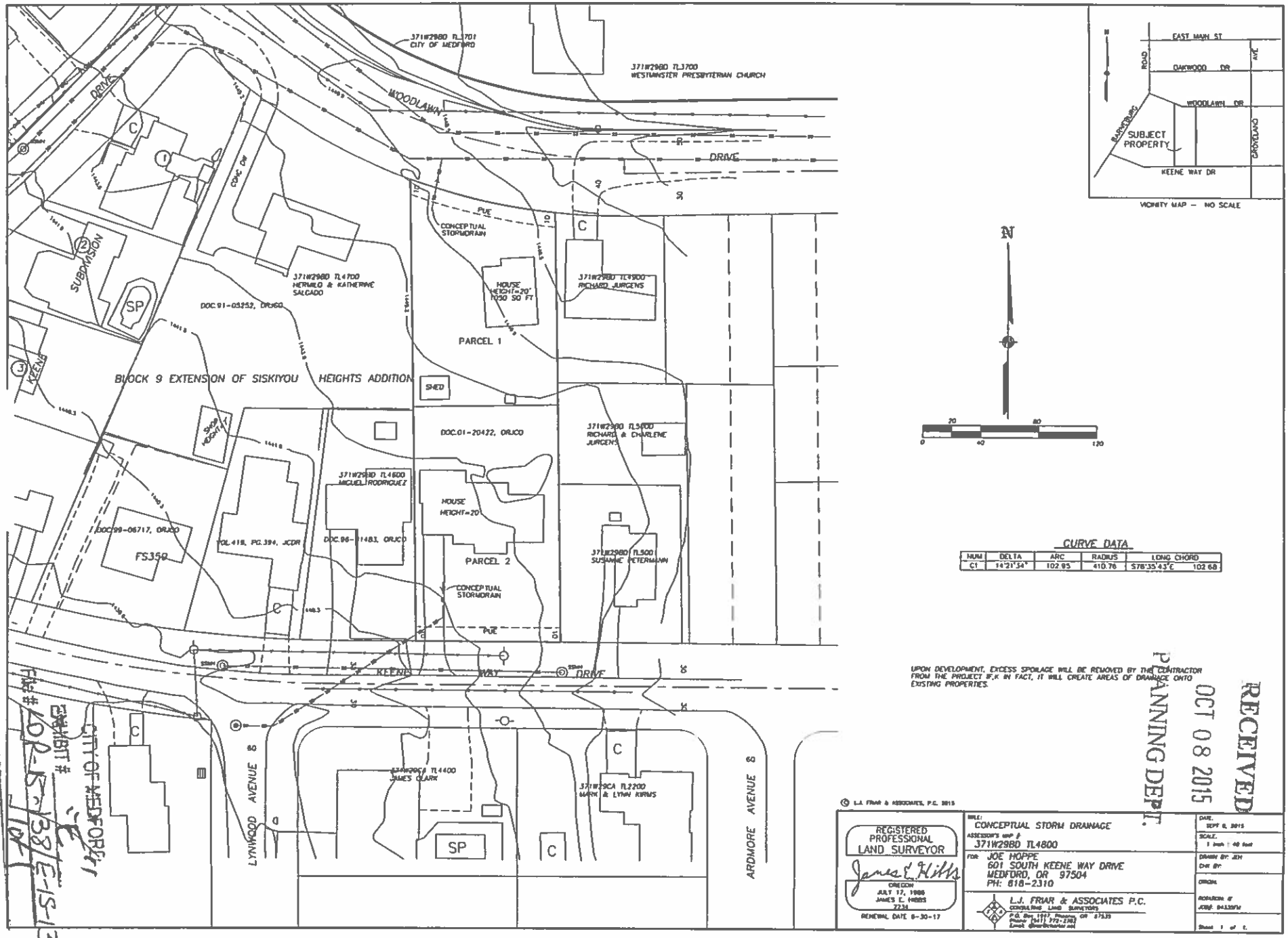
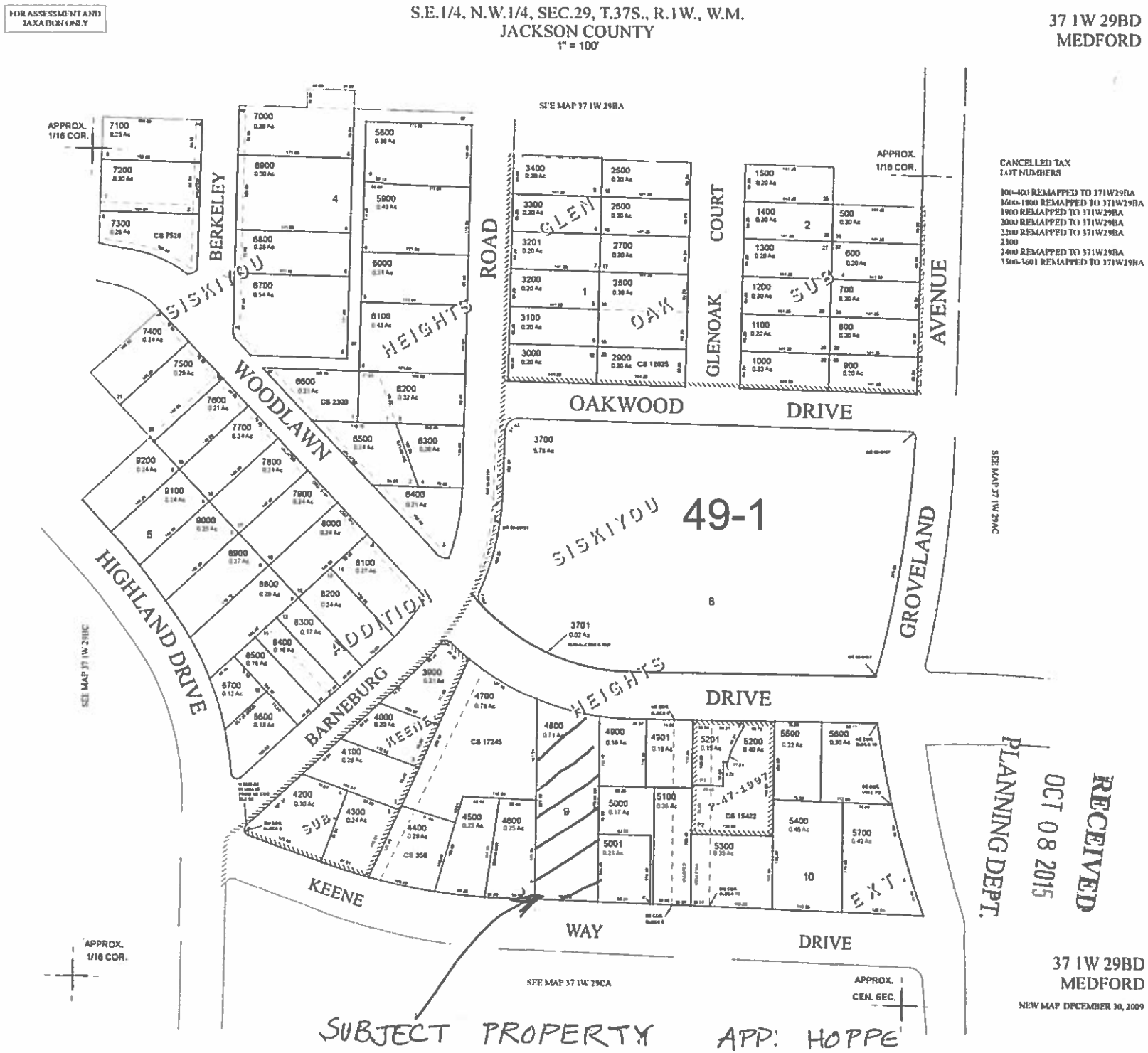

371W29BD TL1701
CITY OF MEDFORD
371W29BD TL3700
WESTMINSTER PRESBYTERIAN CHURCH
WOODLAWN DRIVE
CONCEPTUAL STORMDRAIN
PUE
371W29BD TL4700
HERMILO & KATHERINE SALGADO
HOUSE HEIGHT=20' 1050 SQ FT
371W29BD TL4900
RICHARD JURGENS
PARCEL 1
BLOCK 9 EXTENSION OF SISKIYOU HEIGHTS ADDITION
SHED
DOC.01-20472, ORLCO
371W29BD TL5000
RICHARD & CHARLENE JURGENS
371W29BD TL4600
MIGUEL RODRIGUEZ
HOUSE HEIGHT=20'
PARCEL 2
371W29BD TL500
SUSANNE PETERMANN
DOC.91-05252, ORLCO
DOC.99-06717, ORLCO
FS350
VOL.419, PG.394, JCDR
DOC.96-11483, ORLCO
SUBDIVISION
SP
KEENE WAY DRIVE
LYNWOOD AVENUE
ARDMORE AVENUE
371W29BA TL4400
JAMES CLARK
371W29CA TL2200
MARK & LYNN KIRWS
EAST MAIN ST
OAKWOOD DR
WOODLAWN DR
SUBJECT PROPERTY
KEENE WAY DR
VICINITY MAP – NO SCALE
N
0 20 40 80 120
CURVE DATA
NUM | DELTA | ARC | RADIUS | LONG CHORD
C1 | 14°21'34" | 102.93 | 410.76 | S78°35'43"E 102.68
UPON DEVELOPMENT, EXCESS SPOILAGE WILL BE REMOVED BY THE CONTRACTOR FROM THE PROJECT IF,K IN FACT, IT WILL CREATE AREAS OF DRAINAGE ONTO EXISTING PROPERTIES.
© L.J. FRIAR & ASSOCIATES, P.C. 2015
REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 17, 1986
JAMES E. HIBBS
7234
RENEWAL DATE 6-30-17
TITLE: CONCEPTUAL STORM DRAINAGE
ASSESSOR'S MAP #: 371W29BD TL4800
FOR: JOE HOPPE
601 SOUTH KEENE WAY DRIVE
MEDFORD, OR 97504
PH: 618-2310
L.J. FRIAR & ASSOCIATES P.C.
CONSULTING LAND SURVEYORS
DATE: SEPT 8, 2015
SCALE: 1 inch = 40 feet
DRAWN BY: JEH
CHK BY:
ORIGIN:
ROTATION:
JOB#: 04330PM
Sheet 1 of 1
RECEIVED
OCT 08 2015
PLANNING DEPT.
CITY OF MEDFORD
EXHIBIT # E
FILE # DR-15-138/E-15-137
TOP

11


FOR ASSESSMENT AND TAXATION ONLY
S.E.1/4, N.W.1/4, SEC.29, T.37S., R.1W., W.M.
JACKSON COUNTY
1" = 100'
37 1W 29BD
MEDFORD
SEE MAP 37 1W 29BA
APPROX. 1/16 COR.
CANCELLED TAX LOT NUMBERS
100-400 REMAPPED TO 371W29BA
1600-1800 REMAPPED TO 371W29BA
1900 REMAPPED TO 371W29BA
2000 REMAPPED TO 371W29BA
2200 REMAPPED TO 371W29BA
2300
2400 REMAPPED TO 371W29BA
3500-3601 REMAPPED TO 371W29BA
BERKELEY
SISKIYOU
HEIGHTS
ROAD
GLEN
OAK
COURT
GLENOAK
SUB
AVENUE
OAKWOOD
DRIVE
WOODLAWN
49-1
SISKIYOU
GROVELAND
HIGHLAND DRIVE
ADDITION
BARNEBURG
HEIGHTS
DRIVE
KEENE
SUB
KEENE
WAY
DRIVE
EXT.
SEE MAP 37 1W 29AC
SEE MAP 37 1W 29BC
SEE MAP 37 1W 29CA
APPROX. CEN. SEC.
SUBJECT PROPERTY APP: HOPPE
RECEIVED
OCT 08 2015
PLANNING DEPT.
37 1W 29BD
MEDFORD
NEW MAP DECEMBER 30, 2009
CITY OF MEDFORD
EXHIBIT # 4F
File # LDP-15-138/E-15-137
1 of 1
GIS DATA
12/30/2009 12:31 11 PM AlamoAJ

Continuous Improvement Customer Service

CITY OF MEDFORD

LD Meeting Date: 11-18-15
File Number: LDP-15-138/E-15-137

PUBLIC WORKS DEPARTMENT STAFF REPORT
Joseph Hoppe & Alice White Hoppe Partition, 601 Keene Dr.

Project: **Consideration of tentative plat for a 2-lot partition of a .70 acre parcel and associated exception request for the elimination of sidewalk, curb, gutter and street paving improvements for the portion of Woodlawn Drive fronting the site. The subject site is located between Keene Drive and Woodland Drive, approximately 170 feet east of Lynnwood Avenue, within an SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district.**

Applicant: **Joseph Hoppe/Alice White-Hoppe, Applicants (Land Use Planning, Inc., Agent). Desmond McGeough, Planner.**

NOTE: **Items 1 through 5 shall be Completed and Accepted Prior to Approval of the Final Plat.**

CITY OF MEDFORD
EXHIBIT # "G"
File # LDP-15-138/E-15-137
1 of 7

1. STREETS

A. Dedications

Keene Drive is classified as a Standard Residential Street, and in accordance with Medford Land Development Code (MLDC) Section 10.430, it requires a total right-of-way width of 63 feet. The developer shall dedicate for public right-of-way, sufficient width of land along the frontage of this development to comply with the half width of right-of-way, which is 31.5 feet. The existing right-of-way west of the centerline appears to be 30 feet. **The amount of additional right-of-way needed appears to be 1.5 feet.** (MLDC 10.451).

Woodlawn Drive is classified as a Standard Residential Street, and in accordance with Medford Land Development Code (MLDC) Section 10.430, it requires a total right-of-way width of 63 feet. The developer shall dedicate for public right-of-way, sufficient width of land along the frontage of this development to comply with the half width of right-of-way, which is 31.5 feet.

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The existing right-of-way west of the centerline appears to be 40 feet. **There does not appear to be a need for any additional right-of-way.** (MLDC 10.451).

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

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

B. Public Improvements

1. Public Streets

Keene Drive shall be improved to Standard Residential Street standards with 36-foot wide paved sections, complete with curbs, gutters, 8-foot wide park strips, 5-foot wide sidewalks and street lights in accordance with MLDC 10.430 (1). The Developer shall improve the north half plus 12 feet south of the centerline or to the far edge of the existing pavement, whichever is greater, along the frontage of this development. The portion of Keene Drive may be deferred through providing a Deferred Improvement Agreement in accordance with the MLDC, Section 10.432.

Woodlawn 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 frontage of this development. The portion of Keene Drive may be deferred through providing a Deferred Improvement Agreement in accordance with the MLDC, Section 10.432.

"Prior to the issuance of a development permit all parcels of land shown on any development proposal and intended for vehicular use shall have access to an improved street" Municipal Code Section 10.425. Woodlawn Drive across the frontage of this parcel is a graded public right-of-way with no paving. The nearest pavement is approximately 150' to the east. This portion of **Woodlawn Drive** shall be improved to Standard Residential Street standards, which shall include a minimum 20-foot wide paved section with 1 foot shoulders with a full structural pavement section.

The Applicant has requested an Exception for the elimination of sidewalks, curbs, gutters and paving improvements on Keene Drive and the elimination of curbs, gutters and sidewalks on Woodlawn Drive. Public Works does not support this exception and recommends denial of the exception and/or denial of the application.

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2. Lighting and Signing

All street lights and signing for public streets shall be installed to City of Medford specifications or may be deferred through providing a Deferred Improvement Agreement in accordance with the MLDC, Section 10.432.

The following street lighting and signing installations will be required:

Street Lighting - Developer Provided & Installed

A. 2 – 100W HPS street lights, including a secondary power source for each light.

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

3. Pavement Moratoriums

There is no pavement cutting moratorium currently in effect along Keene Drive or Woodlawn Drive.

4. Section 10.668 Analysis

To support a condition of development that an applicant dedicate land for public use or provide 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 "G"

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provide essential services such as sanitary sewer, domestic water and storm drains to serve the developed parcels. It can be found that the listed right-of-way dedications and improvements have a nexus to these purposes and policies.

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

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

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

Keene Drive and Woodlawn:

In determining rough proportionality, the City averaged the lineal footage of roadway per dwelling unit for road improvements. The proposed development has 2 dwelling units and will improve approximately 205 lineal feet of roadway, which equates to 52.5 lineal feet per dwelling unit.

To determine proportionality, a neighborhood with similar zoning was used. Previously developed phases of Summerfield Subdivision located between Stanford Avenue and Lone Oak Drive and Cherry Lane and Shamrock Drive consisted of a sum of 152 dwelling units. This previous development improved approximately 7,530 lineal feet of roadway. This equates to approximately 50 lineal feet of road per dwelling unit, which meets the proportionality test.

Local street right-of-way construction requirements identified by the Public Works Department and required by the City are the minimum required to protect the public interest and are necessary for additional or densification of development in the City without detracting from the common good enjoyed by existing properties. Developments are required to provide half-street improvements to abutting streets, including associated right-of-way dedications, to ensure that new development and density intensification provides the current level of urban services and adequate street circulation is maintained.

The benefits of the public right-of-way improvements include: providing access and transportation connections at urban level of service standards, on street parking, improved connectivity reducing all modes of trips generated, decreased emergency response times, benefits from using right-of-way to provide public utility services, the additional traffic that is being generated by this proposed land division and the necessity to provide connections for all modes of trips generated.

2. SANITARY SEWERS

The proposed development is situated within the Medford Sewer service area. The Developer shall provide one service lateral to each Parcel prior to approval of the Final Plat.

"G"

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

3. STORM DRAINAGE

A. Hydrology

The site lies within the Bear Creek East drainage basin.

B. Stormwater Detention and Water Quality Treatment

Stormwater detention and water quality will not be required in accordance with MLDC 10.486.

C. Mains and Laterals

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

A storm drain lateral shall be constructed to 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 a private storm drain system is being used to drain this site, the applicant shall provide a joint use maintenance agreement.

D. Wetlands

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

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. 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 Site Plan and Architectural Commission's Final Order, together with all pertinent details, calculations and other items as noted on the "Checklist "G"

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for Submittals of Engineering Plans for Public Improvements", which can be found on the City of Medford web site at: "http://www.ci.medford.or.us/Files/Public%20Improvements%20Checklist.pdf". 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.

3. Construction and Inspection

The Developer or Developer's contractor shall obtain appropriate right-of-way permits from the Department of Public Works prior to commencing any work within the public right-of-way that is not included within the scope of work described within approved public improvement plans. Pre-qualification is required of all contractors prior to application for any permit to work in the public right-of-way.

4. System Development Charges

The existing dwelling on proposed Parcel 1 was permitted and constructed as an Accessory Dwelling Unit (ADU) in 2003 under Building Permit 02-4278. With the creation of Parcel 1 this dwelling will become a Single-Family Residence because, by definitions, an ADU cannot exist on a parcel without an accompanying SFR. As a result, additional SDC fees for streets, South Medford Interchange, sanitary sewer treatment, sanitary sewer collection, and storm drainage will be due prior to Final Plat.

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.

Prepared by: Doug Burroughs

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SUMMARY CONDITIONS OF APPROVAL
Joseph Hoppe & Alice White-Hoppe Partition
LDP-15-138/E-15-137

A. Streets

1. Street Dedications to the Public:

Dedicate 1.5-feet of additional public right-of-way on Keene Drive.

Dedicate 10 foot Public Utility Easements (PUE) along frontage of Keene Drive and Woodlawn Drive.

2. Improvements:

a. Public Streets

Construct ½ plus 12' of the north side of Keene Drive or may enter into a Deferred Improvement Agreement.

Construct ½ plus 12' of the south side of Woodlawn Drive or may enter into a Deferred Improvement Agreement.

There is no pavement cutting moratorium currently in effect along Keene Drive or Woodlawn Drive.

b. Lighting and Signing

Developer supplies and installs all street lights at own expense or may enter into a Deferred Improvement Agreement.

B. Sanitary Sewer:

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

C. Storm Drainage:

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 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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BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: LDP-15-138 & E-15-137

PARCEL ID: 371W29BDTL 4800

PROJECT: Consideration of tentative plat for a 2-lot partition of a .70 acre parcel and associated exception request for the elimination of sidewalk, curb, gutter and street paving improvements for the portion of Woodlawn Drive fronting the site. The subject site is located between Keene Drive and Woodland Drive, approximately 170 feet east of Lynnwood Avenue, within an SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district; Joseph Hoppe/Alice White-Hoppe, Applicants (Land Use Planning, Inc., Agent). Desmond McGeough, Planner.

DATE: November 23, 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. Proposed Parcel 1 has an existing ¾-inch water meter located near the northeast property corner along Woodlawn Drive. The existing water meter is required to be protected in place.

4. Proposed Parcel 2 has an existing ¾-inch water meter located near the southeast property corner along Keene Drive. The existing water meter is required to be protected in place.

COMMENTS

CITY OF MEDFORD
EXHIBIT # "H"
File # LDP-15-138/E-15-137
1 of 2

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

2. On-site water facility construction is not required.

3. Static pressure at these homes is approximately 60-65 psi.

4. MWC-metered water service does exist to this property. There are two (2) existing ¾" water meters that serve the existing homes located at 601 Keene Drive and 1982 Woodlawn Drive. (See Condition 3 and 4 above)

5. Access to MWC water lines is available. There is an existing 6-inch water line in Keene Drive, and a 16-inch water line in Woodlawn Drive.

N

Feet
0 50 100
Scale: 1"=100'

Water Facility Map for LDP-15-138 & E-15-137

Legend

- Air Valve
- Sample Station
- Fire Service
- Hydrant
- Reducer
- Blow Off
- Plugs-Caps

Water Meters:

- Active Meter
- On Well
- Unknown
- Vacant

Water Valves:

- Butterfly Valve
- Gate Valve
- Tapping Valve

Water Mains:

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

Boundaries:

- Urban Growth Boundary
- City Limits
- Tax Lots

MWC Facilities:

- C Control Station
- P Pump Station
- R Reservoir

"H" 2 of 2

MEDFORD WATER COMMISSION

Medford Fire Department

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

LAND DEVELOPMENT REPORT - PLANNING

To: Desmond McGeough

LD Meeting Date: 11/18/2015

From: Fire Marshal Kleinberg

Report Prepared: 11/11/2015

File #: LDP - 15 - 138

Associated File #'s: E - 15 - 137

Site Name/Description:

Consideration of tentative plat for a 2-lot partition of a .70 acre parcel and associated exception request for the elimination of sidewalk, curb, gutter and street paving improvements for the portion of Woodlawn Drive fronting the site. The subject site is located between Keene Drive and Woodland Drive, approximately 170 feet east of Lynnwood Avenue, within an SFR-4 (Single-Family Residential - 4 dwelling units per gross acre) zoning district; Joseph Hoppe/Alice White-Hoppe, Applicants (Land Use Planning, Inc., Agent). Desmond McGeough, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE
Approved as Submitted	
Meets Requirement: No Additional Requirements	

Development shall comply with access and water supply requirements in accordance with the Fire Code in affect at the time of development submittal.
Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.
Specific fire protection systems may be required in accordance with the Oregon Fire Code.

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

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

CITY OF MEDFORD
EXHIBIT # "I"
File # LDP-15-138 / E-15-137
1 of 1

Memo

To: Desmond McGeough, Planning Department

From: Mary Montague, Building Department

CC: Agent: Stephen Terry; Joseph Hoppe; Alice White-Hoppe

Date: November 18, 2015

Re: LDP-15-138/E-15-137; Hoppe Partition and Exception

Building Department:

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

Please contact the front counter for fees.

1. Applicable Building Codes are 2014 ORSC with additional Oregon amendments to the 2011 ORSC; 2014 OPSC; and 2014 OMSC. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.

2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.

3. There are two expired permits on 601 Keene Dr. Permit #08-433 for a wood insert; no inspections and Permit #10-1783 for 3 branch circuits for kitchen; no final inspection. Need to activate and complete inspections. Cost is $67.20 for each permit. Total $134.40. If plan to demo the building then will not need to reactivate permits.

4. Any buildings that are demolished will require a demo permit.

CITY OF MEDFORD
EXHIBIT # "7"
File # LDP-15-138 | E-15-137
1 of 1

Desmond M. McGeough

From: MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>
Sent: Thursday, November 19, 2015 2:45 PM
To: Desmond M. McGeough
Subject: LDP-15-138/ E-15-137

Desmond,

Thank you for sending agency notice of a consideration of tentative plat for a 2-lot partition of a .70 acre parcel and associated exception request for the elimination of sidewalk, curb, gutter and street paving improvements for the portion of Woodlawn Drive fronting the site. The subject site is located between Keene Drive and Woodland Drive, approximately 170 feet east of Lynnwood Avenue, within an SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district. We reviewed this and determined that it would not significantly affect state transportation facilities under the State Transportation Planning Rule (OAR 660-012-0060) or State Access Management Rule (OAR 734-051-000). We have no further comments at this time.

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

CITY OF MEDFORD
EXHIBIT # "L"
File # LDP-15-138 | E-15-137

Aerial Photo
Exhibit "L"

CITY OF MEDFORD
EXHIBIT # "L"
File # LDP-15-138 / E-15-137
1 of 1

City of Medford

Planning Department

Vicinity Map

File Number:

LDP-15-138
E-15-137

Project Name:

Hoppe Partition and Exception

Map/Taxlot:

371W29BD TL 4800

0 250 500 Feet

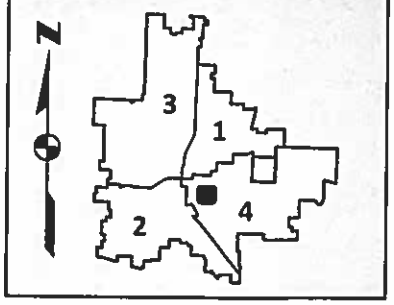
10/14/2015

Subject Area

Medford Zoning

Tax Lots

Medford UGB with Wards



BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF REVISION TO A TENTATIVE PLAT APPROVAL OF	)	
	)	**ORDER**
ANNAPOLIS DRIVE ESTATES [LDS-14-072]	)	

ORDER granting approval of a request for revision to a tentative plat condition of approval for Annapolis Drive Estates, pertaining to pavement improvement width required for Normil Terrace. The subject site is located at the western terminus of Annapolis Drive, and the northeast side of Normil Terrace, approximately 700 feet east of Foothill Road, within an SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.265 through 10.267; and

2. The Medford Planning Commission has duly held a public hearing on the request for revision to a tentative plat condition of approval for Annapolis Drive Estates, pertaining to pavement improvement width required for Normil Terrace. The subject site is located at the western terminus of Annapolis Drive, and the northeast side of Normil Terrace, approximately 700 feet east of Foothill Road, within an SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district, with the public hearing a matter of record of the Planning Commission on December 10, 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 revision to a tentative plat condition of approval for Annapolis Drive Estates, pertaining to pavement improvement width required for Normil Terrace. The subject site is located at the western terminus of Annapolis Drive, and the northeast side of Normil Terrace, approximately 700 feet east of Foothill Road, within an SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district and approved 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 revision to a tentative plat condition of approval for Annapolis Drive Estates, pertaining to pavement improvement width required for Normil Terrace. The subject site is located at the western terminus of Annapolis Drive, and the northeast side of Normil Terrace, approximately 700 feet east of Foothill Road, within an SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district, stands approved per the Staff Report dated December 3, 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 revision to a tentative plat condition of approval for Annapolis Drive Estates, pertaining to pavement improvement width required for Normil Terrace. The subject site is located at the western terminus of Annapolis Drive, and the northeast side of Normil Terrace, approximately 700 feet east of Foothill Road, within an SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district, is hereafter supported by the findings referenced in the Staff Report dated December 3, 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 December, 2015.

CITY OF MEDFORD PLANNING COMMISSION

_____

Planning Commission Chair

ATTEST:

_____

Planning Department Representative

STAFF REPORT

for a Type-C quasi-judicial decision: **Revision to Approved Tentative Subdivision Plat**

Project	Annapolis Drive Estates (LDS-14-072) Buntin Construction, LLC, Applicant (Maize & Associates, Inc., Agent)	
File no.	LDP-14-072	
To	Planning Commission	*for December 10, 2015 hearing*
From	Desmond McGeough, Planner II	
Date	December 3, 2015	

BACKGROUND

Proposal

Consideration of a request for revision to a Tentative Plat condition of approval for Annapolis Drive Estates (LDS-14-072), pertaining to pavement improvement width required for Normil Terrace. The subject site is located at the western terminus of Annapolis Drive, and the northeast side of Normil Terrace, approximately 700 feet east of Foothill Road, within an SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district.

Subject Site Characteristics

Zoning	SFR-4
GLUP	UR (Urban Residential)
Use	Vacant developed land

Surrounding Site Characteristics

North	SFR-4	Vacant
South	SFR-4 & SFR-2	Single Family Residences
East	SFR-4	Single Family Residences
West	SFR-4 & SFR-2	Single Family Residences

Related Projects

LDS-05-284	Annapolis Estates Subdivision (expired)
LDS-08-080/E-08-081	Annapolis Estates Subdivision (expired)
LDP-14-058	E.J. Fordyce 2-lot Partition

Applicable Criteria

10.270 LAND DIVISION CRITERIA - MEDFORD LAND DEVELOPMENT CODE
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

Project History

Two tentative subdivision plat applications have previously been approved and subsequently expired on subject property. Following the tentative plat approval in 2008, the owner installed most of the required public infrastructure improvements in accordance with the tentative plat. However, the tentative plat expired in 2010, prior to procurement of a City approved final plat. The owner of the parent parcel received tentative plat approval of a two parcel partition on June 22, 2014 and a final plat approval of the two lot partition on September 11, 2014. The applicant received approval for the 11-lot Annapolis Drive Estates subdivision tentative plat on October 9, 2014.

Project Summary

It was demonstrated that all criteria specified by the MLDC for approval of a land division was met by the application submittal for Annapolis Drive Estates (LDS- 14-072). The applicant proposes no change at all to the approved plat for Annapolis Drive Estates, (LDS-14-072). The only change requested pertains to a condition of approval regarding the required pavement section for Normal Terrace Drive. Criterion 1 is the only criterion affected by the proposed revision. As such, staff will provide findings regarding Criterion 1. Discussion on criteria two through six is not provided within this report. It should be noted that two lots do have frontage on Normal Terrace; however, no access is permitted from Normal Terrace to the two adjoining lots.

Condition of Approval – Normal Terrace Improvements

One condition of tentative plat approval is for the developer to improve the Normal Terrace frontage per the following excerpt from the Public Works Department Report:

> *"Normal Terrace along this development's frontage shall be improved to Standard Residential street standards with a 36-foot wide curb-to-curb section, 5 foot sidewalks adjacent to the curb and streetlights. The developer shall be responsible for improving the northeasterly half plus 12-feet southwesterly of the centerline along the frontage of this development."*

In preparation of detailed construction drawings, it was discovered that fulfilling condition would require a significant amount of fill to be added to the downhill side of the street (see Applicant's "Exhibit 7"). The purpose of this application is to request that the half street plus 12 feet pavement improvement (30 feet total) be reduced by one of two proposed options.

1. Half street provision (18 feet), plus 8 feet beyond centerline (26 feet total).

2. Reduced right-of-way width (14.5 feet), plus 11.5 feet beyond centerline (26 feet total).

Option 1 would provide just 8 feet of additional pavement beyond centerline. This is a potential option for any residential street in the city that bounds the development exterior (MLDC 10.443). It is not applicable just to hillside areas. This option would establish that this section of Normil Terrace will be built to the full standard street improvement when the south half of the street is constructed.

Option 2 is permitted via the Hillside Ordinance. The developer proposes to eliminate the 7-foot parking lane along the north side of Normil Terrace, resulting in a future 29-foot curb to curb to curb section. The half-street improvement would be 14.5 feet and the pavement extension beyond center line would be 11.5 feet. MLDC Section 10.931(E)(1) and Section 10.931(E)(2) allows the Planning Commission to modify street standards in areas of slopes in excess of 15 percent (see Applicant's "Exhibit 5").

In areas where slopes exceed 15 percent, the Commission may reduce the full pavement width, so long as the final curb to curb dimension is not less than 28 feet. To approve a street modification, the Commission must find that the modification is needed, will function properly, minimize erosion and protect the natural character.

<u>Street Modification Criteria Compliance</u>

- Applicant's findings demonstrate that approval of the modified street section will alleviate the need to cut further into the existing slope and avoid placing a significant amount of fill on the southwest side. It may also be feasible that fill needed for an extension of Normil Terrace to the standard 12 feet beyond centerline, could extend beyond the southwesterly right-of-way into private property.

- Applicant's findings identify that the modification is safe and will function property. Currently, there is an existing 23 foot paved section. The applicant with be increasing the width by 3 feet for a total of 26 feet. Additionally a 5-foot sidewalk will be placed on the frontage making the street safer for pedestrians through this section. Planning staff would also note that the removal of the parking lane seems to be idea with the steep downward grade of Normil Terrace, particularly since units will front the minimum access easement in the development on top of the hill.

- The modification will eliminate the need to push out the side of the existing Normil Terrace finished grade by two feet and the construction of a downhill retaining wall that could be necessary to retain added fill. Additionally, several Oak trees would likely need to be removed to accommodate the wider street.

Approval of the proposed modification will help eliminate the adverse effects associated with the standard street section.

FINDINGS AND CONCLUSIONS

All conditions of approval contained in the final order approving Annapolis Drive Estates (LDS-14-072), with exception of this requested modification, remain in full effect.

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

The Planning Commission can find that that the proposal meets all three of the criteria specified by Section 10.931(E)(5). Therefore, this request is consistent with the Comprehensive Plan, Circulation Plans and all applicable design standards set forth in Article IV and V.

Criterion 1 has been met.

RECOMMENDED ACTION

Staff recommends that the Planning Commission adopt the Applicant's Findings of Fact and Conclusions of Law as submitted, and adopt a final order for approval of the allowing the revision to LDS-14-072, finding that Criterion 1 has been fully addressed by Option 2, per the staff report dated December 3 , 2015, including Exhibit A.

EXHIBITS

A. Applicant's Findings of Fact and Conclusions of Law with attached exhibits, received November 18, 2015.
   - Annapolis Drive Estates Tentative Plat showing subject improvement area.
   - Assessor's Map showing subject property.
   - Proposed Normal Terrace Cross Section.
   - Medford Slope Map showing subject property.
   - Slope Analysis of Portion of Tentative Plat.
   - Normil Terrace Photographs.
   Vicinity map

PLANNING COMMISSION AGENDA: DECEMBER 10, 2015

RECEIVED
NOVEMBER 18, 2015
PLANNING DEPARTMENT

FINDINGS OF FACT AND CONCLUSIONS OF LAW

BEFORE THE CITY OF MEDFORD PLANNING COMMISSION

IN THE MATTER OF AN APPLICATION TO REVISE A CONDITION OF APPROVAL OF THE TENTATIVE PLAT FOR ANNAPOLIS DRIVE ESTATES.

APPLICANT'S EXHIBIT 1

APPLICATION: Request for revision to a Tentative Plat condition of approval for Annapolis Drive Estates, located at the western terminus of Annapolis Drive, and the northeast side of Normil Terrace approximately 700 feet east of Foothill Road, within an SFR-4 (Single-Family Residential – 4 dwelling units per acre) zoning district.

APPLICANT: Buntin Construction, LLC
572 Parsons Drive
Medford, OR 97504

OWNER: Apple Investments, LLC
468 Sterling Point
Medford, OR 97504

AGENT: Maize & Associates, Inc.
P.O. Box 628
Medford, OR 97501

A. BACKGROUND INFORMATION

On October 9, 2014, the Planning Commission approved the Final Orders for Tentative Plat approval for the 11-lot Annapolis Drive Estates subdivision. Taking into consideration the Annapolis Drive Estates property's steeper slopes and the hillside provisions of Medford's Land Development Code, the Planning Commission also approved an Exception to remove the requirement for the 8-foot curb-side parking strips on the public streets in order to reduce the amounts of cuts and fills.

B. OVERVIEW, PURPOSE, AND SCOPE OF THE APPLICATION

One of the conditions of that 2014 approval is to improve the subdivision's Normil Terrace frontage *"to Standard Residential Street standards within a 36-foot wide curb-to-curb section, 5-foot side sidewalks adjacent to the curb and street lights. The developer shall be responsible for improving the northeasterly half plus 12-feet*

CITY OF MEDFORD
EXHIBIT # 1A
File # LDS-14-072 REVISION

southwesterly of the centerline along the frontage of this development." (Public Works Staff Report, Condition A2). emphasis added

Following approval of the Tentative Plat, the applicant had detailed construction drawings prepared by the project's engineer and discovered that in order to satisfy the improvement for Normil Terrace, a significant amount of fill would need to be added to the downhill (southwest) side of the street. Photos (Exhibit "7") shows that portion of Normil Terrace and Exhibit "6" shows a cross section of what that proposed construction would entail. In order to improve the project's frontage of Normil Terrace, but to reduce or eliminate the amount of fill to complete the "half plus 12-foot (30 feet) condition, the applicant met with City of Medford staff and the developers now proposes to construct that portion of Normi Terrace along the Annapolis Drive Estates frontage with a pavement width of 26 feet as per Exhibit "6". The Hillside Ordinance of the Land Development Code allows such a reduction if the Planning Commission adopts findings which allow the revision to meet the decisional criteria found in the Land Development Code that provide for such a reduction. Such findings have been included in Section E of this document.

The scope of the application is solely the request to alter the existing improvement condition for the Normil Terrace frontage of Annapolis Drive Estates. All other aspects of the Planning Commission's 2014 Tentative Plat approval will remain intact.

C. APPLICANT'S SUBMITTALS

Exhibit 1 – Findings of Fact and Conclusions of Law
Exhibit 2 – Annapolis Drive Estates Tentative Plat showing subject improvement area
Exhibit 3 – Assessor's Map showing subject property
Exhibit 4 – Proposed Normil Terrace Cross Section
Exhibit 5 – Medford Slope Map showing subject property
Exhibit 6 – Slope Analysis of Portion of Tentative Plat
Exhibit 7 – Photographs

D. RELEVENT APPROVAL CRITERIA AND PROVISIONS

MEDFORD LAND DEVELOPMENT CODE

LAND DIVISION CRITERIA – SECTION 10.270

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 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.*

HILLSIDE ORDINANCE, GENERAL STANDARDS - SECTION 10.931

A. Application of Provisions

1. *Sections 10.929 to 10.933 apply to any proposed development containing an area of at least one-thousand (1,000) square feet with Slopes in excess of fifteen percent (15%), if the Slope Analysis demonstrates that development, including streets, will occur on those portions of the proposed development area with Slopes in excess of fifteen percent (15%).*

***

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

2. *For streets other than arterial or collector streets in areas with slopes in excess of fifteen percent (15%), the approving authority may modify public street improvement standards to solve special hillside functional problems. Modifications may include:*

   a. *Narrower streets;*
   b. *Streets that provide access to the downhill side only;*
   c. *Planter strip waivers;*

d. Modification of surface drainage treatment standards;
e. Modification of sidewalk standards;
f. Allowing through-lots abutting any street classification if the approving authority approves streets that provide access to the downhill side only; or,
g. Placing utilities within the public right-of-way.

3. Modifications to public street improvement standards shall comply with the following:

a. Minimum curb-to-curb paved width for residential streets, with the exception of Residential Lanes, shall be no less than twenty-eight feet (28') if including parking on only one side of the street.

b. When sidewalks are authorized to be provided on only one side of the street, they shall be provided on the side of the street where parking is provided.

c. Street Slopes shall comply with standards in the 2004 American Association of State Highway Transportation Officials' manual, A Policy on Geometric Design of Highways and Streets, a copy of which is maintained on file in the Planning Department.

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

a. Why the modifications are needed; and,

b. How the proposed modifications are safe and function properly; and

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

5. To approve modifications to street improvement standards, the approving authority shall, based on findings addressing 10.931(E)(4), conclude that:

a. The proposed modifications are needed; and,

b. The proposed modifications will be safe and function properly; and

c. The proposed modifications will minimize soil erosion and protect the natural character of the site.

E. FINDINGS OF FACT

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

MEDFORD LAND DEVELOPMENT CODE - SECTION 10.270

LAND DIVISION CRITERIA

CRITERION NO. 1

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

FINDINGS OF FACT

The Planning Commission in their approval of Annapolis Drive Estates in 2014 concluded that the subdivision Tentative Plat was consistent with all of Medford's applicable adopted plans, including the Comprehensive Plan. The Planning Commission also concluded that in following the purpose statement of the Hillside Ordinance, the parking strip along the Normil Terrace frontage be eliminated.

The purpose of this application is to request that the condition to pave the north side of the Normil Terrace frontage for a width of half-street plus 12 feet (a width of 30 feet), be reduced to a pavement width of 26 feet. The applicant proposes 2 options to the Planning Commission to achieve the proposed 26 feet of pavement.

Option 1 - Half Street Provision (36 feet/2 plus 8 feet = 26 feet)
Option 2 - Reduced Right of Way Width (29 feet/2 plus 11.5 feet = 26 feet)

Option 1

Section 10.443 below allows for a pavement width of half of the curb-to-curb width plus 8 feet. Using the 36-foot wide curb-to-curb improvement requirement for a Standard Residential street, as Normil Terrace is designated, the half-street improvement would result in the requested 26 feet of street pavement improvement. As the Normil Terrace right-of-way is presently 60 feet wide, additional right-of-way on the vacant property on the other side of Normil Terrace should not be necessary.

Option 2

The property owner proposes to eliminate the 7-foot side on-street parking lane along the north side of Normil Terrace, resulting in a 29-foot curb-to-curb pavement width. Applying the standards of Section 10.442 below, a half street plus 11.5 feet results in a pavement improvement with of 26 feet.

Applicable Design Standards of the Medford Land Development Code

10.442 Streets Along Exterior Boundaries of Land Divisions

Except as hereinafter provided, when the property line of the proposed development is adjacent to an existing public street then the exterior public improvement limit of the development shall be twelve (12) feet beyond the centerline of such bordering street. The developer shall dedicate all property which is required for the right-of-way of such bordering street and shall improve such street as required by this chapter.

10.443 Half Streets

Upon written request by the developer at the time of development permit application, half streets plus eight (8) feet may be approved where essential to the reasonable development of a parcel when in conformity with the other requirements of these regulations, and subject to the approving agency's findings that it will be practical to require dedication of the other half when the adjoining property is developed; the other half of the street shall be platted within the adjacent tract.

Hillside Ordinance

As stated in Section 10.929, the purpose of the Hillside Ordinance is to *"establish procedural requirements for development on Slopes in excess of fifteen percent (15%) to decrease soil erosion and protect public safety".*

Sections 10.931(E)(1) and (E)(2) of the Hillside Ordinance allow the Planning Commission to modify public street standards in areas with slopes in excess of 15 percent. One of the modifications that the Commission can make in areas with slopes in excess of 15 percent is to allow narrow streets, provided that the full pavement width is no less than 28 feet, if including parking on only one side of the street. Exhibits "5" and "6" show that the slopes adjacent to Normil Terrace along the Annapolis Drive Estates subdivision frontage exceed 15 percent. Section 10.931(E)(5) requires that the following findings be made by the Planning Commission in such cases.

The proposed modification to street improvement standards is a reduction of the Normil Terrace curb-to-curb pavement from 36 feet to 29 feet by eliminating on street parking from the northern side of the street.

(5) To approve modifications to street improvement standards, the approving authority shall, based on findings addressing 10.931(E)(4), conclude that:

(a) The proposed modifications are needed; and,

(b) The proposed modifications will be safe and function properly; and

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

The Planning Commission, therefore, adopts the following findings:

a. *The proposed modifications are needed* because:

- The elimination of the on-street parking along the north side of Normil Terrace will alleviate having to cut further into the existing bank and to add a significant quantity of fill to the south side. There is a possibility that the needed fill may not even be able to be contained within the southern boundary of the Normil Terrace right-of-way. The slopes along Normil Terrace run from approximately 25 to 49 percent.

b. *The proposed modifications will be safe and function properly.*

- There is no aspect of the proposed 26-foot street pavement, including its curb, gutter, and 5-foot sidewalk that will create an unsafe situation. The pavement width presently is approximately 23 feet.

- The proposed modifications will be constructed to the current engineering standards, which will assure their safe and proper functioning.

c. *The proposed modifications will minimize soil erosion and protect the natural character of the site.*

- The proposed modification will eliminate the need to push out the southern side of Normil Terrace by at least an additional 2 feet. The construction of a downhill retaining wall could be necessary to confine the added fill within the existing right-of-way. Several oak trees would most likely need to be removed.

CONCLUSION OF LAW

The Planning Commission concludes that the proposed revision to pavement width is consistent with all of Medford's applicable adopted plans, including the Comprehensive Plan. The Planning Commission also concludes that the 26-foot pavement, rather than the present 30-foot pavement requirement meets the standards of Section 10.931 of the Land Development Code. The Planning Commission also concludes that the tentative plat continues to conform to all of the applicable design standards of Articles IV and V, including the 26-foot street pavement width.

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

In their approval of the application, the Planning Commission concluded that the Annapolis Drive Estates Tentative Plat would not prevent development of or the access to adjoining land. The proposed revision to a condition of approval will not alter that conclusion.

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

In their approval of the application, the Planning Commission concluded that the Annapolis Drive Estates Tentative Plat would comply with Criterion No. 3. The proposed revision to a condition of approval will not alter that conclusion.

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

In their approval of the application, the Planning Commission concluded that the Annapolis Drive Estates Tentative Plat would comply with Criterion No. 4. The proposed revision to a condition of approval will not alter that conclusion.

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

In their approval of the application, the Planning Commission concluded that the Annapolis Drive Estates Tentative Plat would comply with Criterion No. 5. The proposed revision to a condition of approval will not alter that conclusion.

CRITERION NO. 6

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

FINDINGS OF FACT

In their approval of the application, the Planning Commission concluded that the Annapolis Drive Estates Tentative Plat would comply with Criterion No. 6. The proposed revision to a condition of approval will not alter that conclusion.

In their approval of the application, the Planning Commission concluded that the Annapolis Drive Estates Tentative Plat would comply with Criterion No. 6. The proposed revision to a condition of approval will not alter that conclusion.

F. CONCLUSION OF LAW

Based upon the above Findings of Fact, the Planning Commission concludes that the application for a revision to the condition for pavement width of Normil Terrace adjacent to Annapolis Drive Estates, is consistent with the relevant decisional criteria found in Section 10.270, together with the public improvement standards of Sections 10.442, 10.443, 10.929 and 10.931 of Medford's Land Development Code and a pavement width of 26 feet can therefore be approved by the Planning Commission.

Respectively Submitted,

Jim Maize
Maize & Associates, Inc.
Dated: November 15, 2015

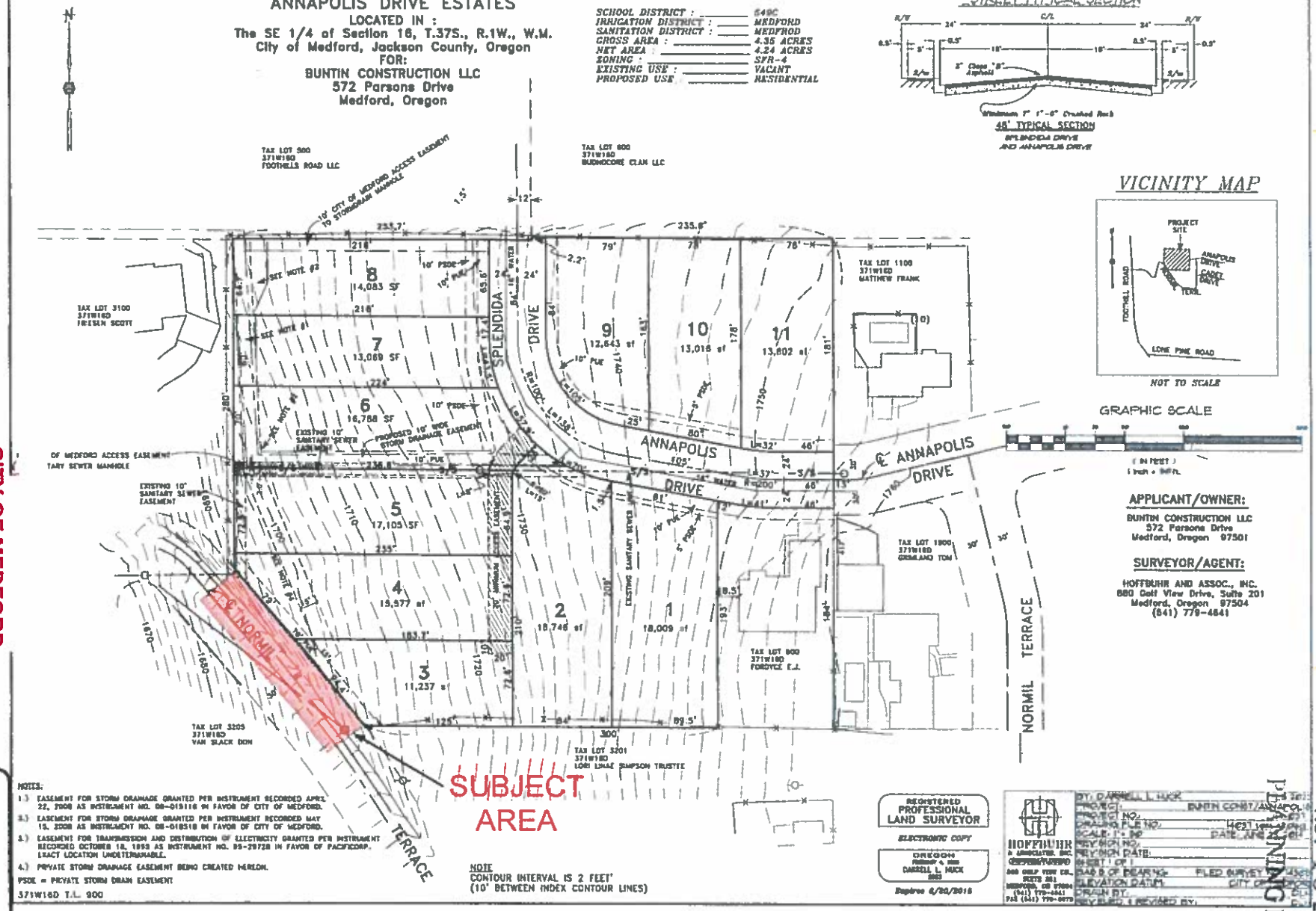
TENTATIVE PLAT
ANNAPOLIS DRIVE ESTATES

LOCATED IN :
The SE 1/4 of Section 16, T.37S., R.1W., W.M.
City of Medford, Jackson County, Oregon
FOR:
BUNTIN CONSTRUCTION LLC
572 Parsons Drive
Medford, Oregon

SCHOOL DISTRICT :	549C
IRRIGATION DISTRICT :	MEDFORD
SANITATION DISTRICT :	MEDFROD
GROSS AREA :	4.35 ACRES
NET AREA :	4.24 ACRES
ZONING :	SFR-4
EXISTING USE :	VACANT
PROPOSED USE :	RESIDENTIAL

STREET TYPICAL SECTION

48' TYPICAL SECTION
SPLENDIDA DRIVE
AND ANNAPOLIS DRIVE



NOTES:
1.) EASEMENT FOR STORM DRAINAGE GRANTED PER INSTRUMENT RECORDED APRIL 22, 2008 AS INSTRUMENT NO. 08-019116 IN FAVOR OF CITY OF MEDFORD.
2.) EASEMENT FOR STORM DRAINAGE GRANTED PER INSTRUMENT RECORDED MAY 15, 2008 AS INSTRUMENT NO. 08-018518 IN FAVOR OF CITY OF MEDFORD.
3.) EASEMENT FOR TRANSMISSION AND DISTRIBUTION OF ELECTRICITY GRANTED PER INSTRUMENT RECORDED OCTOBER 18, 1993 AS INSTRUMENT NO. 93-29728 IN FAVOR OF PACIFICORP. EXACT LOCATION UNDETERMINABLE.
4.) PRIVATE STORM DRAINAGE EASEMENT BEING CREATED HEREON.
PSDE = PRIVATE STORM DRAIN EASEMENT
371W16D T.L. 900

NOTE
CONTOUR INTERVAL IS 2 FEET'
(10' BETWEEN INDEX CONTOUR LINES)

REGISTERED PROFESSIONAL LAND SURVEYOR
ELECTRONIC COPY
OREGON
DARRELL L. HUCK
Expires 6/30/2016

HOFFBUHR & ASSOCIATES, INC.
880 GOLF VIEW DR., SUITE 201
MEDFORD, OR 97504
(541) 779-4841
FAX (541) 770-0070

BY: DARRELL L. HUCK
PROJECT: BUNTIN CONST./ANNAPOL
PROJECT NO.
DRAWING FILE NO.
SCALE: 1" = 50'
REVISION NO.
REVISION DATE:
SHEET 1 OF 1
BASIS OF BEARING: FIELD SURVEY
ELEVATION DATUM: CITY OF
DRAWN BY:
REVIEWED & REVISED BY:

VICINITY MAP

NOT TO SCALE

GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.

APPLICANT/OWNER:
BUNTIN CONSTRUCTION LLC
572 Parsons Drive
Medford, Oregon 97501

SURVEYOR/AGENT:
HOFFBUHR AND ASSOC., INC.
880 Golf View Drive, Suite 201
Medford, Oregon 97504
(541) 779-4841

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PLANNING DEPT.

CITY OF MEDFORD
EXHIBIT # 14-072 REVISION

APPLICANT'S
EXHIBIT " 2 "

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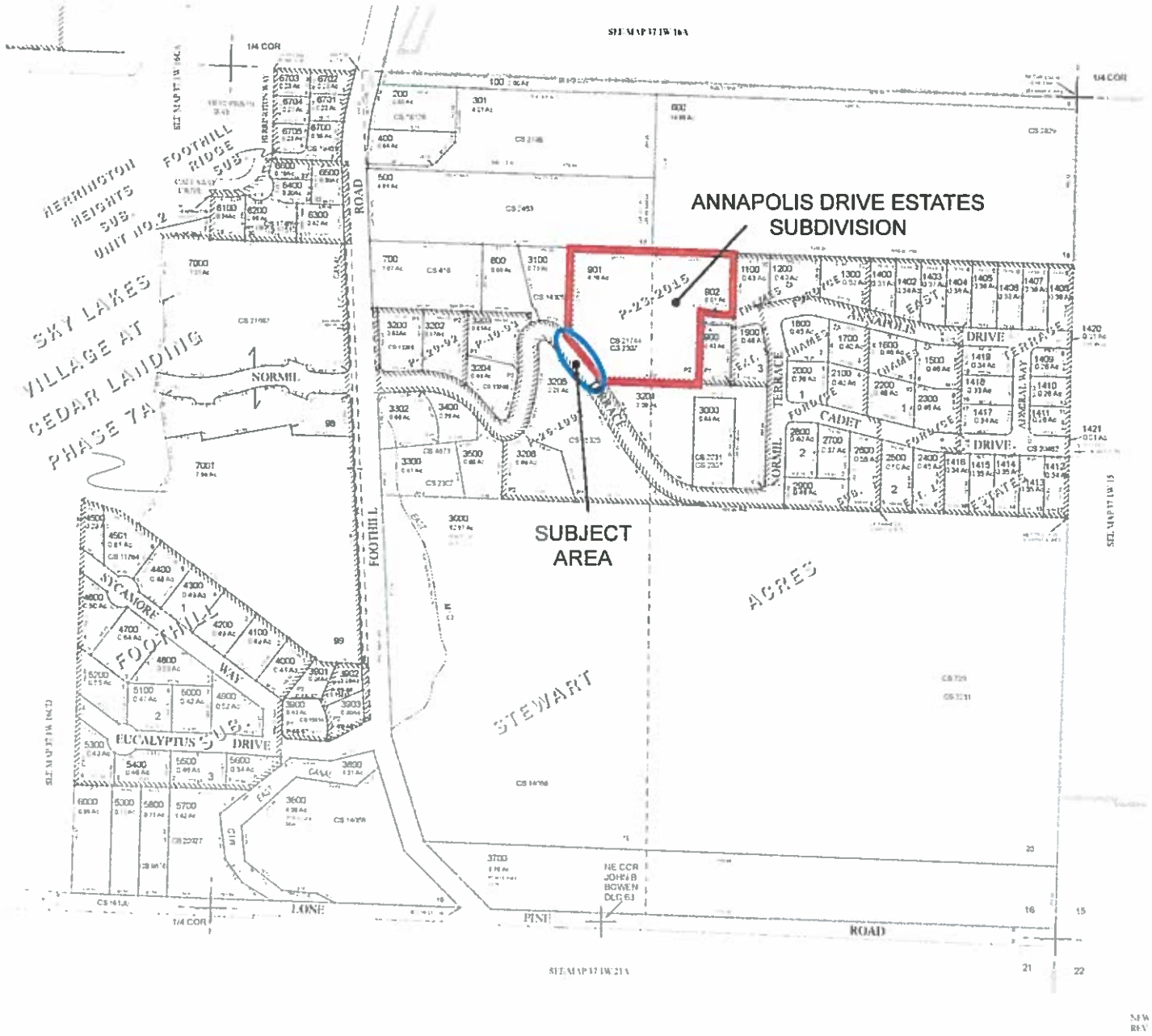
"A"
10 file

JACKSON COUNTY ASSESSOR MAP

37 1W 16D
MEDFORD



RECEIVED
NOVEMBER 18, 2015
PLANNING DEPARTMENT

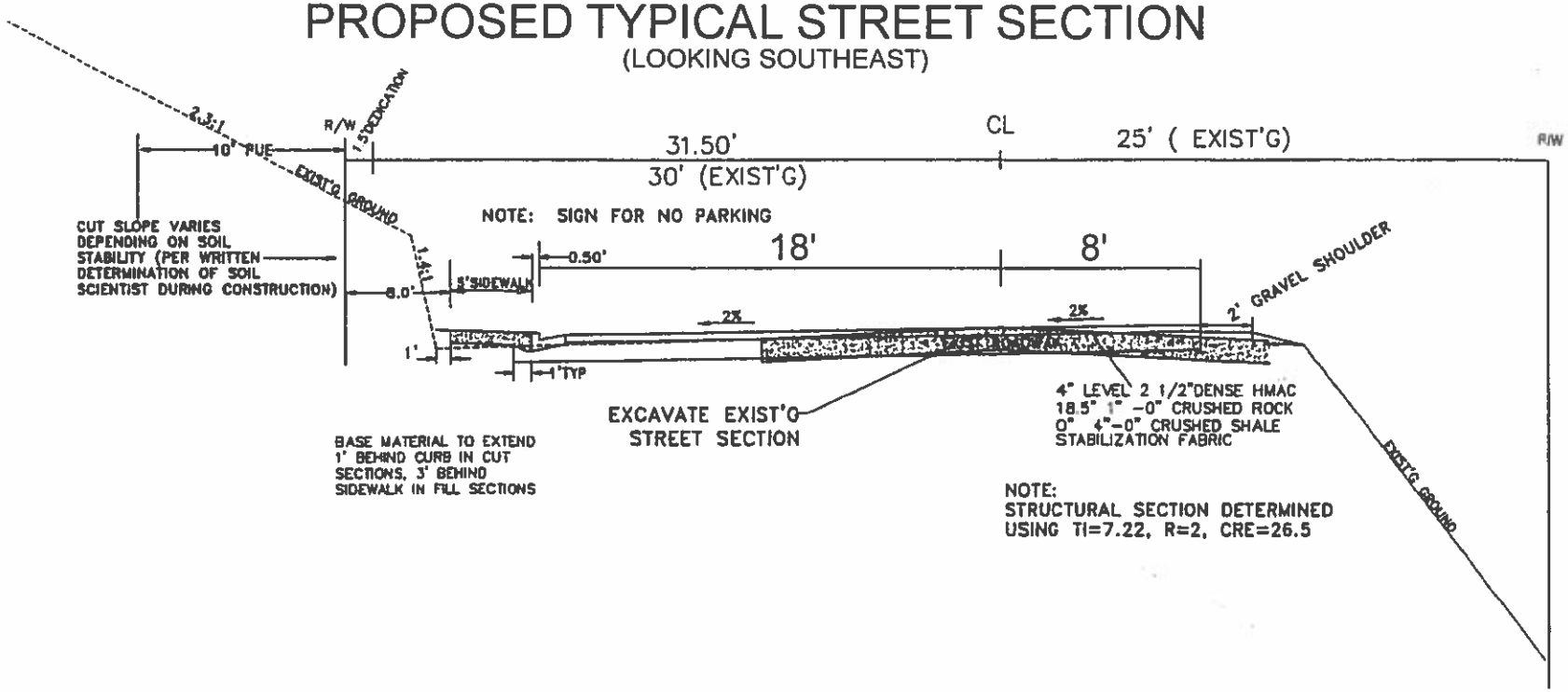
37 1W 16D
MEDFORD

APPLICANT'S EXHIBIT
" 3 "

CITY OF MEDFORD
EXHIBIT #
File # LDS-14-072 REVISION

"A"
1 of 16

NORMIL TERRACE
PROPOSED TYPICAL STREET SECTION
(LOOKING SOUTHEAST)



"A"
File

APPLICANT'S EXHIBIT "4"

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PLANNING DEPT.

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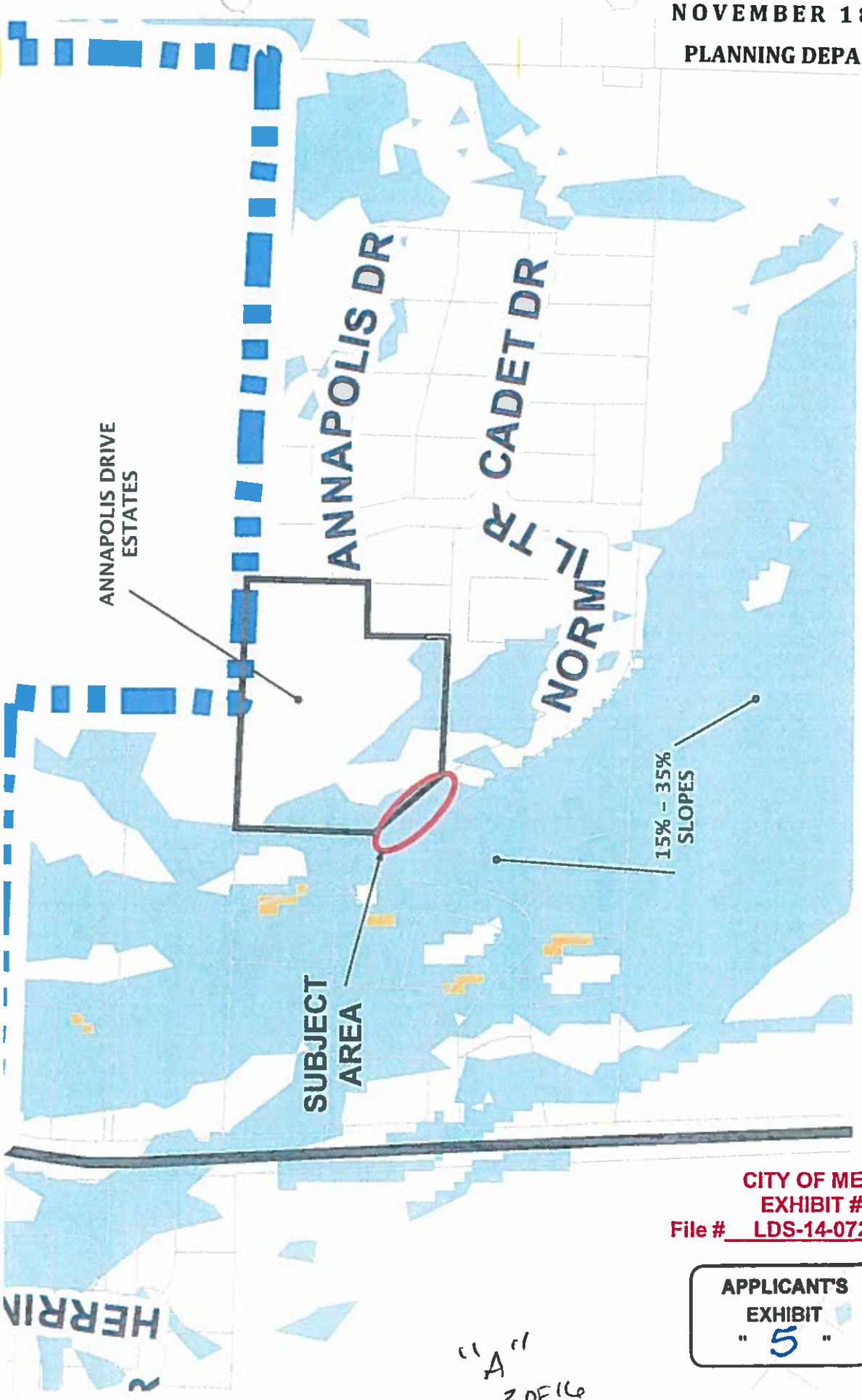
NOVEMBER 18, 2015
PLANNING DEPARTMENT



CITY OF MEDFORD
EXHIBIT #_____
File # LDS-14-072 REVISION

APPLICANT'S EXHIBIT
" 5 "

"A"
3 OF 16

9

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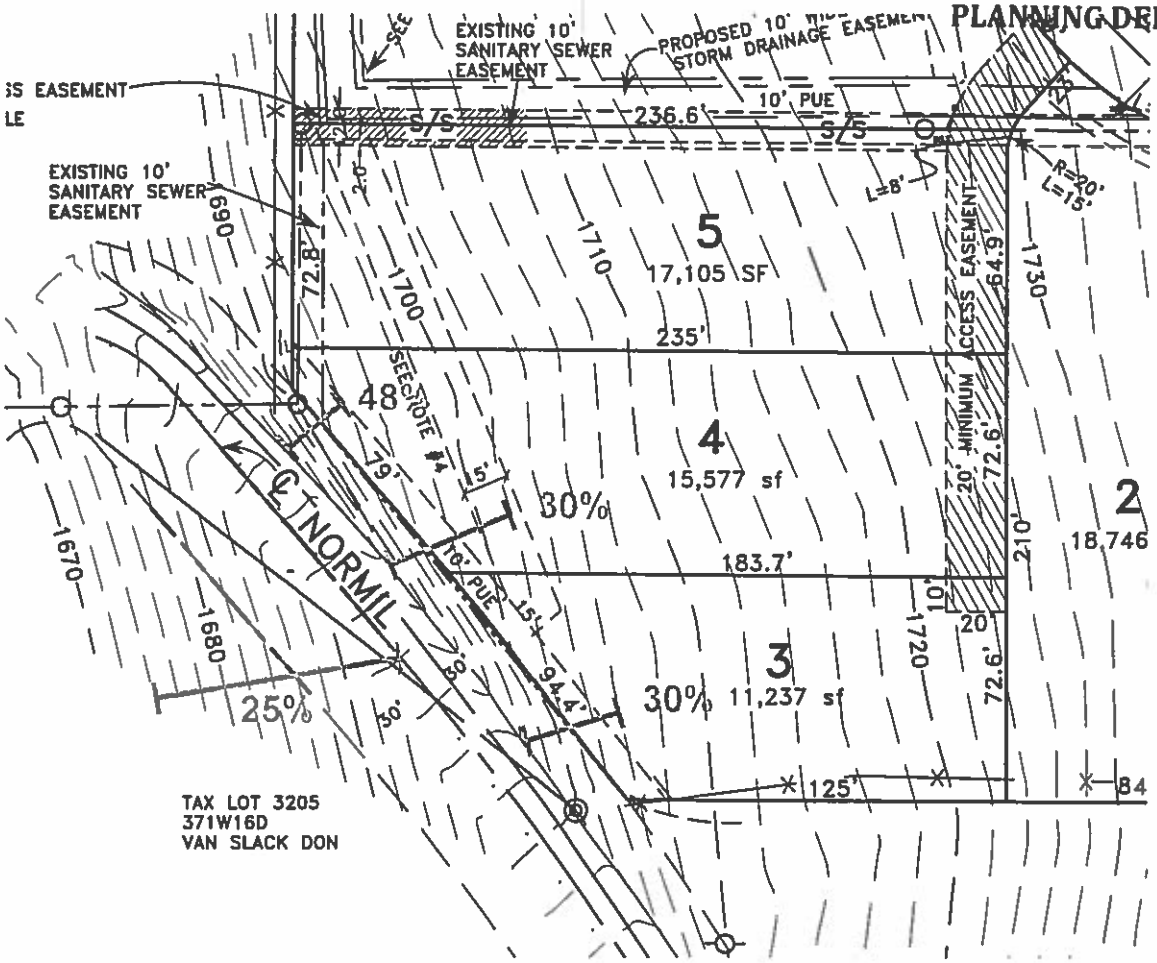

SECTION OF SUBDIVISION TENTATIVE PLAT SHOWING ELEVATIONS AND REPRESENTATIVE SLOPES

CITY OF MEDFORD
EXHIBIT #_____
File # LDS-14-072 REVISION

APPLICANT'S EXHIBIT
" 6 "

"A"
14 of 16

16

NORMIL TERRACE LOOKING NORTHWEST

SUBDIVISION FRONTAGE TO RIGHT

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NOV 13 2015
PLANNING DEPT.

APPLICANT'S
EXHIBIT
"7 1/2"

"A" 15 of 16

RECEIVED
NOV 18 2015
PLANNING DEPT.

NORMIL TERRACE LOOKING NORTHWEST
SHOWING DOWNHILL SIDE OPPOSITE SUBDIVISION

APPLICANT'S
EXHIBIT
"7 2/2"

 "A" 16 of 16

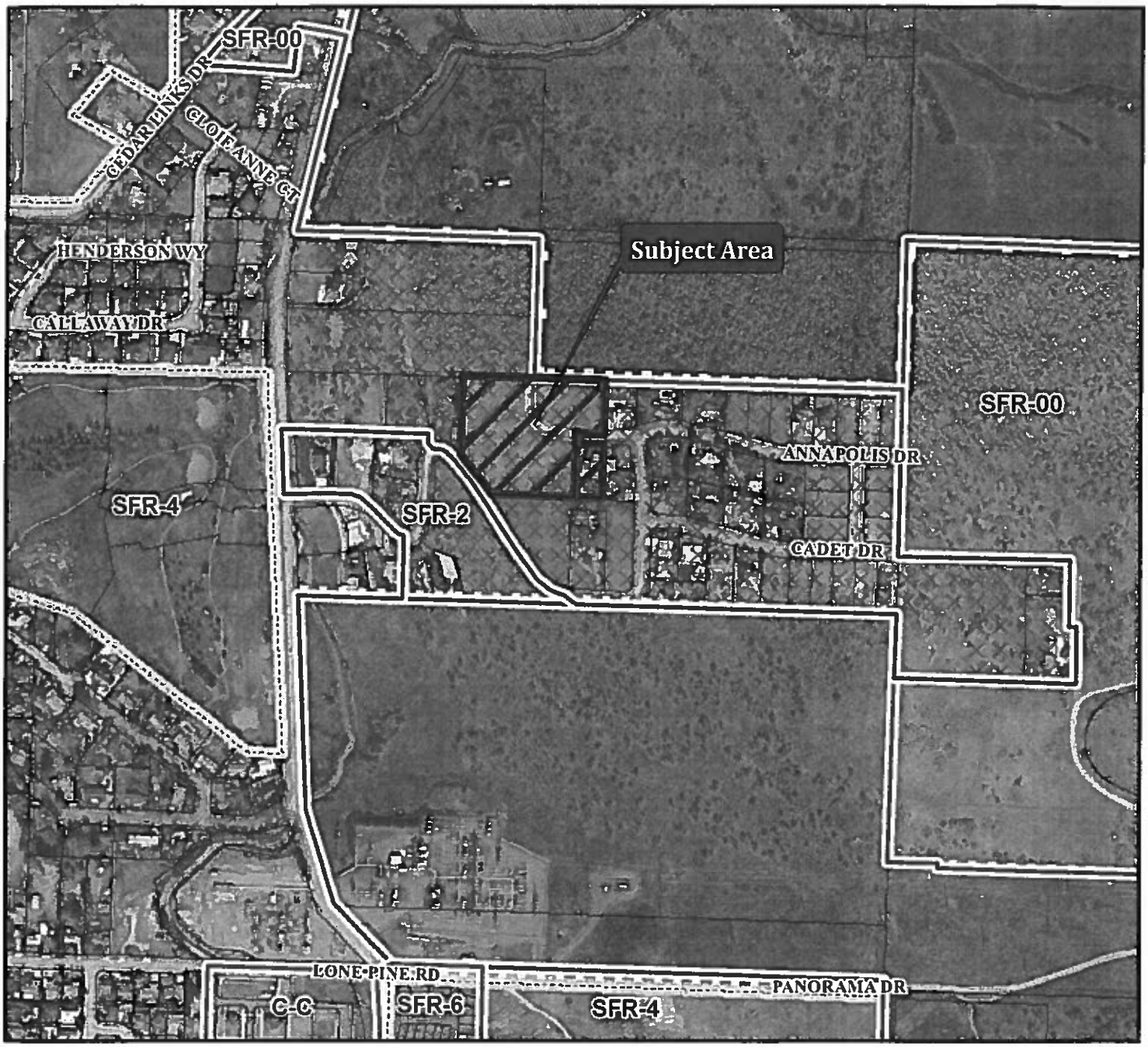
City of Medford

Planning Department

Vicinity Map

File Number:

LDS-14-072



Project Name:

Annapolis Drive Estates

Map/Taxlot:

371W16D TL 900 & 901

0 250 500 Feet

11/19/2015

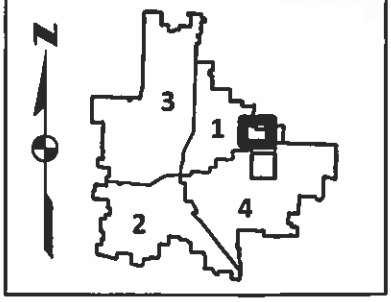
Subject Area

Medford Zoning

UGB

Tax Lots

PUD

Limited Service

Medford UGB with Wards