



Medford City Council Meeting

Revised Agenda

July 7, 2016

12:00 Noon AND 7:00 P.M.

Medford City Hall, Council Chambers
411 West 8th Street, Medford, Oregon

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10. **Roll Call**
 20. **Approval or Correction of the Minutes of the June 16, 2016 Regular Meeting**
 30. **Oral Requests and Communications from the Audience**
Comments will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. PLEASE SIGN IN.
 - 30.1 Friends of Medford Parks and Recreation awards
 40. **Consent Calendar**
 50. **Items Removed from Consent Calendar**
 60. **Ordinances and Resolutions**
 - 60.1 COUNCIL BILL 2016-79 – SECOND READING An ordinance amending the Rules and Regulations for Executive, Supervisory, and Confidential-Professional employees pertaining to wages, hours, fringe benefits, and other working conditions effective July 1, 2016.
 - 60.2 COUNCIL BILL 2016-82 An ordinance authorizing execution of a Lease Agreement with Southern Oregon Veterans Benefits for use of an area within U.S. Cellular Community Park.
 70. **Council Business**
 - 70.1 Unified Appeal Board appointment
 80. **City Manager and Other Staff Reports**
 - 80.1 Firewise community award
 - 80.2 Update on downtown sidewalk appeals
 - 80.3 Further reports from City Manager
 90. **Propositions and Remarks from the Mayor and Councilmembers**
 - 90.1 Proclamations issued: Parks and Recreation Month
 - 90.2 Further Council committee reports
 - 90.3 Further remarks from Mayor and Councilmembers
 100. **Adjournment to the Evening Session**
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EVENING SESSION
7:00 P.M.

Roll Call

110. Oral Requests and Communications from the Audience

Comments will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. PLEASE SIGN IN.

120. Public Hearings

Comments are limited to a total of 30 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. Appellants and/or their representatives are limited to a total of 30 minutes and if the applicant is not the appellant they will also be allowed a total of 30 minutes. All others will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. PLEASE SIGN IN.

120.1 Appeal of the Planning Commission denial of an Exception request for the elimination of a sidewalk, curb, gutter and street paving improvements on 0.74 acres located south of the intersection of E. Main Street, Fair Oaks Drive and White Oak Drive. (E-16-034) Land Use, Appeal

130. Ordinances and Resolutions

140. Council Business

150. Further Reports from the City Manager and Staff

160. Propositions and Remarks from the Mayor and Councilmembers

160.1 Further Council committee reports

160.2 Further remarks from Mayor and Councilmembers

170. Adjournment



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 60.1

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DEPARTMENT: Human Resources
PHONE: (541) 774-2010
STAFF CONTACT: Mike Snyder

AGENDA SECTION: Ordinances & Resolutions
MEETING DATE: July 7, 2016

COUNCIL BILL 2016-79 SECOND READING

An ordinance amending the Rules and Regulations for Executive, Supervisory, and Confidential-Professional employees pertaining to wages, hours, fringe benefits, and other working conditions effective July 1, 2016.

SUMMARY AND BACKGROUND

The proposed update of the Rules and Regulations for Management Staff for 2016-2017 provides consistency with Council direction regarding the wages, hours, fringe benefits and other working conditions. June 16, 2016 Council review resulted in a second reading back for consideration July 7, 2016.

PREVIOUS COUNCIL ACTIONS

Council action is required on employee agreements.

ANALYSIS

The proposed agreement provides for:

1. Salary increases: 2.5% effective July 1, 2016.
2. Health insurance: The cap for the City contribution to insurance premium would be set at \$1,550 per month effective July 1, 2016.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The total increased compensation cost of the proposed action has been estimated by the Finance Department to be approximately \$359,000 for the one year agreement. Funds for the contract increases are available in the 2015-2017 biennial budget.

TIMING ISSUES

If the Council chooses to not approve this proposed agreement, the current Rules and Regulations will continue to be in effect.

COUNCIL OPTIONS

Approve or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance, authorizing updates to the Rules and Regulations of Management Staff.

SUGGESTED MOTION

I move to approve the ordinance authorizing updates to the Rules and Regulations of Management Staff.

EXHIBITS

Ordinance
Agreement on file in City Recorder's Office

ORDINANCE NO. 2016-79

AN ORDINANCE amending the Rules and Regulations for Executive, Supervisory, and Confidential-Professional employees pertaining to wages, hours, fringe benefits, and other working conditions effective July 1, 2016.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That the Rules and Regulations for Executive, Supervisory, and Confidential-Professional employees pertaining wages, hours, fringe benefits, and other working conditions effective July 1, 2016 are amended as set forth in the agreement which is on file in the office of the City Recorder and incorporated herein by reference.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2016.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2016.

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.2

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DEPARTMENT: Parks and Recreation
PHONE: (541) 774-2401
STAFF CONTACT: Brian Sjothun, Director

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: July 7, 2016

COUNCIL BILL 2016-82

An ordinance authorizing execution of a Lease Agreement with Southern Oregon Veterans Benefits for use of an area within U.S. Cellular Community Park.

SUMMARY AND BACKGROUND

The Parks and Recreation Department is requesting the consideration of a lease agreement with Southern Oregon Veterans Benefits/Vietnam Wall (SOVB) for an area within U.S. Cellular Community Park.

PREVIOUS COUNCIL ACTIONS

None.

ANALYSIS

The SOVB is seeking a location to construct a replica to the Vietnam Memorial Wall and other improvements for events and visitation to the site. The proposed lease agreement will provide the SOVB with a site within the U.S. Cellular Community Park. The lease area is approximately 2.1 acres and is identified in the park master plan as a picnic pavilion area.

The following installation, improvements, and land-use applications will be the responsibility of SOVB as part of this lease agreement:

- Costs for:
 - Fabrication and installation of the memorial wall
 - Site improvements including utilities, landscaping and walkways
 - Application and costs associated with all land-use approvals as determined by the Planning Department for a modification of the U.S. Cellular Community Park master plan
 - All improvements as a condition of approval as determined by the Planning Department or Planning Commission

In addition, the following on-going costs will be the responsibility of SOVB:

- Utilities associated with the leased area
- Maintenance of the memorial wall, building and grounds contained within the leased area

The terms of the lease are for 25-years with a potential 25-year renewal. The lease payment is for \$1 per year for the duration of the agreement.

The Parks and Recreation Commission approved a favorable recommendation to the City Council for this lease agreement at their June 7, 2016 meeting.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None. The cost for all aspects of construction and on-going maintenance will be the responsibility of SOVB.

TIMING ISSUES

The SOVB is seeking approval of the lease location in order to begin fundraising and land-use planning efforts.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 60.2

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COUNCIL OPTIONS

Approve or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance authorizing the U.S. Cellular Community Park Lease Agreement with Southern Oregon Veterans Benefits/Vietnam Wall.

EXHIBITS

Ordinance

Draft site plan

Lease agreement on file in the City Recorder's Office

ORDINANCE NO. 2016-82

AN ORDINANCE authorizing execution of a Lease Agreement with Southern Oregon Veterans Benefits for use of an area within U.S. Cellular Community Park.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That execution of a Lease Agreement with Southern Oregon Veterans Benefits for use of an area within U.S. Cellular Community Park, which is on file in the City Recorder's office, is hereby authorized.

Section 2. The term of this lease shall be for 25 years with an option to renew for an additional 25 years at the rate of \$1 per year.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2016.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2016.

Mayor



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 120.1

DEPARTMENT: Planning Department
PHONE: (541) 774-2380
STAFF CONTACT: James E. Huber, AICP, Planning Director

AGENDA SECTION: Public Hearing
MEETING DATE: July 7, 2016

PUBLIC HEARING

Appeal of the Planning Commission denial of an Exception request for the elimination of a sidewalk, curb, gutter and street paving improvements on 0.74 acres located south of the intersection of E. Main Street, Fair Oaks Drive and White Oak Drive. (E-16-034)

SUMMARY AND BACKGROUND

Appeal of the Planning Commission denial of an Exception request for the elimination of sidewalk, curb, gutter and street paving improvements on 0.74 acres located south of the intersection of E Main Street, Fair Oaks Drive and White Oak Drive within the SFR-4 (Single Family Residential – 4 dwelling units per gross acre) zoning district. The appellant contends that the Planning Commission erred in their decision that Criteria 1 and 3 were not adequately addressed. (E-16-034)

PREVIOUS COUNCIL ACTIONS

The City Council has not previously considered this item.

ANALYSIS

An Executive Summary has been prepared by staff and it is included as Exhibit A.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None identified.

TIMING ISSUES

Under Medford Land Development Code (MLDC) Section 10.166, the approving authority shall take final action on an application within 120 days after the application is deemed complete. ORS 227.178(1) further requires that, "...the governing body of a city...shall take final action on an application...including resolution of all appeals...within 120 days after the application is deemed complete." The 120th day for this application is August 6, 2016. The City Council must render its decision by that date.

COUNCIL OPTIONS

In an appeal of a land use decision, the City Council has four options:

1. Affirm the decision of the Planning Commission.
2. Reverse the decision of the Planning Commission. If the Council does this, the Council must specify the reasons for reversal.
3. Modify the decision of the Planning Commission and specify the reasons for such modification.
4. Remand the decision back to the Planning Commission with an explanation of the error and the action necessary to rectify the error. Given the constraints of the 120-day rule, this is not an option unless the property owner concurs and agrees to extend the 120-day limit.

STAFF RECOMMENDATION

Staff recommends that the City Council find that the Planning Commission did not err in its decision to deny E-16-034 because no legal error was committed and there is sufficient evidence in the record to support the Planning Commission decision to deny the Exception application.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 120.1

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SUGGESTED MOTION

I move to uphold the Planning Commission decision to deny E-16-034 because no legal error was committed and there is sufficient evidence in the record to support the Planning Commission decision.

EXHIBITS

Exhibit A – Executive Summary dated June 30, 2016, including Exhibits 1 through 6
PowerPoint Presentation

Executive Summary

Consideration of an appeal of the Planning Commission denial of an Exception request for the elimination of sidewalk, curb, gutter and street paving improvements on 0.74 acres located south of the intersection of E Main Street, Fair Oaks Drive and White Oak Drive within the SFR-4 (Single Family Residential – 4 dwelling units per gross acre) zoning district. The Appellant contends that the Planning Commission erred in its decision that Criteria 1 and 3 were not adequately addressed. (File No. E-16-034)

Dated: June 30, 2016

Vicinity Map



What are the issues before the City Council?

Did the Planning Commission err in its denial of the Exception request for the elimination of sidewalk, curb, gutter and street paving improvements? (Notice of Appeal, Exhibit 1)

City Council Scope of Review

The City Council's scope of review is listed in Medford Land Development Code Section 10.053 and is summarized below.

Upon review, the City Council:

- *Shall not re-examine issues of fact, and*
- *Shall limit its review to determining:*
 - *Whether there is substantial evidence to support the findings of the tribunal which heard the matter, or*
 - *If errors in law were committed by such tribunal.*
- *Review shall be limited to those issues set forth in the notice of appeal.*
- *Review shall be based on the record of the initial proceedings.*

Chronology

1. On February 15, 2016, a Land Division application for a three-lot partition on the south side of the intersection of E Main Street, Fair Oaks Drive and White Oak Drive was submitted by Adderson Builders, Inc. (Applicant) (file no. LDP-16-012).
2. On March 10, 2016, the Land Division application was deemed incomplete.
3. On March 16, 2016, Applicant submitted the Exception application that is the subject of this appeal (file no. E-16-034).
4. On March 18, 2016, both the Land Division and Exception applications were deemed complete. The 120th day is July 16, 2016.
5. On April 28, 2016, the Planning Commission held a public hearing on LDP-16-012/E-16-034. The Commission heard testimony from Applicant and other interested parties. The Commission voted to conditionally approve the three-lot partition (LDP-16-012) and deny the Exception application (E-16-034).
6. On May 12, 2016, the Planning Commission adopted the Final Orders conditionally approving LDP-16-012 and denying E-16-034.
7. On May 13, 2016, the action letter was mailed, setting the final appeal date of May 27, 2016.
8. On May 27, 2016, the City received an appeal on the decision to deny the Exception application E-16-034 from Polaris Land Surveying LLC on behalf of Adderson Builders, Inc. (Applicant, now Appellant) (Exhibit 1). Appellant has standing in this matter. No

appeals were filed on the decision to conditionally approve the three-lot partition application LDP-16-012.

9. Per Medford Land Development Code Section 10.052, the appeal hearing before the City Council must be set at its next regular meeting that falls not less than 14 days after the date the appeal is filed. The appeal hearing date would have been June 16, 2016; however, on May 27, 2016, the Appellant requested that the appeal hearing be scheduled for July 7, 2016. The request extends the 120th day by 21 days. The 120th day is now August 6, 2016.

Medford Land Development Code Criteria

The applicable approval criteria are found in Medford Land Development Code (MLDC) Section 10.253.

10.253 Criteria for an Exception.

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

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

Project Summary

Executive Summary
Appeal of Planning Commission Decision
Adderson Builders, Inc., Appellant (E-16-034)
June 30, 2016

Land Division

The Appellant submitted a Land Division application to create three parcels on approximately 0.74 acres developed with one single family residence. The Land Division application was approved and is not the subject of this appeal.

Exception

As shown in the Vicinity Map above, the site has frontages on White Oak Drive, E Main Street and Fair Oaks Drive. The Exception application addresses two Code requirements. The first request is for relief from street improvement standards found in MLDC 10.430 (paving, curb, gutter, sidewalk and planter strips) on all three street frontages. The Public Works Department Staff Report notes that Fair Oaks Drive lacks only sidewalks. At the public hearing, Appellant agreed to install the sidewalk across the property frontage on Fair Oaks Drive (Exhibit 3, p. 5 of 19).

The second Exception request is for relief from deferred street improvement financial deposit requirements found in MLDC 10.432. This section authorizes the Public Works Director to defer required street improvements when certain criteria are met. The Code requires a financial deposit in the amount of 125 percent of the City Engineer's estimate of the costs for the deferred street improvements, in lieu of the developer constructing the street improvements. The Public Works Department Staff Report states, in part, "If approved as requested, then no public improvements would be provided with this development. Public Works requests that if the Exception is approved, that the Developer be required to enter into a Deferred Improvement Agreement (DIA) for the frontage improvements to White Oak Drive/E Main Street as stated below, reference MLDC Section 10.432." (Page 2 of Exhibit F to Exhibit 2)

Since this hearing, the Legal Department has concluded that a DIA cannot be broken into a financial requirement and an agreement to participate in future street or other public improvements. Stated another way, an exception cannot be granted only to the requirement of a DIA to post a financial deposit related to the cost of the deferred improvements.

Generally, the bases for the appeal are the cost of the Code-required improvements and neighborhood preservation. From Appellant's Exception Findings of Fact (Exhibit E to Exhibit 2):

One particularly unusual circumstance related to this exception request exists along the north and easterly sides of the subject property, whereas the existing street pavement on East Main Street and White Oak Road erratically transects the right of way, especially on the curvature of White Oak Drive right-of-way, where the current street pavements cuts in a straight southeasterly alignment through the reverse curve, which could be troublesome for half street improvements within the right-of-way without re-aligning

and re-constructing the entire street which would severely alter and destroy many of the mature trees and landscaping along the property street frontages...

As an alternative to posting the 125 percent deposit, Appellant offered to sign a perpetual agreement in favor of forming a Local Improvement District (LID) by petition in the future (Page 2 of Exhibit E to Exhibit 2). This alternative would compel future owners of these three parcels to pay for their share of street improvements if an LID were to be formed rather than the Appellant constructing or financially securing the improvements now. The Planning Commission did not accept this alternative.

Notice of Appeal

A single Notice of Appeal was filed by Polaris Land Surveying, LLC on behalf of Adderson Builders, Inc., on May 27, 2016, which is within 14 days of the date the notice of the Planning Commission action was mailed, as required in MLDC 10.051.

Allegations of Error

Four allegations of error are identified in the appeal (Exhibit 1). Each is included below with a staff response.

1. The Appellant contends, *"City Planning Staff agreed with the Applicants Findings and Conclusions, as amended, and recommended approval of the Exception request finding that all the Criteria for the Exception had been met."*

Staff Response:

In MLDC 10.122, the Planning Commission is designated as the approving authority for several Class C application types, including Exceptions and Land Divisions. Staff has the duty to analyze applications for compliance with the requirements of the *Comprehensive Plan* and the MLDC and report its findings to the deciding body in MLDC 10.223(4). Staff makes recommendations and acts as a resource to the Planning Commission, but has no decision making authority in Exception or any other Class C applications. The fact that the Planning Commission did not adopt the staff recommendation does not constitute an error on the part of the Commission.

2. The Appellant contends, in part, *"The Planning Commission erred in their decision that Criterion No.1 was not adequately met which the Applicant respectfully disagrees with... the current street configuration as constructed and accepted by the City of Medford many years ago, meanders significantly within the existing 60 foot wide right-of-way limits of White Oak Road and its intersection with East Main Street..."*

Staff Response:

The language of Criterion 1, found in MLDC 10.253, is repeated below. Note that this criterion requires two determinations, “*harmony with the general purpose and intent*” and “*not be injurious to the general area*”.

- (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.*

Appellant’s Exception Findings of Fact for Criterion 1 rely on the street improvement deferral criteria in MLDC 10.432 as a basis for the Exception (Exhibit E to Exhibit 2). Staff agrees that the current street alignment is not centered within the existing right-of-way and does not follow the dedicated, curved right-of-way. However, the Appellant’s Findings are off-base. As noted above, the Public Works Director has authority in deferring street improvements; it is a separate administrative process that follows when street improvements are required. A street may meet the deferral criteria and not the Exception criteria and vice versa; they are not the same question.

As stated in the Public Works Department Staff Report, “The purposes for these dedications and improvements are found throughout the Medford Code, 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, emergency services and pedestrians. Further, these rights-of-way are used to provide essential services such as sanitary sewer, domestic water and storm drains to serve the developed parcels...” (Page 4 of Exhibit F to Exhibit 2)

The Planning Commission heard oral and written testimony from several surrounding property owners regarding existing storm drainage issues (Exhibits P – KK to Exhibit 2 and Exhibit 3). There is not an existing storm drain system in the area; rain water flows on the surface until it reaches the street side gutters and is directed to public facilities located downstream. Appellant proposes to capture storm drainage on the site, and detain and treat the water before releasing it to Fair Oaks Drive. The Appellant demonstrated that this issue could be addressed as required by the Code, without the need for an exception.

The Planning Commission also heard from a number of residents who walk in the area. They commented on the speed of traffic, visibility, and the un-walkable nature of the street.

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June 30, 2016

Appellant states that, "A number of the large, mature White Oaks along White Oak Road would be required to be removed on both sides of the street, as well as existing landscaping. This would be *"injurious to the general area or otherwise detrimental to the health safety and welfare or adjacent natural resources"* and would not be *"in harmony with the general purpose and intent of regulations imposed by this code"* as specified in Criterion No. 1..." (Exhibit 1, p. 1) Planning staff supported the Appellant on this issue as a matter of neighborhood preservation; however, the Appellant did not demonstrate the location, size or number of existing trees on the subject site, or those that might be displaced by the required street improvements. He also did not mention that planter strips are required, providing space to new trees to be planted.

Further, if one were to take the Applicant's findings to a logical conclusion, why would he agree to defer to a future date the very requirements that are required today? One could make the same argument in the future that realigning the street would be injurious to the general area because, by its very nature, it will change the existing conditions. Agreeing to participate in a future reconstruction seems to undermine the basis for the exception.

As noted above, this criterion is a two-pronged test. The Appellant failed to address the first test, the *general purpose and intent of the regulations*. The Appellant neither identified nor addressed the purpose of street improvements. The Commission heard testimony that storm drainage facilities are inadequate in the area, but that with the design of the required stormwater detention facilities "there should be no more water leaving the site than there is today and potentially less." (Page 11 of Exhibit 3) The Commission also heard that pedestrian facilities are inadequate in the area. This issue was not addressed.

The second test is to "not be injurious". The Appellant stated that the Code required street improvements would cause the removal of native White Oak trees. The Appellant supplied no evidence to support this statement. Also, as noted earlier, new trees could be planted to replace any that may be removed. It is true that it will take years for the trees to grow large; nevertheless a mechanism is in place to provide for new street trees.

As described earlier, the Appellant's Findings are off-base in using the Deferred Improvement Agreement (DIA) criteria in MLDC 10.432(1) as a basis for the Exception for relief from the Code required 125 percent deposit in MLDC 10.432(2) (Page 3 of Exhibit E to Exhibit 2). The DIA is a mechanism used to obtain financial security for deferred improvements. There is not any kind of discussion about how the first Exception criterion is met on this particular Code requirement. This does not constitute an error on the part of the Planning Commission.

3. The Appellant contends, in part, *"The Planning Commission erred in their decision that Criterion No. 3 was not adequately met which the Applicant respectfully disagrees with. As stated in the Applicant's Findings of Fact for Criterion No. 3, some of the same Findings*

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addressed in Criteria No. 1 also apply to this criterion, especially “regarding the unique and unusual circumstances by the meandering street location within the right-of-way.”

Staff Response:

The language of Criterion 3, found in MLDC 10.253:

- (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.*

The Appellant’s Findings note that many of the findings for Criterion 1 also apply to this criterion regarding the unique and unusual circumstance of the meandering existing street location within the right-of-way (Page 4 of Exhibit E to Exhibit 2). The Appellant notes that, “This particular lot and street right-of-way is arguably, one of the most “*unique or unusual*” configurations in the entire city. Therefore, being required to go well beyond the typical *usual* requirement for constructing street improvements by having to relocate the entire street to a completely different alignment and configuration...would absolutely be “*a peculiar, exceptional, and undue hardship on the owner*” to construct.” (Exhibit 1, p. 2)

The Code requires half plus 12 feet of street improvements in MLDC 10.442 (may be reduced to half plus eight feet in MLDC 10.443). That means the developer is responsible for constructing half of the street (curb, gutter, sidewalk and paving), plus paving 12 feet beyond the center of the street along the project frontage. This is a requirement of the Code and not unique to this development. Typically, constructing street improvements on an existing street requires some transitioning from the new, wider street to the existing narrower asphalt. That occurs within the existing right-of-way and not off-site as the Appellant indicates (Page 4 of Exhibit E to Exhibit 1).

The plain language of this criterion cites circumstances that apply *to this site*. The configuration of the street improvements within the existing public right-of-way does is not part of the *site*. However, MLDC 10.251 states, in part:

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

improvement or site development standards in the above-referenced Articles would result in peculiar, exceptional and undue hardship on the owner.

Staff agrees with the Appellant that the design of the existing improvements within the right-of-way is unusual. The constructed centerline of E Main Street/White Oak Drive is not coincident with or parallel to the dedicated centerline, which is the standard practice. The Commission heard testimony that an option would be to keep the current alignment and reduce the curve Code requirements (MLDC 10.448) (Exhibit 3, p. 12 of 19). In the Findings, the Appellant stated but did not demonstrate that the entire street would have to be removed and reconstructed to match the form of the dedicated right-of-way. Based on the testimony of the City Engineer, it appears that other design options exist. Because of the lack of evidence provided by the Appellant and the fact that other design options may exist, the Planning Commission did not find that the conditions in this application were unusual enough to grant the exception.

4. The Appellant contends, in part, *“At the May 12, 2016 Planning Commission meeting, there was a considerable turnout of citizens from the neighborhood who gave testimony that was not in favor of approval for the Land Partition or the Exception request, although none seemed to speak to the specific criterion in the MLDC. But they were almost unanimous in their objection to altering the existing streetscape and configuration of White Oak Road and East Main Street, some calling it a treasure and the gateway to “Old East Medford” that should be preserved, which would be contrary to being against the Exception request.”*

Staff Response:

This appears to be an observation of the Appellant. The written and verbal testimony received during the hearing process is contained in the record (Exhibits P – KK to Exhibit 2 and Exhibit 3). No response is required.

Summary

The Planning Commission found that the Exception application did not meet Criteria 1 and 3. Based on the analysis of the record provided above, the Appellant did not provide sufficient persuasive evidence to support approval of the application.

City Council Options

The City Council will need to determine if there is substantial evidence in the record to support the decision of the Planning Commission. The options are:

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1. If the Council finds that there is substantial evidence in the record to conclude that the Planning Commission decision was correct and that the evidence in the record supports the Commission's findings, then the Council should affirm the decision.
2. If the Council finds that the evidence in the record supports the Appellant's contention that the decision was in error or that there is not substantial evidence to support the decision, then based upon substantial evidence in the record the City Council should:
 - a. Reverse the decision. If the Council does this, the Council must specify the reasons for reversal; or
 - b. Modify the decision and specify the reasons for such modification; or
 - c. Remand the decision back to the Planning Commission with an explanation of the error and the action necessary to rectify the error. Given the constraints of the 120-day rule, this is not an option unless the Appellant concurs and agrees to extend the 120-day limit.

Recommendation

There is a single question before the Council: Did the Planning Commission err in its decision to deny the Exception application?

The City Council can find that the Planning Commission did not err in its decision to deny E-16-034 because no legal error was committed and there is sufficient evidence in the record to support the Planning Commission decision to deny the Exception application.

- With regard to the criterion at MLDC 10.253(1), staff recommends that the Council find the Appellant failed to demonstrate how not improving E Main Street/White Oak Drive is in harmony with the general purpose and intent of the regulations. Additionally, the Appellant failed to demonstrate with any specificity how natural resources would be affected by the construction of the improvements.
- With regard to the criterion at MLDC 10.253(3), staff recommends that the Council find the Appellant failed to demonstrate that there is an undue hardship because other design options, in addition to that discussed by the applicant, are available.

EXHIBITS

- 1 Notice of Appeal received May 27, 2016
- 2 Planning Commission Final Orders dated May 12, 2016, with the Planning Commission Report dated April 28, 2016

Executive Summary
Appeal of Planning Commission Decision
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- 3 Excerpts from the Planning Commission Minutes of April 28, 2016
- 4 Excerpts from the Planning Commission Minutes of May 12, 2016
- 5 PowerPoint Presentation to the Planning Commission dated April 28, 2016
- 6 Action Letter dated May 13, 2016

RECEIVED

May 27 2016

CITY OF MEDFORD
CITY RECORDER'S OFFICE

NOTICE OF APPEAL

APPLICATION: Appeal of the Order of Denial of an Exception to Adderson Builders, Inc., (File No. E-16-034) that requested an exception to standard street improvements along the frontage of East Main Street and White Oak Road for the Minor Land Partition that was approved by the Medford Planning Commission on May 12, 2016 (File No. LDP-16-012).

APPLICANT/OWNER: Adderson Builders, Inc.

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

SUPPORTING INFORMATION:

The Applicant wishes to appeal the Medford Planning Commission Order of Denial of the Exception Request in File No. E-16-034, that was made at the Medford Planning Commission meeting on May 12, 2016 which is a Type C quasi-judicial decision. At the same meeting, prior to the Denial of the Exception request, the Commission approved the Applicant's Tentative Plat for a three parcel Land Partition, File No. LDP-16-012.

The Applicant's Agent, Shawn Kampmann of Polaris Land Surveying LLC was present in the initial proceedings orally and in writing, therefore has standing for this Appeal per MLDC 10.051(B).

The Applicant requests that the Medford City Council review the Planning Commission's Denial of said Exception Request E-16-034 on the specific grounds listed below:

1. City Planning Staff agreed with the Applicants Findings and Conclusions, as amended, and recommended approval of the Exception Request finding that all the Criteria for the Exception had been met.
2. The Planning Commission erred in their decision that Criterion No. 1 was not adequately met which the Applicant respectfully disagrees with. As stated in the Applicant's Findings of Fact for Criterion No. 1, the current street configuration as constructed and accepted by the City of Medford many years ago, meanders significantly within the existing 60 foot wide right of way limits of White Oak Road and its intersection with East Main Street. As stated by the Medford Public Works Director at the Commission meeting, any street improvements would be required to be aligned with the current right-of-way which would adversely impact landowner's frontage on both sides of the street, not just within the Applicant's side of the street. A number of the large, mature White Oak's along White Oak Road would be required to be removed on both sides of the street, as well as existing landscaping. This would be "*injurious to the general area or otherwise detrimental to the health, safety and welfare or adjacent natural resources*" and would not be "*in harmony with the general purpose and intent of regulations imposed by this code*" as specified in Criterion No. 1. The Exception approval would maintain harmony in the neighborhood and "retain consistency with the current nature and esthetics of the area without introducing incongruity with the existing mature streetscape." Criterion No. 1 was adequately met.

3. The Planning Commission erred in their decision that Criterion No. 3 was not adequately met which the Applicant respectfully disagrees with. As stated in the Applicant's Findings of Fact for Criterion No. 3, some of the same Findings addressed in Criteria No. 1 also apply to this criterion, especially "regarding the unique and unusual circumstances by the meandering existing street location within the right-of-way." The Criterion states "*There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict interpretation of the standard(s) for which an exception is being requested would result in a peculiar, exceptional, and undue hardship on the owner.*" The complete relocation of this portion of White Oak Road and the intersection with East Main Street to be placed in a parallel relationship with the right-of-way is absolutely a "*unique or unusual circumstances which.....do not typically apply elsewhere in the City.*" This particular lot and street right-of-way is arguably, one of the most "*unique or unusual*" configurations in the entire city. Therefore, being required to go well beyond the typical, *usual* requirement for constructing street improvements by having to relocate the entire street to a completely different alignment and configuration, especially considering the "*unique or unusual*" length of street frontage for a single lot would absolutely be "*a peculiar, exceptional, and undue hardship on the owner*" to construct.

This would go well beyond any other simple land partition requirements for street improvements which would not require such expense or adverse effects to properties on the opposite side of the "*half*" street being improved. This is one of only two lots in the original Country Club Park subdivision that have *NOT* yet been subdivided, therefore it is extremely unlikely that other land divisions requiring standard street improvements will take place in this neighborhood to get connectivity to the nearest fully improved street in any direction without an LID in the future being created. This is exactly why the Applicant is requesting that the exception apply to the DIA deposit of 125% of the deferred cost and proposing in lieu, to record a deed restriction which runs with the land, to agree to any future Local Improvement District (LID) if one is ever initiated. It is not the Applicant's intent to avoid paying their fair share of any street improvement costs in the future, but to only have to pay their fair share when that time comes. If that time does not come, the Applicant is essentially forfeiting close to \$450,000 which is 125% of the engineer's estimate, which is an "*undue hardship on the owner.*" When answering a Commissioner's question about the DIA, the Public Works Director stated that the 125% DIA deposit is stated in the code, but there was some confusion on whether the Commission could grant the Exception because of that. City Senior Planner Kelly Akin, clarified to the Commissioners that they could waive the DIA deposit in lieu of the LID deed restriction agreement that was proposed in the Exception request, although it wasn't apparent that everyone understood that. Criterion No. 3 was adequately met.

4. At the May 12, 2016 Planning Commission meeting, there was a considerable turnout of citizens from the neighborhood who gave testimony that was not in favor of approval for the Land Partition or the Exception request, although none seemed to speak to the specific criterion in the MLDC. But they were almost unanimous in their objection to altering the existing streetscape and configuration of White Oak Road and East Main Street, some calling it a treasure and the gateway to "Old East Medford" that should be preserved, which would be contrary to being against the Exception request.

With the approval of the Land Partition, and if the denial of the Exception is upheld, the Applicant will build the street improvements in order to comply with the Conditions of Approval of the Partition, rather than pay the 125% DIA "deposit." The Applicant would prefer to keep the current streetscape in harmony with the neighborhood as well, which is what the local homeowners indicated was important to them, and keep the ambiance of "Old East Medford." By approving the Applicant's Exception request, the Council is recognizing the "*unique or unusual circumstances which apply to this site.*"

CONCLUSION

The Planning Department Staff and the Applicant concludes all criterion for this Exception request has been adequately met to defer the street improvements at this time for a three parcel land partition and is consistent with the relevant decisional criteria found in Section 10.251 of Medford's Land Development Code .

With all due respect to the dedication of the Medford Planning Commission, the Applicant requests that the City Council overturn the Commission's Denial of the Exception request.

Respectively Submitted,



Shawn Kampmann PLS, Agent

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

Date: May 26, 2016

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF TENTATIVE PLAT APPROVAL OF)
)
) **ORDER**
ADDERSON BUILDERS INC. [LDP-16-012])

ORDER granting approval to create three lots on a 0.74 acre parcel located south of the intersection of East Main Street, Fair Oaks Drive and White Oak Drive, within the SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district, of File No. LDP-16-012.

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 to create three lots on a 0.74 acre parcel located south of the intersection of East Main Street, Fair Oaks Drive and White Oak Drive, within the SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district, with a public hearing a matter of record of the Planning Commission on April 28, 2016; and
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat approval and directed staff to prepare a final order with all conditions and findings set forth for the granting of the tentative plat approval.

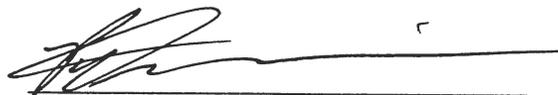
THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for Adderson Builders Inc., stands approved per the Planning Commission Report dated April 28, 2016, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Planning Commission Report dated April 28, 2016.

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 12th day of May, 2016.

CITY OF MEDFORD PLANNING COMMISSION



Planning Commission Chair

ATTEST:



Planning Department Representative

CITY OF MEDFORD
EXHIBIT # 2
File # E-16-034
APPEAL

COPIED

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF DENIAL OF AN EXCEPTION FOR)
)
) **ORDER**
ADDERSON BUILDERS INC. [E-16-034])

ORDER denying a request for an exception for the elimination of sidewalk, curb, gutter and street paving improvements. The parcel is located south of the intersection of East Main Street, Fair Oaks Drive and White Oak Drive, within the 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 consideration of an exception for the elimination of sidewalk, curb, gutter and street paving improvements. The parcel is located south of the intersection of East Main Street, Fair Oaks Drive and White Oak Drive, within the 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 April 28, 2016.
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 and directed staff to prepare a final order with findings set forth for the denial of the exception approval.

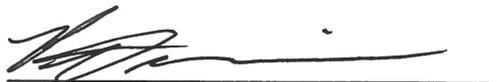
THEREFORE LET IT BE HEREBY ORDERED that the exception for Adderson Builders Inc. stands denied per Planning Commission Report dated April 28, 2016.

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 Planning Commission Report dated April 28, 2016.

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 12th day of May, 2016.

CITY OF MEDFORD PLANNING COMMISSION



Planning Commission Chair

ATTEST:



Planning Department Representative



Planning Department

Working with the community to shape a vibrant and exceptional city

PLANNING COMMISSION REPORT

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

PROJECT 2 White Oak Partition & Exception
Applicant: Adderson Builders, Inc.
Agent: Shawn Kampmann - Polaris Land Surveying, LLC

FILE NOS. LDP-16-012 / E-16-034

DATE April 28, 2016

BACKGROUND

Proposal

Proposed tentative plat to create three lots on a 0.74 acre parcel, and an exception request for the elimination of sidewalk, curb, gutter and street paving improvements. The parcel is located south of the intersection of East Main Street, Fair Oaks Drive and White Oak Drive, within an SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district.

Subject Site Characteristics

Zoning: SFR-4 (Single-Family Residential – 4 dwelling units per gross acre)
GLUP: UR (Urban Residential)
Use: Single family residence

Surrounding Site Characteristics

North	SFR-4	Single family homes
South	SFR-4	Single family homes
East	SFR-4	Single family homes
West	SFR-4	Single family homes

Applicable Criteria

Medford Land Development Code §10.270, Land Division Criteria

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

SCANNED

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

Medford Land Development Code §10.253, Exception Criteria

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

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

Commission shall have the authority to impose conditions to assure that this criterion is met.

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

ISSUES AND ANALYSIS

Project Summary

The subject site is partially developed with a single family residence on the northern portion, fronting on White Oak Road. The applicant seeks to partition the property into three separate parcels. The applicant also requested an Exception for the elimination of standard street improvements on White Oak Drive, East Main Street and Fair Oaks Drive, and relief from the bonding requirements related to deferred street improvements.

Code Compliance

Density

The standard density calculation for the SFR-4 zone is between two and a half and four dwelling units per gross acre. The permitted density range for the subject subdivision is between three to four dwelling units. The applicant is proposing three lots (and three dwelling units), which meets the minimum and does not exceed the maximum number of dwelling units (Exhibit J).

Street Dedications

An Exception request to eliminate standard street improvements for this development has been filed concurrently with the Land Division request. If approved, no public

improvements would be provided for this development, but Public Works has requested that should this occur, the developer be required to enter into a Deferred Improvement Agreement (DIA) for the frontage improvements to White Oak Drive/East Main Street. However, if the Exception request does not get approved, standard street improvements will be required as described below.

The Public Works Department Staff Report (Exhibit F) identifies White Oak Drive/East Main Street as a Standard Residential Street, which requires a total right-of-way width of 63 feet. The developer shall provide sufficient width of right-of-way for the half street width of a Standard Residential Street, which is 31.5 feet. The amount of right-of-way to be dedicated appears to be 1.5 feet, based on 30 feet of existing right-of-way west of the centerline.

Fair Oaks Drive is classified as a Minor Residential Street, and requires a total right-of-way width of 55 feet. Existing right-of-way east of the centerline appears to be 30 feet, and does not appear to require further right-of-way dedication. The developer shall also provide a 10-foot wide Public Utility Easement (PUE) adjacent to the street frontage of all three lots within this partition.

Street Improvements

The frontage of White Oak Drive/East Main Street shall be improved to Standard Residential Street standards with a 36-foot wide curb-to-curb paved section. The developer shall improve the west half plus 12 feet east of the centerline or to the far edge of the existing pavement, whichever is greater.

Fair Oaks Drive has been improved in close conformance to Minor Residential Street standards including pavement, curbs and gutters, with the exception of sidewalks, planter strips and street lights. The developer shall provide a 5-foot wide sidewalk separated from the curb with an 8-foot wide planter strip in accordance with MLDC § 10.430 along this development's frontage, including an ADA ramp at the corner of Fair Oaks Drive and East Main Street. Standard street lighting in compliance with MLDC § 10.495 shall also be provided by the developer along the frontage of this development.

Storm Drainage

The subject site lies with the Lazy Creek drainage basin. The development shall provide stormwater detention and water quality treatment in accordance with MLDC § 10.486 and in accordance with the Rogue Valley Stormwater Quality Manual. A condition of approval has been included requiring the developer to comply with the Public Works Report dated April 6, 2016 (Exhibit F).

Sanitary Sewer

The site lies within the Medford Sewer service area. Each lot is to be provided one service lateral prior to approval of the Final Plat. The developer shall cap any other remaining unused sewer laterals within the project frontage at the main. A condition of approval has been included requiring the developer to comply with the Public Works Staff Report dated April 6, 2016 (Exhibit F).

Water Facilities

The Medford Water Commission (MWC) memorandum identifies that no off-site water line installation or on-site water facility construction is required for this development. All proposed lots are required to have metered water service prior to approval of the final plat. Access to MWC water lines is available to this development via a 6-inch water line in both Fair Oaks Drive and White Oak Drive. Lastly, static water pressure is expected to be over 90 psi and will require the installation of a Pressure Reducing Valve (PRV). A condition of approval has been included requiring the applicant to comply with the memorandum from the Medford Water Commission dated April 6, 2016 (Exhibit G).

Fire Safety

According to the report from the Medford Fire Department, one fire hydrant will be required for this project. The location of the hydrant shall be on White Oak Drive, near the south side of lot 3. A condition of approval has been included requiring the applicant to comply with the Fire Department Report, prepared March 28, 2016 (Exhibit H).

Exception

The applicant has submitted for an Exception in conjunction with the Land Division. The request is to eliminate standard street improvements along all frontages. The applicant also seeks relief from the standards of MLDC § 10.432, which requires a financial deposit equal to 125% of the estimated cost of the improvements when improvements are deferred. Rather than providing the City with 125% deposit, the applicant proposes to record a signed document agreeing to participate in a Local Improvement District in the future.

Planning staff agrees with the applicant that the improvements to Main Street/White Oak Drive would result in a significant change to the character of the area and the streetscape because of the resulting removal of mature trees. However, the impacts on Fair Oaks Drive are much less significant as there is existing curb and gutter and sufficient right-of-way to accommodate the required public improvements. Staff recommends that the improvements be constructed on Fair Oaks as described in the Public Works Staff Report (Exhibit F).

Decision:

The Applicant withdrew the Exception request for relief from standard street improvements along the Fair Oaks Drive Frontage and agreed to make the required improvements. The Planning Commission found the Exception requests for relief from standard street improvements and for relief from the Deferred Improvement Agreement and related financial deposit for East Main Street/White Oak Drive did not meet the Exception criteria found in MLDC section 10.253(1) and (3). The Exception request was denied and the applicant is required to comply with the Public Works Department Staff Report regarding street improvements (Exhibit F).

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's Findings and Conclusions (Exhibits D and E) and recommends the Commission adopt the Findings as amended, and with the addition of all street improvements to the Fair Oaks Drive frontage.

Amended findings for MLDC 10.253(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.

Criterion 3 relates to unique or unusual circumstances which do not typically apply elsewhere in the City as the basis for approval for an exception request. Staff agrees that the required street improvements along the East Main Street/White Oak Road frontage may result in a peculiar, exceptional, and undue hardship on the owner. The findings provided describe the portion of East Main Street/White Oak Road fronting on the subject area as misaligned with the current right of way, which the applicant argues would result in an undue hardship on the owner because of the financial cost associated with relocation and reconstruction of the existing street well beyond half street improvements that would be required to make the street serviceable. The same cannot be said for the Fair Oaks Drive frontage of this project. Fair Oaks Drive already meets right-of-way standards and has been improved with curb and gutter. The improvements that remain to be completed include sidewalks, planter strips and street lights. In lieu of entering into a Deferred Improvement Agreement (DIA), the applicant suggests the landowner signs a perpetual agreement with the City in favor to form a Local Improvement District (LID) in the future. Staff recommends approving the applicant's request to consent to a Local Improvement District for the improvements along East Main Street/White Oak Road, but that the improvements for Fair Oaks Drive be completed as specified in the Public Works Staff Report.

ACTION TAKEN

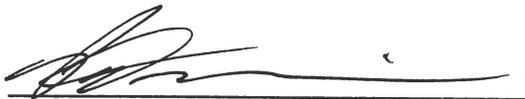
Directed staff to prepare a Final Order for approval of LDP-16-012 and a Final Order for denial of E-16-034 based on the Applicant's inability to adequately meet the criteria in MLDC 10.253(1) and (3), and requiring compliance with the Public Work Department Staff Report per the Planning Commission Report dated April 28, 2016, including Exhibits A-1 through NN.

EXHIBITS

- A-1 Conditions of Approval, dated May 5, 2016**
- B Tentative Plat, received March 16, 2016
- C Conceptual Grading & Drainage Plan, received February 16, 2016
- D Applicant's Findings of Fact (Land Division), received March 11, 2016
- E Applicant's Findings of Fact (Exception,) received March 16, 2016
- F Public Works Staff Report, received April 20, 2016
- G Medford Water Commission memo, received April 6, 2016
- H Medford Fire Department Report, received March 28, 2016
- I Medford Building Department memo, received April 6, 2016
- J Density Calculation Spreadsheet, created April 13, 2016
- K Site photos from the applicant, received March 16, 2016
- L Copy of assessors map, received February 16, 2016
- M Zoning map, received February 16, 2016
- N Medford Street Functional Classification Plan, received February 16, 2016
- O Aerial photo, received February 16, 2016
- P Hartley Testimony, received April 25, 2016**
- Q Doherty Testimony, received April 25, 2016**
- R Boeck Testimony, received April 25, 2016**
- S Meyer Testimony, received April 25, 2016**
- T Meredith Testimony, received April 26, 2016**
- U Ackley Testimony, received April 26, 2016**
- V Wilson Testimony, received April 26, 2016**
- W Harris Testimony, received April 26, 2016**
- X Fisher Testimony, received April 26, 2016**
- Y Moore Testimony, received April 27, 2016**
- Z Letter from Bob Hart Consulting, received April 27, 2016**
- AA Gressett Testimony, received April 27, 2016**
- BB Wagar Testimony, received April 27, 2016**
- CC Scott Testimony, received April 27, 2016**
- DD Maddox Testimony, received April 27, 2016**
- EE TerBest Testimony, received April 27, 2016**
- FF Costamagna Testimony, received April 28, 2016**
- GG Mankinen Testimony, received April 28, 2016**

- HH Ackley email, received April 28, 2016**
- II Letter from Cauble, Cauble & Selvig, LLP, received April 28, 2016**
- JJ Mayfield Testimony, received April 28, 2016**
- KK Schaaf & DeRoest Testimony, received April 28, 2016**
- LL Agent Material – 1928 Country Club Park Plat, received April 28, 2016**
- MM Agent Material – PWSR Highlighted Comments, received April 28, 2016**
- NN Borchgrevink Testimony, received April 29, 2016**
Vicinity map

MEDFORD PLANNING COMMISSION



Patrick Miranda, Chair

PLANNING COMMISSION AGENDA:

APRIL 28, 2016
MAY 12, 2016

EXHIBIT A-1

2 White Oak Partition & Exception
LDP-16-012 / E-16-034
Conditions of Approval
May 5, 2016

CODE CONDITIONS

1. Prior to Final Plat approval, the applicant shall:
 - a. Comply with the Public Works Staff Report dated April 20, 2016 (Exhibit F);
 - b. Comply with the Medford Water Commission memorandum dated April 6, 2016 (Exhibit G);
 - c. Comply with the Medford Fire Department Report, prepared March 28, 2016 (Exhibit H);
 - d. Parcel 2 shall have a lot frontage of a minimum of 60 feet.

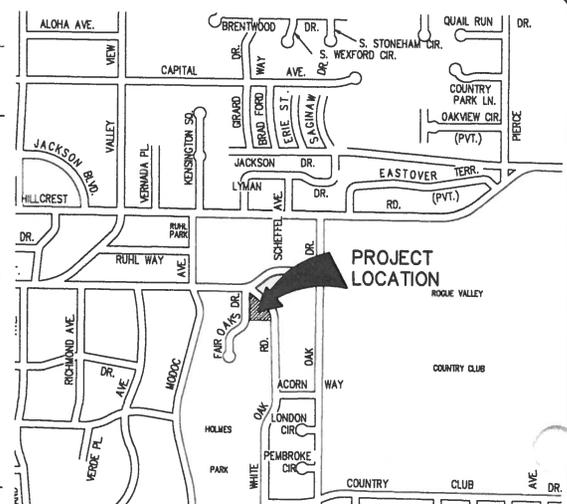
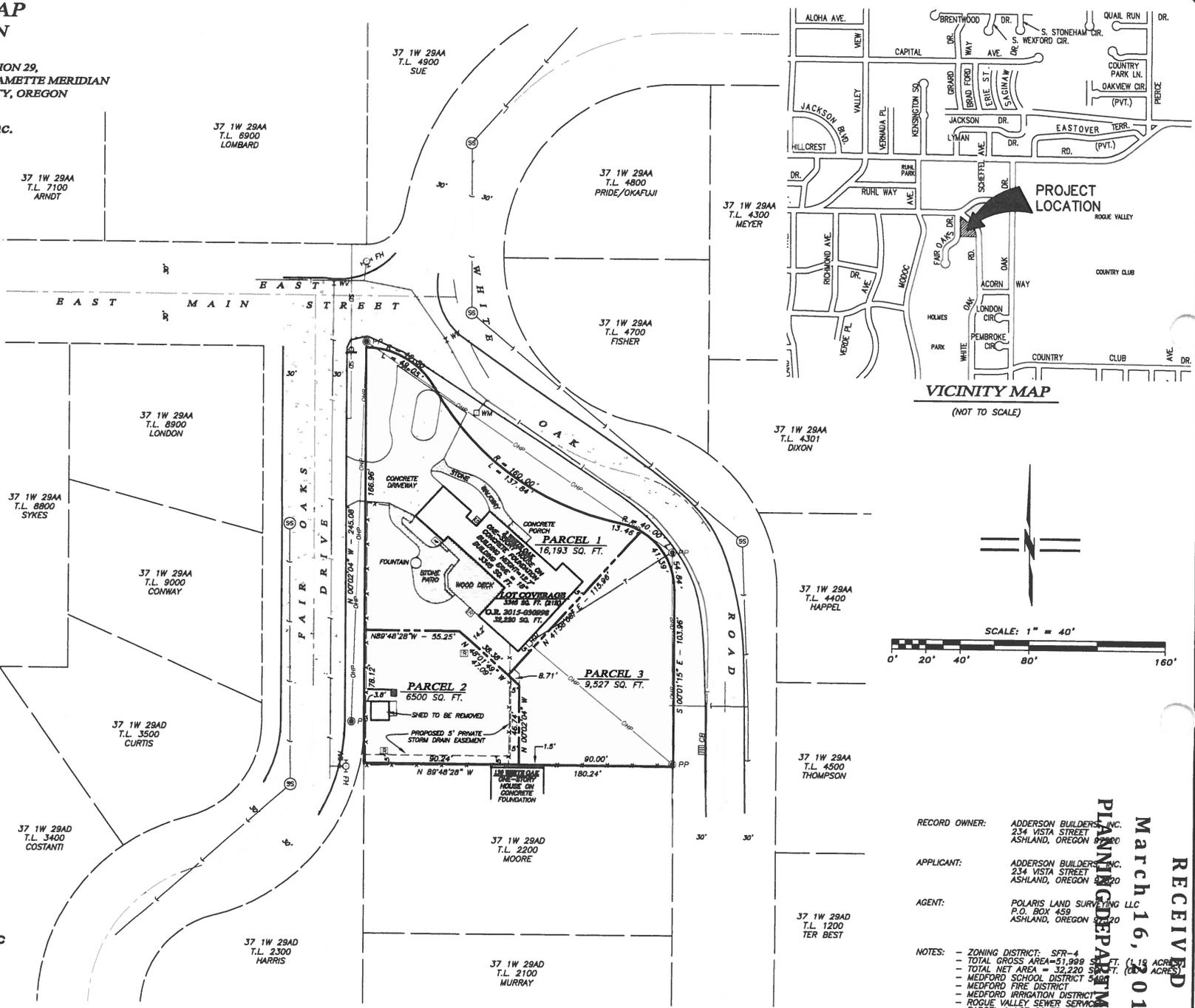
**TENTATIVE MAP
LAND PARTITION**

LYING SITUATE WITHIN

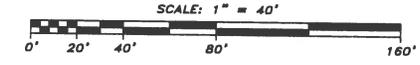
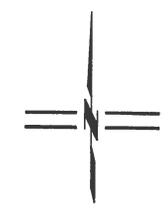
NORTHEAST QUARTER OF SECTION 29,
TOWNSHIP 37 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN
CITY OF MEDFORD, JACKSON COUNTY, OREGON

FOR

Adderson Builders, Inc.
234 Vista Street
Ashland, Oregon 97520



VICINITY MAP
(NOT TO SCALE)



- LEGEND**
- PROPERTY LINE
 - - - PROPOSED PARTITION LINE
 - BOUNDARY LINE
 - - - CENTERLINE
 - - - FENCELINE
 - - - WATER LINE
 - - - BURIED PHONE LINE
 - - - SANITARY SEWER LINE
 - - - STORM DRAIN LINE
 - - - OVERHEAD POWER LINE
 - POWER POLE
 - WATER VALVE
 - STORM DRAIN MANHOLE
 - SANITARY SEWER MANHOLE
 - STORM DRAIN CATCH BASIN
 - FIRE HYDRANT
 - WATER METER
 - GAS METER
 - ELECTRICAL METER
 - IRRIGATION BOX
 - HEAT PUMP
 - SIGN

Page 36

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1988
SHAWN KAUFMANN
2843 LE

RENEWAL DATE: 6/30/2017

CITY OF MEDFORD
EXHIBIT # B

SURVEYED BY:
POLARIS LAND SURVEYING LLC
P.O. BOX 459
ASHLAND, OREGON 97520
(541) 482-5009

DATE: DECEMBER 16, 2015
PROJECT NO. 980-15

Assessor's Map No. 37 1W 29 AA, Tax Lot 4600

RECORD OWNER: ADDERSON BUILDERS, INC.
234 VISTA STREET
ASHLAND, OREGON 97520

APPLICANT: ADDERSON BUILDERS, INC.
234 VISTA STREET
ASHLAND, OREGON 97520

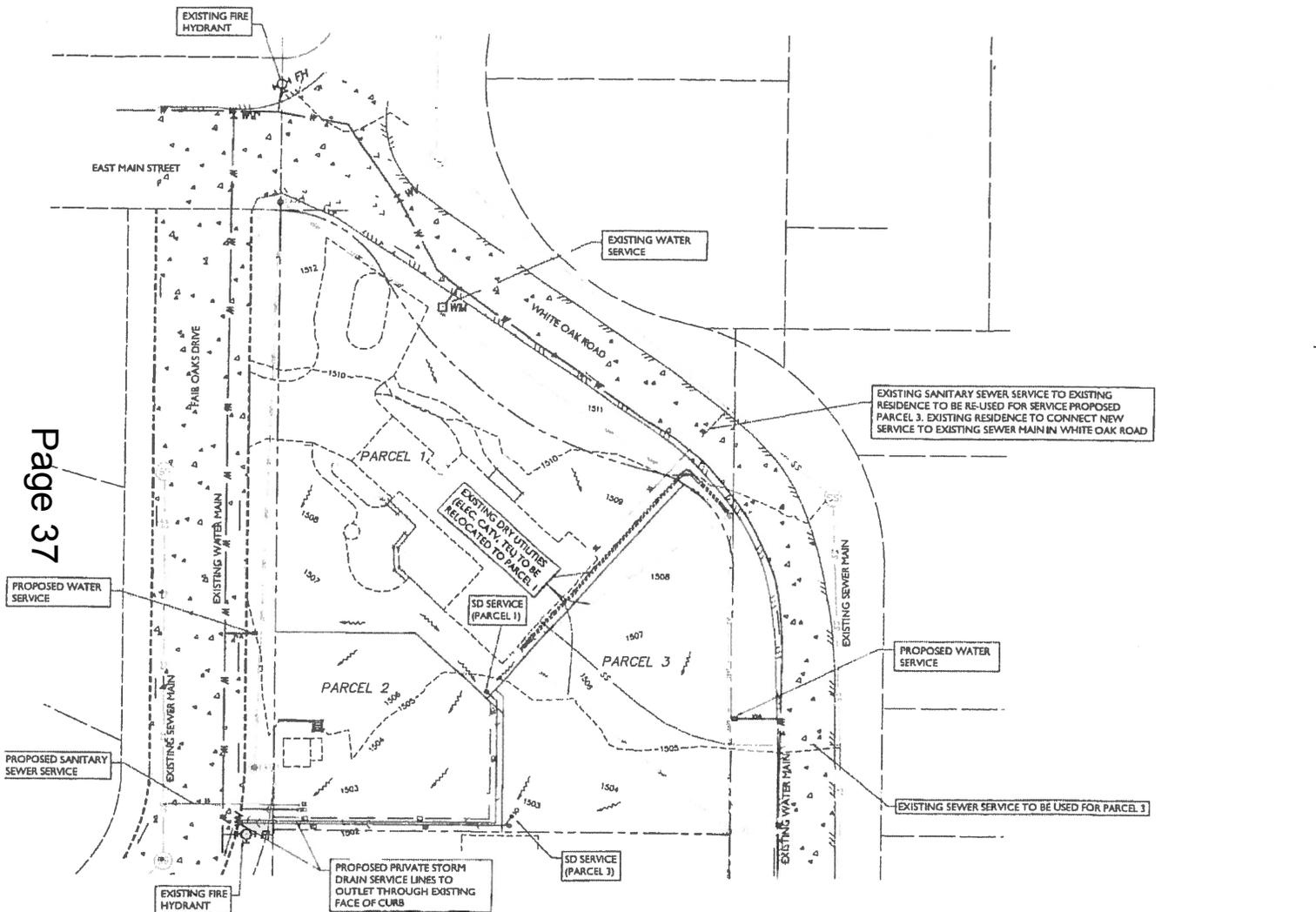
AGENT: POLARIS LAND SURVEYING LLC
P.O. BOX 459
ASHLAND, OREGON 97520

- NOTES:
- ZONING DISTRICT: SFR-4
 - TOTAL GROSS AREA = 51,999 SQ. FT. (1.18 ACRES)
 - TOTAL NET AREA = 32,220 SQ. FT. (0.74 ACRES)
 - MEDFORD SCHOOL DISTRICT 5480
 - MEDFORD FIRE DISTRICT
 - MEDFORD IRRIGATION DISTRICT
 - ROGUE VALLEY SEWER SERVICE
 - PARCEL 1 LOT COVERAGE = 88%
 - EASEMENTS EXISTING & PROPOSED ARE SHOWN HEREON AND ON ATTACHED CONCEPTUAL UTILITY PLAN BY CEC ENGINEERING DATED JANUARY, 2016

RECEIVED
March 16, 2016
PLANNING DEPARTMENT

RECEIVED

FEBRUARY 16, 2016
PLANNING DEPARTMENT



- LEGEND**
- STREET DRAINAGE DIRECTION
 - SURFACE DRAINAGE DIRECTION
 - PROPOSED STORM DRAIN
 - EXISTING CONTOUR (1' INTERVAL)
 - W — EXISTING WATER MAIN
 - PROPOSED WATER SERVICE
 - ⊙ FH — EXISTING FIRE HYDRANT
 - ⊙ — EXISTING SEWER MANHOLE
 - EXISTING SANITARY SEWER MAIN
 - PROPOSED SANITARY SEWER SERVICE
 - EXISTING TELEPHONE
 - EXISTING OVERHEAD POWER

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

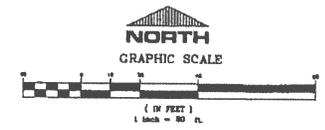


EXHIBIT C.1

Page 37

		DRAWN BY: MMR CHECKED BY: MWC AMB	DATE: 01/16 DATE: 01/16	NO. REVISION	DATE BY
	P.O. BOX 1724 - MEDFORD, OREGON 97501 PH. (541) 779-5885 - FAX (541) 779-3139	DATE: _____ DATE: _____ DATE: _____	DATE: _____ DATE: _____ DATE: _____	_____ _____ _____	_____ _____ _____
		CONSTRUCTION ENGINEERING CONSULTANTS, INC.	PROJECT NO.	_____ _____ _____	_____ _____ _____
	CALL @ 10:00 AM BEFORE 10:00 AM	ADDERSON PART OF CITY OF MEDFORD CONCEPTUAL EXHIBIT # _____ GRADING & DRAINAGE PLAN AND UTILITY PLAN File # LDR-16-012 1 OF 1	PROJECT NO.	_____ _____ _____	_____ _____ _____

CONSTRUCTION ENGINEERING CONSULTANTS, INC.
 ADDERSON PART OF CITY OF MEDFORD
 CONCEPTUAL EXHIBIT # _____
 GRADING & DRAINAGE PLAN AND UTILITY PLAN
 File # LDR-16-012
 1 OF 1

NAME: ADD-CONCEPT-DRAINAGE and PROJ. PLOT DATE: 01/16/16

CITY OF MEDFORD
 EXHIBIT # C
 File # I DP-16-012 / F.16-024

RECEIVED

MAR 11 2016

PLANNING DEPT.

FINDINGS OF FACT

APPLICATION: Request for approval of a three (3) parcel Land Partition on a 0.74 acre tract located at 2 White Oak Road, at the east end of East Main Street, within the City of Medford SFR-4 (Single Family Residential) zoning district.

APPLICANT: Adderson Builders, Inc.

OWNER: Adderson Builders, Inc.

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

BACKGROUND INFORMATION

The subject parcel has an existing single-story residence located on the north portion of the subject property that will remain on proposed Parcel 1 of the Land Partition.

The subject parcel is bounded along the entire west side fronting on Fair Oak Drive, along the north side fronting on East Main Street and also along the entire east side by White Oak Road, all of which are designated as local streets. Access is currently served by Fair Oaks Drive and White Oak Road. The gradient over the entire property is less than 15% slope.

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

PROJECT OVERVIEW

The applicant proposes to partition the subject property into a total of three parcels, with Parcels 2 and 3 being currently undeveloped. Parcel 1 currently has through driveway access off of Fair Oaks Drive and White Oak Road. Parcel 2 would take access off of Fair Oaks Drive. Parcel 3 will take access off of White Oak Road.

SUBMITTALS

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

APPROVAL CRITERIA

MEDFORD LAND DEVELOPMENT CODE

LAND DIVISION CRITERIA – SECTION 10.270

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

FINDINGS OF FACT

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

MEDFORD LAND DEVELOPMENT CODE - SECTION 10.270

LAND DIVISION CRITERIA

CRITERION NO. 1

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

FINDINGS OF FACT

Comprehensive Plan

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

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

Neighborhood Circulation Plan

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

Local Wetland and Riparian Inventory

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

Slope

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

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

Design Standards

Lot Size Standards

Code Standards		Proposed Parcels		
	Minimum Standards	Parcel No. 1	Parcel No. 2	Parcel No. 3
Lot Area	6,500 Sq. Ft.	16,193 sq. ft.	6,500 sq. ft.	9,527 sq. ft.
Lot Width	60 feet	138.1 ft.	79.4 ft.	95.7 ft.
Lot Depth	90 feet	100.6 ft.	91.8 ft.	94.3
Lot Frontage	30 feet	200.4 ft.	78.1	145.4'
Maximum Lot Area	18,750 sq. ft.	18,750 sq. ft.	18,750 sq. ft.	18,750 sq. ft.
Lot Coverage	40% (max.)	21%	1.8%	0%

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

Street Dedication and Improvements

No street dedications or improvements are proposed for this Partition, per the Exception Application Request being submitted as a separate application coincident to this Partition.

CONCLUSION OF LAW

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

CRITERION NO. 2

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

FINDINGS OF FACT

The subject property exists as a single tax lot, and none of the adjacent properties are under the same ownership. There is already existing access to adjoining parcels from Fair Oaks Drive and White Oak Road.

CONCLUSION OF LAW

The Planning Commission concludes that the tentative map will not prevent development of or the access to adjoining land, since all adjoining land has existing full frontage access.

CRITERION NO. 3

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

FINDINGS OF FACT

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

CONCLUSION OF LAW

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

CRITERION NO. 4

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

FINDINGS OF FACT

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

CONCLUSION OF LAW

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

CRITERION NO. 5

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

FINDINGS OF FACT

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

CONCLUSION OF LAW

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

CRITERION NO. 6

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

FINDINGS OF FACT

The layout for the proposed land partition is based upon the configuration of the parent parcel. The east/west orientation of Parcel 2 and Parcel 3 is such that buildings can be designated with passive solar elements that can make maximum use of the sun.

CONCLUSION OF LAW

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

CRITERION NO. 7

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

FINDINGS OF FACT

The subject property adjoins lands to the north, south, east and west with SFR-4 zoning.

CONCLUSION OF LAW

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

CONCLUSION

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

Respectively Submitted,

Shawn Kampmann PLS, Agent

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

Date: December 16, 2015, revised March 11, 2016

FINDINGS OF FACT

APPLICATION: Request for an Exception to standard street improvements for a three (3) parcel Land Partition on a 0.74 acre tract located at 2 White Oak Road, at the east end of East Main Street, within the City of Medford SFR-4 (Single Family Residential) zoning district.

APPLICANT/OWNER: Adderson Builders, Inc.

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

BACKGROUND INFORMATION & NARRATIVE

The subject parcel lies within Country Club Park subdivision, a bucolic, peaceful neighborhood in old East Medford containing approximately 60 residences, shaded by numerous mature White Oaks and lush vegetation and landscaping abutting two lane paved streets with gravel shoulders mostly unchanged since construction began in 1928. Although located at the east end of East Main Street, most eastbound traffic is diverted to Hillcrest Road via Valley View Drive located 1500 feet west of Country Club Park, with the streets therein mostly travelled by local residents. Black Oak Drive (also within Country Club Park) although designated in the Medford Street Functional Classification Plan as a Major Collector, is also unimproved by current street standards with two lanes of paving through the subdivision. Hillcrest Road and Valley View Drive are designated as Major Collector in the Medford Street Functional Classification Plan.

The subject parcel proposed to be partitioned is bounded along the entire west side fronting on Fair Oaks Drive, along the northwest corner fronting on East Main Street and also along the entire northerly and east side by White Oak Road, all of which are designated as local streets by the Minor Residential Street definition per MLD Chapter 10.430(B), with many mature trees and landscaping bordering the existing pavement. All streets within said Country Club Park, including White Oak Road, are 60 foot wide right-of-ways. Access is currently served by Fair Oaks Drive and White Oak Road. Existing street improvements consist of curb, gutter and pavement on Fair Oaks Drive and two lanes of pavement with gravel shoulders on White Oak Road and East Main Street, which is consistent throughout the entirety of Country Club Park.

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

One particularly unusual circumstance related to this exception request exists along the north and easterly sides of the subject property, whereas the existing street pavement on East Main Street and White Oak Road erratically transects the right of way, especially on the curvature of White Oak Drive right-of-way, where the current street pavements cuts in a straight southeasterly alignment through the reverse curve, which would be troublesome for half street improvements within the right-of-way, without re-aligning and re-constructing the

entire street which would severely alter and destroy many of the mature trees and landscaping along the property street frontages, as well as impacting driveways and parking pullouts and utility services. If the current half plus eight feet street improvement standards for a Minor Residential Street were to be required and implemented by this Land Partition Application Request, it would be in stark contrast to the entire Siskiyou Heights neighborhood which currently has few curbs and no sidewalks within over a quarter mile or more radius of the project site, primarily to the west, north and southwest. These are quiet, low traffic, desirable, livable neighborhoods that would be adversely impacted by an isolated parcel that would be completely out of character with the rest of the large neighborhood if curbs and sidewalks were required for this parcel only. Without creating a Local Improvement District (LID) to implement the long range goals of the City, it is extremely unlikely that infill of street improvements to the current standards would occur without an LID without every parcel in this neighborhood being involved in a planning action where Conditions of Approval requiring current street standards could be attached to the planning approval, which would result in a hodge-podge of incongruous streetscapes rather than a uniformly, esthetically pleasing streetscape as exists now. The neighborhood would be better served and benefitted if such improvements were done in blocks through the LID process for mature, well developed neighborhoods such as these. In this particular instance, the landowner would be willing to sign a perpetual agreement in favor to form an LID by petition in the future.

SUBMITTALS

- Exception Application Form
- Application Fee of \$700.00
- Reduced Tentative Partition Map (full size included in Land Partition application)
- Findings of Fact
- Assessor's Maps with site highlighted (8½"x 11")
- Medford Street Functional Classification Plan
- Photo Exhibits "A" thru "M" of Country Club Park subdivision neighborhood
- Owner's Agent Authorization

APPLICABLE SECTION FROM THE LAND DEVELOPMENT CODE RELATING TO SECTION 10.251 APPLICATION, EXCEPTION TO APPROVAL CRITERIA

MEDFORD LAND DEVELOPMENT CODE

LAND DIVISION CRITERIA – SECTION 10.270

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

FINDINGS OF FACT

The Planning Commission has considered the following facts that are pertinent to the Exception application request for deferral of street improvements per MDC Chapter 10.432(1) & (2) and waiver of Financial Deposit in lieu of Consent Agreement to future LID:

MEDFORD LAND DEVELOPMENT CODE - SECTION 10.251

APPLICATION EXCEPTION

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

APPROVAL CRITERIA

SECTION 10.253, CRITERIA for an EXCEPTION.

CRITERION NO. 1

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

FINDINGS OF FACT

The proposed exception is harmony with and meets the general purpose and intent of the Street Improvement, Deferred, Criteria of MDC Chapter 10.432(1)(a)(i)(ii) and (1)(b) which allows improvement of existing streets to be deferred by the Public Works Director to such time as a complete street segment can be improved to City standards between the intersection of residential streets White Oak Road with East Main Street and Acorn Way, because more than 50% of the block (in this case 100%) between street intersections on which the project fronts is currently unimproved. This exception also meets criteria (1)(a)(ii) where site conditions by the City Engineer can justify the deferral because the existing constructed and maintained road bed meanders through the entire right-of-way of a long reverse curve which would require a complete relocation and re-construction of both sides of a required half street improvement which may also impact the locations or relocation of above and below ground public utility facilities. Because such a major relocation and reconstruction of street and public utilities would significantly affect the full right-of-way width in order to center the facilities in a 55 foot wide right-of-way per MDC Chapter 10.430(B) for a Minor Residential street, the half street improvements could not be accomplished without adversely affecting other properties along and on both sides of the existing street which meets the above described criterion that a complete street segment would need to be improved to City standards. The exception will also not be injurious to the general area or detrimental to the health, safety and welfare and adjacent natural resources, but in fact be more harmonious

with the general area and natural resources by retaining consistency with the current nature and esthetics of the area without introducing incongruity with the existing mature streetscape.

CONCLUSION OF LAW

The Planning Commission concludes that the proposed exception request is consistent with Medford's applicable Exception standards within MDC 10.432 for deferred street improvements.

CRITERION NO. 2

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.*

FINDINGS OF FACT

The granting of this exception will not permit the establishment of a use not permitted in the zoning district and is not applicable nor will have any effect by this exception request.

CONCLUSION OF LAW

The Planning Commission concludes that the granting of this exception will not permit the establishment of a use not permitted in the zoning district.

CRITERION NO. 3

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 a peculiar, exceptional, and undue hardship on the owner;*

FINDINGS OF FACT

Much of the Findings for addressing Criteria No. 1 also apply for this criterion regarding the unique and unusual circumstances by the meandering existing street location within the right-of-way as denoted on the Tentative Partition Map, where typically street improvements are located in a parallel relationship with the right-of-way centerline alignment. There would also be an undue hardship on the owner because of the financial cost associated with the relocation and reconstruction of the existing street well beyond half street (plus 8 feet) improvements (per MDC Chapter 10.443) that would be required to make the street serviceable, as well as the fact that the owner would be required to provide a full engineering design and approval for more than just the subject property's street frontage that would also be impacted beyond the property boundary. It would likely result in a full width street improvement in order to realign the street within the right-of-way. The expense for relocating and reconstructing this section of White Oak Road would far exceed any reasonable fair share associated with future improvements required along the remainder of the block. This circumstance was not self-imposed by the owner, nor was it the owner's responsibility that the existing street was built in the location that it is found today. The criterion in MDC Chapter 10.432(4) for the cost associated with improving this block

between East Main Street and Acorn Way should be fairly and proportionately shared between the City and other landowners on this block. Since this project is not currently on the City's schedule for improvements, it will likely be many years or possibly even decades before an LID is formed or even desired by the City and local residents, therefore it is a hardship for the owner to be required to post a 125% bond in perpetuity for a relocation and reconstruction project of this scope that certainly is not likely in the near future and possibly may never be constructed.

This situation creates undue hardship, not only for the owner, but also the neighboring property owners in this area that have driveways, mature trees and landscaping that would be adversely affected by the relocation of the existing street along a single parcel on just one side of the street, whereas no other such improvements exist within the larger neighborhood area. This would create an incongruous, broken up streetscape rather than a uniform and esthetically pleasing streetscape as exists now.

In lieu of posting a 125% bond, the landowner proposes to sign a perpetual agreement with the City in favor to form an Local Improvement District (LID) in the future, to be duly recorded with the Jackson County Clerk that will run with the land as a Condition of Approval to this exception request.

CONCLUSION OF LAW

The Planning Commission concludes that there are unique and unusual circumstances that apply to this site which do not typically occur elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in a peculiar, exceptional, and undue hardship on the owner.

CRITERION NO. 4

- 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 be the 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.*

FINDINGS OF FACT

This exception request is a direct result from the application of this chapter and suffered directly by the property in question. No greater profit would result because the perpetual agreement in favor of a future LID will run with the land, which consequently is likely to actually somewhat diminish the value of the land as an encumbrance until at which time the street improvements are constructed either by the owner or as a full block street improvement project.

CONCLUSION OF LAW

The Planning Commission concludes 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 purchased the land or building with or without knowledge of the standards of this code. It is the result from the application of this chapter, and suffered directly by the property in question.

CONCLUSION

Based upon the above Findings of Fact and Conclusions of Law, the Planning Commission concludes that the application for the exception to defer the street improvements at this time for a three parcel land partition is consistent with the relevant decisional criteria found in Section 10.251 of Medford's Land Development Code.

Respectively Submitted,



Shawn Kampmann PLS, Agent

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

Date: March 15, 2016



Continuous Improvement Customer Service

CITY OF MEDFORD

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Revised Date: 4/20/2016
File Number: LDP-16-012/E-16-034

PUBLIC WORKS DEPARTMENT STAFF REPORT
White Oak Land Partition

Project: Consideration of a request to create three lots on a 0.74 acre parcel, and an exception request for the elimination of sidewalk, curb, gutter and street paving improvements.

Location: The parcel is located south of the intersection of East Main Street, Fair Oaks Drive and White Oak Drive, within the SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district.

Applicant: Adderson Builders, Inc., Applicant (Polaris Land Surveying, LLC., Agent). Tracy Carter, Planner.

NOTE: Items 1 through 5 shall be Completed and Accepted Prior to Approval of the Final Plat.

A. STREETS

1. Dedications

White Oak Drive/East Main Street 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 around 30 feet. **The amount of additional right-of-way needed appears to be 1.5-feet (MLDC 10.421). The Developer’s surveyor shall verify the amount of additional right-of-way required.**

Fair Oaks Drive is classified as a Minor Residential Street, and in accordance with Medford Land Development Code (MLDC) Section 10.430, it requires a total right-of-way width of 55 feet. The existing right-of-way west of the centerline appears to be 30 feet. **There does not appear to be a need for any additional right-of-way (MLDC 10.421).**

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

The right-of-way and easement dedications shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: the right-of-way and easement dedication, including an exhibit map; a copy of a current Lot Book Report, Preliminary Title Report, or Title Policy; a mathematical closure report (if applicable), and the Planning Department File Number; for review and City Engineer acceptance signature prior to recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or mortgages on the right-of-way and PUE area.

2. Public Improvements

a. Public Streets

The Applicant has requested an Exception for the elimination of the standard street improvements on White Oak Drive/East Main Street and Fair Oaks Drive. If approved as requested, then no public improvements would be provided with this development. Public Works requests that if the Exception is approved, that the Developer be required to enter into a Deferred Improvement Agreement (DIA) for the frontage improvements to White Oak Drive/East Main Street as stated below, reference MLDC Section 10.432.

White Oak Drive/East Main Street shall be improved to Standard Residential Street standards in accordance with MLDC 10.430. The Developer shall improve the west half plus 12-foot east of the centerline or to the far edge of the existing pavement, whichever is greater, along the frontage of this development.

Fair Oaks Drive has been improved in close conformance to Minor Residential Street standards including pavement, curbs and gutters, with the exception of sidewalks, planter strips and street lights. The developer shall provide a 5-foot wide sidewalk separated from the curb with an 8 foot wide planter strip in accordance with MLDC 10.430 along this developments frontage, including an ADA ramp at the corner of Fair Oaks Drive and East Main Street.

b. Street Lighting and Signage

The Developer shall provide and install in compliance with MLDC Section 10.495.

Based on the preliminary plan submitted, the following number of street lights will be required:

- A. 4 – 100W HPS street lights, including a secondary power source (BMC) to feed them.
 - a. There are 2 existing PP&L lights that will need to be removed.

Additionally, necessary adjustments to PP&L overhead power will need to be addressed to provide the 10-foot clearance needed for maintenance.

Numbers are subject to change if changes are made to the plans. All streetlights shall installed per City standards and be shown on the public improvement. Public Works will provide preliminary street light locations upon request. All street lights shall be operating and turned on at the time of the final “walk through” inspection by the Public Works Department.

The Developer shall pay for City installed signage required by the development. City installed signs include, but are not limited to, street name signs, stop signs, speed signs, school signs, dead end signs, and dead end barricades. Sign design and placement shall be per the Manual on Uniform Traffic Control Devices (MUTCD). All signs shall be shown on the public improvement plans and labeled as City installed.

c. Pavement Moratoriums

There is no pavement cutting moratorium currently in effect along White Oak Drive/East Main Street or Fair Oaks Drive.

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

d. Soils Report

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

e. Easements

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

3. MLDC 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 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.

White Oak Drive/East Main Street and Fair Oaks Drive:

In determining rough proportionality, the City averaged the lineal footage of roadway per dwelling unit for road improvements. The proposed development has 3 dwelling units and will improve approximately 10,380 square feet of roadway, which equates to 3,460 square feet per dwelling unit. Also the development will dedicate approximately 519 square feet of right-of-way which equates to approximately 173 square feet per lot.

To determine proportionality, two neighborhoods with similar zoning were used. Directly to the west is a previously developed phase of Siskiyou Heights Addition which consisted of a sum of 14 lots when it was developed. This previous development improved approximately 25,237 square feet of roadway and dedicated approximately 42,354 square feet of right-of-way (GIS data used to calculate, approximations only). This equates to approximately 1,803 square feet of road per dwelling unit and approximately 3,025 square feet of right-of-way per lot. Directly to the South is a previously developed phase of Country Club Meadows No. 1 which consisted of a sum of 43 lots when it was developed. This previous development improved approximately 109,368 square feet of roadway and dedicated approximately 130,560 square feet of right-of-way (GIS data used to calculate, approximations only). This equates to approximately 2,543 square feet of road per dwelling unit and approximately 3,036 square feet of right-of-way per lot.

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.

White Oak Drive and East Main Street:

The additional right-of-way on White Oak Drive and East Main Street will provide the needed width for on-street parking, planter strip and sidewalk. White Oak Drive and East Main Street is a 25 mile per hour facility, which currently carries approximately 1,400 vehicles per day. The planter strip moves pedestrians a safe distance from the edge of the roadway. White Oak Drive and East Main Street will be a primary route for pedestrians traveling to and from this Development.

B. 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.

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

C. STORM DRAINAGE

1. Hydrology

This site lies within the Lazy Creek drainage basin.

2. Stormwater Detention and Water Quality Treatment

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

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

Medford Public Works Engineering Department prior to certificate of occupancy of the new building.

3. 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. SURVEY MONUMENTATION

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

E. GENERAL CONDITIONS

1. Design Requirements and Construction Drawings

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

2. Construction Plans

Construction drawings for any public improvements for this project shall be prepared by a professional engineer currently licensed in the State of Oregon, and submitted to the Engineering Division of Medford Public Works Department for approval. Construction drawings for public improvements shall be submitted only for the improvements to be constructed with each phase. Approval shall be obtained prior to beginning construction. Only a complete set of construction drawings (3 copies) shall be accepted for review, including plans and profiles for all streets, minimum access drives, sanitary sewers, storm drains, and street lights as required by the Planning Commission's Final Order, together with all pertinent details and calculations. A checklist for public improvement plan submittal can be found on the City of Medford, Public Works web site (<http://www.ci.medford.or.us/Page.asp?NavID=3103>). The Developer shall pay a deposit for plan review and construction inspection prior to final plan approval. Public Works will keep track of all costs associated with the project and, upon our acceptance of the completed project, will reconcile the accounting and either reimburse the Developer any excess deposit or bill the Developer for any additional amount not covered by the deposit. The Developer shall pay Public Works within 60 days of the billing date or will be automatically turned over for collections.

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

3. 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

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

Parcel 2 and 3 of this development are also subject to storm drain system development charges. The storm drain system development charge shall be collected at the time of final plat approval

Prepared by: Doug Burroughs

SUMMARY CONDITIONS OF APPROVAL

White Oak Land Partition

LDP-16-012/E-16-034

A. Streets

1. Street Dedications to the Public:

- Dedicate 1.5-feet of additional right-of-way on White Oak Drive/East Main Street.
- Dedicate 10-foot Public Utility Easements (PUE) along frontage of all three parcels.

2. Improvements:

a. Public Streets

- Improve ½ plus 12-feet of the west side of White Oak Drive/East Main Street.

b. Lighting and Signing

- The Developer shall provide and install in compliance with Section 10.495 of the MLDC.

c. Other

- Provide pavement moratorium letters.
- Provide soils report.

B. Sanitary Sewer

- Provide a private lateral to each lot.

C. Storm Drainage

- Provide water quality and detention facilities, as required.
- Provide storm drain laterals to each tax lot.

D. Survey Monumentation

- Provide all survey monumentation.

E. General Conditions

- Building permits will not be issued until after final plat approval.

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.



BOARD OF WATER COMMISSIONERS
Staff Memo

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: LDP-16-012 & E-16-034
PARCEL ID: 371W29AA TL 4600

RECEIVED
APR 06 2016
PLANNING DEPT.

PROJECT: Consideration of a request to create three lots on a 0.74 acre parcel, and an exception request for the elimination of sidewalk, curb, gutter and street paving improvements. The parcel is located south of the intersection of East Main Street, Fair Oaks Drive and White Oak Drive, within the SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district; Adderson Builders, Inc., Applicant (Polaris Land Surveying, LLC., Agent). Tracy Carter, Planner.

DATE: April 6, 2016

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

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The existing water meter located along the White Oak Drive frontage is required to be protected in place, and shall continue to serve domestic water to the existing home on proposed Lot 1 located at 2 White Oak Drive.
4. Proposed Parcel 2 and 3 are required to have water meter service installed to each proposed new parcel. Applicant shall coordinate with MWC engineering department staff for approval of water meter location and payment of installation fees.
5. Static water pressure is expected to be over 90 psi. Installation of a Pressure Reducing Valve (PRV) is required. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".

COMMENTS

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

Continued to Next page



BOARD OF WATER COMMISSIONERS
Staff Memo

Continued from previous page

3. MWC-metered water service does exist to this property. There is an existing 1-inch water meter located along the street frontage of White Oak Drive that serves the existing home located at 2 White Oak Drive.
4. Access to MWC water lines is available. There is an existing 6-inch water line in both Fair Oak Drive and White Oak Drive.



Scale: 1"=100'

Water Facility Map for LDP-16-012 (3-Lot Partition)

Legend

- ⊕ Air Valve
- ⊙ Sample Station
- ⊠ Fire Service
- ⊕ Hydrant
- ▲ Reducer
- ⊠ Blow Off
- ⊕ Plug-Caps

Water Meters:

- ⊕ Active Meter
- On Well
- Unknown
- Vacant

Water Valves:

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

Water Mains:

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

Boundaries:

- ⊠ Urban Growth Bound.
- ⊠ City Limits
- ⊠ Tax Lots

MWC Facilities:

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



This map is based on a digital orthophoto compiled by Medford Water Commission from a variety of sources. Medford Water Commission cannot accept responsibility for errors, omissions, or professional services. There are no warranties, expressed or implied.

Page 61



BUILDING SAFETY DEPARTMENT
ROOM 277

CITY OF MEDFORD
LAUSMANN ANNEX
200 SOUTH IVY STREET
MEDFORD, OREGON 97501

TELEPHONE (541) 774-2350
FAX (541) 774-2575
E-MAIL:
bldmed@ci.medford.or.us

Policy on Installation of Pressure Reducing Valves

August 5, 2014

Section 608 of the 2011 Edition of the Oregon Plumbing Specialty Code requires a pressure regulator (commonly called a Pressure Reducing Valve or PRV) where the static pressure in the water supply piping exceeds 80 psi. Although this section gives limited guidance as to installation, it does require the device to be

"...accessibly located above ground or in a vault equipped with adequate means to provide drainage and shall be protected from freezing, and shall have the strainer readily accessible for cleaning without removing the regulator or strainer body or disconnecting the supply piping."

"Accessible" and "readily accessible" are defined in chapter 2.

To assure uniform and appropriate installation of these devices within Medford, the following standards have been agreed to by the City of Medford Building Safety Department and the Medford Water Commission:

1. The need for these devices will be based on pressure information provided by the Medford Water Commission, and can be verified on-site with a pressure gage. While factory settings of these devices may be adjusted, MWC recommends that the regulated pressure be set no higher than 65 psi.
2. PRVs shall NOT be installed when static pressure is less than 50 psi, except for limited specific equipment-based needs.
3. The PRV shall be installed outside the street right of way as close as practical to the water meter.
4. No expansion tank is necessary.
5. No fixture, device or system is permitted between the meter and the PRV.
6. The PRV must NOT be direct buried nor installed in a crawl space.
7. PRVs shall be installed within a readily accessible valve box / vault following the same standard as used for double check backflow assemblies, as follows:

"On new installations, at least 12-inches clearance will be required as per section 603.3.4. When replacing an existing assembly, the 12-inch clearance requirement can be waived as long as there is at least 3-inches clearance between the bottom of the assembly and the ground, and the device is tested and serviced from the top."

Sam Barnum

Building Safety Director



Medford Fire Department

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

RECEIVED
MAR 28 2016
PLANNING DEPT.

LAND DEVELOPMENT REPORT - PLANNING

To: Tracy Carter

LD Meeting Date: 04/06/2016

From: Greg Kleinberg

Report Prepared: 03/28/2016

Applicant: Adderson Builders, Inc., Applicant (Polaris Land Surveying, LLC., Agent)

File #: LDP - 16 - 12

Associated File #'s: E - 16 - 34

Site Name/Description:

Consideration of a request to create three lots on a 0.74 acre parcel, and an exception request for the elimination of sidewalk, curb, gutter and street paving improvements. The parcel is located south of the intersection of East Main Street, Fair Oaks Drive and White Oak Drive, within the SFR-4 (Single-Family Residential - 4 dwelling units per gross acre) zoning district; Adderson Builders, Inc., Applicant (Polaris Land Surveying, LLC., Agent). Tracy Carter, Planner.

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

Requirement FIRE HYDRANTS

OFC 508.5

Fire hydrants with reflectors will be required for this project.

Fire hydrant locations shall be as follows: One fire hydrant required on White Oak Dr. near the South side of parcel #3.

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

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

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.



RECEIVED

MAY 06 2016

PLANNING DEPT.

Memo

To: Tracy Carter, Planning Department
From: Mary Montague, Building Department
CC: Adderson Builders, Inc.
Date: 04/06/2016
Re: LDP-16-012/E-16-034; White Oak Land Partition

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. Site Excavation permit required to develop, install utilities.
4. Demo Permit is required for any buildings being demolished..

DENSITY CALCULATION FORM

For all residential LDP, LDS, PUD, and AC Application Files

File No.	LDP-16-012 & E-16-034
Planner	Tracy Carter
Date	April 13, 2016

GROSS ACREAGE	
Tax Lot Numbers	
371W29AA4600	0.74 AC
_____	_____ AC
_____	_____ AC
_____	_____ AC
_____	_____ AC
Existing ROW to Centerline	0.41 AC
Gross Acres	1.15 AC
Effective Acres (Gross - Subtracted)	1.15

SUBTRACTED ACREAGE	
Large Lots for Existing Development	- AC
Reserved Acreage	- AC
Other ¹	_____ AC
_____	_____ AC
_____	_____ AC
_____	_____ AC
Subtracted Acres	- AC

DENSITY RANGE	
Zoning District	SFR-4
Density Range	
Minimum	2.50
Maximum	4.00
No. DU Proposed	3.00
No. DU Permitted	4.00
Minimum	2.86
Maximum	4.58
Percentage of Maximum	65.49%

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EXISTING R-O-W CALCULATION				
	LF	Width	SF	Acreage
Fair Oaks Dr	244.90	30.00	7,347.00	0.17
E Main St / White Oak Dr	343.56	30.00	10,306.80	0.24
_____	-	-	-	-
_____	-	-	-	-
			17,653.80	0.41

¹ Such as future ROW dedication, resource protection areas, common open space, other dedication areas, etc.



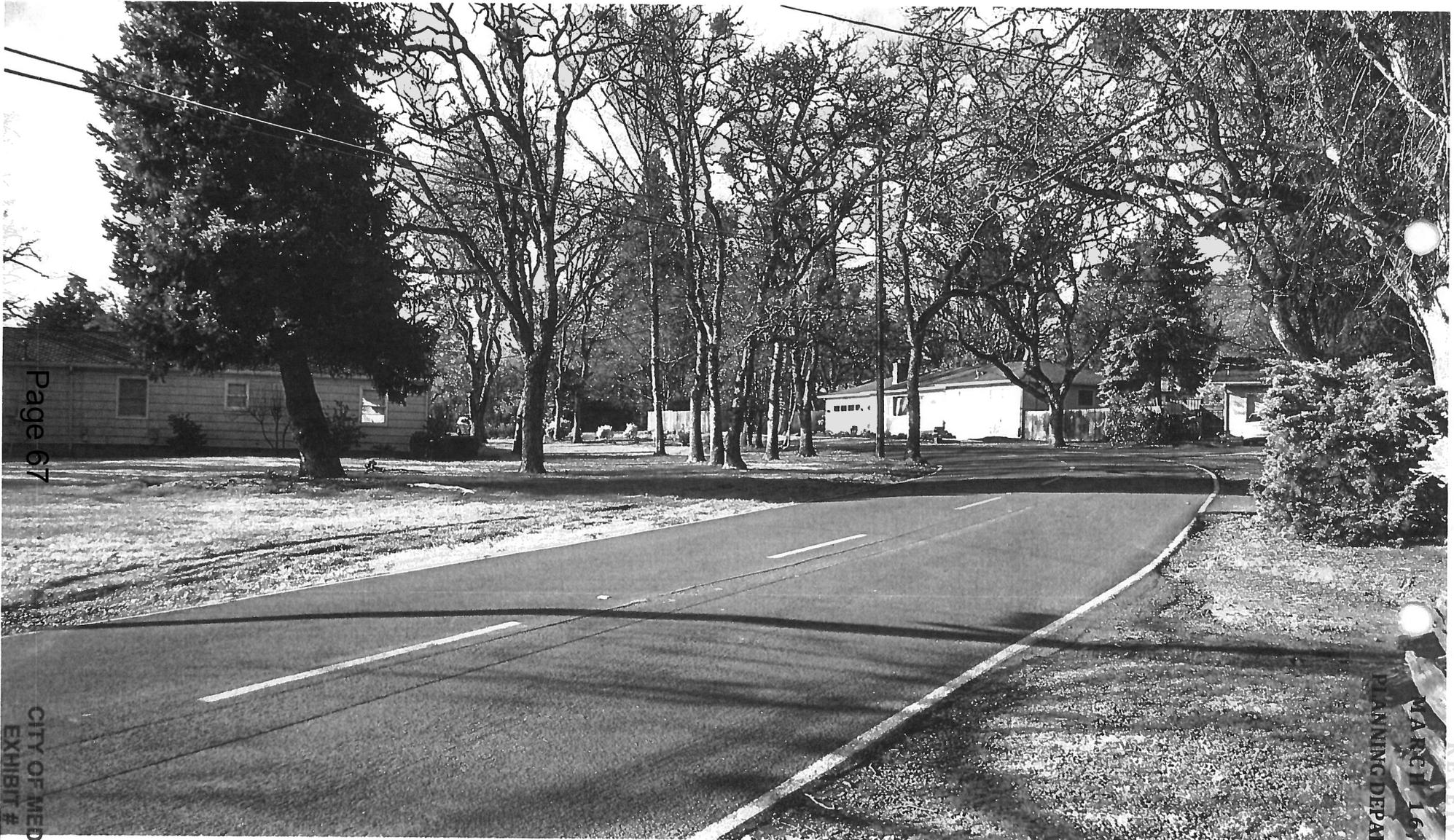
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CITY OF MEDFORD

104 13

EXHIBIT "A"
White Oak Road & Acorn Way
North View

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MARCH 16, 2016
PLANNING DEPARTMENT



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CITY OF MEDFORD
EXHIBIT #

2 of 12

EXHIBIT "B"
North End of White Oak Road @ Curve
Northwesterly View

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MAY 11 16
2016
PLANNING DEPARTMENT T



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CITY OF MEDFORD
EXHIBIT #

3 of 13

EXHIBIT "C"
SE Property Corner - 2 White Oak Road
South View

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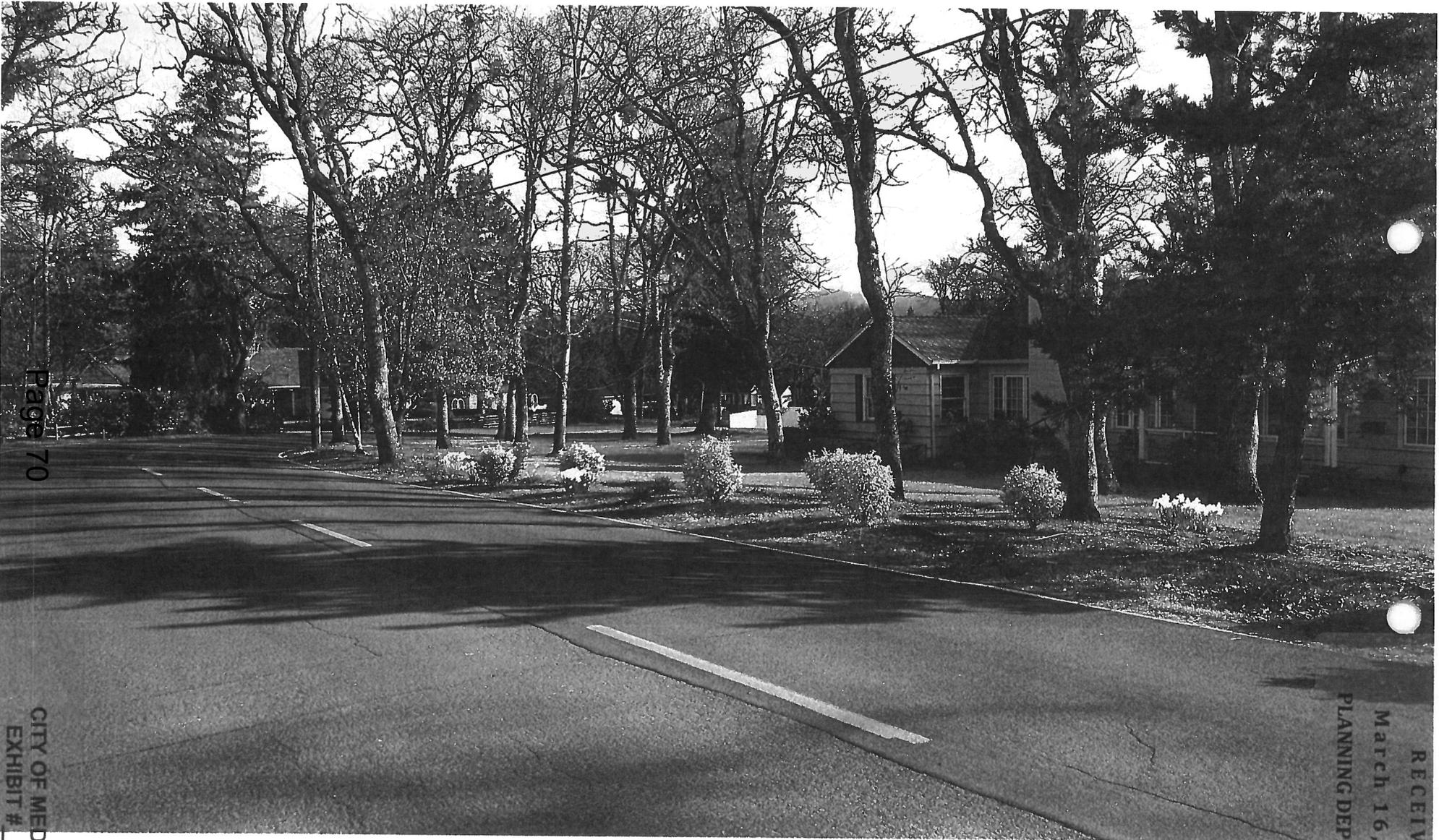
Page 09

CITY OF MEDFORD
EXHIBIT #

4 of 13

EXHIBIT "D"
2 White Oak Road Existing Residence
Easterly View

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March 16, 2016
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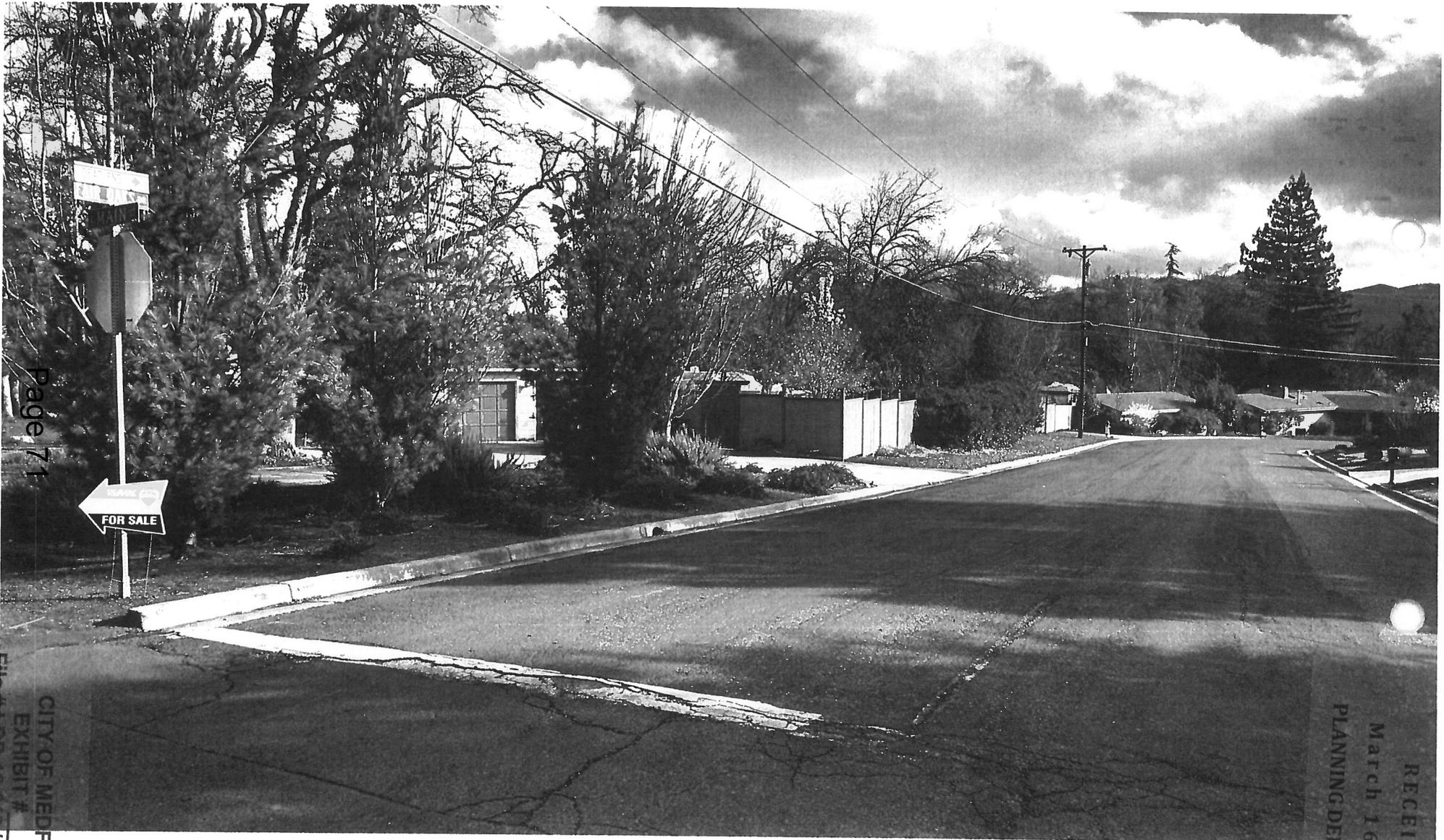
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CITY OF MEDFORD
EXHIBIT #

5 of 13

EXHIBIT "E"
2 White Oak Road Residence on Curve
Southeasterly View

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March 16, 2016
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CITY OF MEDFORD
EXHIBIT #

6 of 12

EXHIBIT "F"
Fair Oaks Drive & White Oak Road
Southerly View

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March 16, 2016
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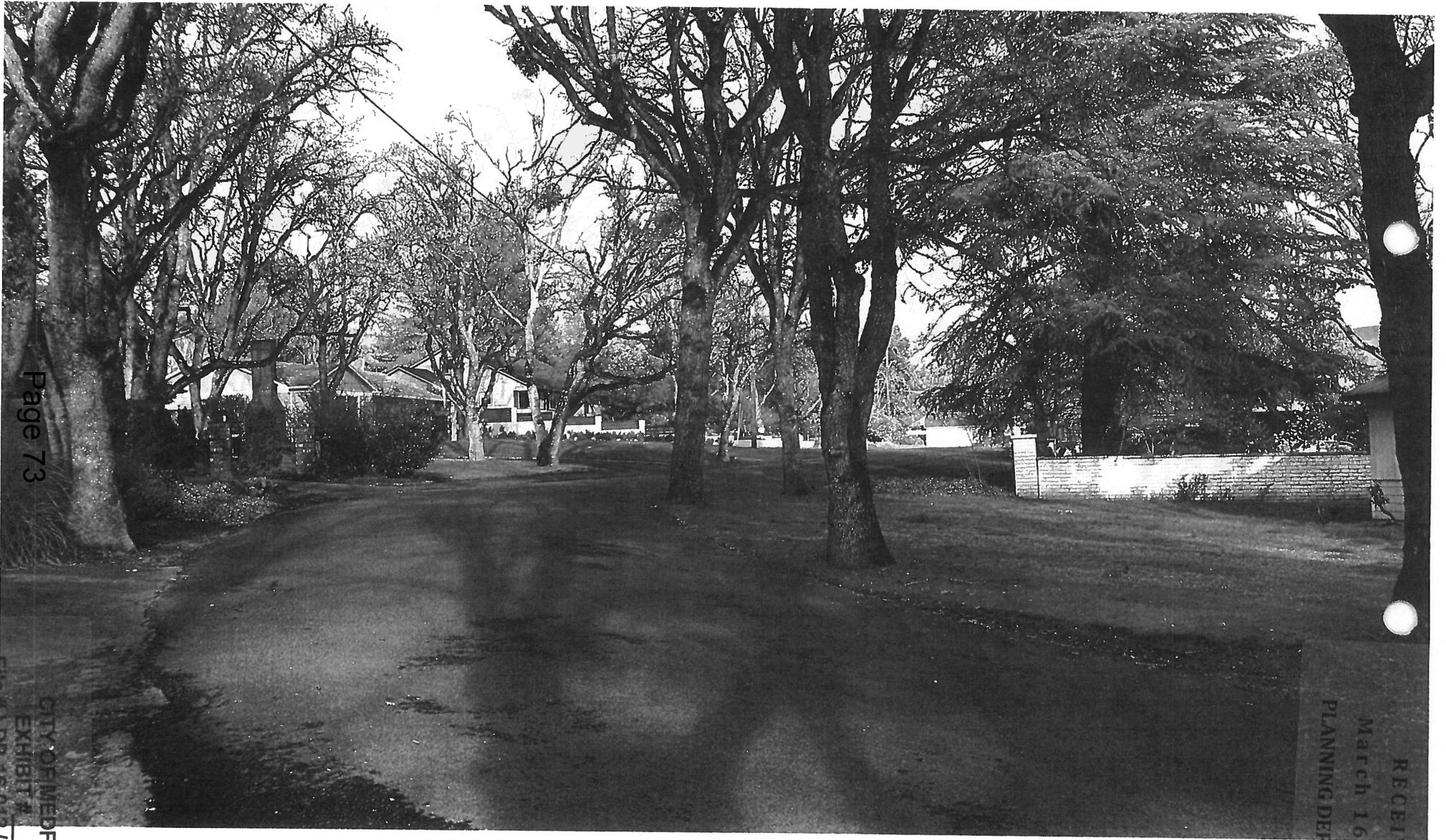
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CITY OF MEDFORD
EXHIBIT #

7 of 13

EXHIBIT "G"
2 White Oak Road Residence on Curve
Southeasterly View

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March 16, 2016
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CITY OF MEDFORD

EXHIBIT #

15/E-16-024

8 of 12

EXHIBIT "H"
East Main St. & Fair Oaks Drive
Northeasterly View

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March 16, 2016
PLANNING DEPARTMENT



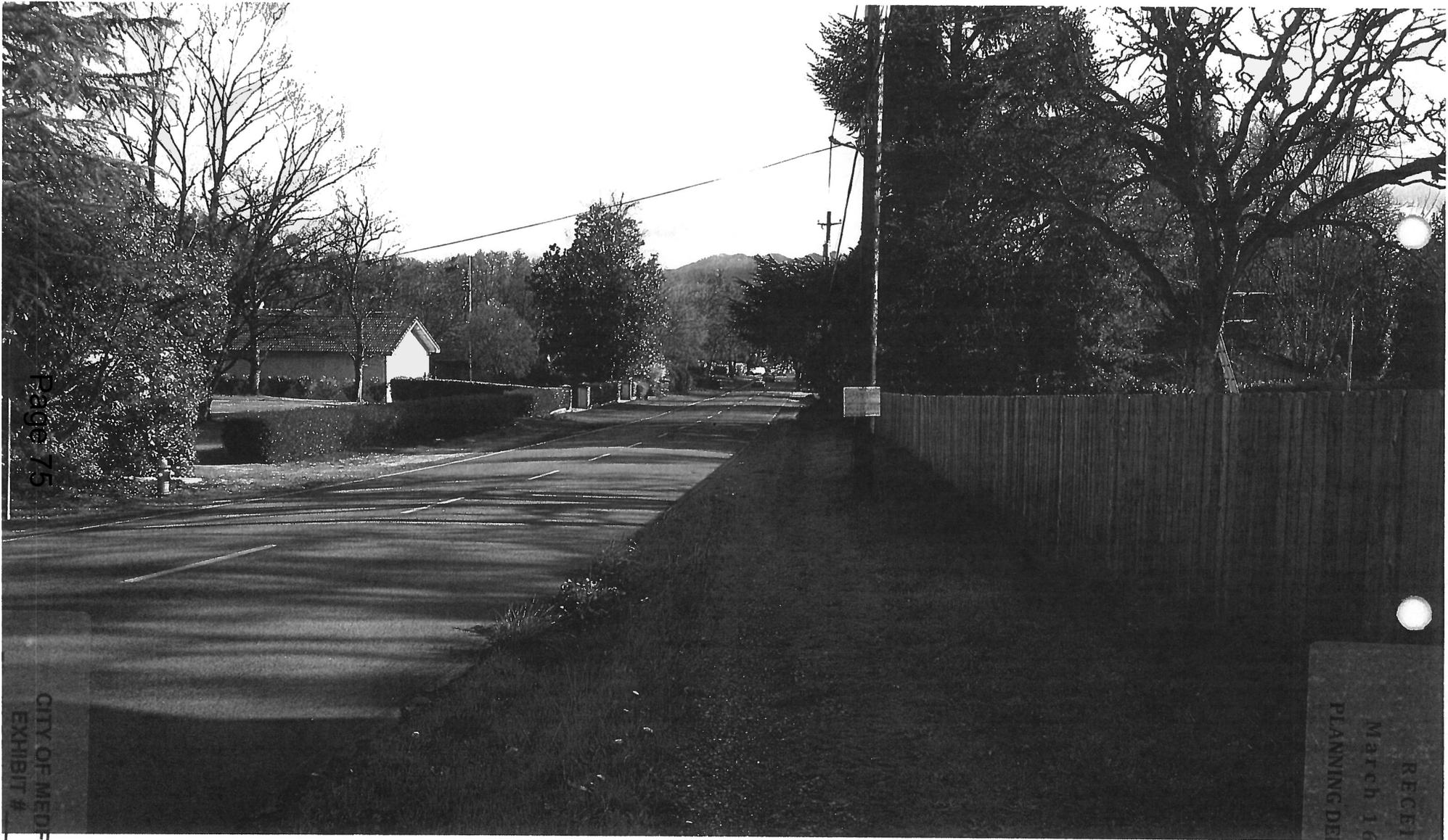
Page 74

CITY OF WESTERLY
EXHIBIT I
ORD

9 A 13

EXHIBIT "I"
East Main Street & Black Oak Drive
Westerly View

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March 16, 2016
PLANNING DEPARTMENT



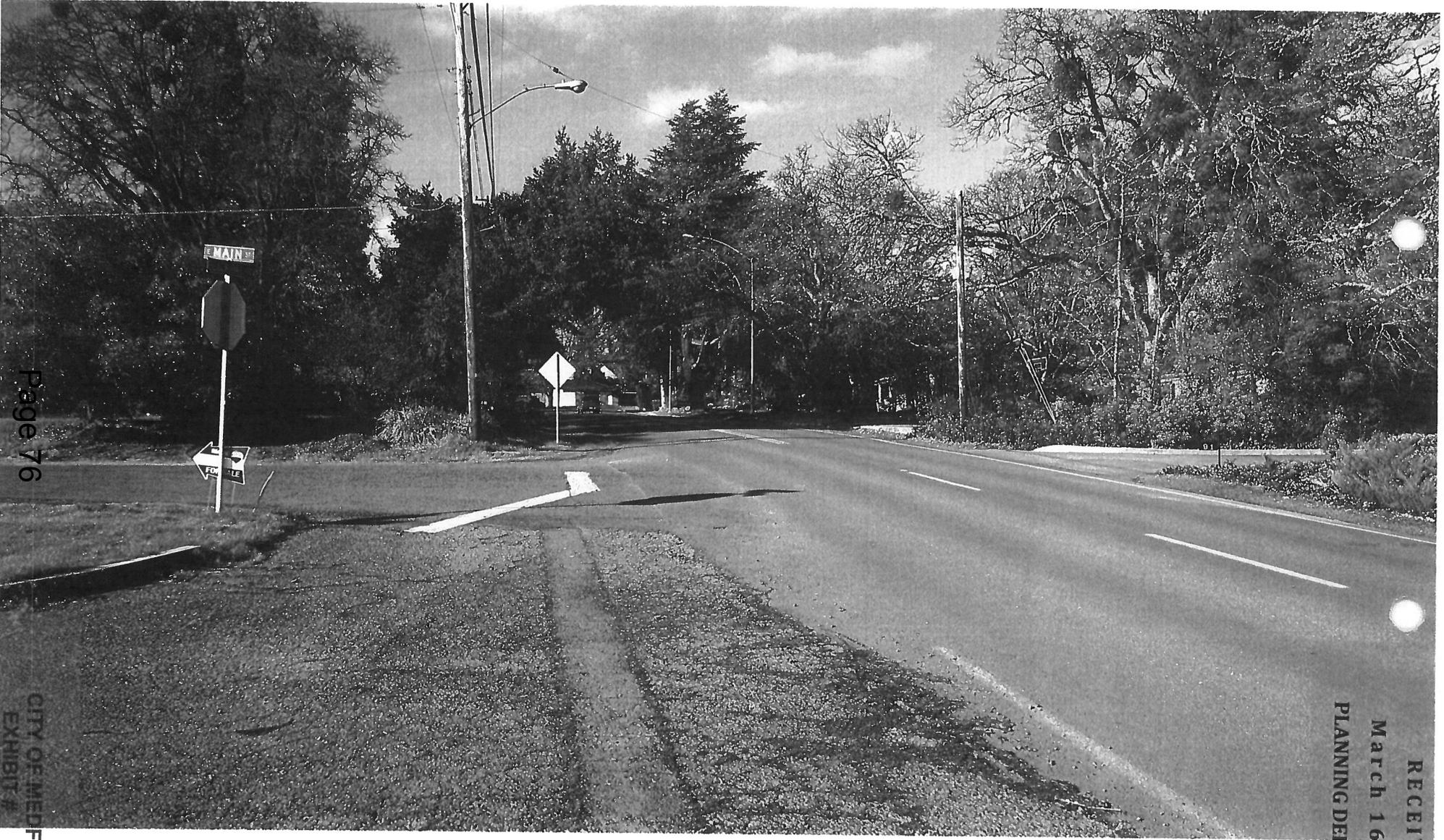
Page 75

CITY OF MEDFORD
EXHIBIT #

10 of 1

EXHIBIT "J"
Black Oak Drive at East Main Street
Southerly View

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March 16, 2016
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CITY OF MEDFORD
EXHIBIT #

11
of
12

EXHIBIT "K"
Black Oak Drive at East Main Street
Northerly View

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March 16, 2016
PLANNING DEPARTMENT



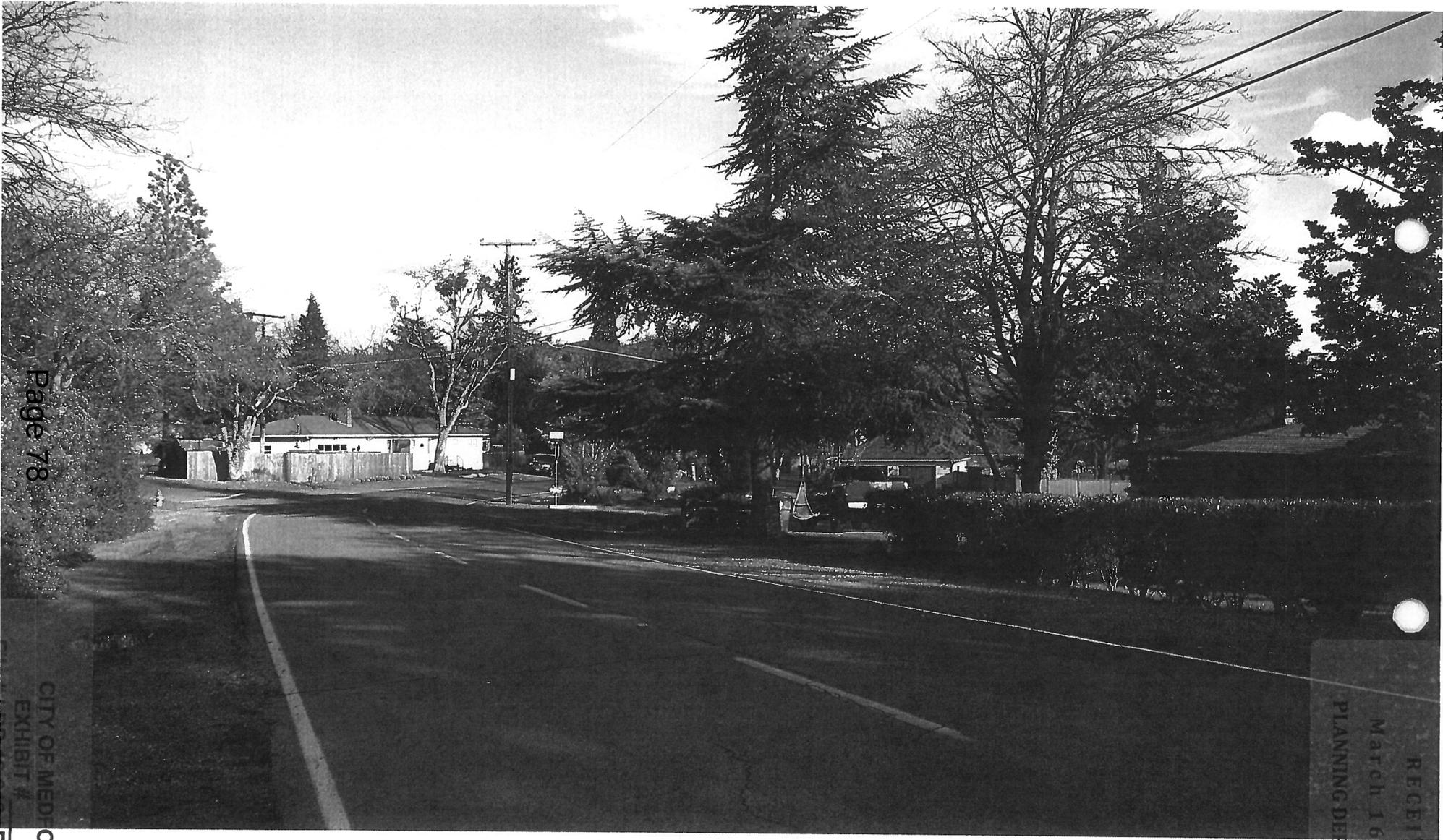
Page 77

CITY OF MEDFORD
EXHIBIT #

12 of 1

EXHIBIT "L"
Intersection E. Main/White Oak/ Fair Oaks
Westerly View

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March 16, 2016
PLANNING DEPARTMENT



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CITY OF MEDFORD
EXHIBIT #

13 of 1

EXHIBIT "M"
Intx E. Main/White Oak/ Fair Oaks
Easterly View

RECEIVED
March 16, 2016
PLANNING DEPARTMENT

RECEIVED

FEBRUARY 16, 2016

PLANNING DEPARTMENT

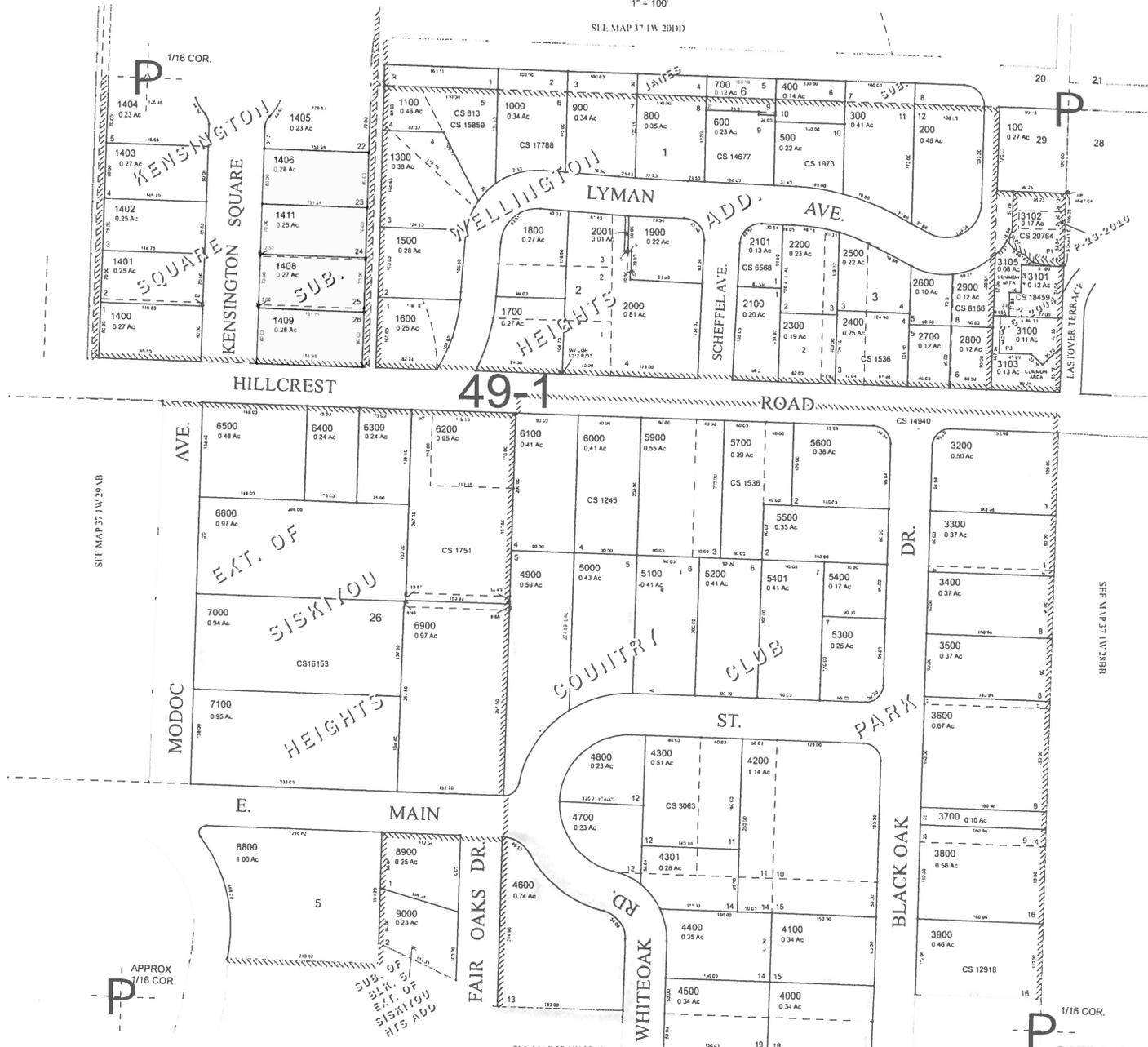
37 1W 29AA
MEDFORD

FOR ASSESSMENT AND
TAXATION ONLY

N.E.1/4, N.E.1/4, SEC.29, T.37S., R.1W., W.M.
JACKSON COUNTY

1" = 100'

SEE MAP 37 1W 20DD



CANCELLED TAX
LOT NUMBERS:

- 1400
- 1409
- 1411
- 3680 ADDED TO 3100
- 3104 ADDED TO 3102
- 7204 - 8700 REMAPPED TO 371W29AB

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37 1W 29AA
MEDFORD
CITY OF MEDFORD
EXHIBIT # 2
File # LDP-16-012

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)

Figure 1-2: Medford Street Functional Classification Plan

Street Classifications

-  Major Arterial
-  Minor Arterial
-  Major Collector
-  Minor Collector

Adopted Circulation Plan Areas (See specific plan for greater detail)

-  North Medford Plan Area
-  Southwest Medford Plan Area
-  Downtown 2050 Plan Area (Adoption Pending)



Map Adopted: 11-20-03
Ord. # 2003-299
Map Printed: 2-13-04

-  Other Streets
-  Highway
-  Railroad
-  UGB



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

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



Page 83

I would like to address the issues the Hartley household, of Fair Oaks Dr. have with the current request to divide property on the corner of East Main St, Fair Oaks Dr and White Oaks Dr.

1. Location of home on White Oaks Dr. White Oaks Dr and Fair Oaks Dr create a blind intersection. The landscaping on the 2 White Oak Property creates a blind area from approximately where the new lot will be created all the way to Fair Oaks. Because East Main St has a hill right before Fair Oaks Dr that direction is also blind and very dangerous. In the past, owners of the 2 White Oak Dr have been asked to fix their landscaping as to not create hazards when coming from Fair Oaks and turning onto E. Main St. It has fallen on deaf ears and the house just keeps getting sold. Because the Medford Planning and Building regulation have no provisions to require a builder to take landscaping and home placement into consideration for safe traffic flow, I fear the Fair Oaks situation will only get worse.

Not only does this effect car, it also effects bicycles coming out of Fair Oaks Dr. This makes for unsafe travel to and from Hoover and Hedrick Schools. An already dangerous route due to no sidewalks.

Additionally Farm Land being add to the growth boundaries will create more traffic in this area, as that land is within a 2 mile radius of our neighborhood. This land addition has not yet had a traffic impact study. It seems it would be prudent to allow that study to happen and then look at what addition of homes on White oak will have to add to that potential traffic mess.

2. As I begin on issue 2 I would like to add this ... It is Sunday at 11:45am and it is pouring outside. I mean POURING! As usual Fair Oaks Dr has minor flooding. In the 20 years we have lived on Fair Oaks Dr we see the street flooded due to clogged or over loaded drains most years. We are lucky, however, as the people that lived her before us, had the entire crawl space flooded, taking over the vents for heat on the day of their daughter's

wedding! This happened because the drains on our street could not handle the amount of water.

Each new house will add force to the already moving water we have on our street. Just the grade of the roof will change things as will additional pavement, grade of pavement and more.

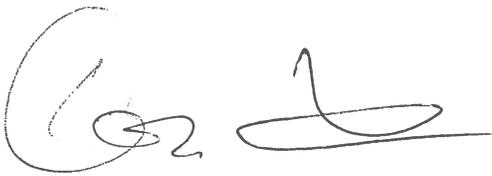
Will a study be done to make sure the addition of a home in the 'watershed' area will make this worse?

3. A 6500 sq. ft. lot is not in character with this area. It is going to add a crowded look that does not currently exist.

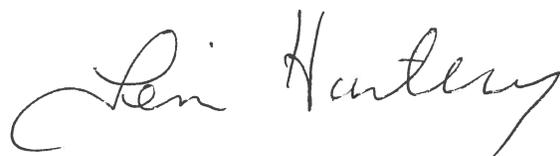
4. Please explain this:

You are making new lots in the growth boundaries, not approving an already existing lot to build. How does this cut down on the number of buildable already divided lots within the boundary area? I thought land owners of, large farm land out of boundary acres, were denied the right to join in the boundary area due to laws requiring we take advantage of existing lots in the growth boundary before adding more. Looking around East Medford there are many homes that sit on 1 or more acres. Can all those beautiful homes divide their lots? Can the man that lives next to me with a 1/2 an acre build another home? Will all those lovely homes be torn down?

20 years living in East Medford has had a charm that is largely due to the character of the homes and the beauty of the landscape. Setting a president to allow lots to divide as 2 White Oak is requesting could dangerously change East Medford forever, ruining property values.



Don Hartley



Page 85 Terri Hartley

RECEIVED

APR 25 2016

Sara Doherty
264 S. Modoc Avenue
Medford, OR 97504
April 24, 2016

PLANNING DEPT.

Planning Department
City of Medford
Lausmann Annex
200 South Ivy Street
Medford, OR 97501

To Whom It May Concern:

I am writing in response to the request to split #2 White Oak Drive into 3 lots.

Our family **strongly opposes** this request. Old East Medford is a gem that the City of Medford needs to protect. The large lots, the mature landscaping, and the older homes all work together to create a distinct feeling and charm in the neighborhood that you can't find anywhere else in Medford.

My husband, Dr. Michael J. Doherty, and I moved to Medford in 2009 to open an oral & maxillofacial surgery private practice. Before choosing Medford we looked at cities all over the northwest. We considered Idaho, Washington, Northern California, and Colorado. We very seriously made plans to move to a small town in Northern California and began efforts to purchase an existing oral surgery practice there. However, as we drove around town with a realtor, we could not find a neighborhood in which we wanted to live. The older neighborhoods were really run down, and the newer neighborhoods all looked the same. We did not want to live in a "cookie cutter" neighborhood. We decided not to relocate there and began to look at Medford instead.

In Medford, we have found just the neighborhood for which we were looking. Old East Medford is a joy to live in. The yards are beautiful. Each house is distinct in its own architecture. We love to walk and run in our neighborhood and enjoy the efforts that our neighbors have put into their lovely yards and remodels. We bought our home specifically for the large lot that affords our children a large space in which to play. They have enough space to build forts and hiding places, and to play soccer and flag football with their friends. In a world in which children don't roam the neighborhoods anymore, it is important to us to have a big yard for them to explore and in which to cultivate a love of the outdoors.

If Medford did not have a neighborhood such as Old East Medford, we might not have moved here. Different people are attracted to different types of neighborhoods. It is important for the City of Medford to provide a variety of housing options for its citizens, including a neighborhood with older homes and large lots. Otherwise, the people looking for that type of neighborhood will move on. Medford already has plenty of neighborhoods with new houses on small lots.

Dividing #2 White Oak Drive into 3 lots sets a horrible precedent for Old East Medford. Development is a slippery slope; divide it once and it will be divided again. Please consider protecting the gem of a neighborhood that is Old East Medford. The City of Medford needs it.

Sincerely,

Sara Doherty
Sara Doherty

CITY OF MEDFORD
EXHIBIT # Q
File # LDP-16-012

LDP-16-012/E-11 034

Michael Doherty
264 S. Modoc Ave.
Medford, OR 97504
April 25, 2016

City of Medford
411 W. 8th St.
Medford, OR 97501

To Whom It May Concern,

I'm Michael Doherty, age 8, and I am writing this letter about the house on #2 White Oak drive. I don't want to split up the property.

I support my decision because the house holds lots of Medford history, and it was built in 1949!

Plus there are 24 oak trees just on that one property! Even if the trees won't start a war like Indians did, if we cut down that mott of oaks there will be no reason to call it White Oak Dr. anymore since there's no oak trees.

And kids need big yards because they need room to run around - in my big yard I swim in my pool, play on our play structure, run in the grass, sit on the chairs, play on my sports court, and have cookouts in our fire pit. It's also important for pets to have space to roam.

I hope you will NOT divide the property.

Sincerely,

Michael

Michael, 3rd grader

LDP-16-012 / E-16-034

Madison Doherty
264 South Modoc Ave.
Medford, OR 97504
April 25, 2016

City of Medford
411 W. 8th Street
Medford, OR 97501

To Whom It May Concern,

My name is Madison Doherty. I am a 10 year old 4th grader. I am writing about the property on #2 White Oak Drive. I do not think you should redo the lot to make 3 houses.

This property was built in 1949. We need to keep older houses like this. They are part of Medford's history. If we destroy this property, we will never have a house built in 1949 on this lot.

This morning we went to the lot to see it. We noticed that it was a very beautiful area with many trees and plants. It had a very large grassy yard. We counted 24 trees we assumed would be cut down, many of which were oak trees, which are native to the area.

Another good reason we should not redo this property is it will set a precedent. If we do this once we continue doing it until every house is tiny and they look the same. I think this is a big problem because Holmes Park would lose its peacefulness and would end up packed because all the people with tiny areas would go to Homes Park all the time to play outside.

This would be a problem for children. We need to have a space to play. I have a huge yard which I am in 24/7. We need to keep the yard large!!!

It may be an even bigger problem for parents, who have to keep their children under control. That's basically impossible if the child can't run around. Believe me, I should know.

Now I am trying to write this letter based on your perspective and I know you're mostly doing this for money, but don't you think it would save you money to leave this property alone than to destroy it? I mean, that must cost thousands of dollars!

I hope you will take my advice,

Maddie

Madison Doherty

April 21, 2016

Medford Planning Commission
Lausmann Annex
200 South Ivy St.
Medford, OR 97501

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APR 25 2016

PLANNING DEPT.

RE: Proposal to split 2 White Oak Drive into 3 lots
LDP-16-012/E-16-034

I have just learned about the proposal to split 2 White Oak Drive into three lots. Unfortunately, I will be out of town for next week's hearing.

I wish to emphatically state that my wife and I oppose this request. There are a number of reasons, the primary reason being the potential loss of our homes' property values in our neighborhood. Other issues to us are increased traffic issues and that this high density is not consistent or compatible with the homes in our neighborhood.

Please do not approve this request.

Thank you,



Larry Boeck and Regina Boeck
90 Fair Oaks Drive
Medford, OR 97504

David & Nancy Meyer
2512 East Main Street
Medford, Or 97504
Phone: (541) 282-0994

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APR 25 2016

PLANNING DEPT.

City of Medford Planning Department
Lausmam Annex Room 240
200 S. Ivy Street
Medford, OR 97501

Attention: James Huber, Planning Director

RE: File #LDP-16-012/E-16-034 (#2 White Oak Drive Lot Split)

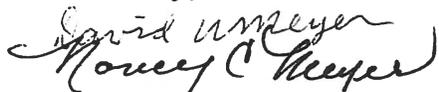
Dear Mr. Huber:

Many of the homes in this old East Medford neighborhood are of the 1950's vintage. The charm of this older established neighborhood is the main reason we purchased our home at the end of East Main.

Our neighborhood has no need or desire for any "new" homes as the original intent was to have one home per existing lot. Our homes in this neighborhood would suffer from a loss of home and property value. There would be an increase in drainage issues and water flow to our homes. The traffic increases would impact the area severely. Approval of this lot split would encourage more development and set a precedent which would completely change the charm, character and livability of this established neighborhood.

We would like our stance on this proposal to receive your consideration and we do plan on attending the public hearing on April 28th to further emphasize our position.

Sincerely,



Cc: Mayor Gary Wheeler
Planner Tracy Carter

City Councilmen: Daniel Bunn and Michael Zarosinki

CITY OF MEDFORD
EXHIBIT # 5
File # LDP-16-012

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APR 23 2016
PLANNING DEPT.

File No.:LDP-16-012/E-16-034

High Density Planned for #2 White Oak Drive

I am a homeowner at the end of Fair Oaks Drive. I bought this house because I appreciate the character of 'Old East Medford' and felt this was a good investment because it is such a nice and appealing neighborhood. My house was built in 1955 which is likely around the time many of these neighboring houses were built, it is shown in the house style and existing vegetation that this neighborhood has been set up in this manner for quite some time. I am in opposition of a lot split in order to add two more houses. This will add traffic, change the character, increase drainage usage, and degrade the value of the home I have purchased. Adding one house may have been somewhat reasonable, but adding 2 houses is clearly just a means to make a profit, and stuff as many houses as possible within an existing 1 house lot. There is plenty of housing development expanding around Medford where this opportunity would be more suitable, and the house styles will be more in line with new construction. My fear is that this will encourage more lot splitting and more development in an area that has been set for quite some time.

Thank you for considering my letter,

Lisa Meredith

97 Fair Oaks Drive

CITY OF MEDFORD
EXHIBIT # 101
File # LDP-16-012

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APR 23 2016
PLANNING DEPT

April 26, 2016

City of Medford Planning Commission
ATTN: James Huber, AICP, Medford Planning Department Director/Staff Liaison
Lausmann Annex, 200 South Ivy St.
Medford, OR 97501

RE: File No. LDP-16-012 / E-16-034; LOT 371W29AA 4600 (2 White Oak Dr., 97504)

Dear Planning Commission,

After conducting a thorough review of the documentation associated with the above referenced proposal, scheduled for public hearing this Thursday (4/28), we would like to express our ardent objection to the proposed action.

We originally moved to this neighborhood because of the SFR-4 zoning, which in old East Medford established large, single-residence lots, rich with history and developed vegetation. We believe splitting up parcels in these more historic neighborhoods could set an unfortunate precedent for future activities, which would only serve to destroy the neighborhood diversity our beautiful city currently boasts. If these types of actions are allowed by our Planning Commission, eventually all Medford neighborhoods will look identical—just the same cookie-cutter suburban sprawl repeated across the grid. This tightly packed uniformity does not represent a desirable location.

According to the Medford Municipal Code, the SFR-4 zoning associated with the parcel in question is defined as follows:

SFR-4, Single-Family Residential - 4 dwelling units per gross acre (10.309)
This urban residential district is representative of historical low density, large lot single-family development. New SFR-4 zoning should be located in areas where slopes exceed 5%, but are less than 15% to prevent excessive grading .
In SFR-4, the maximum number of dwelling units (DU) permitted per gross acre, or fraction thereof, shall fall within the following range:
Minimum and Maximum Density Factor (df) 2.5 to 4.0 DU/gross acre

The proposed action would establish a new parcel (Parcel 3) of 9527 square feet (.2187 acres) and another new parcel (Parcel 2) of 6500 square feet (.1492 acres). These lot sizes are well below the minimum prescribed for the SFR-4 zoning district, which specifies that the number of dwelling units shall not exceed 4/gross acre, or an average of .25 acre per dwelling unit. For this reason alone, the application submitted by Adderson Builders should be denied. Further, the SFR-4 zoning designation is “representative of historical low density, large lot single-family development.” This proposed action is completely contrary to these zoning guidelines. Our neighborhood shares the sentiment that the duty of a good Planning Commission is in large part to help maintain the integrity and history of the community in which they serve, and by doing so not allowing long held standards and ideals to be cast aside in the name of profit.

Further, the proposed action asks for “an exception request for the elimination of sidewalk, curb, gutter and street paving improvements.” If paved access is planned for entry into the new parcels, why would an exception be provided for eliminating noted improvements and assisting a degradation of the structural integrity of both Fair Oaks Dr. and White Oak Dr.? Again, this doesn’t seem consistent with guidelines set forth in the City Municipal Code, nor with ideals delineated in the Comprehensive Plan.

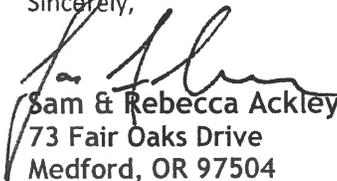
Here are some reiterations and additional issues which could be created by the proposed activity, and which we believe the Commission should lend some careful consideration:

- Loss of neighborhood property values
 - Would establish lower comps with smaller residences and lot sizes
- Increase in drainage issues (storm/waste water and sewage); especially significant if the improvement exception is allowed
- Set precedent in the neighborhood for further development and lot splitting
 - The degradation of the ideals of the neighborhood would definitely encourage my wife and I to look into moving, and could lead our neighbors to do the same (or potentially lead more of them into submitting applications to split lots and increase sales profits)
- Creation of a higher density area completely removes the character of these Old East Medford neighborhoods and makes them—and consequently the City of Medford as a whole—less desirable areas in which to live
- Increase in traffic
 - This is an area with a heavy amount of foot traffic (schools, parks, etc.), and an increase in density could create a need for additional pedestrian and vehicle improvements by the City (more sidewalks, bike paths, safety measures, traffic lights, etc.)
- Violation of the current zoning guidelines for lot size

Again, these items and the proposal in general do not seem to fit the goals established in the Comprehensive Plan in any way whatsoever, which seeks to maintain established urban residential zones and foster increased growth within the urban growth boundary. With that in mind we vehemently oppose this application and potential development, and urge you all to help keep these SFR-4 zoned neighborhoods unique and true to their original intent and originally planned characteristics.

Thank you for your consideration and if there are any questions or concerns please do not hesitate to contact us.

Sincerely,


Sam & Rebecca Ackley
73 Fair Oaks Drive
Medford, OR 97504
trackleys@hunterfiber.com

cc: Phyllis & Larry Moore; Tracy Carter; City of Medford Planning Department; Jared Pulver; David Culbertson; Tim D'Alessandro; Joe Foley; David McFadden; Mark McKechnie

WILLIAM WILSON

45 South Modoc Avenue
Medford, OR 97504
Sodiumscot@charter.net

April 26, 2016

Tracy Carter
Medford Planning Department
Lausmann Annex
200 South Ivy Street
Medford, OR 97501

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APR 26 2016
PLANNING DEPT.

Ref: File No.: LDP-16-012/E-16-034
Lot Split of #2 White Oak Drive
Old East Medford

Dear Tracy,

As a neighborhood property owner near to the proposed project, I wish to go on record opposing the requested zoning change. I feel that the lot split is out of character and intent of our neighborhood design. Giving approval for a zoning change at this property will increase density, traffic, and set a precedence for others to do the same. I have spoken with many of neighbors who have the same concerns as mine. We wish to maintain our neighborhood as it was planned and not allow developments that compromise the reason for many of us to make this our home.

Please support our neighborhood and reject the proposed lot density change.

Sincerely,



William A. Wilson

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APR 26 2016

PLANNING DEPT.

City of Medford

File No. LDP-16-012/ E-16-034

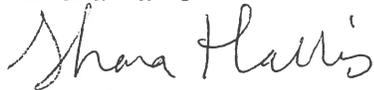
Contact: Tracy Carter

City of Medford Planning Department

As owners of tax lot 2300, a property adjacent to the 0.75 acre parcel proposed to be divided, we would like to be on record as opposed to this division. We do not feel that it is in our best interest or the best interest of the neighborhood for this division to proceed. Accordingly, we will not grant an easement through our property which lies to the west of the southwest corner of parcel #2, the lowest area for ground water drainage, for the proposed private storm drain service line or the proposed sanitary sewer service.

Regards,

Shona Harris



Garry Harris



CITY OF MEDFORD
EXHIBIT # W
File # LDP-16-012

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APR 26 2016
PLANNING DE

Loren R and Jane G. Fisher
1 White Oak Drive, Medford, OR 97504 (Tel) 925-980-9445 fisherjaneg@gmail.com

April 25, 2016

James e. Huber, AICP, Planning Director
City of Medford
200 S. Ivy Street
Medford, Oregon

Re: request to Create Three Lots at 2 White Oak Drive, #LDP-16-012

Attn: Tracy Carter

Dear Mr. Huber and Ms. Carter:

Our home at 1 White Oak Dr. is directly across the street from the proposed lot split.

We are opposed to this project because we believe it would forever change the character of our neighborhood. Moreover, one of the proposed homes to be built is right on a curve with a posted speed limit of 25 mph. This speed limit is exceeded regularly every day. Having additional traffic right at that curve backing out on to White Oak is not smart planning.

We were attracted to the neighborhood by the trees and the fact that the lots are not like a typical subdivision; it is quiet here. We fear losing this, and we fear the loss of property values.

We believe small, incremental decisions such as this one are how it starts: down the road we will question how we ended up with high-density neighborhoods, increased traffic, high rents driving workers such as school teachers and small business owners out of the community. As we are stuck in Los Angeles type traffic surely we will wonder : "how on earth did this happen to our lovely little city in the hills of Southern Oregon?"

This project represents the first of many crossroads. We can learn here from the mistakes of the planners in Los Angeles and San Francisco. Only smart, dedicated planning can protect Medford. It starts with rejecting this application to change the integrity of one of the neighborhood gems of Old East Medford.

Sincerely,


Jane G. Fisher


Loren R. Fisher

RECEIVED

APR 27 2016

PLANNING DEPT.

April 26, 2016

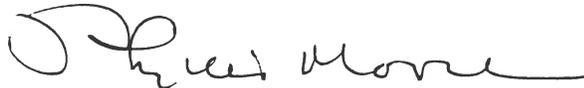
Medford Planning Commission

File NO.:LDP-16-012/E-16-034
#2 WHITE OAK LOT SPLIT
Hearing Thursday - April 28, 2016

Dear Planning Commission,

Enclosed is a presentation of our concerns for 130 White Oak Dr., the neighborhood and Old East Medford regarding the lot split at #2 White Oak Dr.

Sincerely,




Larry and Phyllis Moore
130 White Oak Drive
Medford, Oregon

CITY OF MEDFORD
EXHIBIT # Y
File # LDP-16-012

File no.; LDP-16-012/E-16-034 lot split at #2 White Oak Drive.

Dear commission:

Drainage &
Private Property

My name is Larry Moore and my wife, Phyllis, and I live at 130 White Oak Dr. We are adjacent to #2 White Oak. All of the surface water on #2, naturally drains towards our home at 130 White Oak and then heads along the property line towards Fair Oaks Dr. The proposed new storm drains, one in back of proposed lots 2 & 3, and the other one, along our property line, approximately, mid property to Fair Oaks. This storm drain system is not going to get it done, due to proposed lot 3 future impervious structures, i.e., driveway, sidewalks, and patios, which will contribute to more water run off, onto our property. It is also proposed that all downspouts on both proposed lots be connected to the new storm drains, which is an absolute must, for all impervious structures, including roofs, will create more water run off, which cannot

File no.; LDP-16-012/E-16-034 lot split at #2 White Oak Drive.

be handled by our lot. Our home and carport are lower than the proposed lot #3 and have been flooded more than once. Any new structures that take the place of existing land which now absorbs some run off will definitely flood our home.

Research shows that there is a sliver of land on the S.W. corner that is owned by Dr. Garry Harris, at 65 Fair Oaks Dr. and I can find no reference to this sliver of land in the surveyors report, or on any other newly acquired documents. At the lowest corner of proposed lot #2, it shows the new storm drain crossing his property and draining into the street through the existing curb. Dr. Harris has informed me on two separate occasions, that he has no intention of granting such an easement through his property. This sliver of land also extends North from the S.W. Corner of property which at the end of sliver is no longer at the

File no.; LDP-16-012/E-16-034 lot split at #2 White Oak Drive.

lowest point of proposed lot #2. Therefore the proposed storm drains cannot be located where they are proposed. This, in turn, greatly impacts our lot, and opens us up to future flooding. If the water cannot be collected at these lower collection points, then this proposed lot split should not happen. The proposed storm drains and collection points in no way will be able to collect the water being asked of it. I'm not sure you know the volume you are talking about in a normal rain event, let alone in a one hundred year event, which hasn't happened yet, but definitely should be planned for. I'm no engineer but I would certainly assume this drain pipe would have to be much, much larger than the depth of a curb. We are talking about over 16,000 square feet of added water collection from both pervious and impervious sources. There's already 16,193 square feet of both pervious and impervious structures

File no.; LDP-16-012/E-16-034 lot split at #2 White Oak Drive.

diverting water towards our home from the existing house at # 2 white Oak Dr. The existing undeveloped land can barely handle the water now, it will not be able to handle the water once the forces of impervious structures are in place.

Sincerely,

Larry Moore
130 White Oak Drive
Medford, Oregon 97504
541-608-9293

LDP-16-012/E-16-034 lot split at #2 White
Oak Drive

Line of Sight

Dear Commission:

When backing out of our driveway, this is where we have to stop before backing into the street. This line of sight cannot be interrupted. (see photos)

Refer to picture A.

Draw an imaginary line from this angle, from the top of the white fence at the corner to the downspout on the corner of the existing house on lot #2 White Oak Dr. And there can be no structures in this line of sight.

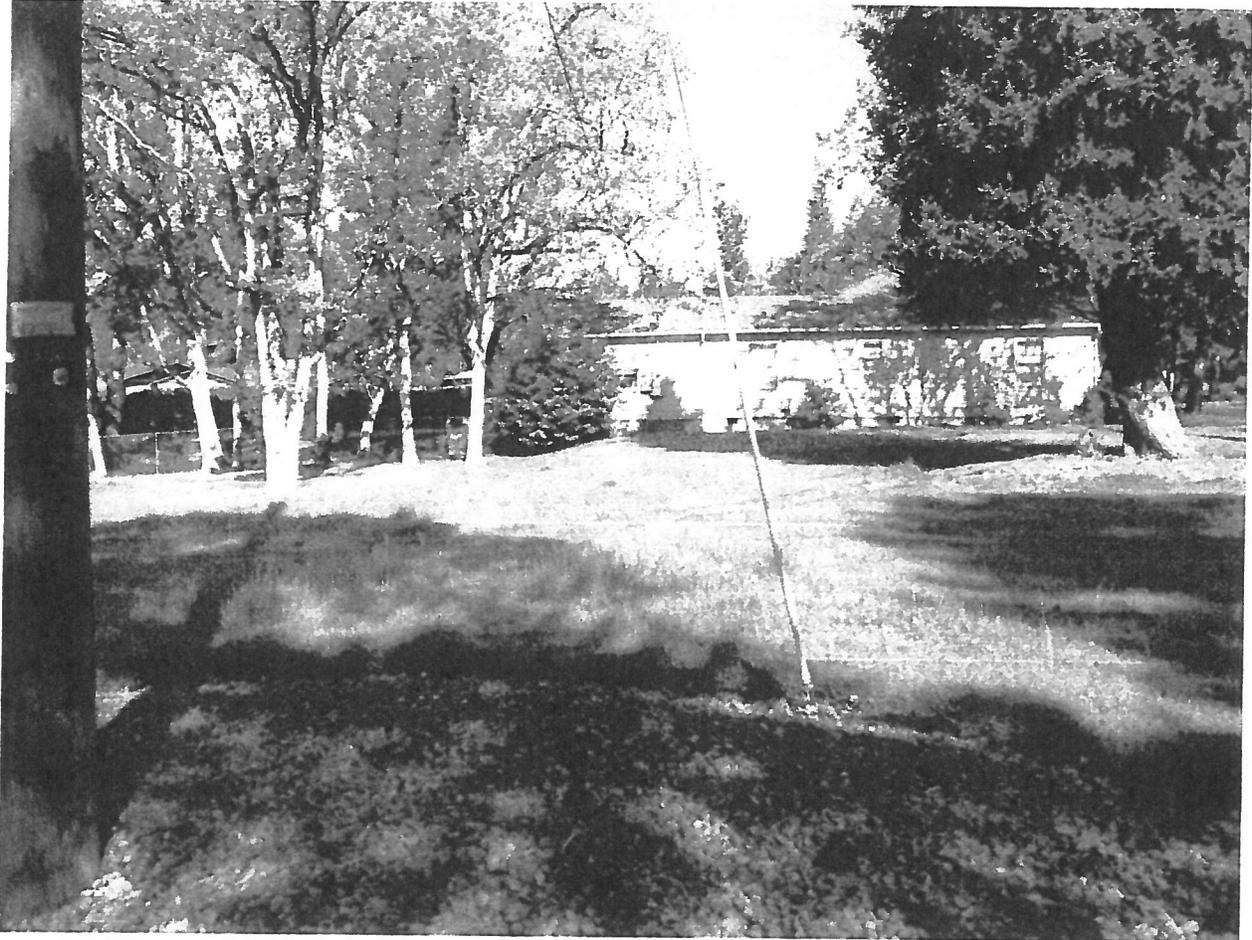
We must be able to see this far thru to the existing corner of the house to the left of the pole which is # 2 White Oak, because of the speed in which cars come around the corner. The bottom portion of this pine tree,

LDP-16-012/E-16-034 lot split at #2 White Oak Drive

behind the pole has been kept trimmed for this very reason. And must remain so. Refer to picture B (next page) for a better view of trimmed pine tree.



LDP-16-012/E-16-034 lot split at #2 White
Oak Drive



Picture B

Set backs

File No.; LDP-16-012/E-16-034.
proposal #2 White Oak Dr.

Planning Commission:

Average distances between homes on White Oak Dr. both sides of the street from Fair Oaks to Acorn, not involving #2 White Oak Dr.; twenty-four feet.

Average distance between all homes on Fair Oaks Dr, not involving #2 White Oak. Twenty- one feet.

Average distance between homes on East Main across from Fair Oaks; twenty-five feet.

This involved thirty homes in the immediate vicinity of #2 White Oak Dr. And did not include the homes on top of East Main St. Which have extremely large distances between homes. So in conclusion, to remain with the original intent of one single home, on one large lot, this

leaves the proposed lot split not a feasible endeavor and should not be granted.

Sincerely,

Larry Moore.
130 White Oak Dr.
Medford Or

File No.; LDP-16-012/E-16-034

Pool
~~Pool~~

Dear Commission:

In 2002 Tom and Betty Strouth lived at # 2 white Oak. Tax records show that it was about this time in which they had a very large and historic pool buried in their backyard. We can find no record of the proper permits issued for pool removal. The illegal destruction of this pool has us extremely concerned, because we are on the down hill side of what ever contaminants could possibly be draining underground toward our property. We don't know everything that went into building pools back then, lead pipes, wires, re-bar, gunite, tile, and we hope that none of these things contained hazardous materials, such as asbestos. Needless to say about the stability of this land, for building on the top of.

We also are unaware if the proper disclosure statements have been passed

File No.; LDP-16-012/E-16-034

down from buyer to buyer. We do know that the previous owners of said land were Suzanne and William Winkles and they were aware of the buried pool. Not sure if they were told by the Strouth's or by us, but we had discussed this matter many times, for they had complained to us on how hard and difficult it was to garden in that area. They said that digging anywhere was just about impossible, things did not grow well there at all. Almost everything they had planted in that area had died. We know of at least eight trees that they had professionally planted by a nursery in that area that died and had to be removed. This area will have to be excavated, debris removed, soil tested, and proper compaction before any thought of building. We also want a soils test done in this area to assure us, that our soil at 130 White Oak has not been contaminated, for we have an organic garden in our back yard. This

File No.; LDP-16-012/E-16-034

should be done at owners of # 2 White Oaks expense.

Sincerely, and thank you, Phyllis and
Larry Moore. 130 White Oak Dr.

Dear Commissioners,

It is my understanding from viewing the file, that Sidney DeBoer is the purchaser of #2 White Oak Dr. His intent is to build two houses after a lot split on my street. Our area started to develop in 1928 and at that time, the wording on the original deed to our lot states after the description, "SUBJECT, however, to the condition that not more than one single family residence and appurtenant outbuildings shall be constructed or placed upon said premises" which is in the Covenant/restrictions of the subdivision of Country Club Park which includes White Oak Rd.

As a consequence, over the years, one home per lot was exactly what was built. #2 White Oak Dr. was built in 1949 and our home, #130 White Oak Drive, was built in 1950. We bought our home from the original owner in 1998. These two homes have been neighbors for **66 years**. As Mr. DeBoer's Surveyor said, "The subject parcel lies within Country Club Park Subdivision, bucolic, peaceful neighborhood in old East Medford containing approximately 60 residences, shaded by numerous mature White Oaks and lush vegetation and landscaping abutting two lane paved streets with gravel shoulders mostly unchanged since construction began in 1928."

The facts show that this subdivision was built out and finished according to the original intent of the creators of The Country Club Park. The residents of this street are alarmed at this proposal sensing this will be the California influence manifesting itself in their neighborhood. We do not understand why this particular developer would want to change this neighborhood which is a jewel in the city. The neighborhood would not be enhanced by or gain any benefit from the addition of these houses but instead will be burdened with severe drainage and other problems. Country Club Park is a "settled" area and has been for years. The conclusion is that the negatives for current residents far outweigh any rationale the developer may have for building other than the profit motive. It is, simply, not a good fit and the cost is too great for the neighborhood.

Preservation of these areas makes sense because they are like a magnet of good public relations for the City of Medford. These are the well kept, quiet, beautiful neighborhoods everyone loves. Higher density may be inevitable, but should be pursued in other more appropriate locations instead of destroying old established neighborhoods with a move that cannot be reversed.

From Forbes/Lifestyle Magazine:

Stepping back in time: One thing I always look for in a neighborhood are treelined streets; the feel of an older, established neighborhood makes it truly great for me. There is something about an area with history that makes it very desirable. New developments are wonderful and newly built homes are truly to die for, but I love the charm of older, established neighborhoods. These are usually very stable, with longtime residents and community support, which also help encourage safety and low crime rates."

see attached Photos of surrounding homes: all single story on large lots



In conclusion of all letters submitted by the Moore's at 130 White Oak Dr. We believe your unanimous decision should be to vote no. This lot should never be split, or built on, now or ever.

1. Someone's failure, to note sewer drain, and storm drains that are crossing privately owned land.
2. Added impervious structures will certainly cause flooding to 130 White Oak.
3. Illegally buried extra large pool with possible unknown contaminates.

These issues all add up to certain future litigation, that we are sure the city of Medford, and planners have neither the time and or money for such endeavors.

RECEIVED

APR 27 2016

PLANNING DEPT.



**Bob Hart
Consulting LLC**

Land Use Planning and Development

April 27, 2016

Medford Planning Commission
200 South Ivy Street
Medford, OR 97501

RE File # LDP-16-012/E-16-034

Dear Commissioners,

I have been asked by Larry & Phyllis Moore to place into the record their objections to the above referenced request for a 3-lot partition with proposed exception to street improvements. The Moore's own the adjoining lot to the south and will be the most impacted by the proposed project.

The issues that are of concern are the impact to the established neighborhood, road improvements, setback on the common property line and runoff/storm drainage.

Neighborhood Impact

The applicant's description of the neighborhood is accurate and describes the area of a subdivision in old East Medford that is bucolic and peaceful. The Country Club Park Subdivision was developed along White Oak Drive and Black Oak in the late 1940's and early 1950's. The original plat was recorded in 1928 but construction of the dwellings along the roadway as it presently exists was done shortly after the war. The original lots were cut in half to provide the lot layout as it presently exists. The adjoining subdivision on Fair Oaks Drive was developed and platted in 1955. The Country Club Park subdivision has a specific deed restriction that limits the lots to contain one single family dwelling. The lots are mainly between 14,000 and 18,000 square feet in the Country Club Subdivision and about 11,500 square feet in the Block 5 Extension of Siskiyou Heights Addition along Fair Oaks Drive. The proposal is to create three parcels from the subject property that will be 6,500 square, 9,527 square feet and 16,193 square feet. While these two new smaller lots meet the minimum lot size of the code, they are both substantially smaller than the existing developed neighborhood. Thus the proposal will create a dramatic departure that can logically initiate a conversion of this established area that will double the density of the area and force additional public facilities to serve the area. This change in the character of the neighborhood is part of the basis for the applicant's request for deferral of road improvements.

It is obvious that the subject property is larger than most other lots in the subdivision but there are

5126 West Evans Creek Road • Rogue River, Oregon 97537 • (541) 582-8890 • bob@bobhartconsultingllc.com

obvious reasons for the larger size. The street pattern of having roads essentially on three sides of the property creates a very exposed parcel with limited ability to have any personal space with an isolated backyard. It would appear that this oversized lot was created purposely in order to provide a location for a dwelling as well for being consistent with livable area like other lots in the subdivision.

With the analysis above in mind we are concerned that the change in character of lot sizes and dwellings will have an adverse impact on the property values of the neighborhood. The development of the existing lots is for dwellings of more than 2,000 square feet in addition to garages and other accessory structures. Lot coverage typically is 4,000 square feet of structures with an average lot coverage of 20 to 25%. With a small lot size of 6,500 square feet, the lot coverage of similar dwelling and accessory structures would well exceed the maximum 40% lot coverage standard. The inconsistency of dwellings will have an impact on property values and character of the area.

Road Improvements

In the staff report, it states that public improvements are required along all streets adjoining the proposed partition to include street widening along White Oak Road, installation of curb, gutter and sidewalk along White Oak Road and East Main Street, and installation of a sidewalk on Fair Oaks Drive. These are standard improvements that are required as part of all land division in order to provide adequate public improvements.

As part of the application, there is a request for an exception to the required street improvements. An exception is authorized in the code provisions subject to certain standards and circumstances. The applicable code provisions area as follows:

10.432 Street Improvement, Deferred

(1) Criteria for Deferral. Subject to the criteria and standards set forth in this section, the improvement of existing streets, alleys, or unimproved rights-of-way may be deferred by the Public Works Director or designee to such time as a complete street segment can be improved to City standards. For purposes of this section, a street segment shall be considered as the length of a street between street intersections on the same side of the street as the project site. Street improvements may only be deferred when the project site complies with the following criteria:

(a) Commercial, Industrial, and Residential street improvements may be deferred if:

(I) More than 50% of the block between street (not including alley) intersections on which the project site fronts is unimproved (street improvements required within subdivisions and Planned Unit Developments shall not be deferred); or,

(ii) There are site conditions confirmed by the City Engineer that justify the deferral.

(b) Arterial and Collector street improvements shall not be deferred under this section.

(2) Financial Deposit. When street improvements are deferred, the developer shall deposit with the City of Medford a financial deposit acceptable to the City in the amount of 125 percent of the City Engineer's estimate of the costs for the deferred street improvements, in lieu of the developer constructing the street improvements. This financial deposit shall be deposited with the City prior to the recordation of the Final Plat for land partitions, or prior to submittal of building permit applications for other approved projects. (Effective Dec. 1, 2013.)

Said financial deposit shall be held until one of the following conditions has been met:

(a) The required street improvements have been constructed by the developer or property owner, at which time, the deposit may be returned to the developer or property owner in whole or in part; or,

(b) The required street improvements have been constructed as part of a Local Improvement District, in which case, the deposit shall be applied to the proportional share of the property owner's obligation; or,

(c) The project site's Local Improvement District assessment is less than the amount of the deposit required as a condition of the deferral, in which case, the difference between the two amounts shall be refunded to the developer.

Staff has recommended that the improvements to Fair Oaks Drive be completed and that the improvements to East Main Street and White Oak Road be deferred. We are in agreement with the staff position that the full improvement to White Oak Road would have a significant adverse impact to the road alignment and that the improvements would require the removal of several mature Oak trees and may prove to create practical difficulties if curb gutter and sidewalk would be installed and abruptly stopped to direct storm water runoff onto the adjoining properties to the south.

It is true that the road alignment is not typical with three streets coming together at the north corner of the subject property. This general area is a mixture of a few road improvements, some curbs only and some full improvement with curb gutter and sidewalk. Fair Oaks Road on the westerly side of the subject property is improved with curb and gutter for the full length of this cul-de-sac street with a catch basin for storm drainage control at the southerly terminus of the road. White Oak Road has no curb or gutter on either side of the roadway. White Oak Road is improved further south of the Country Club Subdivision where a later subdivision, Country Club Meadows, was developed in the mid 1960's. White Oak Road is improved with curb, gutter and sidewalk from the intersection of Acorn Way to the south in this later subdivision. These improvements begin about 600 feet south of

the subject property. If improvements are required on White Oak Road adjacent to the subject property, the lots between the site and the improvements southerly of Acorn Way would likely have increased flooding with storm water being directed by the new curb and gutter and then sheet flowing south onto private property until street improvements are encountered at Acorn Way.

We are concerned about the precedent that is being set with the creation of higher density of small lots without full street improvements to control run off. At the current situation exists, The Moore's property just to the south of the subject property has experienced flooding from surface flow from the street with current improvements and have constructed a berm in their driveway to divert sheet flow from the street back onto the street. They also have a small curb type structure along the common property line that prevents water coming from the subject property to flood into their home. There is a down slope in the area of approximately 5% from north to south. With the proposed development and no street improvements to control water flow, we are concerned that the increased impervious surface will increase localized flooding and will impact the adjoining property to the south of the subject property. We also note that the applicant wants the street improvements delayed to some future date, and they also want the costs of the improvements to be waived and placed on future owners. We do not find this option in the code. The specific requirement is that "the developer shall deposit with the City of Medford a financial deposit acceptable to the City in the amount of 125 percent of the City Engineer's estimate of the costs for the deferred street improvements, in lieu of the developer constructing the street improvements." The code mandates by the use of the term "shall" that a financial deposit be made in the amount of 125% of the estimate costs for the improvement. We find that waiver of the costs of the improvements would be a violation of the Development Code.

It has been my experience as a planner for more than 35 years that deferred charges cause nothing but problems when future owners that have no part in the redevelopment of the property are advised in the future that they are required to pay for infrastructure improvements as they paid full price for the property only to find that additional costs are required. The future owners also oppose the improvements because they did not agree to the requirements notwithstanding the agreement signed by the original developer. Because of the existing drainage problems and the additional runoff that will be generated by the new development we think that the costs of road improvements are absolutely necessary as a part of this application. Staff has opined that the improvements to White Oak Road would be significant and would create a hardship if the developer were to be required to make road improvements immediately. We agree that if White Oak Road were to be immediately improved, it would change the character of the neighborhood as a result of one new lot on White Oak Road. Staff recommends that the improvements on Fair Oaks be done as a part of this development as the impacts would not be as substantial as there are currently curb and gutter installed as a part of the public improvements. The impacts will be created now and the improvements should be required now. While it may cause a hardship on the developer, without the improvements, hardships will be impacting the neighbors. While we agree that the improvements should be deferred, we do not think there are code provisions that allow the deferral of the costs for improvements. We urge you to deny this portion of the request.

Setbacks

A concern that also impacts the Moore property as well as the subject property is a concern regarding setbacks along the common property line. The code provides a four-foot setback from a side property line plus ½ foot for each foot above 15 feet of building height. Thus, a separation between structures on adjacent lots would be at least eight feet. In this case, the Moore's property is an existing nonconforming dwelling with the building at the lot line with no structure setback. We ask that a minimum additional four foot setback on the subject property be required adjacent to the Moore's dwelling. The request for this additional setback is to meet the fire codes for the space between buildings. The standard setback for planning purposes is to create some buffer space between uses. The fire codes require space between buildings to prevent the spread of fire from one building to the next as well as providing access to the rear of properties in the case of fire.

Drainage

A final issue is drainage from the subject property onto the Moore's property to the south. There is an existing concrete curb that was constructed on the Moore property to prevent drainage water to flow across property lines onto their land. This curb has been improved and upgraded as there has been water coming from the subject property onto their land. With two new parcels to be located adjacent to the common property line to the south, we are concerned about increased runoff with the additional impervious surface that will be associated with two new dwellings together with parking and access areas. In the plan submitted by the applicant, there is a drainage easement shown along a portion of the common lot line with the Moore property. It appears that this is to provide a path for drainage to be conveyed to Fair Oaks Way. While this would appear to solve the drainage problem by draining runoff to the west, there is a problem we have discovered. There is a sliver of private property between the subject property and the public right of way. We have examined the plat maps of Country Club Park and the Subdivision of Block 5 Extension of Siskiyou Heights Addition and find that there is a portion of lot 14 of the Extension of Siskiyou Heights Addition that is 24 feet in length and tapers to a point on the public right of way. This 24 feet extends north from the southwest corner of lot 13 of Country Club Park Subdivision. The two plats have been examined to find a common point of a quarter corner located to the south. By adding the dimensions for each lot in these subdivisions we have found the information to verify that there is private property between the subject property and the public street. Thus, the proposed drainage easement does not connect to the public street. We have been informed by the owner of lot 14, Mr. Garry Harris, that he will not grant an easement for the drainage to cross his property. Thus, there is not a practical solution to the drainage issues with the subject property. We note that conditions of approval of the request before you will require that all roof drains be directly connected to the storm drain system. The layout as proposed would not provide a solution to the drainage problem. This issue of drainage with the additional information regarding lot lines and ownership has not been adequately addressed.

Summary and conclusion:

The proposal to divide the subject property into three parcels appears to meet the minimum standards for lot size and density. While this may technically meet the standards of the ordinance, we think that

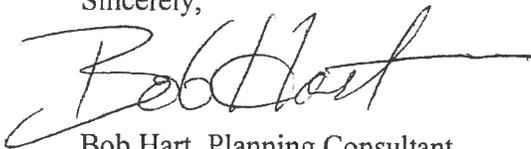
the approval will have an adverse impact on the value and stability of the neighbor hood as well as practical problems with street improvements, drainage and setbacks between structures. There are existing problems with storm drainage from both the street and surface flow across lot lines. We do not find solutions for these problems in this request and would conclude that the problems will be increased with additional impervious surfaces from the construction of two additional houses. Couple this together with the issue of staff finding that street improvements are not practical with the approval of this project and we conclude that this project will not meet requirements of the code. We urge you to deny this request.

If you were to approve the request we ask for the following conditions of approval be added to the conditions proposed by staff:

1. A drainage plan prepared by a civil engineer licensed in the state of Oregon be submitted to the City to show that no drainage flow will be across lot lines unless they are contained within an approved drainage easement.
2. The required drainage plan shall show the location and method to convey storm water and runoff from roofs and impervious surfaces to an approved public storm drain system. Calculations to show adequate conveyance shall be a part of the drainage plan.
3. If an exception to installation of improvements is granted, the developer shall make a financial deposit with the City of Medford in the amount of 125% of the estimate costs for the improvements to White Oak Road and East Main Street.
4. A structure setback along the south property line of proposed parcels 2 and 3 of at least 8 feet PLUS $\frac{1}{2}$ foot for each foot in building height over 15 feet unless the structure on the adjoining lot line to the south is removed.
5. The soil report required to determine if shrink/smell conditions exist shall also include examination to determine if any contaminated soils are present where the swimming pool was abandoned and filled. If there is contaminated soils, a remedial plan shall be submitted for approval to the City of Medford and State Agency having jurisdiction.

Thank you for your consideration on this matter.

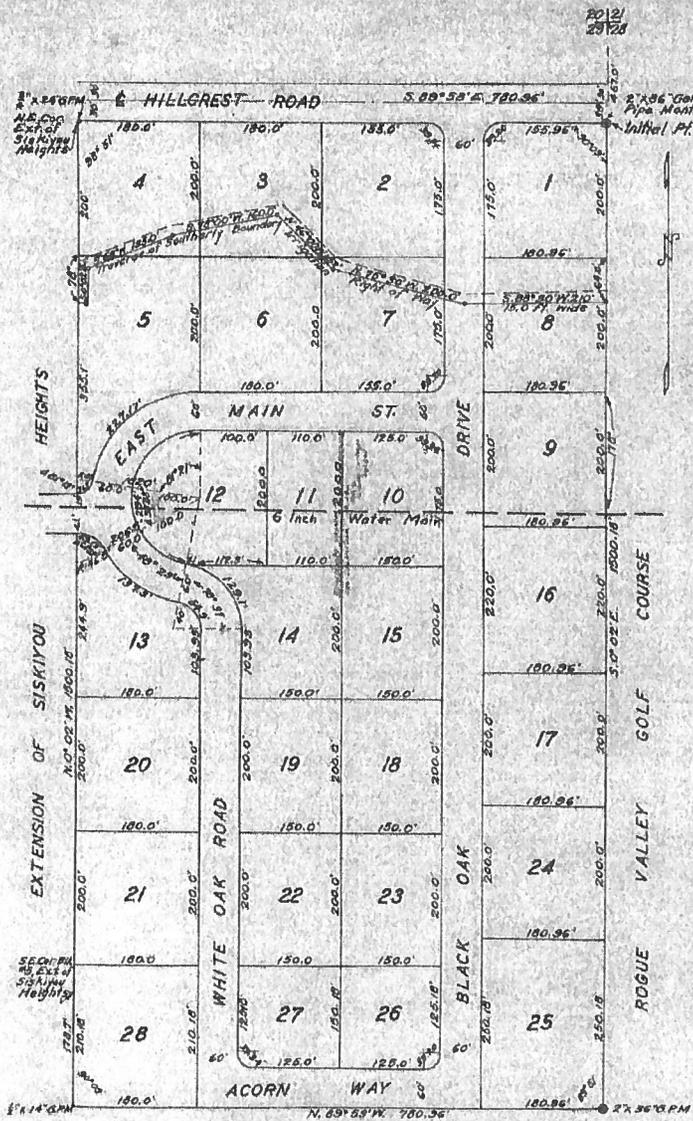
Sincerely,



Bob Hart, Planning Consultant
Bob Hart Consulting LLC
5126 W. Evans Creek Rd.
Rogue River, OR 97537

Exhibits

- Exhibit A Original Plat of Country Club Park-Lot 13 is subject property
- Exhibit B Enlargement of Lot 13
- Exhibit C Original Plat of Subdivision of Block 5 Extension of Siskiyou Heights Addition Lot 14 is the lot adjacent to the subject property
- Exhibit D Enlargement of lot 14
- Exhibit E Enlargement of Lot 13 on Assessors Map
- Exhibit F Enlargement of Lot 14 -Note additional lot corner at the north extent of lot and second corner intersection with north east corner of Taxlot 2200. This point is also the south west corner of Lot 13



Note: Radius of all curves 23.0' unless otherwise noted.

COUNTRY CLUB PARK
 BEING PART OF SECTION 20, T.97S, R.1W, WM
 Surveyed July 1928, by C.Z. Boyden, Scale 1"=100'

DESCRIPTION

Beginning at a 2 inch by 3/8 inch galvanized pipe, set one half foot below the surface of the ground, which bears South 0° 02' East 467.0 feet along the section line from the corner common to sections 20, 21, 28 and 29 Township 57 South Range 1 West Williams Meridian; thence South 172° East 470.0 feet along the section line to a 2 inch by 3/8 inch galvanized pipe thence North 83° 53' West 700.96 feet; thence North 0° 02' West 1500.18 feet along the Eastern boundary of the Extension of Siskiyou Heights; thence South 89° 53' East, 180.96 feet; thence South 0° 02' East 30.0 feet, to the point of beginning.

DEDICATION

Know all men by these presents, that we, Frank P. Farrell and his wife, Katherine Farrell, and Floyd H. Hart and his wife Leah Hart, of Jackson County, State of Oregon, are the owners in fee simple of the above described tract of land and that we have conveyed the same to be surveyed and subdivided into tracts and roads as shown hereon, and that the number and size of tracts and the lengths of all lines are plainly set forth, and that this plat is a correct representation of said subdivision; and that we do hereby dedicate to the public for public use, all roads shown hereon, also an easement for electric lines, telephone lines, water mains, sewers, gas mains, and other like public utilities for ten feet in width along the east and west lines of said subd., and for five feet in width on each side of the north line of tracts numbered five (5), six (6), and seven (7) and five feet in width on each side of the west line of tracts numbered ten (10), fifteen (15), eighteen (18), twenty three (23) and twenty six (26) and that we do hereby designate said subdivision as Country Club Park.

In witness whereof we have hereunto set our hands and seals this 11th day of August, 1928.
Frank P. Farrell Witness
Katherine Farrell Witness
Floyd H. Hart Witness
Leah Hart Witness

State of Oregon ss
 Jackson County ss
 On this 11th day of August, 1928, I, Walter C. Chambers, a Notary Public, in and for said County and State, the above named Frank P. Farrell, Katherine Farrell, Floyd H. Hart, and Leah Hart came personally before me of said County and State, to me personally known to be the above named who executed the above instrument and who generally acknowledged to me that they did the same freely and voluntarily for the purpose herein mentioned, and I subscribed and sworn to before me the day and date above written.
Walter C. Chambers
 Notary Public of Oregon
 My Commission expires 4th day of September, 1930.

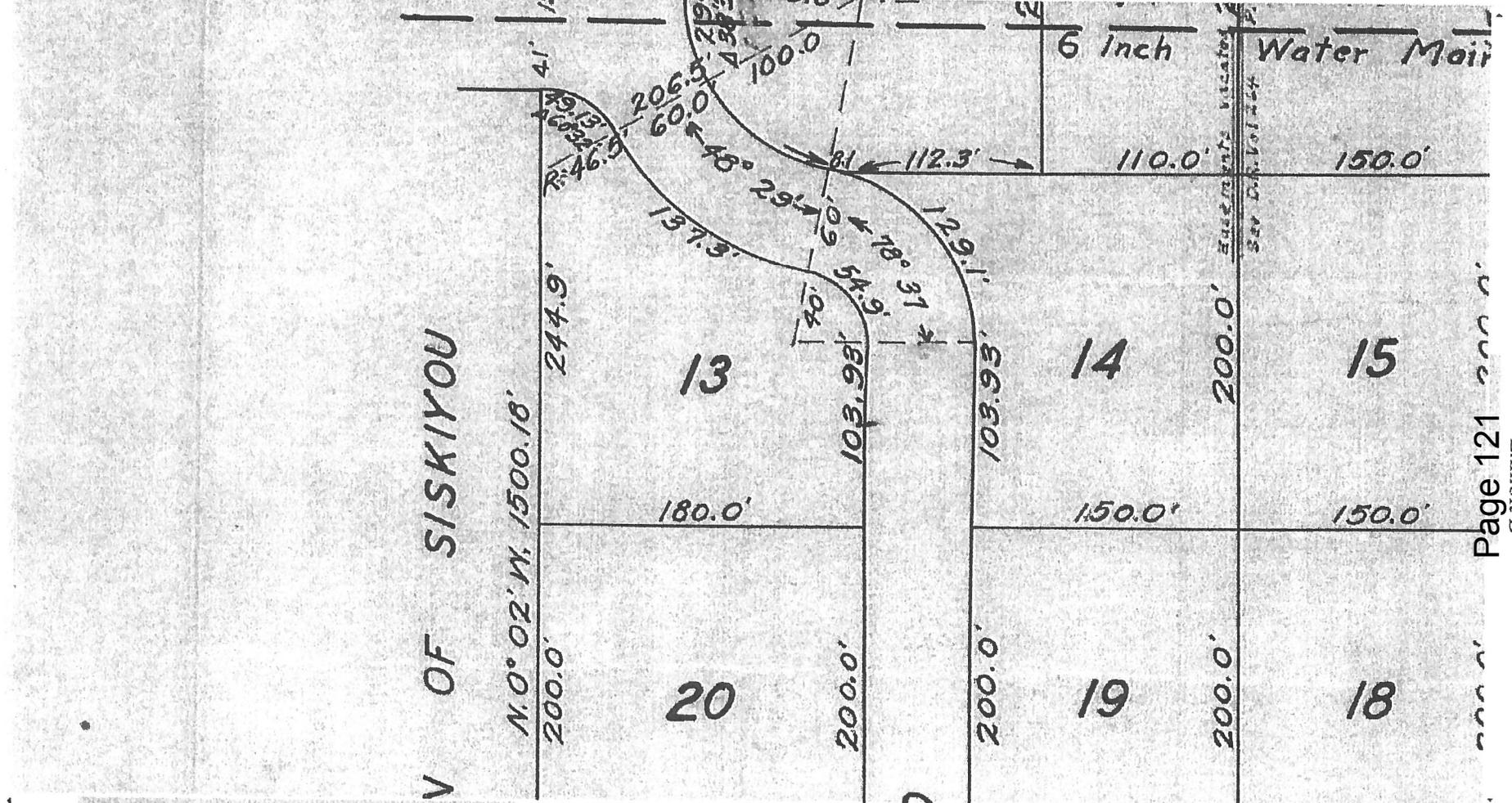
SURVEYOR'S CERTIFICATE

I, C.Z. Boyden, hereby certify that I have duly surveyed the land shown on the accompanying plat and marked the corners with proper monuments in accordance with the Oregon laws.
C.Z. Boyden
 Surveyor
 subscribed and sworn to before me this 11th day of August, 1928.
Walter C. Chambers
 Notary Public

My Commission expires 1st day of September, 1928.
 Examined and approved by the City of Medford Planning Commission in regular session this 11th day of August, 1928.
Walter C. Chambers Secretary
 Examined and recommended for approval of County Court. Paul B. Cunningham County Surveyor
 All taxes paid in full to date Sept 1st, 1928. Walter C. Chambers County Sheriff
 Examined and approved this 11th day of September, 1928. Walter C. Chambers County Assessor
 For order of County Commissioners approving this plat see Volume 11 page 11 of Commissioners Journal of Proceedings. Walter C. Chambers County Clerk
 Filed for record this 11th day of August, 1928, at 11 o'clock A.M. and recorded in Volume of Plats, Page 11 of Records of Jackson County, Oregon.
Walter C. Chambers County Recorder

Exhibit A

SR-10



SUBDIVISION OF BLOCK 5 EXTENSION OF SISKIYOU HEIGHTS ADDITION TO THE CITY OF MEDFORD, JACKSON COUNTY, OREGON

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That we the T.J. High Agency Incorporated, are the owners in fee simple of the lands hereon described, and that we have subdivided the same into lots, blocks and streets as shown hereon, and the number and size of the lots and lengths of all lines are plainly set forth, and that this plat is a correct representation of the said subdivision, and we do hereby dedicate to the public for public use all streets and alleys and easements for public utilities, shown hereon, and we do hereby designate said subdivision as Subdivision of Block 5 Extension of Siskiyou Heights Addition to the City of Medford.

IN WITNESS WHEREOF we have hereunto set our hands and seals this 7th day of April, 1955

Witness: *L. N. Dow* VICE PRESIDENT SEAL
Witness: *Juanita McCarry* SECRETARY SEAL

STATE OF OREGON }
COUNTY OF JACKSON } S.S.
A.D. 1955

Personally appeared the above named T.J. High Agency (inc. represented by C.C. Vandogriff, Vice President, and Juanita McCarry Secretary, and acknowledged the foregoing instrument to be their voluntary act and deed before me.

Dora G. Samuels
NOTARY PUBLIC FOR OREGON

My commission expires the 29th day of September, 1956

SURVEYORS CERTIFICATE

STATE OF OREGON }
COUNTY OF JACKSON } S.S.

I, L.N. Dow, a duly registered surveyor of the State of Oregon, being first duly sworn, do hereby certify that I have correctly surveyed and marked with proper monuments as provided by law the tract of land hereon shown and the said plat is a correct representation of the same, and the following is an accurate description of the boundary lines:

Beginning at a concrete monument with brass plate at the southeast corner of Block 5 Extension of Siskiyou Heights Addition to the City of Medford, Jackson County, Oregon, said point of beginning being North 900.64 feet and West 783.18 feet from the 1/4 section corner on the east line of Section 29, Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon, thence N89°42'30"W along the south line of said Block 5, 507.16 feet to the southwest corner thereof, thence N18°03'E 85.86 feet, thence S89°42'30"E 171.54 feet, thence N0°19'30"E 91.00 feet, thence N89°42'30"W 147.48 feet, thence N8°03'E 211.01 feet, thence on the arc of a 713.80 foot radius curve to the left the long chord of which curve bears N10°57'E 104.12 feet a distance of 104.13 feet, thence N6°45'E 114.7 feet, thence S89°44'30"E 210.82 feet, thence N0°04'W 190.2 feet, to the south line of East Main Street, thence S89°44'30'E 172.54 feet, thence S0°04'E 682.1 feet to the point of beginning.

Subscribed and sworn to before me this 7th day of April, 1955

Juanita S. McCarry
NOTARY PUBLIC FOR OREGON
My commission expires the 27 day of May, 1955

L. N. Dow
SURVEYOR

My commission expires the 27 day of May, 1955

Examined and approved by the City of Medford Planning Commission in regular session this the 11 day of APRIL, 1955
Attest:

SECRETARY *Edward M. McKinley* PRESIDENT *M. J. Kelley*

Examined and approved by the Medford Irrigation District in regular session this the day of , 1955
Attest:

SECRETARY _____ PRESIDENT _____

Examined and approved this 12 day of APRIL, 1955

Edward M. McKinley
CITY ENGINEER

Examined and approved this 17 day of May, 1955

Dora G. Samuels
COUNTY ASSESSOR

All taxes paid in full to date this the 17 day of May, 1955

Howard Brant
COUNTY SHERIFF

Examined and recommended for approval of the County Court

Paul S. Reynolds
COUNTY SURVEYOR

For order of the County Court approving this plat see Volume 38, Page 226 of County Commissioner's Journal of Proceedings.

Bertha Hopkins
COUNTY CLERK

Filed for record this the 18 day of May, 1955, at 4:00 o'clock P.M. and recorded in 7 Volume of Plats of Page 27 of records of Jackson County, Oregon.

Bertha Hopkins
COUNTY RECORDER

I hereby certify that this tracing is an exact copy of the original plat filed with the County Clerk.
L. N. Dow

Page 122

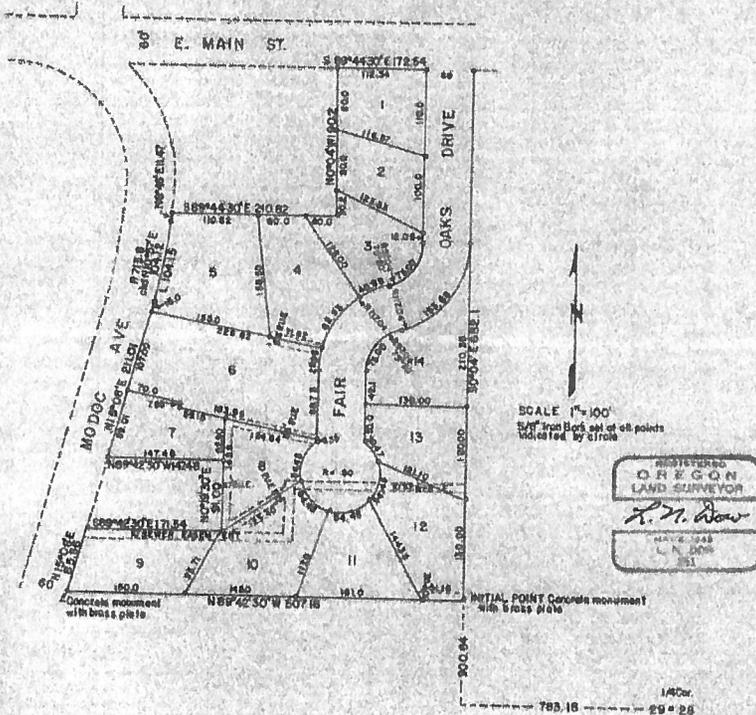
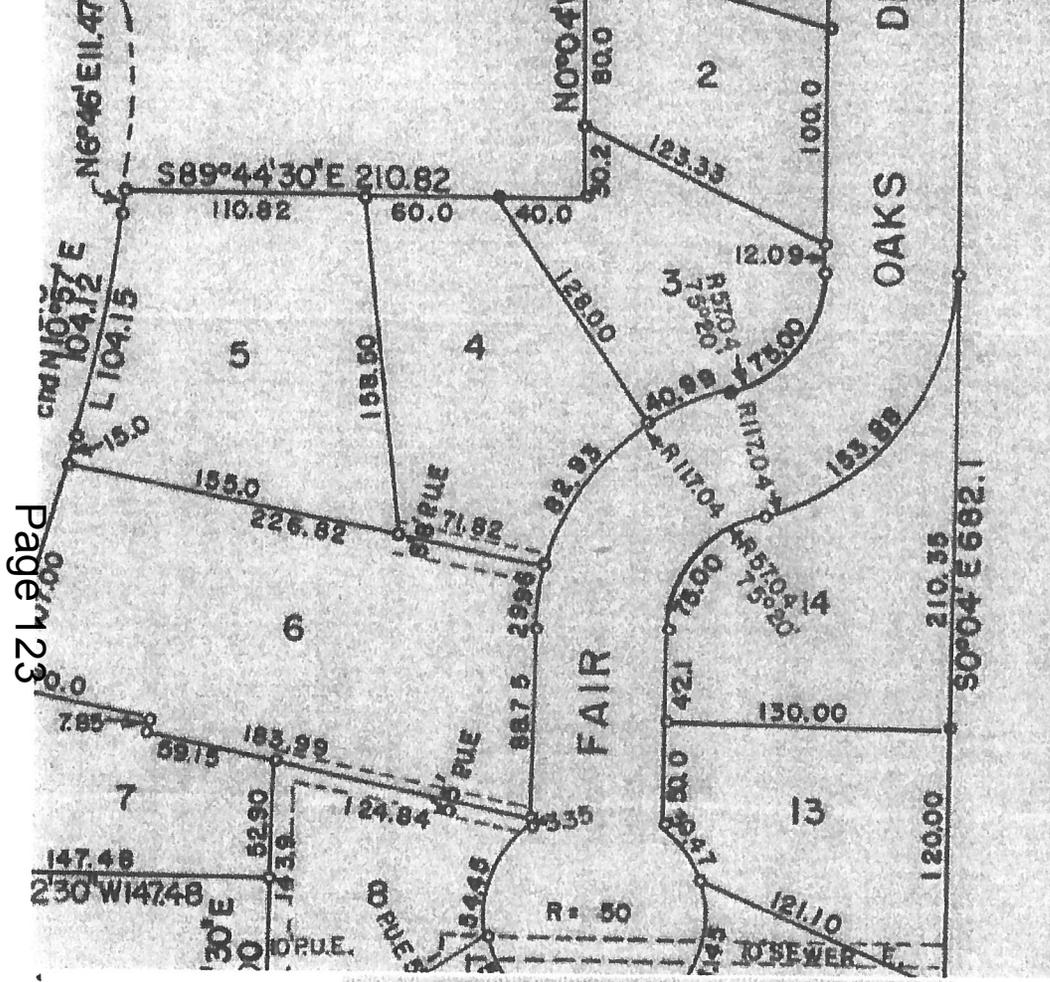


Exhibit C



SCALE 1" = 100'
5/8" Iron Bars set at all points
indicated by circle

REGISTERED
OREGON
LAND SURVEYOR

Page 123

Exhibit D

RECEIVED

APR 27 2016

PLANNING DEPT.

City of Medford
Planning Department
Lausmann Annex
200 South Ivy Street
Medford, OR 97501

Regarding:
File No.; LDP-16-012 / E-16-034
2 White Oak Drive
Medford, OR 97504

I live at 2410 Acorn Way, Medford, OR 97504.(the corner of White Oak and Acorn) I am writing to express my concern of splitting the lot at 2 White Oak Drive into three lots. There are few neighborhoods of this era left in Medford that contain the original charm from when they were built. This is one of them. Allowing this property to be divided will detract from the original character of this neighborhood. The loss isn't just the residents who live close but to all residents of the City of Medford.

White Oak is an old narrow street that has a lot of traffic; it doesn't have gutters, sidewalks or accommodations for pedestrians and cyclists. The driveway of one of the proposed lots would enter on a bad corner with poor visibility. There would have to be significant removal of some of the old oak trees. These trees provide privacy, improve curb appeal and property value for all homes in the area.

It is my hope the planning commission will deny the request to divide the property.

Regarding the exception for the elimination of sidewalk, curb and gutter. If it is granted it will generate additional drainage down the street into other properties. Why is an exception to normal street upgrades even being considered? There are several lots on White Oak that are large enough to be divided. If this is granted I would expect more applications of the same from other properties on the street; creating additional demand on an unimproved street. The sidewalk, gutters and street paving should be paid by the developer not by residents at some future date.

Steve Gressett
2410 Acorn Way
Medford, OR 97504

RECEIVED
APR 27 2016
PLANNING DEPT

To: City of Medford Planning Commission

File # LDP-1-012/E-16-034

Project: 2 White Oak Drive Partition & Exception

From: Jerry and Betty Wagar, Landowners at 186 White Oak Drive

Date: April 26, 2016

Dear Commissioners:

This letter and supporting documentation is being provided to assist you in the decision process for the above-mentioned project. As citizens and neighborhood residents, we are vehemently opposed to this proposed land partition and improvement exception. The supporting facts in the staff reports, as well as proponent's proposal, fail to address many issues. Several will have long-lasting and irreversible negative impacts on the environment and the existing neighborhood. Several of the project design issues appear to have been overlooked and not addressed in both the staff reports, as well as the proponent's engineering report. Below, we are providing bullet points with supporting documentation for your review:

- **Water Drainage**

- A. Public Works Staff Report Requirement

1. Page 5 C.3 - Roof drains and foundation drains connected to storm drain

- B. Issues and Concerns

1. Proposal is to connect Parcels 1, 2 and 3 to private storm drain service conveying water from southeast corner of parcel 2 towards southwest corner of parcel 2 across the right-of-way, a distance of approximately 100 feet with the inlet and outlet shown on map as both being approximately 1502.5 in elevation. Industry standard being 1/4" of fall per foot, 25" of fall would be required, or is mass grading a part of the plan, or is there intent that this be a forced main?
2. Private storm drain easement appears to cross private property. Does the proponent have an easement?

3. The proposal shown on Exhibit C of the Planning Department's packet, is to move two new dwellings of runoff water plus alter parcel #1's water and convey this water to Fair Oaks Drive gutter. This gutter terminates at the end of the cul-de-sac via a curb inlet and 10" storm drain pipe. Is this volume engineered? The concern is that the homes in the cul-de-sac have floor levels below the height of the gutter, making them vulnerable to flooding. See attached Exhibits #1 and #2.
4. White Oak Drive has no storm drain available at the proposed site.
5. Sheet flow water impacts from hardscape improvements on Parcel 3, consisting of driveways, walkways and patios, will have a negative impact on all downstream parcels. From the project site on the west side of White Oak Drive there is no engineered conveyance method for the transfer of storm water in place. See Exhibit B. The impacts of additional water runoff could adversely affect these property owners. Most homes are constructed below the level of the street shoulder. What assurances do these downstream landowners have that the increase in the amount of runoff water will not cause damage to their residences?

- **Public Safety**

- A. The partitions being requested are on a very unique parcel. East Main turns into White Oak on a large curved section of narrow street with heavy tree density on the road's edge. As shown in Exhibits #3 and #4, an additional dwelling will have a negative impact on the local residents entering and exiting their driveways. The 2014 City of Medford data shows 1400 cars per day on White Oak Drive between Main Street and Country Club Drive. That level of travel requires close scrutiny, as with the current road configuration, any additional sightline issues will be problematic for safety reasons.
- B. The same line of sight concerns apply to pedestrian traffic, as cars traveling south on White Oak would be incapable of seeing a pedestrian in the roadway.

- **Neighborhood Character**

- A. Every city has “The” neighborhood. The one everyone wishes they could live in. For Medford “The” neighborhood is “Old East Medford”. It adds enormous historic value to our city. And in Old East Medford, the White Oak corridor is very unique to Medford’s history. It **deserves** to be **preserved**, similar to the Geneva Street historic district. Additional density in this area will affect the flavor of this neighborhood and destroy a Medford legacy forever. It will set a precedence for the continued deterioration of the estate sized lots that the area is sought after for.
- B. Parcel frontages and sideyard setbacks will be very difficult to maintain, creating an imbalance of street appeal affecting the ambience of this established neighborhood.

- **Environment**

- A. #2 White Oak Drive has a very well established white oak canopy of trees. As we speak, efforts locally are happening to restore white oak habitat because of their contribution to the existence of a variety of species. Organizations including Klamath Siskiyou Oak Network, O.D.F.W. and their Oregon Conservation Strategy, Lumakatsi Restoration Project (done in Medford) as well as the resource of the Cascadia Prairie Oak Partnership. Currently, there are 3 species in our region dependent on oak woodlands that are vulnerable to extinction based on declining population and habitat. The Oak Titmouse, Lewis Woodpecker and the Wretit are all on a watch list for extinction.

- **Exception Issues**

- A. Considering the vulnerability of the existing infrastructure on White Oak Drive, improvements must be in place prior to the occupation and impact creation. A deferral in this proposal should not be an option as the current infrastructure cannot accommodate additional water impacts. If the stated improvements are too costly, unreasonable or as quoted by the proponent’s engineer in criterion #3 on Page 5 “Relocation and reconstruction project of this scope that certainly is not likely in the near future and possibly may never be constructed” makes it very clear a parcel split with additional

dwelling is untimely and inappropriate prior to the improvements necessary to protect the adjoining property owners on White Oak.

B. Multiple times it is quoted that there is a financial burden for the owner. The owner bought the property in September of 2015, obviously for the purpose of development. Allowing a D.I.A. and L.I.D. without the City of Medford standard bond requirement of 125% of improvement only passes the "undue hardship" to another party, as well as creating financial hardships for existing landowners. The development of this parcel is being done for financial gain. If allowed to defer costs of development today, then they are creating "undue hardships" to future property owners. Lack of bond requirements sets a very bad precedent for the future. If the expense of the development is too great for the reward, then the proper business approach should be to do it later or don't do it at all.

In closing, there are obvious unique issues with this site. Necessary road improvements, water issues, environmental issues, safety issues, financial issues and of course the reality of the irreversible neighborhood change.

It can't be denied, there is a need for higher density in housing with today's society. The question at hand is what is a reasonable sacrifice for the sake of density increase. Staff reports only mention the oaks in terms of the expense it will be to deal with them. These oaks are "history and habitat". Increased density should come with proper planning and should not be at the expense of existing established neighborhoods. The established urban growth boundaries of our area allow for proper planning to incorporate higher density in areas that have established infrastructure as well as bike ability, walkability and mass transportation services.

For these reasons, it is critical this partition as brought forward is denied. The protection of adjoining landowners, the environment and Medford's historic image are at stake. Please vote wisely, and thank you for your consideration.

Sincerely,

Jerry L Wagar and Betty L Wagar



EXHIBIT #1

EXHIBIT #2

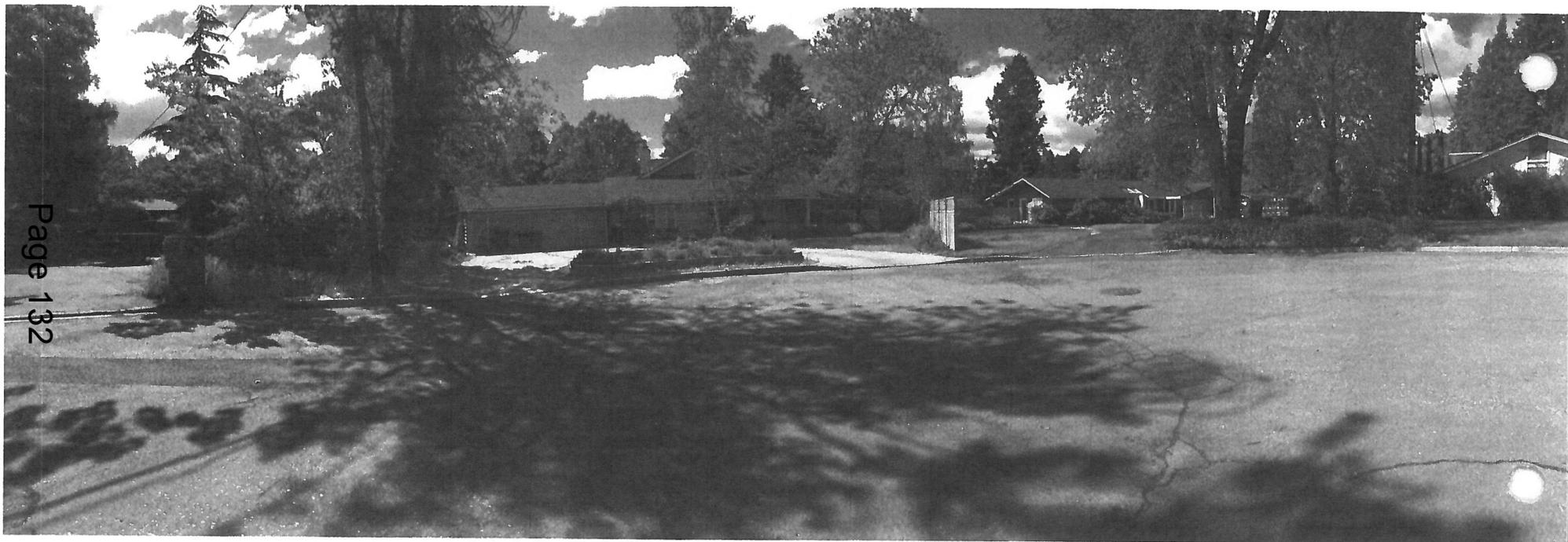


EXHIBIT # 3



EXHIBIT #4

Page 134



Roger Scott
2421 Acorn Way
Medford, OR 97504

RECEIVED
APR 27 2016
PLANNING DEPT

April 26, 2015

City of Medford
Planning Commission
411 W. Eighth St.
Medford, OR 97501

Gentlemen,

My name is Roger Scott. My wife and I live at 2421 Acorn Way. We have lived here for 14 years.

One of the main reasons for us to relocate here is the inviting two lane 'unimproved' streets and the beautiful Oak tree canopy.

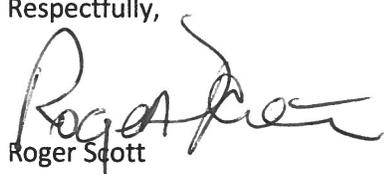
Since coming to Medford, we have purchased other properties in different neighborhoods, however, none with the unique charm of Country Club Park area. Had the application for subdivision been in another area, even where we own residential property, we would applauded the improvements.

It is my belief that the Country Club Park neighborhood is so special, so historic, such a gem to the entire city of Medford, that to introduce the subdivision of the lots is to destroy the character of this wonderful area. You all should value this asset in your community. You should protect this neighborhood and reject such opportunism and exploitation.

Do you see the potential development of this 'ripe' neighborhood? Many of the lots are 1/2 to 3/4 acres. As older property owners 'downsize' or move to retirement housing, the temptation will be great to buy up the homes and subdivide for a quick profit. (as 2 White Oak owner is trying to do)

You, as Medford 'Planning' Commission, should be planning for ways to protect the community and property owners in Country Club Park from the exploitation of the neighborhood. It belongs to the whole city of Medford. Don't do it!! The owner of 2 White Oak can recoup his investment by selling to someone who will also enjoy living on the rich street with its awesome oak trees.

Respectfully,


Roger Scott

Pamela Scott
2421 Acorn Way
Medford, OR 97504

April 26, 2015

City of Medford
Planning Commission
411 W. Eighth St.
Medford, OR 97501

RECEIVED
APR 27 2015
PLANNING DEPT

Gentlemen,

Neighborhoods each have their own "distinct" character. Each home--even each old tree in THIS neighborhood is unique. The project at #2 White Oak will most certainly have an impact on this quiet, stately, and mature neighborhood. One look at the old oaks on White Oak shows you this. Every one these homes has a history:

Some were built by a very well-known architect.

Some were designed and built by the parents of the present residents, who at this time, might be referred to as "senior citizens".

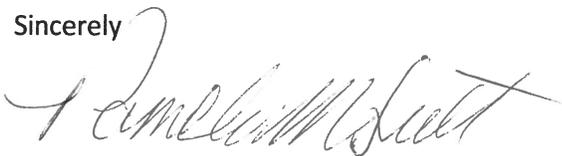
Some residents actually searched for just such a neighborhood to relocate to, such as my husband and I. We spent close to two years and looked at many, many homes all over the Rogue Valley before we found this wonderful place.

Please note, these homes, many built in the '40's have not fallen into disrepair because the residents remember a time when pride of ownership, community, and family took precedence over monetary investment, speculation, and gain. No one has bought into this neighborhood for a "quick buck". Neighbors actually walk these streets and know one another personally.

#2 White Oak is not in the middle, nor even on the edge, of a "subdivision". The houses on North Phoenix Rd. (for example) have nowhere the grace and distinction of this unique neighborhood. This is not a "common" bunch on houses squeezed onto sub-divided lots such as the two being proposed at the corner of White Oak. Sub-dividing may make a speculator and developer money but it has never been equivocated with grace, class, nor a dignified neighborhood. Just learn from our southern neighbor, California--numerous cities of nothing but subdivisions of no distinction.

There are many other less established neighborhoods in Medford--or maybe Ashland (?) where I'm sure Mr. DeBoer can turn a quick buck. Please help all of us here protect our neighborhood. What is the possibility that if this goes through, any other of the large lots surrounding this property will be purchased only to be carved up like some other avaricious person's pie? Is it really worth it ---to you---to destroy one of the grand old neighborhoods of this city?

Sincerely



Pamela Scott

Medford Planning Commission

April 26, 2016

RECEIVED
APR 27 2016
PLANNING DEPT

RE: DeBoer/Adderson lot partition 2 White Oak Drive

I live at 172 Black Oak Drive, am very familiar with the surrounding neighborhoods, and am opposed to the request to create another lot and house at the intersection of White Oak and Fair Oaks.

The concept, if approved, will create a housing density that is out of character for this, one of Medford's prize neighborhoods. There are other parts of the City that would be more in character for this type of density. The developers should focus their efforts where change is desired.

Building an additional residence will create an elevated risk for traffic, both vehicular and pedestrian. White Oak is used by many pedestrians at some risk, as there are no sidewalks and the pedestrian easements are already encroached by rocks, parked vehicles, etc. Placing an additional drive/outlet to this street, particularly on such a curve of the road, would simply be poor planning.

Likewise, it would make no sense to rearrange White Oak to make it safer while accommodating an additional outlet, unless the City is prepared, at City or developer expense to redo the entire road from East Main to Acorn Street. This would need to include sidewalks. And in so doing, the residents would probably vehemently protest the removal of any of the "historic" oak trees along this road.

I advise the Planning Commission to make short work of this request and deny it. The developers can recoup their costs by selling the house and property they bought on speculation, or perhaps one of them may actually decide to live in the house and neighborhood that they so wish to change.



Todd B. Maddox
172 Black Oak Drive
Medford, OR 97504

Medford Planning Commission

April 26, 2016

RECEIVED
APR 27 2016
PLANNING DEPT

RE: DeBoer/Adderson lot partition 2 White Oak Drive

I am fortunate enough to live in a park. I can watch the changing of the seasons on the outstretched arms of the oaks overhead. I can listen to the whisper as the branches catch the breezes. See the leaves shimmer in the summer sun, while sitting under their cool protection. As the temperature of summer rises, my neighborhood is a cool oasis. Visitors from out of town, state, and country comment on the richness of our old growth trees.

My neighborhood is under attack from an outside entity. The green canopy that reaches out and over is threatened. We've seen what it looks like when we lose such a precious part of our history as an old tree. How can we risk such an irreplaceable loss. Just for an outsiders quick fix. Someone who doesn't care about our history. Someone who doesn't care about the look and feel of our neighborhood, our community. They will just take the money, and go home to their own neighborhood.

We're asking you-our representatives, to protect us. Stand up for us. Stand up and say not this neighborhood, not this city. Go home.


Shannon L. Maddox
172 Black Oak Drive
Medford, OR 97504

RECEIVED

APR 27 2016

PLANNING DEPT.

Medford Oregon

April, 23, 2016

Tracy Carter
200 Ivy Street,
Medford, Oregon 97501

Dear Tracy Carter:

As a resident at 133 White Oak Drive, We are opposed to the proposed plan to create 3 lots on a 0.74 acre parcel of land located at the intersection of East Main, Fair Oaks Drive, and White Oak Drive.

We moved into this neighborhood in February 2009 from Los Angelous. The quiet street and beautiful oak trees were a draw to move here.

We want our neighborhood to remain the same as is. This change we feel will cause many problems such as loss of property values, increasing traffic, removal of beautiful old oak trees, more high density development and many more problems.

If this should happen we are looking to the future and believe that the owner should be responsible for installing side walks, curbs, gutter and street paving improvements.

We join our voice with those others on our street who are opposed to this plan.

Thank you for any consideration given this letter.

Sincerely,
Dean and Mary Lou TerBest

26 April 2016

RECEIVED

APR 28 2016

PLANNING DEPT.

Planning Commission
City of Medford Planning Department
ATTN: Tracy Carter, Planner II
200 S. Ivy St.
Medford, OR 97501

Dear Mr. Carter:

I am writing in regards to the variance proposed for 2 White Oak Street, Medford, OR, 97504, LDP-16-012/E-16-034, more specifically to the issue of any and all potential and future ramifications that may impact the City of Medford and the landowners living on White Oak Drive to Acorn Way in relation to the creation of a Limited Improvement District [LID].

STATEMENT OF OPPOSITION TO VARIANCE

In general I am opposed to the approval of the variance re: 2 White Oak mainly because of the intended introduction of more infill into a parcel that could result in a very crowded looking, esthetically incongruous addition to a neighborhood that despite its SFR-4 zoning respects the one house per one lot pattern that has been in effect since the area was first developed around 1928 [p. 72].

Another objection to this requested variance rests on the point that developers could view this sanction as an invitation signaling them that it would be permissible to infiltrate into any area characterized as having many large SFR-4 lots, which would mean that any such qualifying lot could be split into smaller parcels and then be developed in the same manner that Adderson Builders, Inc., is proposing to split and further develop the 2 White Oak lot.

LOCAL IMPROVEMENT DISTRICT [LID] ISSUE AND CONCERNS: REQUEST FOR CLARIFICATION AND EXPLANATIONS

I have read pp. 59-60 and pp. 72-77 in the Staff Report prepared by Tracy Carter, Planner II, Planning Department. I appreciate the seeming intent of the landowner's request for a street improvement Exemption, which in essence, would not radically change the streetscape at 2 White Oak as it now exists. However, should this variance be approved, I have several concerns about its possible ramifications in relation not only to owner Adderson Builders, Inc., long term liability re: an LID but also to we the affected landowners on that particular block.

KEY POINTS SECTION ISSUES

The following sections contain key points that I find unclear re: a Local Improvement District [LID], a Deferred Improvement Agreement [DIA], and other possible ramifications described in pp. 59-60 and in pp. 72-22. At the 28 April 2016 hearing I would like an in depth explanation of the implications of the DIA bond and for the LID Condition of Agreement AKA to be given full disclosure as to what is really being said regarding a DIA and LID and who is really going to be fiscally liable should a bond or Local Improvement District ever be deemed necessary. I would also like a Q & A session to follow.

If that request cannot be satisfied at the already scheduled meeting of 28 April 2016, then I am asking that on the 28th that any action on this variance be delayed until such a time as these questions can be properly addressed in a public hearing/meeting to the satisfaction of the City of Medford and to the duly affected landowners as defined in the Staff Report [p. 75] prepared by Tracy Carter for the hearing of 28 April 2016.

KEY POINTS

1] P. 59, bottom and P. 60, top: "The applicant has submitted for an Exception in conjunction with the Land Division. The request is to eliminate standard street improvements along all frontages. The applicant seeks relief from the

CITY OF MEDFORD
EXHIBIT # FF
File # LDP-16-012

standards of MLDC, 10.432, which requires a financial deposit equal to 125% of the estimated cost of the improvements when improvements are deferred. Rather than providing the City with 125% deposit, the applicant proposes to record a signed document agreeing to participate in a Local Improvement District [LID] in the future.

2] P. 60: Under Findings and Conclusions- Criterion 3: States that many improvements are needed on East Main/White Oak Drive “which the applicant argues would result in an undue hardship on the owner because of the financial cost associated with relocation and reconstruction of the existing street well beyond half street improvements that would be required to make the street serviceable..... In lieu of entering into a Deferred Improvement Agreement [DIA], the applicant suggests the landowner signs a perpetual agreement with the City in favor to form a Local improvement District [LID] in the future. Staff recommends approving the applicant’s request to consent to a LID for the improvements along E. Main/White Oak Drive, but that the improvements for Fair Oaks Drive be completed as specified in the Public Works Staff Report.”

3] Bottom of p. 75 and top of p. 76: “The criterion in MDC Ch. 10.432(4) for the cost associated with improving this block between E. Main and Acorn Way should be fairly and proportionately shared between the City and other landowners on this block. Since this project is not currently on the City’s schedule for improvements, it will likely be many years or possibly decades before an LID is formed or even desired by the City and local residents, therefore, it is a hardship for the owner to be required to post a 125% bond in perpetuity for a relocation and reconstruction project of this scope that certainly is not likely in the near future and possibly may never be constructed.

4] P. 76 the paragraph above Conclusion of Law states that “In lieu of posting a 125% bond, the landowner proposes to sign a perpetual agreement with the City in favor to form a Local Improvement District [LID] in the future, to be duly recorded with the Jackson County Clerk that will run with the land as a Condition of Agreement to this exemption request.”

5] P. 75 Under Criterion No. 3, Finding of Facts: In regards to the Street improvements on White Oak Drive, “This circumstance was not self-imposed by the owner, nor was it the owner’s responsibility that the existing street [White Oak Drive/E.Main] was built in the location that it is found today.”

QUESTIONS SECTION

Relevant to the Key Points Section, these are my questions and concerns, which I am addressing to the Planning Commissions and/or Tracy Carter and/or to Adderson Builders, Inc., and/or to those who provided the information contained in this Staff Report:

1] In Key Points [KP] Section 2, “In lieu of entering into a Deferred Improvement Agreement [DIA], the applicant suggests the landowner signs a perpetual agreement,” Please identify the referred to applicant as well as the landowner.

2] QUESTIONS REGARDING THE “PERPETUAL AGREEMENT” STATED ON P. 76

What does a “perpetual agreement ...to run with the land as a Condition of the Agreement” really mean? Does that imply that for forever the funding of a possible LID in this situation would have perpetually guaranteed funding? How without a secured bond in place now? Should a future need for an LID come up, where is Adderson Builders, Inc., liability in that picture?

3] QUESTIONS REGARDING THE “PERPETUAL AGREEMENT” RUNNING WITH THE LAND [SEE KP 3]

Should the variance be approved, then when will Adderson Builders, Inc., sign the in perpetuity agreement? Since the LID transfers or “runs” with the property, then once Anderson Builders, Inc., sells all 3 lots, again what is its liability? By run with the land, does that mean that all potential fiscal responsibility will then transfer to the new owners of those 3 lots in perpetuity and thereby release Adderson Builders, Inc, from any further possible fiscal involvement?

Again, doesn’t all of this simply mean that Adderson Builders, Inc., will never have any “undue hardship” for street improvements but rather only those residents located within the parameters of the LID and possibly the City of Medford itself would carry the burden [see KP 3]? Amazing how all of this could play out.

4] THE LID AGREEMENT AND THE FUTURE SALE OF THE 3 NEW WHITE OAK SPLIT LOTS

Since Adderson Builder's Inc. is the single owner, then how does one LID agreement split into 3 when each lot is sold? Where is documentation showing how this LID signed by Adderson Builder's Inc. will be transferred to 3 new owners?

5] UNDUE HARDSHIP CLAIM TO POST A BOND AND THE PERPETUAL AGREEMENT IN RESPECT TO RUNS WITH THE LAND

As stated in KP 3 "it is a hardship for the owner to be required to post a 125% bond in perpetuity for a relocation and reconstruction project of this scope that certainly is not likely in the near future and possibly may never be constructed"

Without a bond in place, what street improvement liability does Adderson Builders, Inc., have or will ever have once all the parcels are sold? Isn't this funding mechanism to run or transfer with the land as a Condition of the Agreement? If so, then does the perpetual Condition of Agreement thus transfer from owner to owner not only now but also in the future? Hence, when Adderson sells, will not his liability be transferred to all 3 new owners? And will not this same pattern happen to the residents living on the White Oak block when they also sell their properties?

Again, it would appear that Adderson Builders, Inc. really has no fiscal obligation here at all and isn't it interesting that the exemption for no street improvements which is a very desirable thing to the neighborhood and neighbors because it protects the integrity of White Oak to Acorn Way yet the way that it is worded with all of its in lieu ofs appears to absolve Adderson Builders Inc., from any and all fiscal liability and instead will transfer it to the City of Medford and to other landowners on the block if and when the LID is formed.

Since in Key Points 2] Adderson Builders, Inc., states that street improvements on E. Main and White Oak "would result in an undue hardship on the owner because of the financial cost associated with relocation and reconstruction of the existing street well beyond half street improvements that would be required to make the street serviceable" I am asking for a public announcement re: the approximate amount that such an undertaking would ultimately cost and to which Adderson Builders, Inc. doesn't want to put down a 125% bond/deposit [DIA] but proposes to sign a perpetual agreement re: an LID with the City to run with the land. [see KP 4]. To repeat it seems that Adderson Builders, Inc. should be obligated to back a bond and be denied the right to negotiate in lieu of agreements that will never bind or obligate Adderson Builders, Inc. to any fiscal liability but could at some point impact the City and affected landowners in the pocketbook [See KP 3].

6] WILL CURRENT AND POTENTIALLY AFFECTED LANDOWNERS EVER HAVE THE RIGHT TO REFUSE TO PARTICIPATE IN A FUTURE LID?

Since Adderson Builders, Inc. is willing to sign this Condition of Agreement [KP 4], if the variance should be approved when or how can other potentially affected landowners now or in the future be able to refuse to participate in the agreement? It is understandable why Adderson Builders, Inc. finds this Exception so attractive but for the affected neighbors there is no such lure because at some point buyers of our current properties and the City of Medford may have to bear a financial burden that Adderson Builders, Inc. won't. [See last paragraph of this letter]

7] MORE ISSUES RELEVANT TO COST SHARING AND THE ASKING FOR DISCLOSURE OF FISCAL IMPACT OF AN LID WERE IT FORMED TODAY

It is stated [KP 4] that should an LID ever be formed, which "may never be constructed", that "for the cost associated with improving this block between E. Main and Acorn Way should be fairly and proportionately shared between the City and other landowners on this block".

Since I reside at 2401 Acorn Way [the west side of my lot faces White Oak], my property would most likely be included in this LID. Therefore, were the LID to happen today, I am understandably asking the Planing Commission to estimate the relative dollar amounts that affected landowners could realistically expect to be assessed and if still as owner, what would Adderson Builders, Inc., share be and again to have these dollars amounts announced to the public.

8] HOW WOULD THE COSTS BE PROPORTIONATELY SHARED AND WOULD THE PAY BACK METHOD BE THROUGH AN ASSESSMENT OR AN ASSESSMENT DISTRICT? WHAT ABOUT DISCLOSURE ISSUES TO FUTURE BUYERS OF

THE AFFECTED PROPERTIES? WHAT ABOUT UNDUE HARDSHIP TO A SELLER TRYING TO SELL HIS/HER PROPERTY WITH THIS POTENTIAL ASSESSMENT ISSUE PENDING?

“The criterion in MDC Ch. 10.432(4) for the cost associated with improving this block between E. Main and Acorn Way should be fairly and proportionately shared between the City and other landowners on this block”. Explain how the shared costs would work [see KP 3]. Do I understand that this shared cost would be in the form of an assessment or an assessment district would the liability for the LID assessment be only for the affected block on White Oak or might the district be composed of residences outside of the designated area? Who will determine the conditions of this perpetual LID agreement?

If any one potentially affected landowner would sell his/her house, would this assessment be transferred to the new buyer or would the balance due come out of the sale of the property? Please explain how this “perpetual agreement” [see KP 2] would affect other owners on the block perpetually?

Even if no LID is on the horizon, don't affected sellers have an obligation to disclose this LID shared cost information to prospective buyers? If so, there could be an “undue hardship” on sellers trying to sell property listed with these potential fiscal issues pending.

SUMMARY

To make my point, I am in favor of approving the Exemption to defer street improvement on White Oak but I am not in favor of the owner being exonerated of any financial obligation by only signing a perpetual agreement with no strings attached to him. This LID seems to transfer all financial obligations to the City of Medford and to the landowners [p. 76] on the block. Hence, if this variance and Exception are approved, then the Exception should still stand but not the in lieu part where owner signs a “perpetual agreement”. I am proposing that the owner/builder be required to put up a bond covering the usual 125% deposit [see KP 1]. If that is truly an undue hardship, then he can sell the 2 White Oak unimproved property as it now stands to another buyer and purchase something more affordable.

CONCLUSION

In summary: My request is to ask the Planning Commission not only to answer all the questions posed in this letter but also to please explain ALL the other possible ramifications associated with Adderson Builders, Inc. request for a street improvement Exemption. In all fairness to those current and future residents that could be affected by the outcome of this variance decision and to the general public that might also find themselves in the same situation someday the explanation of the Exemption for street improvements needs to be made clear in a public meeting/hearing. Hence, if these questions cannot be addressed on 28 April 2016, then as stated at the beginning of this letter I am again asking for a delay of any decisions at the 28 April 2016 meeting until such time that another meeting can be scheduled, which could address not only these concerns but also those issues that might surface at the meeting of 28 April 2016 and from the letters, which were received before that hearing was called to order.

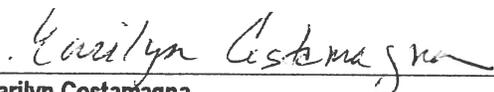
In the final analysis and as stated on p. 75 of the Staff Report, “The circumstance was not self-imposed by the owner, nor was it the owner's responsibility that the existing street was built in the location that it is found today”[pg 75, bottom]. The same could be said for the residents that live on that same street. Hence, to be fair to all parties involved, it is my opinion that a funded bond should be required. Even if street improvements are delayed for decades or are never constructed, the lack of an up front bond tends to lend suspicion that the owner/builder is more interested in a profit and run enterprise rather than in making a sound and in good faith investment into an area in which he has now transgressed.

Furthermore, the owner seems to be into negotiating ways in which to extricate and absolve himself from any and all fiscal liability regarding placing money in trust. His counter solution found on P. 76: “In lieu of posting a 125% bond, the landowner proposes to sign a perpetual agreement with the City in favor to form a Local Improvement District [LID] in the future, to be duly recorded with the Jackson County Clerk that will run with the land as a Condition of Agreement to this exemption request.”

Hence, liability for any future LID will run with the land meaning it will run or be transferred in perpetuity to all affected parcels on that block. Hence, the City of Medford along with the then current other landowners on the block will bear

the burden of any future financial obligations resulting from the creation of an LID, for which Anderson Builders, Inc, wants to sign a perpetual agreement that will set this mechanism in place, which would also release him from funding a deposit bond now if the variance would pass and the Exemption be approved and since the LID would run int the properties involved, would in essence obligate the rest of the neighborhood and the future buyers of his own property at 2 White Oak liable for the cost of these improvements. Not a very neighborly or neighborhood friendly gesture.

Respectfully submitted



Marilyn Costamagna
2401 Acorn Way
Medford, OR 97504
541-245-3965

26 April 2016

RECEIVED

APR 29 2016

PLANNING DEPT.

Planning Commission
City of Medford Planning Department
ATTN: Tracy Carter, Planner II
200 S. Ivy St.
Medford, OR 97501

Dear Mr. Carter:

I am writing in regards to the variance proposed for 2 White Oak Street, Medford, OR, 97504, LDP-16-012/E-16-034, more specifically to the issue of the existing old oak and other mature trees indigenous to that parcel.

STATEMENT OF OPPOSITION TO VARIANCE

In general I am opposed to the approval of the variance re: 2 White Oak not only because of the resultant infill and crowded perception that the addition of 2 new dwellings could undoubtedly give to that corner but also because of the precedent that it could possibly set for other developers to infiltrate any area which is recognized or zoned as SFR-4 with large already developed lots that could easily be further exploited.

I am additionally opposed to this lot "split and build" approach because it has the potential to change the entire character of this well established neighborhood as well as to introduce many other accompanying components such as traffic congestion, drainage issues and other unforeseen problems into a neighborhood that is even extolled in the Staff Report prepared by Tracy Carter as being "a bucolic, peaceful, neighborhood in old east Medford" [p. 72].

Before any action is entertained re: this variance request and in conjunction with the integrity of design characteristics of this older neighborhood, I am asking that a hearing be set for public review and comment regarding the architectural renderings, when available, for the proposed 2 new houses that will be constructed on the proposed 2 new lots.

SHOULD THE VARIANCE EVENTUALLY BE APPROVED, THEN TO SAFEGUARD THE NATURESCAPE ON THE AFOREMENTIONED PROPERTY, I AM REQUESTING THE ADOPTION OF A TREE PLAN

If the proposed variance should not be denied, then I am asking that the owner of record Adderson Builders, Inc., Ashland, be required to submit a Tree Plan that will ensure the safeguarding of as many existing trees and tree roots as possible and that will also respect and protect all tree ecosystems while any and all work is in progress to alter the appearance of the property at 2 White Oak.

Any and all work is to include not only excavation, placement of underground water and gas lines and irrigation systems along with any other subsurface work deemed necessary to this project but also to all above ground construction and finish work that will be involved.

In regards to the Tree Plan itself it would seem advisable to involve the City Arborist and appropriate staff to generate such a plan and then for them to work in tandem with the owner/builder to implement it. If needed, this plan could serve as a future prototype for tree protection and care under stressful construction or demolition conditions.

Once written but before implemented I am also asking for the Tree Plan to be made public and to invite public comment regarding the proposed plan.

ADDITIONAL SUGGESTIONS TO PROTECT OLD OAK AND OTHER MATURE TREES IN THE CITY OF MEDFORD

Through the Facilities and Maintenance Division of the Medford Parks and Recreation Department I believe that there is a tree committee in place, which seeks to plant more trees in neighborhoods. What about introducing a volunteer program to protect the old oak trees that are so intrinsically a part of areas such as east Medford? Consideration might

also be given to making it more difficult for people to cut down trees in general even on private property for a better reason than just because they are there and I don't want them.

An argument could be made for the use of permits when trees such as White or any other type of oak trees are at risk or when some of the more mature old growth types of trees found in Medford are in jeopardy of being eliminated. Case in point: For the enjoyment of all visitors Oregon Hills Park will have an area dedicated to the old mature oaks located within the park's boundaries. In the future is that where we will have to go to see examples of precious trees: To parks and conservation lands and not just into our own local neighborhoods or yards?

NEIGHBORHOOD ENVIRONMENT

I am the owner of record at 2401 Acorn Way. My house is located at the corner of White Oak Street and Acorn Way. Since 1971 this property on Acorn Way has been owned by my family. Before purchasing this house, my parents visited many other residential areas in Medford. Because of the spaciousness of the large lots, the individual character of the homes themselves, the peaceful yet picturesque surroundings provided mainly by the sprawling canopy of old oak trees on upper White Oak along with the uniformity of well maintained landscapes my parents decided to purchase a piece of property on Acorn Way. The property included not only a good size house situated on a large lot but it was also enriched and shaded by 16 mature oak trees, which more than regrettably are no longer standing.

In light of that history, it is also obvious from the attached newspaper article comments that even today the attraction of old east Medford borders on being legendary. Almost 45 years ago my parents, too, understood the charm and unique appeal of this area that still makes old east Medford a highly desirable place in which to live. Where else in the city does another area such as this one exist? Why try to change what still works for and nurtures so many families?

SUMMARY OF OBJECTIONS AND A SUGGESTION

Due to the potential repercussions that a 3 way lot split may generate, I am opposed to this variance's approval.

If approved and the lots are split, the consequent infill will in all likelihood not only greatly alter the current spatial harmony between 2 White Oak and its southerly neighbor at 130 White Oak but also other lots and houses that exists in the immediate neighborhood surrounding White Oak and East Main. Hence, I oppose approval of the variance.

Issues such as inadequate drainage, line of sight on a blind curve, future traffic flow from other streets that could impact White Oak and other known and unforeseen future problems that are and could possibly be associated with the approval to develop 2 new proposed lots, I oppose the passing of this variance request.

Despite all of the above objections, should variance approval be granted, then to guard a valuable natural resource, the mature trees on that parcel against any unnecessary disturbance or harm, I am hereby asking the Planning Commission to authorize a comprehensive Tree Plan that would serve to protect as many trees as possible and which would also help to retain the "bucolic" nature of old east Medford and to assure that 2 White Oak Drive's natuescape is modified as little as possible.

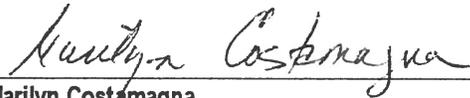
With that instrument in place, then comments available in the NET [see attached] re: the ambiance of the 2 White Oak neighborhood as it now exists and as also recognized on p. 72 of the Staff Report prepared by City Planner II, Tracy Carter, will also be safeguarded: "The parcel lies within Country Club Park subdivision, a bucolic, peaceful neighborhood in old east Medford containing approximately 60 residences, shaded by numerous mature White Oaks and lush vegetation and landscaping..."

CONCLUSION

A Tree Plan for 2 White Oak, supervised by the City of Medford's Arborist and/or a qualified staff member[s], would go a long way to protect many of those trees on said property, which have helped to define the charm in what has historically been a highly desirable area of old east Medford itself. Hence, the Tree Plan's goal to safeguard as much of the exiting natuescape as possible would also help to offset and minimize this apparent attempt to modernize this already well established neighborhood in which modern or upgrade may prove to be viewed as incongruous and may find itself not to have been the most complementary or prudent addition/modification to this particular block and area.

WHY CARE ABOUT TREES? Here's one fact: According to research done by the Arbor Day Foundation one large tree can produce enough daily oxygen for up to 4 people! To learn more facts about trees Google Arbor Day Foundation Trees and Oxygen!

Respectfully submitted

A handwritten signature in cursive script that reads "Marilyn Costamagna". The signature is written in black ink and is positioned above a horizontal line.

**Marilyn Costamagna
2401 Acorn Way
Medford, OR 97504
541-245-3965**

COMMENTS FROM THE INTERNET REGARDING OLD EAST MEDFORD

BEST ANSWER

claire.pence, Both Buyer And Seller, Medford, OR

If you are interested in buying a home here, I am downsizing and putting my home up for sale in Old East Medford.

0 votes • Thank • Flag • Link • Mon Jun 3, 2013

claire.pence, Both Buyer and Seller, Medford, OR

.68 acres, main home 2205 sq ft 3bd 3/12 bath - 550 sq foot guest quarters - 20X40 pool, large shed, 320 Windsor Avenue 2 car attached garage. very private on recessed property, mountain views.

Flag • Sun Jun 9, 2013

chnku59, Just Looking, San Diego, CA

What is your address please.....is there an attached 2 car garage.....how many square feet?

Flag • Mon Jun 3, 2013

MI.pattynan63, Home Buyer, Eagle Point, OR

East Medford is the best in my opinion. We had a house there, up behind Rogue Valley Hospital. Services are close and easy to get to the Mall and /cost Co, etc. Gets cold, but rarely snow in Medford.

Anything around the Hospital is good. DRs. close by, Market close by, Freeway not far. Great hospital with all sorts of speciality services. WE lived on Tan Oak and you rarely saw kids wandering at night. Low crime rate. I like it anyway...Call my son in law He is a Realtor with Royce Realty in Ashland, OR.

His name is Greg Goebelt....Hope it helps...

0 votes • Thank • Flag • Link • Fri Aug 16, 2013

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We owned a house in Old East Medford. The houses are well made and the whole area is very comfortable. We were up behind Rogue Valley Hospital. Great place to walk at night. People take care of thier yards. At night kids are not wandering the streets. Very low crime. While we lived there one incident occurred and it was hispanices who stole the neighbors car. Lots of street lights. Friendly people. Good medical services close by.

0

claire.pence, Both Buyer And Seller, Medford, OR

Old East Medford takes the prize.

0 votes • Thank • Flag • Link • Sun Jun 2, 2013

XXX: why do i need this here? i don't understand why the layout is busted otherwise.

Lana Lavenba..., Agent, Grants Pass, OR

I cant tell you the best all I can say is SE, SW and NW are all older n eighborhoods. NE is a newer part of medford.

0 votes • Thank • Flag • Link • Sat Jun 1, 2013

XXX: why do i need this here? i don't understand why the layout is busted otherwise.

Contact

Travis Jantz..., Agent, Medford, OR

There are several nice older neighborhoods in Medford, I have always liked the homes off of East Main, on the North East side of town.

Contact

Kimi Fernand..., Agent, Medford, OR

Definitely Old East Medford, Very charming and shady :)

Kimi

541-301-8332

Good morning, Medford is a beautiful town with many lovely older neighborhoods. It may be easier to answer your question with a little more information on what you're goals are. What type of home are you looking for? Square feet, age, price range, lot size... and so on. Please feel free to contact me, I am happy to help you find what you're looking for!

Stephanie Walls 541-941-8040

Web Reference: <http://www.stephaniewallshomes.com>

0 votes • Thank • Flag • Link • Sat Jun 1, 2013

XXX: why do i need this here? i don't understand why the layout is busted otherwise.

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Kimi

541-301-8332

0 votes • Thank • Flag • Link • Sat Jun 1, 2013

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Contact

Stephanie Wa..., Agent, Medford, OR

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Stephanie Walls 541-941-8040

Web Reference: <http://www.stephaniewallshomes.com>

0 votes • Thank • Flag • Link • Sat Jun 1, 2013

XXX: why do i need this here? i don't understand why the layout is busted otherwise.

RECEIVED
APR 28 2016
PLANNING DEPT.

Richard Mankinen, PhD
12 North Groveland Avenue
Medford, OR 97504
April 28, 2016

Planning Commission
200 South Ivy Street
Medford, Oregon 97501

Re: File No.: LDP-16-012/E-16-034

To Whom It May Concern:

The developers proposing to split the single lot at 2 White Oak Drive into three lots for purposes of building two additional houses have requested an Exception to Code requirements regarding standard street improvements. While they have agreed to sign a perpetual agreement with the City to form a Local Improvement District (LID) in the future (in lieu of posting a 125% bond), the presence of new houses on the proposed lots is likely to significantly hinder any attempts by the City to actually form a LID in the future. The requested exception should not be granted.

Respectfully submitted,



Richard Mankinen

Terri L. Rozzana

From: Sam Ackley <sackley@hunterfiber.com>
Sent: Thursday, April 28, 2016 2:58 PM
To: Jim E. Huber
Cc: Kelly A. Akin; Terri L. Rozzana
Subject: RE: Public Hearing - File No. LDP-16-012 / E-16-034; LOT 371W29AA 4600 (2 White Oak Dr., 97504)

RECEIVED
APR 28 2016
PLANNING DEPT

Hi Jim-

Just had a few other items I thought might be of interest, for historical context with this neighborhood if nothing else.

First, this amazing advertisement for Siskiyou Heights in the Mail Tribune from 1910 (refers to building restrictions for the Siskiyou Heights neighborhood? Not sure if those still exist or not...or if there are any covenants affecting the neighborhood in the vein of building height, type, etc.):

CITY OF MEDFORD
EXHIBIT # 44
File # LDP-16-012

Exhibit 44

Siskiyou Heights

ADDITION NO. 1, TO MEDFORD, OREGON. A BEAUTIFUL RESIDENCE PARK.

We have not been saying much about the improvements going forward on this property, but have been steadily sawing wood. A visit to this beautiful residence district will convince you that within a few months it will far surpass any other section of the city.

Early buyers of lots are already beginning to take their profits.

ONE LOT WAS SOLD LAST WEEK AT A PROFIT OF ONE THOUSAND DOLLARS OVER THE PRICE PAID A MONTH AGO.

REASONS WHY

You should build your home in **SISKIYOU HEIGHTS**.

It is naturally the most beautiful section of Medford.

Building restrictions exclude undesirable neighbors and unsightly buildings.

You will not have to wait for street improvements.

All elements combine to make a healthful location for your family.

Property values will increase more rapidly in Siskiyou Heights than anywhere else in the city.

Your family will not need to cross a railroad track to get to stores or school.

The social and moral atmosphere will be refined.

It is the only district in the city where these conditions obtain.

SISKIYOU HEIGHTS

Is a natural park whose beauty has been preserved by winding boulevards and generous parking strips. The land is high and rolling, affording magnificent views of mountains and valley. The perfect drainage and its elevation above surrounding country make it a healthful location. The lots are broad and deep and so varied in contour as to afford an unlimited choice of style in building.

Here will be located the finest residence district in the city. The rich, heavy soil will produce, in the greatest profusion, anything that may be grown in this climate. The luxuriant growth of flowers, palms, shrubbery and trees will shortly make it a Residence Park of great beauty.

The arrangement of streets provide for a forty-foot roadway, a twelve-foot parking strip abutting the cement curb, a five-foot cement walk, and a three-foot parking strip between the walk and property line. The broad parking strip will be set to shade trees and shrubbery and the whole improved to give a magnificent esplanade effect.

Purchasers of lots will be fully protected by building restrictions and everything of an objectionable character will be excluded.

If you appreciate the advantage of building your home amid a beautiful environment where all improvements will be of a high character, where the moral and social tone will be uniformly superior, we invite you to make a selection **NOW**.

For prices and other information see or communicate with

Oregon Orchards Syndicate

And here, I found an older study from the Medford Planning Department, with help from the SOHS, which places this neighborhood in a bit of historical context, and presents the recommendation that these old neighborhoods and structures should be protected and preserved. It's a long read, but I snipped and pasted some highlights below:

http://www.oregon.gov/oprd/HCD/OHC/docs/jackson_medford.pdf

Medford Planning Department

June, 1993

This historic context has been accomplished by support provided by the Southern Oregon Historical Society. The City of Medford Planning Department gratefully acknowledges their assistance. The findings and conclusions of this document do not necessarily represent the views of the Southern Oregon Historical Society.

INTRODUCTION

Following is a preliminary historic context for Medford, Oregon. The document, completed between February and June, 1993, precedes any systematic survey/inventory work within the city. Although a I-B list has been prepared by the City of Medford for planning purposes, and walking tours, district nominations and individual nominations have been completed within the area, no formal study has occurred.

Medford's Comprehensive Plan indicates that a cultural resource inventory of significant properties is yet to be completed. The inventory would fulfill the intent of State Planning Goal Five which states:

The location, quality, and quantity of the following resources shall be inventoried. . . historic areas, sites, structures, and objects.

In addition to identifying resources for protection and preservation, the inventory would provide the public with accessible information and serve as a foundation for continued research of Medford's history and architecture. This preliminary context document reveals the city's rich heritage expressed in those buildings and structures which still stand. Protecting important resources will not only strengthen the economy by retaining the city's attractiveness, it will enhance both individual and community identities.

A combination of research and a windshield survey established proposed historic interest area boundaries in eight areas. The areas have been named for purposes of identification: Original Town, Clark-Narregan; Beatty-Edwards, Oakdale-Barr, Whitman Park, and Summit-Fairmount lie west of Bear Creek. East of the creek are the Old East Side and Siskiyou Heights areas.

9. Siskiyou Heights

The Siskiyou Heights area, named for one of the additions within it, is located east of the Old East Side study area on gently sloping land. Trees and vegetation characterize much of the landscape. Siskiyou Heights study area is bordered by Oregon Avenue and Capital Avenue on the north, Eastwood Drive and Oregon Terrace on the west, by Black Oak Drive on the east and by Oakwood Drive and Terrace Drive on the south. Additions within the area include Westerlund Heights (1927); Siskiyou Heights (1910); Valley View (1911); Glen Oak (1926); Wellington Heights, 1925; Country Club Park and the Williams Subdivision (1928). The largest part of the study area was annexed to the city in 1925, and was known as a prestigious area characterized by fine homes.

During the 1910s promotional efforts were made to develop the Siskiyou area. The boundaries of the district were established early and some construction occurred there by 1910. An expanding population and renewed economic prosperity between 1920 and 1930 brought additional expansion of Medford's physical boundaries across Bear Creek. Several new residential areas developed in Siskiyou Heights, Wellington Heights and Westerlund Heights. Within these additions and subdivisions in the expanding eastern Medford environs many new dwellings -- among them architect designed homes for wealthy families -- were constructed. Successful orchardists, lumbermen and merchants initiated the construction of distinctive residences and by the end in 1929 and 1930 the local newspaper contained photographs of newly completed structures. Siskiyou Heights continued to develop after World War II on the eastern reaches of the study area, and the Rogue Valley Courthouse further influenced development. Infill dwellings appeared during the post-war expansion following the war on previously undeveloped tracts of land.

A range of architectural styles may be found within the area including Craftsman/Bungalows dwellings constructed before 1915. Increasingly common, however, are examples of dwellings in the Historic Period styles, most of which were built between 1920 and 1930. Architect designed homes are more prevalent in this area because wealthier individuals sought homesites on prestigious streets and were able to contract with architects for dwelling designs.

Valley View Drive, Hillcrest Road, Modoc Avenue, Glen Oak Drive, Barne Road, Berkeley Way, Highland Drive and Keene Way are major streets through the area. Much of Siskiyou Heights is comprised of large lots containing single dwellings. The 1927 Sanborn Map (updated to 1956) indicates that approximately 370 dwellings existed within the Siskiyou Heights area at that time.

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

A. that are associated with events that have made a significant contribution to the broad patterns of our history; or

B. that are associated with the lives of persons significant in our past; or

C. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

D. that have yielded, or may be likely to yield, information important in prehistory or history.

TREATMENT

It is apparent that Medford contains resources that contribute significantly to the community's sense of place and character. This section outlines survey and inventory priorities and considers preservation strategies that can establish effective methods of managing cultural resources.

Future Survey/Inventory Priorities

The present study suggests that the top priority for future work must be a thorough and intensive inventory of Medford's historic resources within areas defined by the context document. Due to the size of the city's potential historic areas, it may be necessary to review them in sequential order. The most critical area to study is the Original Town. Estimates place the number of historic properties at approximately 400. A survey would determine which of these resources are significant. Contained within the Original Town are both the city's commercial core and neighborhoods which contain important older dwellings. Field work should be conducted to record the architectural and historic significance for structures within this area. Additional areas in order of review might be Clark-Narregan, Edwards-Beatty and the Old Town Side -- areas which experience redevelopment pressures. These should be followed by Summit-Fairmount, Oakdale-Barr, Whitman Park and Siskiyou.

Protective Strategies

The City of Medford should institute measures to help protect and preserve historic resources. Pressure on older structures has risen intensely due to commercial development and these resources are frequently threatened with demolition and replacement. Expanding commercial development and road expansion through additional older neighborhoods. Continual vulnerability to fire, and inappropriate remodeling also compromise historic structures and frequently result in a loss of integrity to both commercial and residential historic buildings.

Recommendations

Specific recommendations for protective strategies follow, arranged in order of priority. The City of Medford Oregon should:

1. Continue to apply for grant funds to carry out survey and inventory for each of the identified study areas, the Original Town, Oakdale-Bal Summit-Fairmount, Clark-Narregan, Beatty-Edwards, Whitman Park, Old East and Siskiyou Heights. Establish protective ordinances and create measures to designate and protect historic resources.

2. Ensure upon completion of the any portion of the survey/inventory that the final document is officially accepted by the City Council and formal landmark designation is granted to significant properties.

69

I know these residences aren't on the historical register, but wondering in this neighborhood-wide historical context whether the Landmarks and Historic Preservation Commission could get involved, when considering their goals to:

- Safeguard Medford's historic, aesthetic, and cultural heritage as embodied in such buildings, structures, objects, sites and districts;
- Stabilize and improve property values of such buildings, objects, sites and districts;

Just some thoughts before tonight's meeting.

Thanks again for all of the help.

Best regards,
Sam

Sam Ackley, Chief Operations Officer | Hunter Communications
Director/President | Oregon Joint Use Association Board
Voting/Founding Member | Northwest Telecommunications Association
Direct: 541.414.1420
Fax: 541.494.0358
hunterfiber.com



From: Jim E. Huber [mailto:Jim.Huber@cityofmedford.org]
Sent: Tuesday, April 26, 2016 1:42 PM
To: 'Sam Ackley'
Cc: Kelly A. Akin; Terri L. Rozzana
Subject: RE: Public Hearing - File No. LDP-16-012 / E-16-034; LOT 371W29AA 4600 (2 White Oak Dr., 97504)

Sam,

We'll make sure that all of the Commissioners receive this.

Jim Huber

From: Sam Ackley [mailto:sackley@hunterfiber.com]
Sent: Tuesday, April 26, 2016 1:34 PM
To: Jim E. Huber
Cc: milliemae42@gmail.com; jaredpulver@pulverandleever.com; Tracy R. Carter; culby@cbprowest.com; rvtdtim@rvtd.org; foley_joe@msn.com; david.mcfadden@avistacorp.com; mark@or-architecture.com; Planning Department
Subject: Public Hearing - File No. LDP-16-012 / E-16-034; LOT 371W29AA 4600 (2 White Oak Dr., 97504)

Hi Jim-

Please find attached a letter in opposition to the above referenced proposal, set for public hearing this Thursday. Please note that I am addressing this issue as a property owner and not as a representative of Hunter Communications, as my wife and I live right down the street from 2 White Oak Drive with our 6 year old son.

I've cc'd all Commissioners for whom I had current email addresses, as well as Tracy Carter and the general City Planning Department e-mail address, but if you could please circulate our letter to the rest of the group (and any other involved parties) when you get the chance, we would greatly appreciate it.

My wife and I have some ongoing commitments (my mother started chemotherapy this week and we are on call for help and support), but we will do whatever we can to attend Thursday's meeting in person.

Thank you so much for your consideration, and please let me know if you have any questions or need any additional information whatsoever.

Best regards,
Sam

Sam Ackley, Chief Operations Officer | Hunter Communications
Director/President | Oregon Joint Use Association Board
Voting/Founding Member | Northwest Telecommunications Association
Direct: 541.414.1420
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WALTER L. CAUBLE
CHRISTOPHER L. CAUBLE
RACHELE R. SELVIG

MAX C. WHITTINGTON

CAUBLE, CAUBLE & SELVIG, LLP

ATTORNEYS AT LAW
111 S.E. SIXTH STREET
PO BOX 398
GRANTS PASS, OR 97528

TELEPHONE (541) 476-8825
TOLL FREE (888) 870-8825
FACSIMILE (541) 471-1704
E-mail wcauble@thecaublefirm.com
www.thecaublefirm.com

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APR 28 2016

PLANNING DEPT.

LOUIS F. SCHULTZ, JR.
(1923-2004)
RAYMOND J. SALISBURY
(1925-2009)

April 27, 2016

City of Medford Planning Commission
200 South Ivy Street
Medford, OR 97501

Re Project: 2 White Oak Partition & Exception
File # LDP-16-012/E-16-034

Dear Commissioners:

I represent Larry and Phyllis Moore, of 130 White Oak Drive, Medford, Oregon, in connection with the above referenced matter. I ask that this letter of objections be placed in the record.

The Moores contacted me to represent them because of the adverse impact this proposed project would have on them. I have coordinated with the Moores' land use consultant, Bob Hart, and I concur with the objections he is submitting to the commission. I not only represent the Moores concerning the land use case presently pending, but also their interests regarding potential property damage and diminution of property values resulting from the project if it goes forward.

The Moores are proud homeowners in a neighborhood that is recognized as quiet, stable, characterized by beautiful mature landscaping and large lots. The proposed project would be an intrusive change of character that would likely be precedent setting. This undoubtedly would adversely affect the livability and property values of the residents.

Mr. Hart has addressed the multiple problems of street improvements, drainage, and setbacks. The existing drainage issue affecting my clients would not be resolved by the project, but in fact would be aggravated by the additional development. Although street improvements appear to be required by the City, they apparently would not be practical. The proposed findings state that the exception sought would retain the "consistency with the current nature and esthetics of the area without introducing incongruity with the existing mature streetscape." The request for the exception illustrates that the heart of the proposal does change the character of the area. The suspension of the rules only partly mitigate this change.

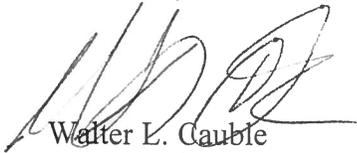
CITY OF MEDFORD
EXHIBIT # 11
File # LDP-16-012

City of Medford Planning Commission
April 27, 2016
Page 2

The preservation of the character of the area is the same argument we make against the proposal. It is such a radical change that the rules have to be suspended to make the project work. From the overall perspective of good common sense planning the proposed project should be denied in its entirety.

Respectfully submitted,

CAUBLE, CAUBLE & SELVIG, LLP

A handwritten signature in black ink, appearing to read 'Walter L. Cauble', is written over a printed name.

Walter L. Cauble

WLC:cw
cc: Larry & Phyllis Moore

REF File LDP-16(012)/E-16-034

This will ruin what the entire neighborhood is about.
I am very much against this.

Thank You

Brad Mayfield
140 white oak Dr.
(541) 324 4787

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APR 28 2016
PLANNING DEPT.

April 28, 2016

City of Medford Planning Commission
File No. LDP-16-012/E-16-034

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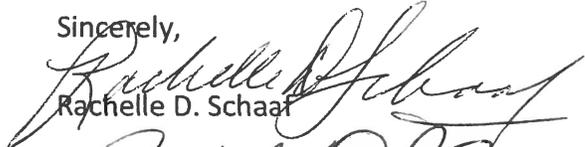
City of Medford Planning Commission and Department;

My family owns the home at 89 Fair Oaks Drive in Medford, a property that would be effected by the proposed development at #2 White Oak Drive. We are strongly opposed to this development for the following reasons.

- **Insufficient capacity of storm drain system** -The storm drain located at the South end of Fair Oaks Drive is 10" in diameter, which is smaller than the minimum 12" diameter mains that are specified in the City of Medford's Storm Drainage Requirements (10.485). That drain is located directly in front of our property.
 - We have been in our home for nearly 10 years and have found that, during periods of heavy rain, the existing storm drain is unable to sufficiently drain the water away from our property. On occasion, we have had standing water in our driveway.
 - Additional development would certainly overtax the existing system, which is below city code minimums.
 - The grade of our property slopes downward from the frontage on Fair Oaks Drive back to Holmes Park. We are concerned that, without significant improvements, the water directed from two more homes will flood our property beyond the driveway and into our home. We would be especially at risk during a rainy year.
- **Increased traffic and hazards** – The section of road where East Main, White Oak and Fair Oaks Drive meet is challenging. The road narrows, bends, there is a change in elevation, and multiple trees which inhibit visibility for drivers and pedestrians.
 - Our neighborhood is very populated with a number of walkers, bike riders, and drivers. An additional two households added to the mix would increase traffic hazards at this particular point.
- **Negative impact on neighborhood character and consistency** – Most of the homes in the immediate area of #2 White Oak are older constructions on larger lots. Our property is .34 acres and the home was built in 1958.
 - As we understand, the proposed development would have lots that are much smaller in size than the neighborhood norm. New construction would also be inconsistent with the character of our neighborhood, potentially impacting property values.

We appreciate your careful review and consideration of our concerns. We hope that the Planning Commission and the City of Medford will not allow this development to proceed.

Sincerely,


Rachelle D. Schaaf


Michael L. DeRoest

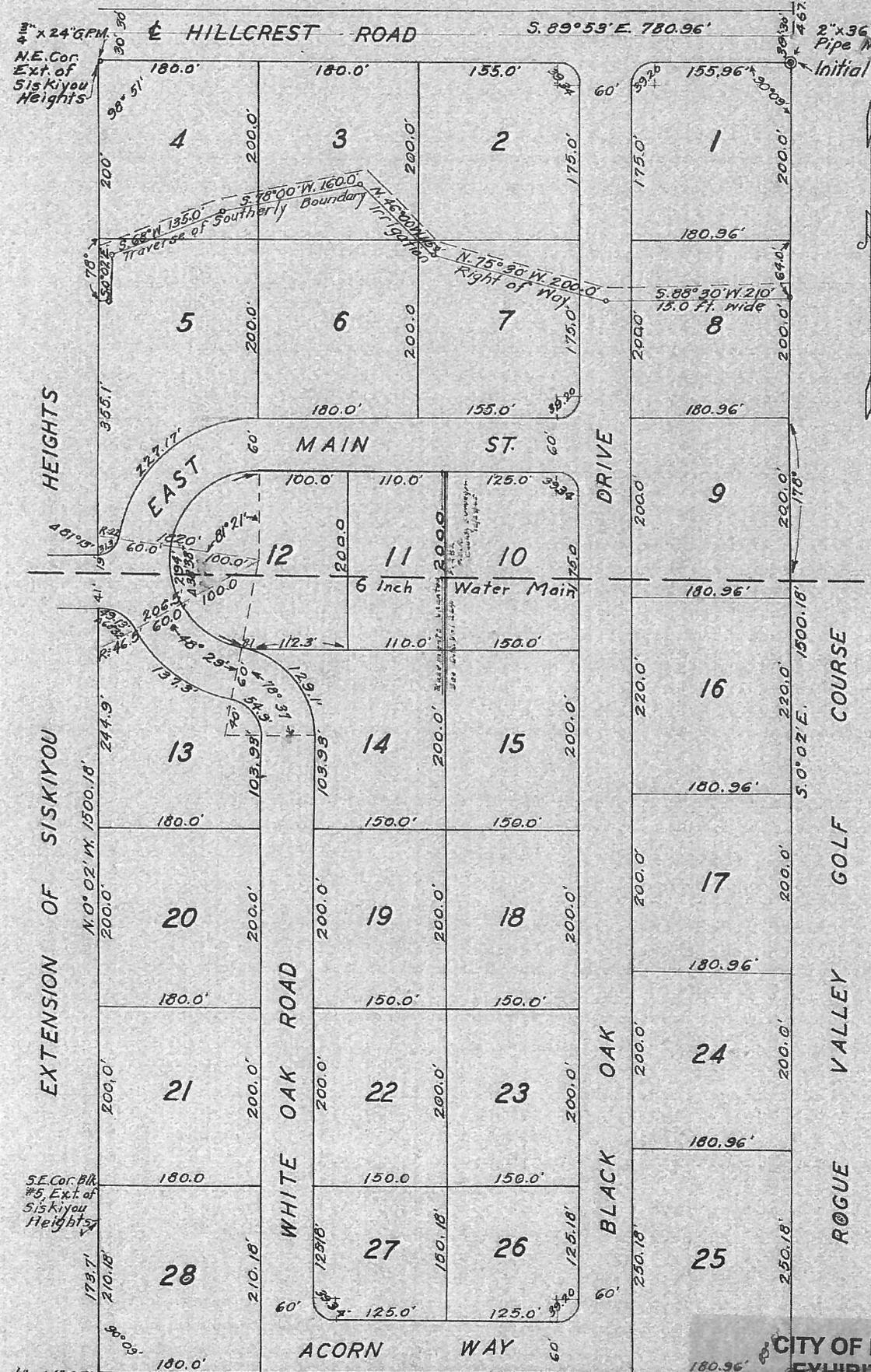
89 Fair Oaks Drive, Medford, OR 97504

Page 166

CITY OF MEDFORD
EXHIBIT # KK
File # LDP-16-012

20/21
29/28

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Note: Radius of all curves 25.0 ft. unless otherwise noted.



Continuous Improvement Customer Service

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APR 28 2016
PLANNING DEPT

CITY OF MEDFORD

Revised Date: 4/20/2016
File Number: LDP-16-012/E-16-034

PUBLIC WORKS DEPARTMENT STAFF REPORT White Oak Land Partition

- Project:** Consideration of a request to create three lots on a 0.74 acre parcel, and an exception request for the elimination of sidewalk, curb, gutter and street paving improvements.
- Location:** The parcel is located south of the intersection of East Main Street, Fair Oaks Drive and White Oak Drive, within the SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district.
- Applicant:** Adderson Builders, Inc., Applicant (Polaris Land Surveying, LLC., Agent). Tracy Carter, Planner.
- NOTE:** Items 1 through 5 shall be Completed and Accepted Prior to Approval of the Final Plat.

A. STREETS

1. Dedications

White Oak Drive/East Main Street 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 around 30 feet. **The amount of additional right-of-way needed appears to be 1.5-feet (MLDC 10.421). The Developer's surveyor shall verify the amount of additional right-of-way required.**

Fair Oaks Drive is classified as a Minor Residential Street, and in accordance with Medford Land Development Code (MLDC) Section 10.430, it requires a total right-of-way width of 55 feet. The existing right-of-way west of the centerline appears to be 30 feet. **There does not appear to be a need for any additional right-of-way (MLDC 10.421).**

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

The right-of-way and easement dedications shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: the right-of-way and easement dedication, including an exhibit map; a copy of a current Lot Book Report, Preliminary Title Report, or Title Policy; a mathematical closure report (if applicable), and the Planning Department File Number; for review and City Engineer acceptance signature prior to recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or mortgages on the right-of-way and PUE area.

2. Public Improvements

a. Public Streets

The Applicant has requested an Exception for the elimination of the standard street improvements on White Oak Drive/East Main Street and Fair Oaks Drive. If approved as requested, then no public improvements would be provided with this development. Public Works requests that if the Exception is approved, that the Developer be required to enter into a Deferred Improvement Agreement (DIA) for the frontage improvements to White Oak Drive/East Main Street as stated below, reference MLDC Section 10.432.

White Oak Drive/East Main Street shall be improved to Standard Residential Street standards in accordance with MLDC 10.430. The Developer shall improve the west half plus 12-foot east of the centerline or to the far edge of the existing pavement, whichever is greater, along the frontage of this development.

Fair Oaks Drive has been improved in close conformance to Minor Residential Street standards including pavement, curbs and gutters, with the exception of sidewalks, planter strips and street lights. The developer shall provide a 5-foot wide sidewalk separated from the curb with an 8 foot wide planter strip in accordance with MLDC 10.430 along this developments frontage, including an ADA ramp at the corner of Fair Oaks Drive and East Main Street.

b. Street Lighting and Signage

The Developer shall provide and install in compliance with MLDC Section 10.495.

Based on the preliminary plan submitted, the following number of street lights will be required:

- A. 4 – 100W HPS street lights, including a secondary power source (BMC) to feed them.
 - a. There are 2 existing PP&L lights that will need to be removed.

Additionally, necessary adjustments to PP&L overhead power will need to be addressed to provide the 10-foot clearance needed for maintenance.

Numbers are subject to change if changes are made to the plans. All streetlights shall installed per City standards and be shown on the public improvement. Public Works will provide preliminary street light locations upon request. All street lights shall be operating and turned on at the time of the final “walk through” inspection by the Public Works Department.

The Developer shall pay for City installed signage required by the development. City installed signs include, but are not limited to, street name signs, stop signs, speed signs, school signs, dead end signs, and dead end barricades. Sign design and placement shall be per the Manual on Uniform Traffic Control Devices (MUTCD). All signs shall be shown on the public improvement plans and labeled as City installed.

c. Pavement Moratoriums

There is no pavement cutting moratorium currently in effect along White Oak Drive/East Main Street or Fair Oaks Drive.

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

d. Soils Report

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

e. Easements

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

3. MLDC 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 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.

SDC & Permit Fees being assessed also cover

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.

White Oak Drive/East Main Street and Fair Oaks Drive:

In determining rough proportionality, the City averaged the lineal footage of roadway per dwelling unit for road improvements. The proposed development has 3 dwelling units and will improve approximately 10,380 square feet of roadway, which equates to 3,460 square feet per dwelling unit. Also the development will dedicate approximately 519 square feet of right-of-way which equates to approximately 173 square feet per lot.

One Unit is on Fair Oaks - additional roadway not required

5190 S.F. per Unit (2) on White Oak Road

To determine proportionality, two neighborhoods with similar zoning were used. Directly to the west is a previously developed phase of Siskiyou Heights Addition which consisted of a sum of 14 lots when it was developed. This previous development improved approximately 25,237 square feet of roadway and dedicated approximately 42,354 square feet of right-of-way (GIS data used to calculate, approximations only). This equates to approximately 1,803 square feet of road per dwelling unit and approximately 3,025 square feet of right-of-way per lot. Directly to the South is a previously developed phase of Country Club Meadows No. 1 which consisted of a sum of 43 lots when it was developed. This previous development improved approximately 109,368 square feet of roadway and dedicated approximately 130,560 square feet of right-of-way (GIS data used to calculate, approximations only). This equates to approximately 2,543 square feet of road per dwelling unit and approximately 3,036 square feet of right-of-way per lot.

3 Lots=2x more
2 Lots=3x more
Not Proportiona

2 Lots=2x more
3 Lots=1.5x

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.

Non-uniform street improvements will detract.

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.

If a future LID is created new lots created will pay their fair share along with other LID owners.

The deferred street improvements for this minor development until a future LID is created will not diminish the benefits stated that currently exist

White Oak Drive and East Main Street:

The additional right-of-way on White Oak Drive and East Main Street will provide the needed width for on-street parking, planter strip and sidewalk. White Oak Drive and East Main Street is a 25 mile per hour facility, which currently carries approximately 1,400 vehicles per day. The planter strip moves pedestrians a safe distance from the edge of the roadway. White Oak Drive and East Main Street will be a primary route for pedestrians traveling to and from this Development.

Dedications are now being provided for future LID

B. 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.

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

C. STORM DRAINAGE

1. Hydrology

This site lies within the Lazy Creek drainage basin.

2. Stormwater Detention and Water Quality Treatment

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

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

Medford Public Works Engineering Department prior to certificate of occupancy of the new building.

3. 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. SURVEY MONUMENTATION

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

E. GENERAL CONDITIONS

1. Design Requirements and Construction Drawings

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

2. Construction Plans

Construction drawings for any public improvements for this project shall be prepared by a professional engineer currently licensed in the State of Oregon, and submitted to the Engineering Division of Medford Public Works Department for approval. Construction drawings for public improvements shall be submitted only for the improvements to be constructed with each phase. Approval shall be obtained prior to beginning construction. Only a complete set of construction drawings (3 copies) shall be accepted for review, including plans and profiles for all streets, minimum access drives, sanitary sewers, storm drains, and street lights as required by the Planning Commission's Final Order, together with all pertinent details and calculations. A checklist for public improvement plan submittal can be found on the City of Medford, Public Works web site (<http://www.ci.medford.or.us/Page.asp?NavID=3103>). The Developer shall pay a deposit for plan review and construction inspection prior to final plan approval. Public Works will keep track of all costs associated with the project and, upon our acceptance of the completed project, will reconcile the accounting and either reimburse the Developer any excess deposit or bill the Developer for any additional amount not covered by the deposit. The Developer shall pay Public Works within 60 days of the billing date or will be automatically turned over for collections.

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

3. 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

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

Parcel 2 and 3 of this development are also subject to storm drain system development charges. The storm drain system development charge shall be collected at the time of final plat approval

Prepared by: Doug Burroughs

SUMMARY CONDITIONS OF APPROVAL

White Oak Land Partition

LDP-16-012/E-16-034

A. Streets

1. Street Dedications to the Public:

- Dedicate 1.5-feet of additional right-of-way on White Oak Drive/East Main Street.
- Dedicate 10-foot Public Utility Easements (PUE) along frontage of all three parcels.

2. Improvements:

a. Public Streets

- Improve ½ plus 12-feet of the west side of White Oak Drive/East Main Street.

b. Lighting and Signing

- The Developer shall provide and install in compliance with Section 10.495 of the MLDC.

c. Other

- Provide pavement moratorium letters.
- Provide soils report.

B. Sanitary Sewer

- Provide a private lateral to each lot.

C. Storm Drainage

- Provide water quality and detention facilities, as required.
- Provide storm drain laterals to each tax lot.

D. Survey Monumentation

- Provide all survey monumentation.

E. General Conditions

- Building permits will not be issued until after final plat approval.

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.

Tracy R. Carter

From: Planning Department
Sent: Friday, April 29, 2016 8:27 AM
To: Tracy R. Carter
Subject: FW: Proposed addition of 2 houses on White Oak

RECEIVED
APR 29 2016
PLANNING DEPT.

Here is another testimonial that came into the Planning Department email last night at 7:06 p.m.

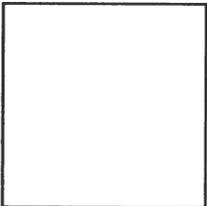
From: Marion Borchgrevink [<mailto:mgbork1@gmail.com>]
Sent: Thursday, April 28, 2016 7:06 PM
To: Planning Department
Subject: Proposed addition of 2 houses on White Oak

This is a lovely street and should be left as it is. The new housing additions are too close and we need to keep a little of Medford's charm in the older neighborhoods. I definitely oppose this change.

Marion E. Borchgrevink

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Marion Borchgrevink



Virus-free. www.avast.com

CITY OF MEDFORD
EXHIBIT #
File # LDP-16-012



City of Medford
 Planning Department

Vicinity
 Map

File Number:
LDP 16-012
E 16-034



Project Name:

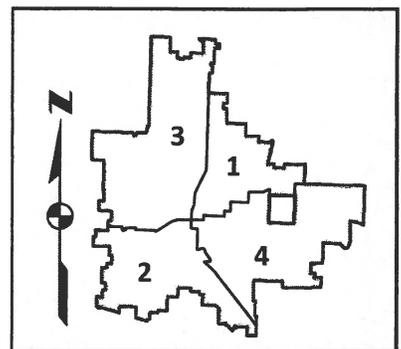
**White Oak
 Land Partition**

Map/Taxlot:

371W29AA TL 4600

Legend

-  Subject Area
-  Tax Lots
-  Streets





Planning Commission

Minutes

From Public Hearing on April 28, 2016

The regular meeting of the Planning Commission was called to order at 5:35 PM in the City Hall Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

David McFadden, Vice Chair
Tim D'Alessandro
Joe Foley
Bill Mansfield
Jared Pulver

Staff Present

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

Commissioners Absent

Patrick Miranda, Chair, Excused Absence
David Culbertson, Excused Absence
Mark McKechnie, Excused Absence

10. Roll Call

10.1 Vice Chair McFadden reported that due to the absences of some of the Planning Commissioners the appointment to the Joint Transportation Subcommittee will take place at the next Planning Commission public hearing.

20. Consent Calendar/Written Communications.

20.1 **LDS-16-004** Final Order for a request of tentative plat approval for Rancho McMillan Subdivision, a four lot residential subdivision on a 0.95 acre parcel located on the north side of Lone Pine Road, approximately 1,100 feet west of North Foothill Road, within the SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district. (Michael McMillan, Applicant; Scott Sinner Consulting, Inc., Agent)

20.2 **CUP-16-007** Final Order for a request of a Conditional Use Permit to allow the further development of a parking lot, playground, picnic shelter, internal path system, path lighting, a multi-use field, a site drainage system, landscaping, irrigation, other park amenities and two new tax lots for Kennedy Park, situated on five parcels totaling

reasonable balance to allow a 6 foot setback. The State building code states that local jurisdictions are not allowed to adopt local provisions that are more restrictive than what the building code requires.

Commissioner Mansfield stated that he is not clear if Mr. Harland agrees with the compromise or not. Mr. Harland reported that from a Planning perspective he would prefer a 6 foot setback for buildings less than 26 feet in height. Commissioner Mansfield asked if Mr. Harland was joining the compromise or is he opposed to it? Mr. Harland stated that he is good with most of the compromise but that specific subset from 23 feet to 26 feet to do a 6 foot setback in that particular area makes a big difference and it is a reasonable trade-off. He would like to see that change.

Brian Fish, City of Medford, Fire Chief, stated that with the codes and changes there is less fire starts because of that. Fires normally start with "stuff". People let overgrown things happen or change their yards and now the setback is not what it used to be that can spread the fire. He does not disagree with the codes and changes. The space is important to the Fire Department for rescue situations.

The public hearing was closed.

Motion: Based on the findings and conclusions that all of the approval criteria are either met or not applicable, the Planning Commission initiates the amendment and forwards a favorable recommendation for adoption of DCA-16-019 to the City Council per the staff report dated April 21, 2016, including Exhibits A through F.

Moved by: Commissioner Pulver Seconded by: Commissioner Foley

Voice Vote: Motion passed, 5-0.



50.2 LDP-16-012 / E-16-034 Consideration of a request to create three lots on a 0.74 acre parcel, and an exception request for the elimination of sidewalk, curb, gutter and street paving improvements. The parcel is located south of the intersection of East Main Street, Fair Oaks Drive and White Oak Drive, within the SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district. (Adderson Builders Inc., Applicant; Polaris Land Surveying, LLC, Agent)

Vice Chair McFadden inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner Mansfield reported that he drove out to the area and did not see anything different than what he has seen in the last 50 years. He presumes just looking at the area is not a conflict. Commissioner Pulver stated that he received a call from one of the concerned citizens that submitted Exhibit BB and the nature of the conversation was how to submit something for consumption.

Vice 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, read the land division and exception criteria and gave a staff report.

The public hearing was opened.

a. Shawn Kampmann, Polaris Land Surveying, LLC., P. O. Box 459, Ashland, Oregon, 97520. Mr. Kampmann reported that the project site has 561 feet of street frontage. There are no storm drain facilities on the surrounding streets of the project other than curb and gutter on Fair Oaks. The applicant is requesting an exception because it would be hard to tie into the existing storm drain system. The conceptual drainage and utility plan shows it draining off to the southwest corner of the project site. There is a sliver of road right-of-way on Fair Oaks that does not meet the applicant's lot until approximately 20 feet up from the southeast corner. Even though it shows the utility lines running along the south line they would be relocated a little further where it comes out of the right-of-way so they would not have to get an easement unless the landowner was willing to allow it. The road right-of-way is an unusual shape. The code requires the applicant to do a half street plus 12 feet improvements. To do that would affect the neighbors and landscaping. The main issue is the cost of doing the improvements. Mr. Kampmann summarized that the applicant wants to keep in harmony with the neighborhood and the entire reconstruction of White Oak because the road is not currently in the right-of-way. The applicant is willing to do a deed restriction that if there is a Land Improvement District that the owner will participate and does not have to pay 125% bond.

Commissioner D'Alessandro stated that he did not hear much about the improvements on the Fair Oaks side of the property. Mr. Kampmann reported that the applicant has agreed to make those improvements.

b. Harry Baker, 278 White Oak Road, Medford, Oregon, 97504. Mr. Baker is concerned with the narrowness of the curve with all the trees on the lot. It is a safety issue. He is also concerned with property values, water drainage from the park and the driveway on the subject property.

c. Jane Fisher, 1 White Oak Road, Medford, Oregon, 97504. Ms. Fisher is against the project.

d. Loren Fisher, 1 White Oak Road, Medford, Oregon, 97504. Mr. Fisher is interested in preserving the neighborhood.

e. Bob Hart, 5126 W. Evans Creek Road, Rogue River, Oregon, 97537. Mr. Hart is a land use consultant practicing in southern Oregon for over thirty five years. Mr. Hart represents the Moore's that live directly adjacent to the south of the subject property.

They requested Mr. Hart to speak to several issues that he has presented in his written evidence. Mr. Hart sees that the applicant wants to move into beautiful neighborhood, change the character by adding more lots but not have any responsibility toward the impacts. The applicant has asked to use the code to grant the exception but there is nothing in the code that allows one to just sign and record an agreement and waive the financial responsibility. The other issue is the frontage on Fair Oaks of the sliver that is not shown on the tentative plan. It is a 24 foot strip that goes up between the subject property and the public right-of-way. That diminishes the frontage dimension and it may reduce that property to where it does not meet the lot width requirement of the code. The proposed drainage that comes down from Lot 1 through Lot 3 and comes out at Lot 2 there is no grade that would allow gravity flow out through a hole in the curb. With the 24 foot strip they would have to move it further to the north and he does not feel there is a practical solution for this application.

Commissioner Pulver asked where does Mr. Hart see that this application does not meet the criteria for the partition? Mr. Hart stated that it is his opinion that Lot 2 does not meet lot width now with that 24 foot strip that was not included in the initial application and the drawings submitted.

f. Joanna Shoemaker, 2404 Hillcrest Road, Medford, Oregon, 97504. Ms. Shoemaker has three concerns. She is concerned about the precedence that is set for further development in that area. The character of the neighborhood would be disrupted by other development. It is concerning that the developer said there is not a lot of room to work with. Her last concern is her own property value, the traffic, density and the additional people in the area. She is not in favor of the lot being divided.

g. Dean TerBest, 133 White Oak Road, Medford, Oregon, 97504. Mr. TerBest is concerned with drainage from the subject property. He lives two doors down from the subject property and it puts his property in a direct shot for any drainage coming off that property. The proposal does not show where the driveway will be on the subject property. He is against the entire project.

h. Rebecca Ackley, 73 Fair Oaks Drive, Medford, Oregon, 97504. Ms. Ackley is worried that eventually this will set a precedence that people can start building 2016 and 2017 homes in "Old East Medford". It is her opinion that one will not be able to say with pride that they are protecting the one jewel of Medford.

i. Rose Mary Newell, 129 Black Oak Drive, Medford, Oregon, 97504. Ms. Newell believes it is disharmonious to wedge two houses on the subject lot. It is not in harmony with the neighborhood.

j. Betsy Wilson, 135 White Oak Road, Medford, Oregon 97504. Ms. Wilson believes the map that shows the lots is deceptive on the irregularity of it. It makes it look like there is more room than there actually is. Her biggest concern is with Parcel 3 that will affect her lot. When those properties are developed there will be a lot of hard-scape including

the building itself and the driveway that is now soft-scape. The drainage problem will be huge. Safety is huge for her. She is a walker and that side of the street is already un-walkable. She has issues backing out of her driveway. She wants less density.

k. Kathy Bryan, 229 Valley View Drive, Medford, Oregon, 97504. Ms. Bryan confirmed that water drainage will be a problem because she walks White Oak and noticed the water issues during the winter. The traffic situation is really bad. It is her opinion that this being an undue cost to the owner to require them to make it a better situation for the neighborhood is an issue of speculation on the part of the owner.

l. Kimberly London, 2426 East Main Street, Medford, Oregon, 97504. Ms. London is opposed to the project.

m. Jerry Wagar, 186 White Oak Road, Medford, Oregon, 97504. Mr. Wagar has provided written documentation that was entered into the record. Mr. Wagar reinforced what he is hearing from other members of the community. The conveyance method is inadequate as far as what is currently required. There is a direct nexus to this project and an impact to the neighbors at the bottom of water run-off. Development has to pay its fair share. There needs to be consideration of the preservation of the oak trees.

n. Ryan Costanti, 60 Fair Oaks Drive, Medford, Oregon, 97504. Mr. Costanti owns 364 White Oak Circle but currently resides at 60 Fair Oaks Drive. Mr. Costanti expressed current drainage concerns on Fair Oaks Drive. If this is approved he wants to make sure no exemptions are granted. If one is granted on White Oak Drive the financial burden should still be paid. One does not pay it because of convenience. Fair Oaks Drive should have a curb inlet. There is way too much water run-off. Site distance on White Oak Drive should have a traffic study done.

o. Marilyn Costamagna, 2401 Acorn Way, Medford, Oregon, 97504. Ms. Costamagna wanted clarification of the owner's financial liability in lieu of that was presented in the staff report. Ms. Costamagna read the "The criterion in MLDC Chapter 10.432(4) for the cost associated with improving this block between East Main Street and Acorn Way should be fairly and proportionately shared between the City and other landowners on this block...In lieu of posting a 125% bond, the landowner proposes to sign a perpetual agreement with the City in favor to form an Local Improvement District (LID) in the future, to be duly recorded with the Jackson County Clerk that will run with the land as a Condition of Approval to this exception request." What does run with the land mean? When selling their property and at time of disclosure how much do they have to disclose? This could be an undue hardship when they try to sell.

p. Rachelle Schaaf, 89 Fair Oaks Drive, Medford, Oregon, 97504. Ms. Schaaf resides about eleven o'clock in the cul-de-sac where the drainage is. She has a concern regarding the drainage during heavy rains. Her driveway is lower than it used to be because of paving and on occasion water has come down the grade and stands in her

driveway. It will be a greater impact with the additional development. She is concerned about the visibility safety coming out of Fair Oaks Drive either onto East Main Street or White Oak Road. She is also concerned with the nature and the character of the neighborhood.

q. Roger Scott, 2421 Acorn Way, Medford, Oregon, 97504. Mr. Scott objects to the project.

r. Sue White 11 Valley View Drive. Ms. White is concerned of the size for Parcel 2. She does not see Parcel 2 fitting in with anything in that area.

Kelly Akin, Principal Planner, addressed the density of the number of parcels that are proposed on the property. The minimum density on this property is three units and the maximum is four units. On page 92 of the agenda packet is the density calculation form. Calculating density is the gross area which includes right-of-way to the centerline of the street in addition to the net area of the property. There is relief in the Code for properties that are less than one gross acre and this one is not.

Parcel 2 as shown does not meet the lot frontage requirement of 60 feet. It is substandard as shown.

Vice Chair McFadden stated that the applicant would have to redesign their plan by moving that property line to the northwest and that would meet the requirement. They would still have the property areas as required. Ms. Akin replied that is correct and that is one solution. Ms. Akin asked the Commission if that was something that they would want to condition or is that something where they take it on its face as what was presented to the Commission?

Commissioner Foley asked if the overall size of Parcel 2 met the requirements? Ms. Akin stated that it does meet the lot area requirement. The minimum lot area for the SFR-4 zone is what is shown of 6,500 square feet. It is a minimum of 60 feet wide, a minimum of 90 feet deep and a minimum of 6,500 square feet are the required lot dimensions.

Mr. McConnell asked what are the applicable approval criteria for the land division? Ms. Akin reported that for the partition the Code has six applicable approval criteria that Mr. Carter reviewed for the Planning Commission. The first two apply and the other four do not apply in this case. Two of them have to do with new streets, has to do with naming which partitions are not named and the last one has to do with adjacent zoning which is not apply.

Alex Georgevitch, City Engineer, reported that the City does not have a storm drain system in this area. Natural flow of the land is what is going to allow water to run south and southeast. This development is conditioned to water quality and detention on site. Theoretically, a ten year storm will not have any additional water running off this site than what would be currently if the site was empty. There should be no further

impacts. There was one citing of the Code which suggested there should be a 12-inch storm drain at the south end of the cul-de-sac on Fair Oaks Drive. That is the current standard but this subdivision was built under previous standards along with the unimproved roads. Today, when a development comes in staff is compelled to ask for what is in the Code which includes frontage improvements. If there was a storm drain system nearby, Public Works would require them to connect into that facility.

Vice Chair McFadden asked if the homeowners on Fair Oaks Drive wanted to change that pipe or improve the drainage in that area would that be up to them, the City or a combination of both? Mr. Georgevitch reported it would be a combination of both. A facility like this typically is the development's responsibility to install. He does not know the status of the storm drain pipe at the south end of Fair Oaks but he is assuming it is a public line. If there is a problem Public Works will determine if it is public. If it is public and is plugging they would make sure to improve that and potentially if it is undersized they could put it on a project list and eventually improve that or maintenance may make that a project as well. Two separate divisions of Public Works would deal with it.

Mr. Georgevitch reported that there were questions about traffic and traffic safety. This development would not trigger a Traffic Analysis under Code Section 10.461. It would have to be generating more than 250 trips. For the safety concerns Mr. Georgevitch recommended that the community contact Public Works at 541-774-2100 and ask for traffic. They will go out and investigate. If there are shrubs that are overgrown and in the site distance triangle they can work with property owners to help improve that.

Mr. Georgevitch addressed the Local Improvement District issue. If a Local Improvement District is formed in the neighborhood it means that over half the neighborhood is agreeing to improve the street. These streets are the requirement of the property owners. The City of Medford does not participate in the development. Maintenance is the responsibility of the City. Improving this area with curb, gutters and sidewalks would be the neighborhood initiated or the City could initiate it by going out to the property owners and asking if they are willing to participate. There is a public hearing and 51% of the property owners would have to agree that the City, on their behalf, build the road, charging the property owners based on their frontage. If the exception is approved and the property owners decided to sign an agreement those property owners or any future property owners would be required to honor that agreement. That is the intent of running with the land. It is only with these three parcels. If someone tried to form a Local Improvement District these three parcels would have to vote yes. If everyone else votes no, there would be no Local Improvement District formed. There would be no impacts to the surrounding neighborhood.

Commissioner Mansfield stated that someone was concerned that this would not be disclosed but it is recorded so any person that purchases the property is aware by virtue of the title report.

Vice Chair McFadden requested Mr. Georgevitch to explain the Deferred Improvement Agreement.

Mr. Georgevitch stated that the Code was changed several years back. In the past a development could request a Deferred Improvement Agreement meaning that the development will improve the frontage streets at a future date either when a Local Improvement District is formed or when improvements are brought up to the development. It was a very difficult process for the City Council to deal with. The Code changed to require a 125% deposit. This is a deposit. Additional costs associated with the improvement would be assessed to the property owners. It is a way of assuring the City has the funds available if there is a need to make those improvements.

The Code gives two options. The Code compels Public Works to request the frontage improvements and, under limited circumstances as Mr. Kampmann pointed out, there is a Code provision that allows for the Public Works Director to determine that this could also fall under a Deferred Improvement Agreement. If there are not going to be improvements then the next condition would be to require the Deferred Improvement Agreement. The applicant has requested an exception to both. Public Works still has to ask for one or the other.

Earlier in the exception discussion by the applicant's agent there was a discussion of a Dolan argument not an exception requirement. Mr. Georgevitch is compelled to bring up the fact that Public Works has made an argument and findings in the staff report that they find there is a legitimate nexus to meet the Nollan requirements. The Dolan requirements, that he does not agree with the mathematics that Mr. Kampmann has put forward, Public Works still finds it roughly proportional under staff's recommendation. It is the Planning Commission's responsibility to define what is roughly proportional. To argue that this is not self-imposed, Mr. Georgevitch disagrees.

The Planning Department suggested that the Public Works Director had the ability to defer improvements under Code Section 10.432 and therefore the exception criteria are met. Mr. Georgevitch disagrees. That is for the exception criteria not for building the road. It is two separate processes.

Mr. McConnell stated that this application has a little bit of everything. The Planning Commission heard from Mr. Carter and Ms. Akin that there are six approval criteria in 10.270 and the first two apply. If the Planning Commission decides that they can make the findings of the first two criteria in 10.270 they can approve the land division application. The more problematic issues are the exceptions. Section 10.253 specifically states they should be sparingly exercised. This burden falls on the applicant not on staff or the Planning Commission to make the findings for them. The applicant is asking for an exception for elimination of standard street improvements on White Oak Drive and Fair Oaks Drive. He is also asking for relief from 10.432 the bonding requirements. The applicant referred to Dolan and it needs to be made sure of that he

is actually making an unconstitutional taking argument. If the applicant is making an unconstitutional taking argument is this an exaction, which it looks like in Mr. McConnell's opinion, in exchange for the approval of this application. There are three questions that need to be asked that is the City's burden.

Commissioner D'Alessandro stated that on the exceptions that the applicant agreed to not ask for the exception on Fair Oaks Drive.

Commissioner D'Alessandro stated that given the testimony the hard pan is there and claiming drainage issues with sheet water run-off. The applicant is required to do storm water detention on-site. Would this actually be an improvement if built to proper standards? Would the drainage problems on the entire lot be mitigated? Mr. Georgevitch stated that in the design process there should be no more water leaving the site than there is today and potentially less. They should be designing a detention system for all three parcels which includes the existing developed parcel that has a lot of impervious area.

Mr. Georgevitch commented to Mr. McConnell's discussion of Dolan. He does not see this as a fee it is an exaction for improvement. He thought that Kountz dealt with fees in lieu of improvements on their site but it was an off-site development. This is an exaction for public improvements not related to the City's SDC's.

Mr. McConnell asked what can the applicant do to satisfy the requirement? Mr. Georgevitch replied that the applicant can build the road to public standards.

Mr. McConnell asked if lieu of that what can the applicant do? Mr. Georgevitch reported that the applicant can put up a security deposit that eventually when it is built they will either be reimbursed any additional money collected than what was needed. If there are additional charges beyond what was collected Public Works would charge them the difference.

Mr. McConnell asked how much money were they talking about? Mr. Georgevitch stated that the applicant mentioned approximately \$400,000. Mr. Georgevitch does not see it as that much. His guess is that it will be in the few hundred thousand dollar range. He does not understand the storm drain issue. Public Works would build a holistic storm drain system not a single parcel storm drain so it would be significantly less.

Mr. McConnell requested that the applicant could clarify this argument.

Mr. Georgevitch reported that it is important that Public Works is not exacting funds. Their first requirement is for improvements.

Commissioner Pulver asked if the Planning Commission approved the partition and denied the exception the developer's options would be to improve the half street or the do the Deferred Improvement Agreement? Mr. Georgevitch stated yes but if the

applicant chooses to build they will build half street plus twelve. If the applicant chooses to do a Deferred Improvement Agreement they would only be providing security for half of the street.

Commissioner Pulver asked if Public Work's preference was to do the Deferred Improvement Agreement as opposed to the actual improvements? Mr. Georgevitch reported that he is uneasy to answer what Public Works preferences are. They are asking for what the Code requires. The applicant has brought up an interesting issue. The exception that Public Works would like to see is for the curves to go away somehow, keep the alignment that is there and reduce the curve Code requirements.

Commissioner D'Alessandro asked if the cost of the improvements were \$300,000 would the applicant have to put up the entire amount or is it a surety bond they are posting at a reduced cost? Mr. Georgevitch stated that he believes it is a cash requirement because it is a long term hold and the bond is short term. He would have to refer to the Code and he does not have that information readily available.

Mr. McConnell read Code Section 10.432(2) "When street improvements are deferred, the developer shall deposit with the City of Medford a financial deposit acceptable to the City in the amount of 125 percent of the City Engineer's estimate of the costs for the deferred street improvement, in lieu of the developer constructing the street improvements. This financial deposit shall be deposited with the City prior to the recordation of the Final Plat for land partitions, or prior to submittal of building permit applications for other approved projects."

Mr. Kampmann stated that on Parcel 2 it was a slight oversight because of the wedge on the plan. They can pivot the line and get the same square footage to correct the frontage. He requested that the Planning Commission make that a condition of approval.

Commenting on the deposit that Mr. Georgevitch just discussed. It falls into the criteria of undue hardship that exceptions allow. A cash deposit of that size is indefinite. It is for the purpose of improving the streets but there is no requirement that the City is ever going to improve it.

Regarding all the testimony from the neighbors it is nice to see a neighborhood that has such strong feelings. The applicant is not trying to disturb the neighborhood. Basically this is one of two lots in the original subdivision that have never been divided. What they are doing is per the City's zoning. He understands that the neighbors do not want to see high density development that he does not believe this is but it is what the Code allows. The applicant is creating only one lot on White Oak Drive and one lot on Fair Oaks Drive.

He does know that there are draining issues up Hillcrest and beyond that drains down to Barnett. It is a regional issue. The applicant will mitigate drainage as best as he can

through design. The applicant has not submitted a design application at this point. It is his opinion that through Engineering they can mitigate a lot of the drainage problems without having to spend \$90,000 for an on-site detention system for three lots. He sympathizes with the neighborhood but he believes the development will be done nicely.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare a Final Order for approval of LDP-16-012 and E-16-034 per the staff report dated April 21, 2016, including Exhibits A through HH, including the condition that the applicant corrects the frontage distance to 60 feet, include the recordation of an improvement agreement not to object to a Local Improvement District initiated by the property owners and further finding that the Nollan and Dolan requirements are met that there is no unconstitutional exaction involved in this case and granting the exception of improvements for White Oak Drive.

Commissioner Mansfield stated that the reason for that is he understands that the neighbors do not want the streets to be improved at this time.

Moved by: Commissioner Mansfield

Seconded by: Vice Chair McFadden

The Planning Commission took a five minute recess. The Planning Commission resumed at 8:38 p.m.

Vice Chair McFadden requested Mr. Georgevitch to explain the difference between a Local Improvement District and a Deferred Improvement Agreement. Mr. Georgevitch stated that the Local Improvement District is when at least half of the community agrees to make an improvement. Over half of the community agrees to participate in the Local Improvement District that forces the entire community to participate. Public Works designs and builds the road, totals the cost and charges the abutting property owners, based on their frontage, their share of the road. A Deferred Improvement Agreement typically is someone's agreement that they will participate in a Local Improvement District but it does not always have to be. The Code requires 125% of the Engineer's estimate for the Deferred Agreement to be acceptable. The applicant is asking for an exception but the Code requires 125% if they choose to go the Deferred Improvement Agreement method. In this case with the different streets around it where other development may occur leading up to this and there could be a Deferred Improvement Agreement on only this property. There is a chance that for some reason on the east side of White Oak there was some development and someone made improvements, someone south of here made improvements but there was never a time where the City was forming a Local Improvement District that this frontage could be the last of those improvements. At that point Public Works could call the Deferred Improvement Agreement on the two property owners and either use those funds to build themselves or have the two property owners build them along White Oak Drive or possibly all three

depending where the improvements are located. The Deferred Improvement Agreement is an agreement that one will participate in the construction of the roadway through a Local Improvement District or through the request of the City. In order to get that approved a 125% of the Engineer's estimate is required by the Code.

Vice Chair McFadden stated that the reason he asked that was because Commissioner Mansfield in his motion stated Local Improvement District and maybe meant the Deferred Improvement Agreement.

Commissioner Mansfield stated that he was in error that he did not realize that there is no option of avoiding the 125% deposit. To that extent he withdraws that from his motion.

Vice Chair McFadden asked if Commissioner Mansfield wanted to change his motion from Local Improvement District to Deferred Improvement Agreement? Commissioner Mansfield stated that is what he believes he has to do.

Mr. Georgevitch stated that the way he understands the application is that the applicant is asking for an exception to both the improvements and essentially they are willing to sign a Deferred Improvement Agreement without the 125% deposit. The Code requires the 125%.

Mr. McConnell repeated Code Section 10.432(2) "When street improvements are deferred, the developer shall deposit with the City of Medford a financial deposit acceptable to the City in the amount of 125 percent of the City Engineer's estimate of the costs for the deferred street improvement,," It says "shall" not "may". He agrees with Commissioner Mansfield that it is mandatory.

Ms. Akin reported that exceptions can be applied for anything in Articles 4 and 5. There are some development standards contained in Article 3. Code Section 10.432(2) is located in Article 4. It is an exception one can apply for.

Mr. McConnell stated with the caveat that the applicant would have to meet the four criteria in 10.253. The Code requires that the Planning Commission can grant an exception if the applicant has convinced the Planning Commission either in his testimony or application he meets all four criteria.

Commissioner Mansfield stated that he is satisfied with that as long as it can be done legally he will include in his motion and someone may amend that motion.

Commissioner Pulver asked Commissioner Mansfield if his motion is for the applicant to sign and record a Deferred Improvement Agreement but waive the requirement of the 125%. Commissioner Mansfield replied that is what he is proposing at the moment subject to whatever amendment might be made.

Commissioner Pulver, Commissioner Foley, Vice Chair McFadden and Commissioner D'Alessandro thanked the neighbors for coming to defend their neighborhood and stated that they agree with approving the partition but denying the exception.

Commissioner Mansfield stated that high density is a concept that has sound policy. The Planning Commission is required by law of the State of Oregon to advance high density. If high density is not applied for this application then they are making a decision whether or not it is applicable to all the neighborhoods in the City that might want to do subdividing. He does not think the Planning Commission has the right to determine that. He understands the arguments of the neighbors and thanks them for coming this evening.

Commissioner Foley asked if it would be appropriate to make this into two separate votes?

Commissioner Mansfield stated that with the approval of the second he withdraws his original motion and makes a one part type motion.

Vice Chair McFadden stated that the original motion is dead.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare a Final Order for approval of LDP-16-012 per the staff report dated April 21, 2016, including Exhibits A through HH, including the condition that the applicant corrects the frontage distance to 60 feet.

Moved by: Commissioner Mansfield

Seconded by: Commissioner Foley

Voice Vote: Motion passed, 5-0.

Motion: The Planning Commission denies E-16-034 based on the applicant's inability to adequately meet the requirements of the exception as stated in Code Section 10.253 and require the applicant to comply with the Public Works staff report and the Planning Department's staff report dated April 21, 2016, including Exhibits A through HH with criteria 1 and 3 not being adequately met.

Moved by: Commissioner Pulver

Seconded by: Commissioner Mansfield

Voice Vote: Motion passed, 4-1 with Commissioner Mansfield voting no.

TAKEN OUT OF ORDER

50.4 PUD-00-116 / CUP-04-109 / LDS-16-045 Consideration of a request for a revision to Stonegate Estates Planned Unit Development to 1) amend the exterior boundary of the PUD, 2) revise the Conditional Use Permit to allow riparian encroachments for a multi-use path, street, bridge, public storm water facilities, and utilities and 3) tentative plat review of Phases 2B, 2C, and 2D. The project is located on the east side of North Phoenix

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

TAKEN OUT OF ORDER

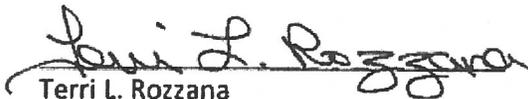
60.2 Report of the Joint Transportation Subcommittee.

Commissioner Pulver reported that the Joint Transportation Subcommittee met yesterday, April 27, 2016, and nothing beyond that to report.

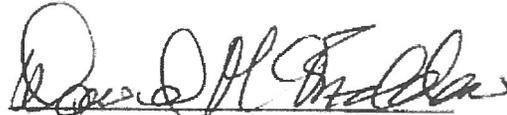
100. Adjournment

The meeting was adjourned at 9:59p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:



Terri L. Rozzana
Recording Secretary



David McFadden
Planning Commission Vice Chair

Approved: May 12, 2016



Planning Commission Minutes

From Public Hearing on May 12, 2016

The regular meeting of the Planning Commission was called to order at 5:35 PM in the City Hall Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Patrick Miranda, Chair
David McFadden, Vice Chair
Tim D'Alessandro
David Culbertson
Joe Foley
Bill Mansfield
Mark McKechnie

Staff Present

Jim Huber, Planning Director
Kelly Akin, Principal Planner
Kevin McConnell, Deputy City Attorney
Eric Mitton, Senior Assistant City Attorney
Alex Georgevitch, City Engineer
Greg Kleinberg, Fire Marshal
Terri Rozzana, Recording Secretary
Sarah Sousa, Planner IV
Desmond McGeough, Planner III

Commissioners Absent

Jared Pulver, Excused Absence

10. **Roll Call**

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



20.1 LDP-16-012 / E-16-034 Final Orders of a request to create three lots on a 0.74 acre parcel, and an exception request for the elimination of sidewalk, curb, gutter and street paving improvements. The parcel is located south of the intersection of East Main Street, Fair Oaks Drive and White Oak Drive, within the SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district. (Adderson Builders Inc., Applicant; Polaris Land Surveying, LLC, Agent)

20.2 PUD-05-025 Final Order of a request for a revision to Bella Vista Planned Unit Development to allow a six-foot cedar fence to be located adjacent to East McAndrews Road along Lots 11-17 of Phase 2, located between Palermo Street and East McAndrews Road. (Pahlisch Homes, Inc., Applicant/Agent)

Motion: Adopt the consent calendar as submitted.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Voice Vote: Motion passed, 7-0.

60.3 Planning Department

Kelly Akin, Principal Planner, stated the next Planning Commission study session is scheduled for Monday, May 23, 2016. Discussion will be an update to the environmental element for wetlands.

There is business scheduled for the Planning Commission on Thursday, May 26, 2016, Thursday, June 9, 2016, and Thursday, June 23, 2016.

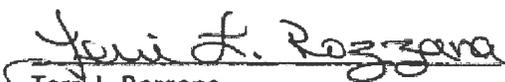
May is National Historic Preservation month. Last week at the City Council meeting the Mayor read the proclamation to that affect. The City Council also accepted a grant for the Planning Department's historic work.

At City Council's next week meeting they will hear the residential site development standards that staff has discussed with the Planning Commission. The City Council will also hear an update to the Planning Department's fee schedule. Ms. Akin has been informing the Planning Commission that the Urban Growth Boundary amendment was scheduled for City Council on May 19, 2016. It is now scheduled for Thursday, June 2, 2016.

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

The meeting was adjourned at 7:08 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:



Terri L. Rozzana
Recording Secretary



Patrick Miranda
Planning Commission Chair

Approved: May 26, 2016

2 White Oak Land Partition and Exception Request LDP-16-012 & E-16-034



Medford Planning Commission
April 28, 2016
Presented by Tracy Carter, Planner II

CITY OF MEDFORD
EXHIBIT # 5
File # E-16-034
APPEAR

LAND DIVISION CRITERIA

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

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

LAND DIVISION CRITERIA

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;

LAND DIVISION CRITERIA

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 ...

LAND DIVISION CRITERIA

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;

LAND DIVISION CRITERIA

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;

LAND DIVISION CRITERIA

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.

EXCEPTION CRITERIA

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 ensure 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.

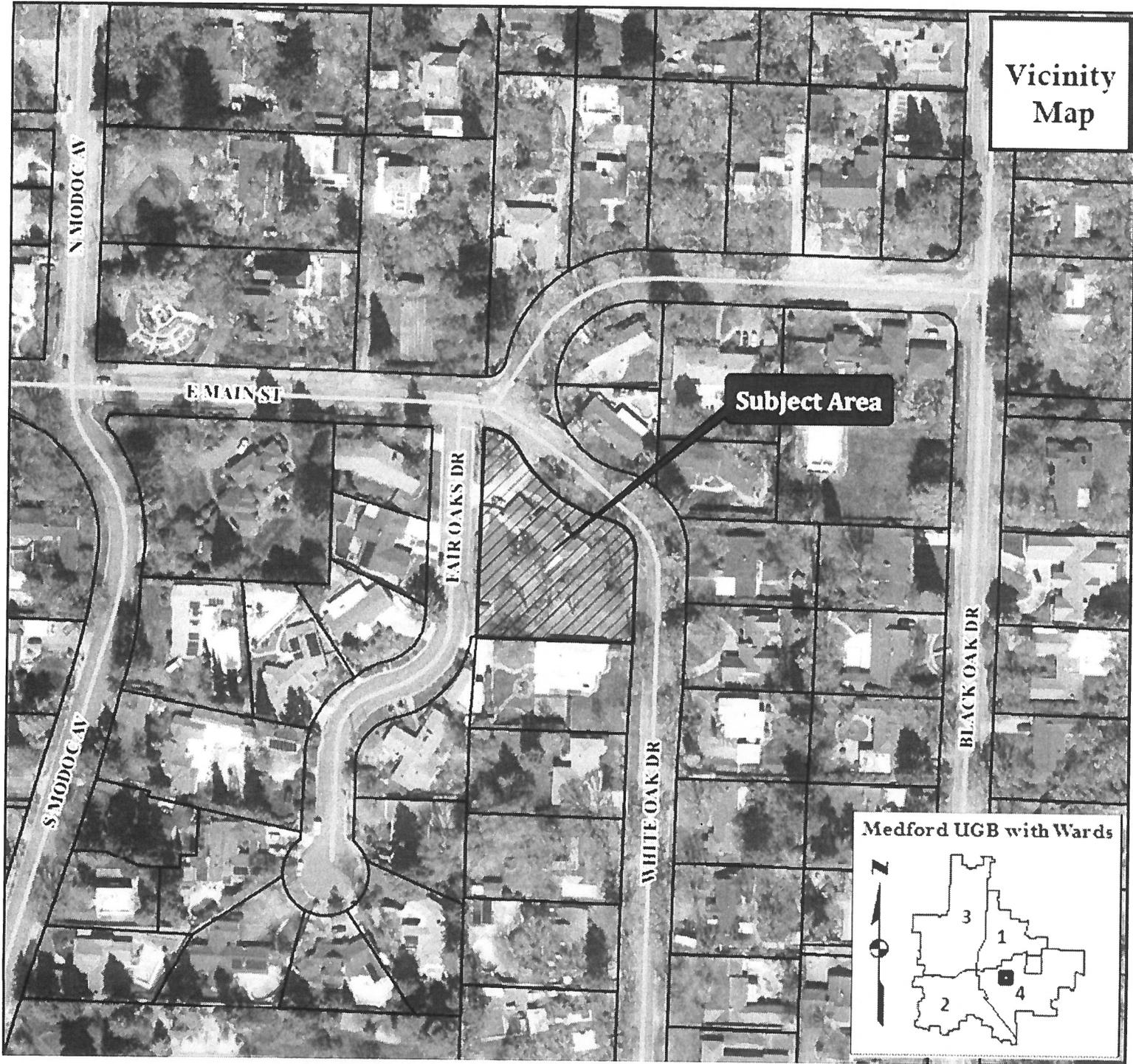
EXCEPTION CRITERIA

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 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 must be suffered directly by the property in question. It is not sufficient proof to show that greater profit would result.

PROJECT SUMMARY

Land Division – Partition: create three lots on a 0.74 acre parcel located south of the intersection of East Main Street, Fair Oaks Drive and White Oak Drive

Exception: request to eliminate standard street improvements for this development



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)

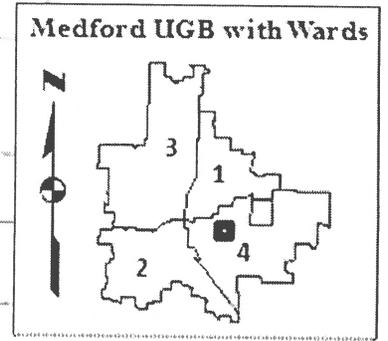
Heavy Industrial (HI)

Airport (A)

City Center (CC)

Parks and Schools (PS)

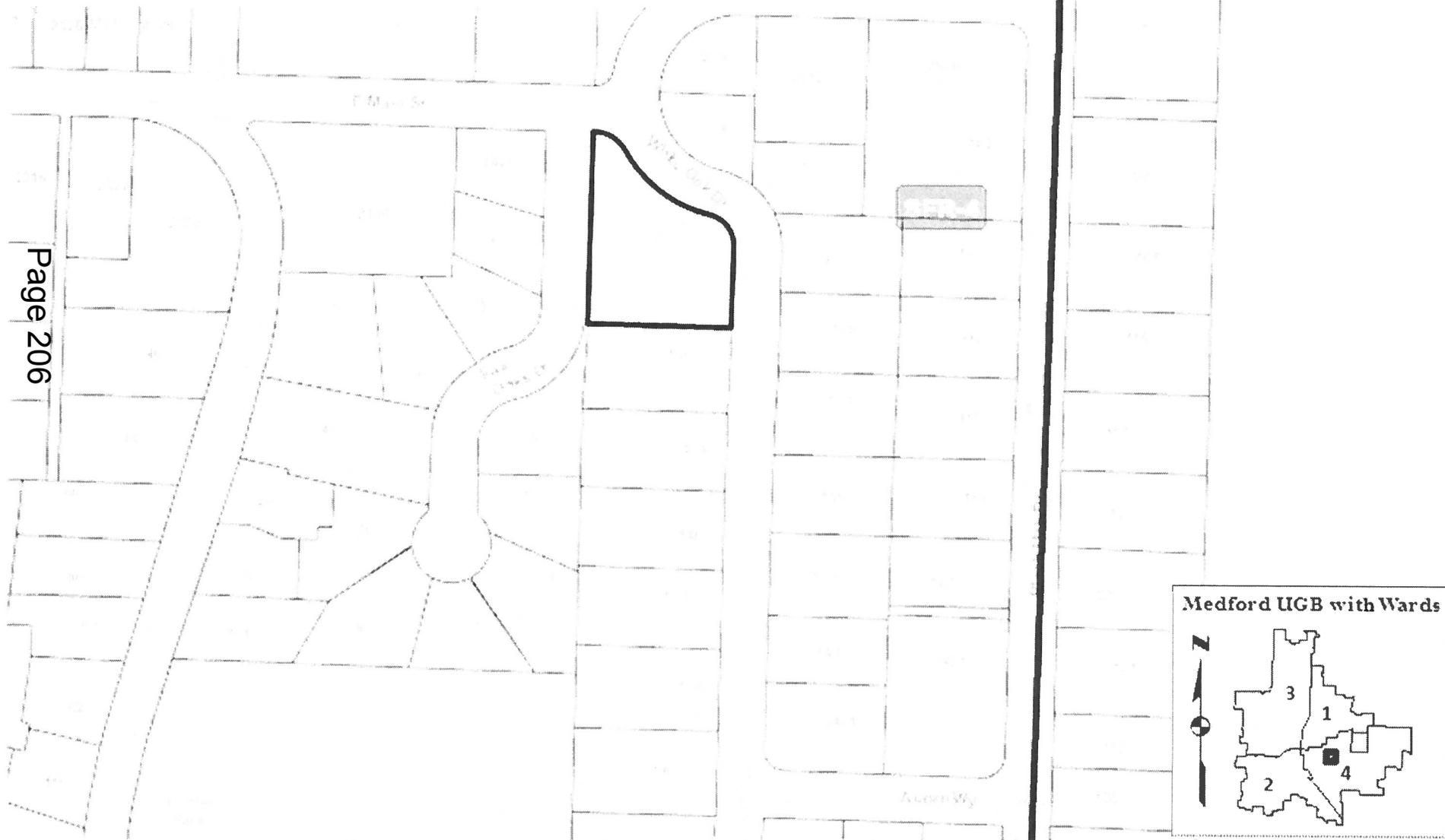
Greenways



MEDFORD CITY ZONES

Residential

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



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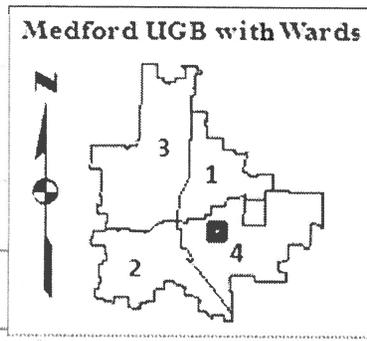
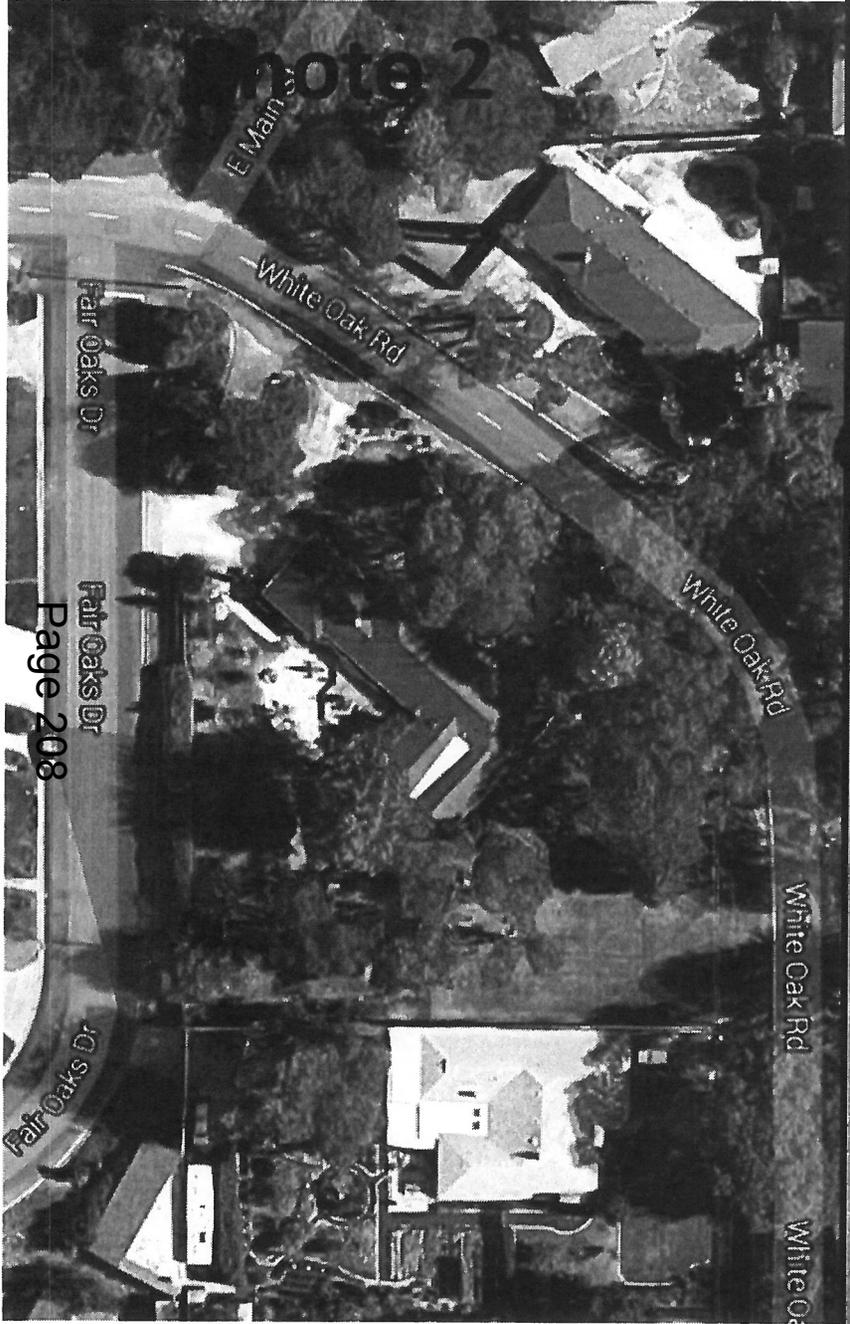


Photo 1





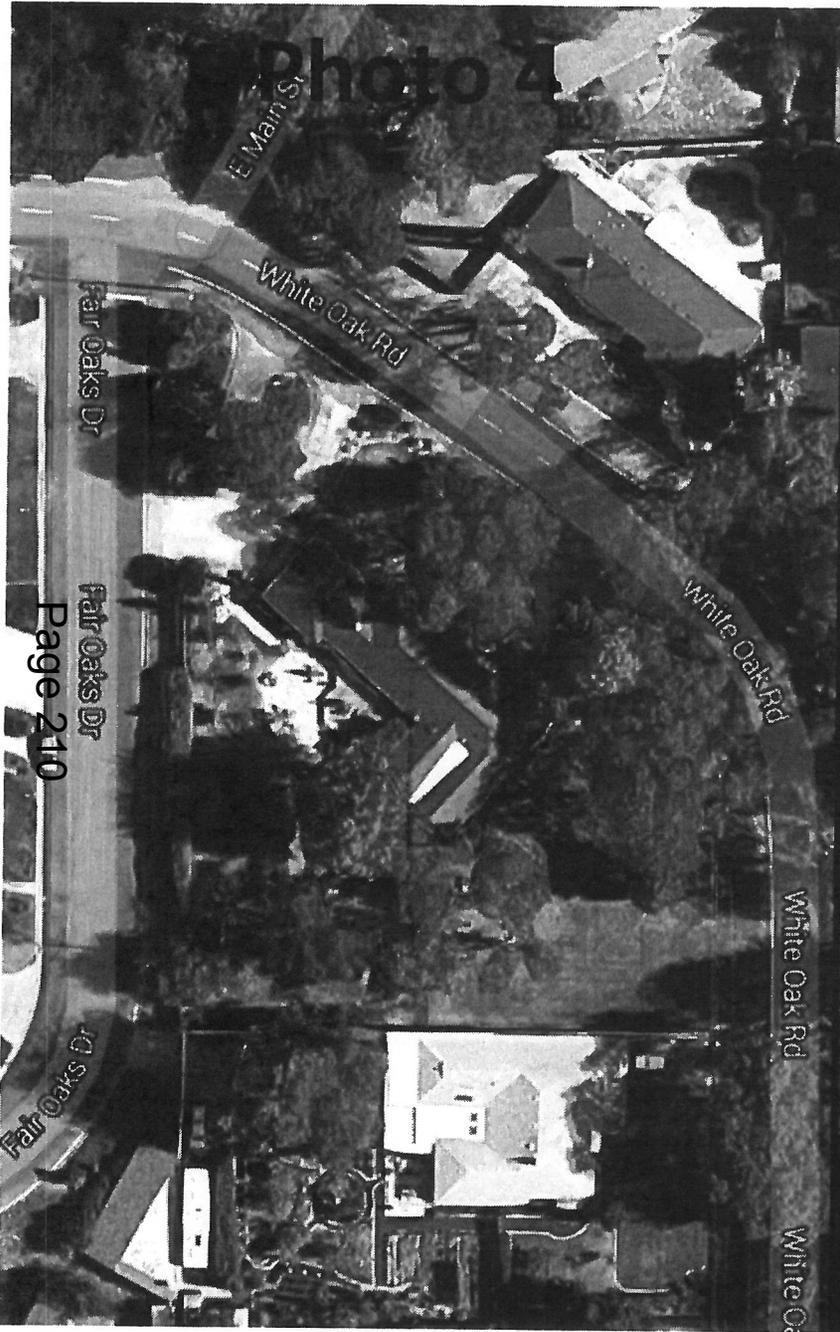
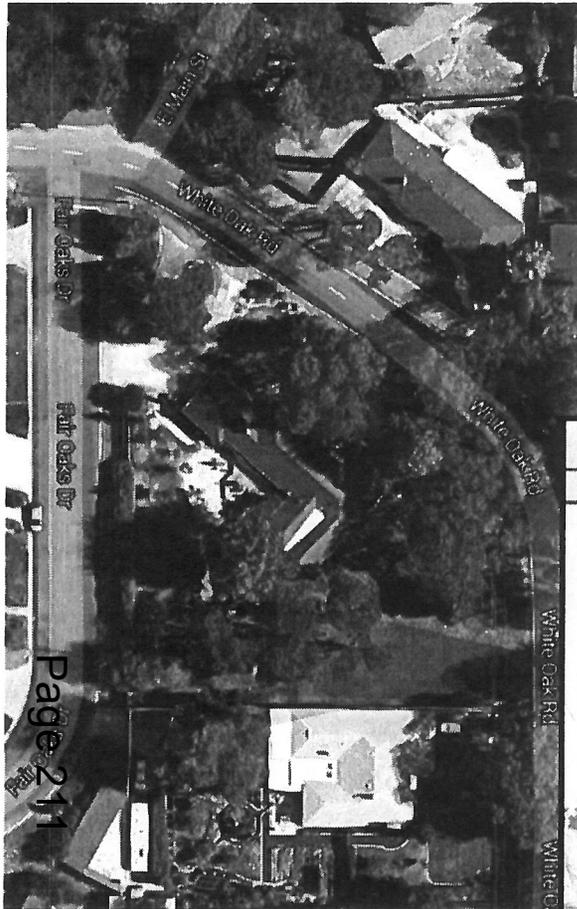
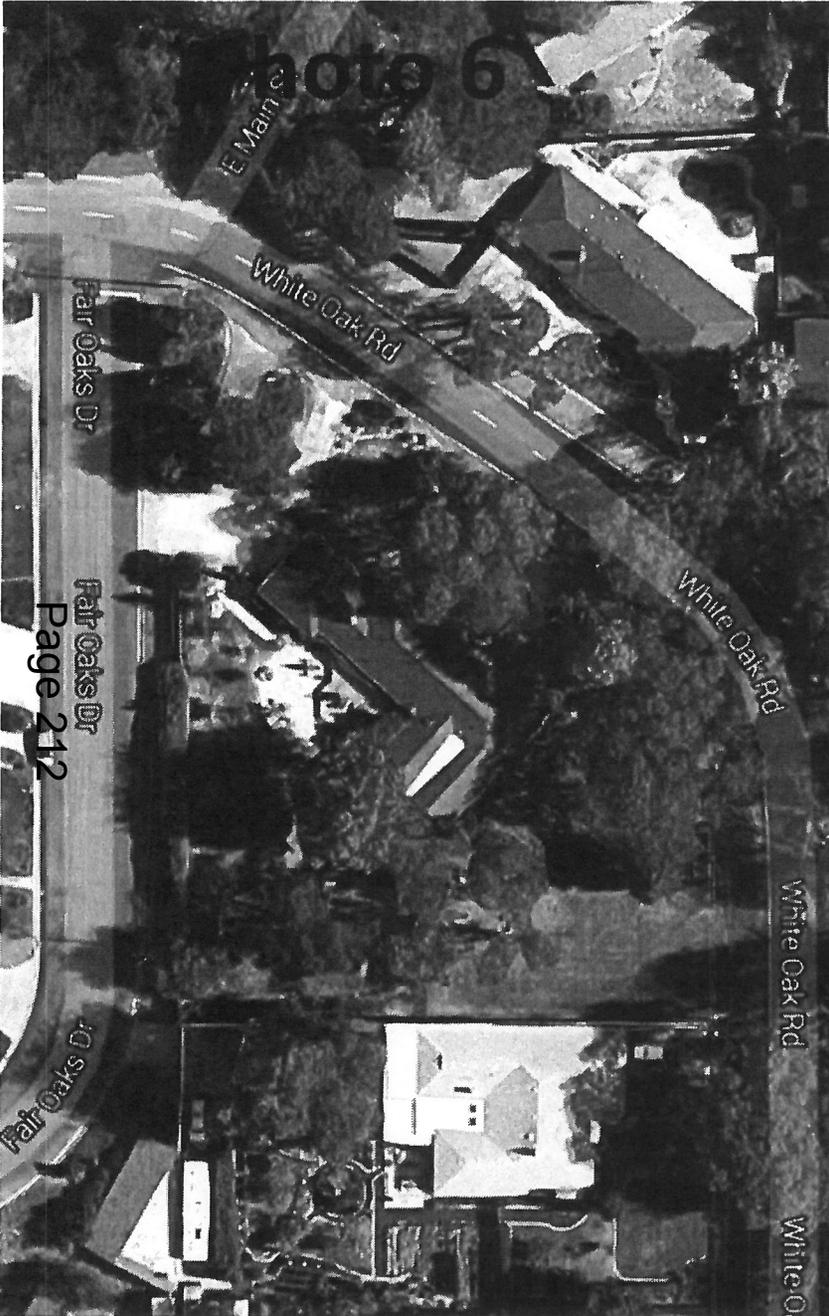


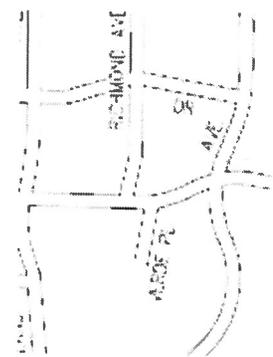
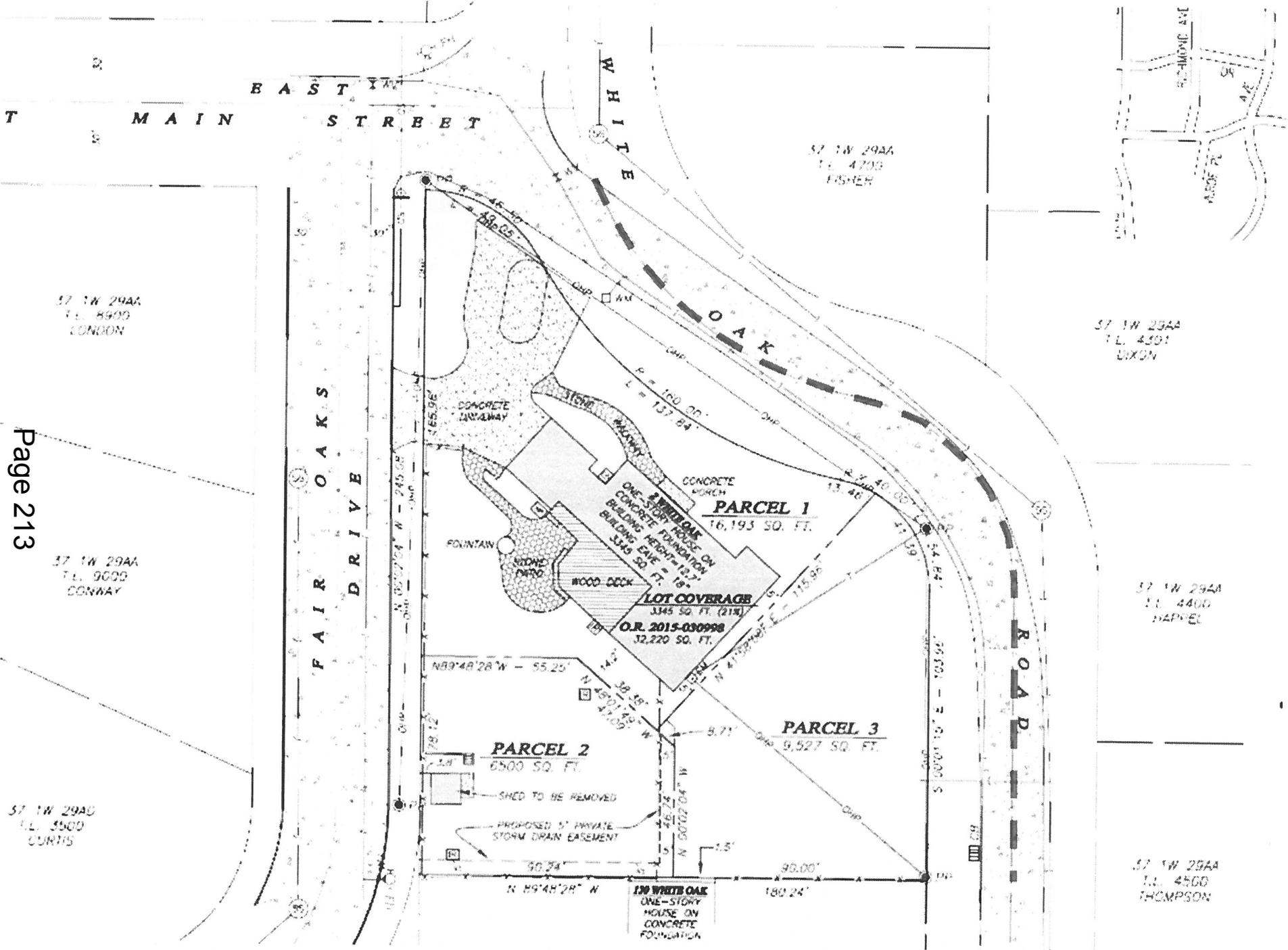
Photo 5





Fair Oaks Dr
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EXCEPTION ALTERNATIVES

- 1. Applicant**
- 2. Public Works Department**
- 3. Planning Staff**

LAND DIVISION CRITERIA

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; **CRITERION MET**
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; **CRITERION MET**
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 ... **CRITERION MET**
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; **CRITERION MET**

LAND DIVISION CRITERIA

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;

CRITERION MET

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.

CRITERION MET

Meets Land Division Criteria in MLDC Section 10.270

EXCEPTION CRITERIA – EAST MAIN STREET/WHITE OAK DRIVE FRONTAGE

1. 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.

CRITERION MET

2. The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district.

CRITERION MET

EXCEPTION CRITERIA – EAST MAIN STREET/WHITE OAK DRIVE FRONTAGE

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 for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.

CRITERION MET

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.

CRITERION MET

Meets the Exception Criteria in MLDC Section 10.253

EXCEPTION CRITERIA – FAIR OAKS FRONTAGE

1. 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.

CRITERION NOT MET

2. The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district.

CRITERION MET

EXCEPTION CRITERIA – FAIR OAKS FRONTAGE

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 for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.

CRITERION NOT MET

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.

CRITERION MET

Does not meet the Exception Criteria in MLDC Section 10.253

SUMMARY

- Approve the Land Division request as it meets the criteria in MLDC 10.270
- Approve the White Oak Drive Exception request for relief from standard street improvements, and require the applicant to record a signed document agreeing to participate in a Local Improvement District in the future
- Disapprove the Fair Oaks Drive Exception request for relief from standard street improvements and require sidewalk, planter strip, street lights and ADA ramp - per the Public Works Staff Report

Additional Exhibits

Exhibits P through GG, letters of opposition to the proposed development, have been added to the record.

RECOMMENDED ACTION

Adopt the findings as amended, with the addition of all street improvements to the Fair Oaks Drive frontage, and direct staff to prepare a Final Order for approval of LDP-16-012 & E-16-034

QUESTIONS FOR STAFF?

RECOMMENDED MOTION

Move to adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of LDP-16-012 & E-16-034 per the Staff Report dated April 21, 2016, including all exhibits and conditions.



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

Adderson Builders, Inc.
234 Vista Street
Ashland, OR 97520

Decision date: May 12, 2016
Mailing date: May 13, 2016
Final appeal date: May 27, 2016
File no. LDP-16-012 / E-16-034

Notice of Planning Commission Action

The Medford Planning Commission adopted final orders for the following application:

Consideration of a request to create three lots on a 0.74 acre parcel, and an exception request for the elimination of sidewalk, curb, gutter and street paving improvements. The parcel is located south of the intersection of East Main Street, Fair Oaks Drive and White Oak Drive, within the SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district.

The approval and denial are based on the findings and subject to the conditions and time periods set forth in the Planning Commission Report dated April 28, 2016.

The final date for filing an appeal is 14 days from the date the notice of decision is mailed. The written appeal and filing fee must be received by the City Recorder no later than 5:00 PM on the final appeal date shown above. Appeals must be filed in the form prescribed, and will be decided based on Sections 10.051–10.056 of the Municipal Code.

The applicant may now submit for final plat approval pursuant to Medford Land Development Code Sections 10.276 – 10.280, Submittal of Final Plats. In accordance with Section 10.269 (enclosed), unless the final plat is approved by the Planning Director or a letter requesting an extension of time is submitted to the Planning Department prior to the expiration date, the approval will expire in two years (May 13, 2018).

Sincerely,


James E. Huber, AICP
Planning Director

Enc. Final Orders / Planning Commission Report

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

Interested Parties

Affected Agencies

JH/tlr

CITY OF MEDFORD
EXHIBIT # 6
File # E-16-034
APPEAL

Recipient: Adderson Builders, Inc.
Re: Land Partition and Exception
File no.: LDP-16-012 / E-16-034
Date: May 13, 2016

Medford Land Development Code
Section 10.269 Expiration of Tentative Plat Approval

- (1) Approval of a tentative plat application shall take effect on the date the final order for approval is signed, unless appealed, and shall expire two (2) years from the effective date unless the final plat has been approved by the Planning Director pursuant to Sections 10.276 - 10.280. If a request for an extension of a tentative plat application approval is filed with the Planning Department within two (2) years from the date of the final order, the Planning Commission shall grant an extension not to exceed one (1) additional year. Extensions shall be based on findings that the facts upon which the tentative plat application was first approved have not changed to an extent sufficient to warrant re-filing of the application. All approvals made prior to the adoption of this ordinance shall expire one (1) year from the date of adoption of this ordinance, notwithstanding permitted extensions and previous phasing authorizations.

- (2) When it is the developer's intent to record and develop a tentatively platted land division in phases, the approving authority may authorize a time schedule for platting the various phases in periods exceeding one (1) year, but in no case shall the total time period for platting all phases be greater than five (5) years without having to resubmit the tentative plan. Phases platted after the passage of one (1) year from approval of the tentative plat will be required to modify the tentative plat as necessary to avoid conflicts with changes in the Comprehensive Plan or this chapter.

[Amd. Sec. 1, Ord. No. 1998-174, Aug. 6, 1998; Amd. Sec. 16, Ord. No. 2008-236, Nov. 20, 2008.]

Don Hartley & Family
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Medford, OR 97504

Sara Doherty & Family
264 S. Modoc Avenue
Medford, OR 97504

Larry & Regina Boeck
90 Fair Oaks Drive
Medford, OR 97504

David & Nancy Meyer
2512 East Main Street
Medford, OR 97504

Lisa Meredith
97 Fair Oaks Drive
Medford, OR 97504

Sam & Rebecca Ackley
73 Fair Oaks Drive
Medford, OR 97504

William A. Wilson
45 South Modoc Avenue
Medford, OR 97504

Garry & Shona Harris
65 Fair Oaks Drive
Medford, OR 97504

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1 White Oak Road
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Larry & Phyllis Moore
130 White Oak Road
Medford, OR 97504

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Rogue River, OR 97537

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Medford, OR 97504

Todd & Shannon Maddox
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Rose Mary Newell
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Medford, OR 97504

Betsy Wilson
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