CITY COUNCIL AGENDA

MEDFORD OREGON

September 5, 2019
6:00 P.M.
Medford City Hall, Medford Room
411 W. 8th Street, Medford, Oregon

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10. Roll Call

20. Recognitions, Community Group Reports
20.1 Introduction of Alba Students

30. Oral Requests and Communications from the Audience
Comments will be limited to 4 minutes per individual, group or organization. PLEASE SIGN IN.

40. 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 4 minutes. PLEASE SIGN IN.

40.1 COUNCIL BILL 2019-90 CONTINUED FROM August 15, 2019
An ordinance approving a minor amendment to the General Land Use Plan (GLUP) Map of the Medford Comprehensive Plan by changing the land use designation of 1.34 acres located east of Crater Lake Avenue and north of Forest Hills Drive, Urban High Density Residential (UH) to General Industrial (GI). (GLUP19-001) Land Use – Quasi-Judicial

40.2 COUNCIL BILL 2019-96
An ordinance proclaiming annexation to the City of Medford, portions of the North Ross Lane right-of-way from approximately 250 feet south of its intersection with Stearns Way, to Highway 238 (Rossanley Drive); along with an approximate 730-foot portion of Highway 238, running east/west from the northerly terminus from North Ross Lane, and a 58.1-acre tract of land containing two parcels, including the Howard Memorial Sports Park. The current County zoning designation of Exclusive Farm Use (EFU) will be changed to the City SFR-00 (Single-Family Residential, one dwelling unit per existing lot) zoning district. The properties will be removed from Medford Rural Fire Protection District #2, effective pursuant to State law. (A-19-003) Land Use – Quasi-Judicial

50. Approval or Correction of the Minutes of the August 15, 2019 Regular Meeting

60. Consent Calendar

Meeting locations are generally accessible to persons with disabilities. To request interpreters for hearing impaired or other accommodations for persons with disabilities, please contact the ADA Coordinator at (541) 774-2074 or ada@cityofmedford.org at least three business days prior to the meeting to ensure availability. For TTY, dial 711 or (800) 735-1232.

70. Items Removed from Consent Calendar

80. Ordinances and Resolutions

80.1 COUNCIL BILL 2019-97

An ordinance amending Section 2.050 of the Medford Municipal Code relating to Council meeting order of business.

90. Council Business

90.1 Proclamations issued:

Oregon Recovers – September 5, 2019
Black Tornado Wall of Fame Day- September 7, 2019
Day of Service and Remembrance - September 11, 2019
Constitution Week – September 17 through 23, 2019
Emergency Preparedness Month – September 2019

90.2 Committee Reports and Communications

100. City Manager and Staff Reports

100.1 Livability Team Update

100.2 Council Vision Fund

110. Adjournment

MEDFORD
OREGON
cityofmedford.org

Item No: 40.1

AGENDA ITEM COMMENTARY

DEPARTMENT: Planning
PHONE: (541) 774-2380
STAFF CONTACT: Matt Brinkley, AICP, CFM, Planning Director
AGENDA SECTION: Public Hearings
MEETING DATE: September 5, 2019

COUNCIL BILL 2019-90 – Continued from August 15, 2019

An ordinance approving a minor amendment to the General Land Use Plan (GLUP) Map of the Medford Comprehensive Plan by changing the land use designation of 1.34 acres located east of Crater Lake Avenue and north of Forest Hills Drive, Urban High Density Residential (UH) to General Industrial (GI).

SUMMARY AND BACKGROUND

City Council is requested to consider a minor General Land Use Plan (GLUP) amendment to reclassify a single 1.34 acre parcel, located east of Crater Lake Avenue and north of Forest Hills Drive, from Urban High Density Residential (UH) to General Industrial (GI). (GLUP-19-001)

On July 11, 2019, the Planning Commission forwarded a favorable recommendation to City Council after a public hearing.

PREVIOUS COUNCIL ACTIONS

On October 5, 2006, City Council adopted Council Bill 2006-227 approving a minor amendment to the GLUP Map changing the designation from General Industrial to Urban High Density Residential.

On August 15, 2019, Council heard the staff report. The applicant requested this item be continued to the September 5, 2019, City Council meeting in order to allow Council members time to review documentation submitted by the applicant and entered into the record at the public hearing. The applicant submitted the final order for the approval of the Mountain Gate Village Planned Unit Development (PUD) (Exhibit N), approved in 2001, to rebut the letter submitted by neighboring property owner, Mr. William Alan Smith (Exhibit M). The final order demonstrates that the subject site was zoned industrial at the time of the 2001 PUD approval, contrary to Mr. Smith's claim. The exhibits will be attached to the Council Report.

ANALYSIS

The subject site is located adjacent to the south of the Rogue Valley Transportation District (RVTD) headquarters and was acquired by RVTD in 2018. In 2006, the property owner requested, and Council approved, a GLUP map designation change from General Industrial (GI) to Urban High Density Residential (UH). The applicant is now requesting to change the designation back to GI.

Review of the proposed GLUP map designation change can be found to meet the applicable criteria for a Comprehensive Plan Amendment as found in the *Review and Amendments* chapter of the Comprehensive Plan, as the proposed change: 1) is consistent with the pertinent Comprehensive Plan policies and implementation strategies that seek to provide an adequate supply of employment lands; 2) responds to a demonstrated need for adequate employment opportunities; 3) can be found to have sufficient facilities to accommodate the proposed classification change; 4) will result in no

discernable environment, energy or social consequences from the proposed change of designation; and 5) meets the applicable statewide planning goals as described in the Council Staff Report.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None

TIMING ISSUES

None

COUNCIL OPTIONS

Approve the ordinance as presented
Modify the ordinance as presented
Decline to approve the ordinance as presented and direct staff regarding further action

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to adopt the ordinance authorizing the minor General Land Use Plan (GLUP) amendment to reclassify a single 1.34 acre parcel, located east of Crater Lake Avenue and north of Forest Hills Drive, from Urban High Density Residential (UH) to General Industrial (GI).

EXHIBITS

Ordinance
Letter from William Alan Smith, received July 30, 2019 (Exhibit M)
Final Order for the Mountain Gate Village PUD, received August 15, 2019 (Exhibit N)

ORDINANCE NO. 2019-90

AN ORDINANCE approving a minor amendment to the General Land Use Plan (GLUP) Map of the *Medford Comprehensive Plan* by changing the land use designation of 1.34 acres located east of Crater Lake Avenue and north of Forest Hills Drive, Urban High Density Residential (UH) to General Industrial (GI).

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That a minor amendment to the GLUP Map of the *Medford Comprehensive Plan* changing the land use designation of 1.34 acres located east of Crater Lake Avenue and north of Forest Hills Drive, Urban High Density Residential (UH) to General Industrial (GI), is hereby approved.

Section 2. The approval is based upon the Findings of Fact and Conclusions of Law included in the Planning Commission Report dated August 1, 2019.

PASSED by the Council and signed by me in authentication of its passage this ____ day of September, 2019.

ATTEST: _____ _____

City Recorder Mayor

APPROVED _____, 2019. _____

Mayor

William Alan Smith
4379 Tami Lane
Central Point, OR 97502
541-282-3333

RECEIVED
JUL 30 2019
PLANNING DEPT.

July 29, 2019

Mr. Matt H. Brinkley, Planning Director
Medford Planning
411 West 8th Street
Medford, OR 97501

Reference: File Number GLUP-19-001
Tax Lot Identification: 371W08CC TL 800

Dear Mr. Brinkley:

I am writing this letter for submission as part of the public record that I hereby object to approval of a General Land Use Plan amendment to reclassify a single 1.34 acre parcel, located east of Crater Lake Avenue and north of Forest Hills Drive, from Urban High Density Residential (UH) to General Industrial (GI).

Along with my youngest son, Jarrad Smith, and two friends, Mark Owen and Brian Reed, we built the 162 living unit PUD that adjoins the property proposed for zoning amendment. When we had developed our property from a bare land 10 acre parcel into the community that it is today, it was also zoned Urban High Density Residential. We developed our property with the expectation that the property adjoining our property could only be similarly developed. We certainly did not develop our property with the expectation that the adjoining property would be rezoned and later developed into an industrial site.

My son and I still own property in the PUD known as MountainGate Village and have done so for the last 15 years. Just because someone else wants to build and operate a business on the lot in question should not mean that they have any right to do so. Developing and operating a business right next to our residential property will diminish its market value. This would be patently unfair to us and our neighbors, who have invested significant funds and in some instances life savings into their property and our community.

Perhaps a better way to help you understand the adverse impact of approving this amendment is for you to imagine a sanitary services business in your back yard, which is an approved General Industrial use. I seriously doubt that would set well with you. If Medford Planning should decide to approve this amendment anyway, then a stipulation should be attached to the amendment, where the owners of the adjoining residential property are compensated by the owner(s) of the property proposed for amendment for market value adverse impact. Three residential property appraisers should be retained to project what the estimated market value reduction could be. This stipulation should be approved and authorized by the MountainGate Village Homeowners Association.

Please enter my objection into the public record at the 6:00 p.m. hearing on August 15, 2019. If it is necessary for me to appear at this hearing and publicly testify in order to enter my objection into the public record, then please so advise, and I will appear accordingly.

Respectfully yours,

William Alan Smith

William Alan Smith
MountainGate Village Developer & Property Owner

Cc: MountainGate Homeowners Association

CITY OF MEDFORD
EXHIBIT # M
File # GLUP-19-001

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

RECEIVED
AUG 15 2019
PLANNING DEPT.

IN THE MATTER OF PLANNING COMMISSION FILE PUD-01-3)
APPLICATION FOR A PLANNED UNIT DEVELOPMENT) **ORDER**
SUBMITTED BY VIEWCREST CONSTRUCTION COMPANY)

ORDER granting Preliminary Plan approval for Mountain Gate Village, a 162-unit residential Planned Unit Development on a 11.25 acre site, located on the east side of Crater Lake Avenue, 600 feet north of Delta Waters Road, within a MFR-20 (Multiple-Family Residential - 20 units per acre) and an I-L (Light Industrial) zoning district, as provided for in the City of Medford Land Development Code.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.230 Application, Planned Unit Development, and

2. The Medford Planning Commission has duly held public hearings on the matter of an application for Preliminary Plan approval for Mountain Gate Village, a 162-unit residential Planned Unit Development on a 11.25 acre site, located on the east side of Crater Lake Avenue, 600 feet north of Delta Waters Road, within a MFR-20 (Multiple-Family Residential – 20 units per acre) and an I-L (Light Industrial) zoning district, with public hearings a matter of record of the Planning Commission on February 22 and July 26, 2001.

3. At the public hearings on said application, evidence and recommendations were received and presented by the applicant's representative and Planning Department staff; and

4. At the conclusion of said public hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded, granted preliminary plan approval for a Planned Unit Development and directed staff to prepare a final order with all conditions and findings set forth for the granting of the Preliminary Plan approval.

THEREFORE LET IT BE HEREBY ORDERED that the application of Viewcrest Construction Company stands approved subject to compliance with the conditions stated in the Planning Commission Report dated July 26, 2001.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this application for preliminary plan approval for a planned unit development is hereafter supported by the following findings:

CITY OF MEDFORD
EXHIBIT # N
File # GLUP-19-001

FINAL ORDER **PUD-01-3**

1. This project complies with the Land Development Code and all applicable criteria per Section 10.235, and

2. Any additional findings contained in the Planning Commission Report dated July 26, 2001.

Accepted and approved this 9th day of August, 2001.

CITY OF MEDFORD PLANNING COMMISSION

Carl Bartlett, Chair

ATTEST:

Jim Maize, Secretary

50

City of Medford July 26, 2001

PLANNING COMMISSION REPORT

File No. PUD-01-3 Mountain Gate Village Planned Unit Development

Applicant: Viewcrest Construction Company, (Hoffbuhr & Associates, Agent)

Request: Consideration of preliminary plan approval including tentative plat approval, of a 162-unit residential planned unit development on a 11.25 acre site, located on the east side of Crater Lake Avenue, 600 feet north of Delta Waters Road, within a MFR-20 (Multiple-Family Residential – 20 units per acre) and an I-L (Light Industrial) zoning district.

BACKGROUND:

The application before the Planning Commission consists of a preliminary plan for Mountain Gate Village Planned Unit Development consolidated with an application for tentative plat approval for the same site. The project proposes 162 units on a total of 88 lots. These units will be a combination of five 12-plexes, five 8-plexes, and 31 duplex units. There will be two parking lots and a playground for the portion of the development that is developed with multi-family units. The duplex units will have a common interior lot line dividing each unit so they can be individually owned. All private internal streets, parking lots, and playground areas are proposed as common areas.

The applicant proposes to develop this project in two phases as represented on Exhibit "A."

The applicant has proposed deviations in conjunction with the PUD proposal: bufferyard requirements, private streets, building setbacks, alternate lighting, and lot dimensions.

The surrounding properties contain land uses consisting primarily of single-family dwellings, vacant industrial land, and active light industrial uses. The proposed project site is on five parcels identified as Jackson County Tax Assessor Map 371W08CC Tax Lots 100, 200, 202, 900, and 1000. Primary access to the site will be via Ford Drive to the north and Forest Hills Drive (Tax Lot 900) from the south. Forest Hills and Juniper Ridge Drives are private streets.

PRELIMINARY PUD PLAN APPROVAL CRITERIA

Prior to approval of a Preliminary PUD Plan, the proposal must be found to meet the following criteria as per Land Development Code Section 10.235 (C) (summarized):

1. The PUD complies with applicable code requirements, except for those for which a deviation has been approved.

2. The PUD meets the standards for, or is not subject to, moratoriums, public facility strategies, or limited service areas.

3. The PUD is consistent with those goals and policies of the *Comprehensive Plan* that are intended to function as PUD approval criteria.

4. Approved deviations, if any, will not impair the function, safety, or efficiency of the circulation system or the PUD.

5. The PUD satisfies two or more of the PUD purpose statements in 10.230 (A).

6. Common elements, if any, are appropriate for their intended use and function.

7. Adequate public facilities can be provided for land uses in the PUD, if any, not normally permitted in the underlying zone.

8. Proposed conditional uses, if any, comply with conditional use permit approval criteria.

9. Concurrent development permit applications, if any, comply with applicable approval criteria.

FINDINGS:

The applicant's proposed Findings of Fact (Exhibit "A") received May 30, 2001, hereby incorporated by this reference and attached, address the approval criteria for the preliminary PUD plan.

PROJECT REVIEW:

Purpose Statements: The applicant's proposed Findings of Fact (Pages 4 & 5 of Exhibit "A") include a discussion which demonstrates compliance with PUD purpose statements 1-8 in Section 10.230 (A) of the Land Development Code.

Acreage Limitation: The site is 11.25 acres in size and, therefore, complies with the one-acre minimum size requirement for PUDs.

Consolidated Applications: An application for tentative plat approval for an 88-lot subdivision is included as part of the PUD application.

Deviation from Standard: According to the application, the applicant is seeking six deviations for bufferyards, private streets, alternate lighting, lot dimensions, and building setbacks which are discussed below and also on pages 25–28 of the applicant's findings (Exhibit "D").

Bufferyards:

Because of the abutting single-family and industrial zoning interfaces along all sides of the proposed development, a Type "A" bufferyard is required along those perimeters. A Type "A" bufferyard is comprised of a 6-foot high fence, and a 10-foot width, which includes 8 trees and 20 shrubs per 100 lineal feet. The applicant proposes to deviate from the bufferyard requirement along all of the following boundaries of the development.

South: Approximately two-thirds of the southerly boundary of the proposed development abuts an I-L (Light Industrial) zoning district, while the eastern one-third abuts an SFR-4 (Single-Family Residential – 4 units per acre) zoning district. There is an existing 24-inch irrigation ditch operated by the Rogue River Valley Irrigation District which runs just inside and along the southern boundary of the development, apparently without an associated easement. A Type "A" bufferyard is required along this entire interface.

The applicant, as mentioned above has requested a deviation to the bufferyard standard throughout the project. The specific deviation along the south side of the site would be the installation of the 6-foot cedar fence, installation of canopy trees at the rate of 3 trees per 80 feet, and planting of a number of shrubs. The deviation is based upon the SFR nature of the proposed adjacent pad lots, and the fact that the "bufferyard" will actually exist as the backyards of those lots that abut the existing single-family residences. The applicant argues that those uses are similar and the deviation can be found to be acceptable. That portion of the bufferyard which abuts the I-L zone to the south, and basically contains an access driveway, appears to contain the fence and a number of shrubs, without trees.

As mentioned above, there is an existing irrigation ditch running along the southern property line. The irrigation district has vaguely requested (Exhibit "L") that a 20-foot wide easement be established along the inside of that property line for maintenance of their irrigation facilities. They have also requested that no encroachments be allowed in that area, including fences or landscaping, unless approved by the district. In response to the irrigation district's request, the City Attorney's office has stated that procurement of an easement is the responsibility of the irrigation district, and not the City's. The concern of the Planning Commission should be whether a bufferyard is appropriate along that property line, or whether a deviation, as proposed by the applicant, should be allowed. If a bufferyard is required, an assurance will need to be made by the Planning Commission that it can be installed in conjunction with the existing irrigation facility, without a building relocation needing to be made after the Commission's approval.

Staff feels that because of the greater number of dwelling units along the south property line, a partial bufferyard, as proposed by the applicant is adequate.

North: The northern boundary of the development abuts land which is zoned City I-L (Light Industrial) and land which is outside of the city of Medford but which has a General Industrial zoning

designation. There is an 8-inch sanitary sewer main located along the northern property line, within an associated easement, apparently 20 feet in width. A Type "A" bufferyard is required along this entire interface. The specific deviation includes the construction of a 6-foot high cedar fence along the northern property line. Because of the need for the City to maintain the sanitary sewer line, the applicant has shown the 20-foot easement installed with "grasscrete" pavers, planted with turf. The Public Works Department will not allow trees to be planted within this easement due to the possible invasiveness of their roots. No trees or shrubs are shown to be planted within the easement.

Staff feels that the bufferyard deviation, as proposed by the applicant, is adequate since the property to the north is not developed. Upon industrial development to the north, a Type "A" bufferyard will be required of that development.

West: The western boundary of the development abuts land which is zoned City I-L (Light Industrial). A Type "A" bufferyard is required along this entire interface. The specific deviation includes the construction of an 8-foot high masonry wall, and trees planted to lesser degree than under the Type "A" standard.

Staff feels that because of the greater number of dwelling units along the south property line, a partial bufferyard, as proposed by the applicant is adequate.

East: The eastern boundary of the development abuts land which is zoned SFR-4. A Type "A" bufferyard is required along this entire interface. The specific deviation along the east side of the site would be the installation of the 6-foot cedar fence, install canopy trees at the rate of 3 trees per 80 feet, and plant a number of shrubs. The deviation, again, is based upon the SFR nature of the adjacent pad lots, and that the "bufferyard" will actually exist as the backyards of those lots that abut the existing single-family residences. The applicant argues that those uses are similar and the deviation can be found to be acceptable.

Private Streets:

The site will be accessed by Forest Hills Drive (private) and Ford Drive, both of which access from Crater Lake Avenue to the west. The applicant also proposes to develop Juniper Ridge as a private street. Due to the nature of the surrounding development, staff is of the opinion that the street system has adequate size and capacity and will adequately serve the proposed development. Maintenance of these private streets will be the responsibility of the owners of the development.

Phase 1 proposes access solely from Forest Hills Drive. Phase 2 will require the improvement of a 20-foot wide paved section on Ford Drive from the project boundary west to Crater Lake Avenue and is the minimum required paving to serve this development.

Decision: In order to assure two access points for the development, the Planning Commission's approval included a condition that the development of Ford Drive take place in conjunction with Phase 1, and that the Phase 1 development connect with Ford Drive.

Parking:

Each duplex unit will have two parking spaces. Units 39-62 between Forest Hills Drive and Juniper Ridge will have garages that will be accessed from an alley located to the rear of each unit. There will be two larger parking lots to serve the multi-plex units, located on the west portion of the development. The applicant proposes parking spaces located along Juniper Ridge and Forest Hills Drive with direct vehicle backup into these private streets. Staff has some concern regarding vehicle conflicts with these parking spaces that back directly onto the proposed private streets in those areas which abut frequently traveled streets. Staff has no particular concern for those spaces located on Juniper Ridge. Those parking spaces located on the north side of Forest Hills Drive in the proximity of Lot 81, 85, and 86 have the potential, however, to cause vehicle conflicts because of the higher degree of traffic. The development will generate approximately 1026 vehicle trips at build out, and while not all vehicles will utilize Forest Hills Drive for access when the project is built out, approximately 600 vehicle trips will pass by these lots during the first phase development. A condition is included that at the time of Site Plan and Architectural Commission review, these parking spaces be integrated into other parking facilities to minimize vehicle conflicts.

Decision: The Planning Commission modified the recommendation presented by staff to include the possibility of the parking spaces in the proximity of Lots 81, 85, and 86 remaining as proposed, but be modified for safety considerations.

The Fire Marshal in the memorandum of June 7, 2001 (Exhibit "G") has indicated that the applicant is proposing no parking on Forest Hills Drive from Ford Drive to Juniper Ridge. Additional on street parking will be provided throughout the rest of the development.

Alternate Lights: The applicant proposes to use an alternate method of lighting within the project, as shown on Exhibit "N." According to the applicant, the fixture including the luminare will be approximately 15 feet in height. As none of these light fixtures are proposed along public rights-of-way, this is not actually considered a deviation.

Lot Dimensions:

There are a number of lots identified for duplex development that are below the minimum depth standard of 100 feet for the zoning district. The majority of these lots have depths which range between 90 and 96 feet. Given that dwelling units for this development have been specifically designed to fit each lot, staff has no particular concern with this deviation, and has determined that the deviation is reasonable within the context of the planned unit development concept. The multi-

family lots, configured as "pad lots," obviously and logically do not meet width, depth, frontage, and coverage.

Setbacks:

The architect for the applicant has indicated that the duplex units on lots 39-62 will be 2-story, and units on lots 1-39, around the perimeter, will be single story. The building envelope indicated on the preliminary plan indicates that building walls will be approximately 4 to 5 feet from interior property lines for all duplex units. Only units 39-62 require a deviation from code standards which require an increase of a one-half-foot setback for each foot of height over 15 feet. Typical setbacks would be 7 feet for building height of 21 feet with a 1-foot eave overhang. Staff has no particular concern and has determined that the deviation is reasonable within the context of the planned unit development concept.

Housing Density: The overall density of the proposed PUD project is 15 units per acre which is the minimum density for this zoning district. The application does not, therefore, include a deviation for utilizing a density bonus.

Housing Types: The application proposes 100 dwellings in ten structures developed as 8 and 12 unit, 2-story multi-plexes and 31 single-family duplex units.

Common Elements: The proposed PUD includes a playground, parking facilities and driveways associated with the multiple-family component of the development. The private streets, Forest Hills Drive and Juniper Ridge are also proposed as a common element.

Site Plan and Architectural Review: The Land Development Code allows for Site Plan and Architectural review for a PUD, to be postponed to sometime before final plan approval. Building elevations were not included in the submittal because the applicant is anticipating that the Planning Commission will delegate authority to the Site Plan and Architectural Commission to review the site detail, landscaping and building architecture within the scope allowed under Section 10.230 (G) of the Land Development Code.

Landscaping:

The Parks and Recreation Department has responded (Exhibit "K") that a review of the landscape plan was not possible because the plans were incomplete as a legend was not included. A subsequent plan has been submitted (Exhibit "B") which included the requisite plant legend and which will be closely analyzed at the time of a later site review.

Phasing: The application indicates that the development of the Mountain Gate Village PUD would be completed in two (2) phases. In accordance with the Planning Commission's approval, access for Phase 1 will be from both Ford Drive and Forest Drive.

Access and Street Improvements: The project will be served by Ford Drive to the north and Forest Hills Drive to the south.

Forest Hills Drive is a private street. Ford Drive is public right-of-which will need to contain a paved 20-foot off-site section to serve this development. Jackson County Roads in their letter of February 1, 2001 (Exhibit "I") has recommended the development of left and right turn lanes on Crater Lake Avenue at the Forest Hills Drive entrance of the development. The northbound access from Crater Lake Avenue to Forest Hills drive will need to be a right turn taper. A center turn lane in Crater Lake Avenue to Forest Hills Drive is recommended for southbound traffic. The applicant has submitted a Traffic Impact Study (TIS) which has been reviewed by the City Engineering Department and the Oregon Department of Transportation (ODOT).

ODOT has jurisdiction at the Crater Lake Avenue/Ford Drive intersection and has responded to the requested TIA prepared by the applicant. They note that the TIA indicates that a southbound left turn lane should be installed in Crater Lake Avenue for vehicles turning left onto Ford Drive. ODOT concurs with that recommendation and requests that the improvement be installed prior to the development's use of Ford Drive.

A sidewalk along the south portion of Forest Hills Drive has been identified. Sidewalks along Ford Drive will be constructed at the time the adjacent property is developed, allowing for the needed right-of-way and street improvements. There is an existing irrigation ditch that abuts the sidewalk on the Forest Hills Drive access that will be placed underground by the applicant. Due to the narrow section of Ford Drive right-of-way (20 to 30 feet), a sidewalk connecting to Crater Lake Avenue cannot be included at this time. A sidewalk along Forest Hills Drive connecting to Crater Lake Avenue consistent with City of Medford standards is shown on the applicant's plans.

Decision: The Planning Commission's approval included a condition that the Forest Hills Drive sidewalk, from Crater Lake Avenue to Juniper Ridge, be placed as far back from the curb as possible, with landscaping between the curb and sidewalk.

Rogue Valley Transportation District:

The Rogue Valley Transportation District (RVTD) has responded to the proposed development (Exhibit "M") in which shortcomings of the subject site in terms of access, both vehicular and pedestrian, were documented. The applicant and the public are, however, now experiencing the challenges which have resulted from some of the planning decisions of the past. As is typical with some infill parcels, the existence of abutting development has precluded some of the currently recognized elements of good multi-family development, including vehicular and pedestrian traffic access to streets and walkways in all directions. Unfortunately, the subject site has limitations with existing residential development to the east and south; and the existing industrial zoning and development to the west, north and south.

Comprehensive Plan

As per the applicant's proposed Findings of Fact (Exhibit "D"), the preliminary PUD plan proposal can be found to be consistent with the Comprehensive Plan goals and policies, which, by their language or context, are intended to function as PUD approval criteria.

CONSOLIDATED APPLICATION - LAND DIVISION:

SUMMARY OF RELEVANT CRITERIA FOR LAND DIVISION:

The Planning Commission must determine that the application:

1. Is consistent with the city's long range Comprehensive Plan and all applicable lot design standards contained in the Land Development Code.
2. Will not prevent development of adjacent property, create names which can be confused with existing developments, and, cause any land use conflicts with adjoining lands within the EFU (Exclusive Farm Use) zoning district.
3. Creates a street pattern which is consistent with existing street patterns unless the approving authority finds it is in the public interest to modify a street pattern, distinguishes private streets from public streets on the plat, sets forth restrictions related to said private streets, and, if applicable, includes streets and lots which maximize use of passive solar energy.

PROJECT REVIEW:

The tentative plat for Mountain Gate Village (Exhibit "C") has been submitted in conjunction with the PUD application. The 88-lot subdivision will create 62 single-family duplex residential lots and 25 multiplex lots. The duplex lots range in size from approximately 2,790 to 4,230 square feet.

Street Circulation

The proposed layout of Mountain Gate Village PUD shows access from Crater Lake Avenue via Ford Drive to the north and Forest Hills Drive to the south. There is no through circulation to the south and east sides of this development because these are already developed with residential lots. Traffic and pedestrian circulation to the north of the site could be improved somewhat by creating a street stub extension in the vicinity of Lot 13 which could extend to the north to Ford Drive when it is dedicated and constructed. However, the downside to a street connection is that the land to the north is zoned for industrial use. It is not recommended to commingle residential and industrial vehicle traffic. The streets of this development are private and any maintenance responsibility or damage that might be caused by vehicles coming from a public street facility would be paid for by the property owners of the planned unit development.

The extension of Ford Drive and the improvement from the west side of the project boundary to Crater Lake Avenue to the west and to the east will be required at the time of development of the abutting properties to the north. Ford Drive is designated as a residential street but will carry traffic from industrial zoned properties. Exhibit "O" is a representation of the conceptual connection of Ford Drive.

Pedestrian Access

Pedestrian circulation within the site is achieved by sidewalks along all street frontages to Forest Hills Drive that connects to Crater Lake Avenue. There is no potential to provide pedestrian facilities with the Ford Drive right-of-way at this time because it is only 20 feet wide at the west property line. Future development of properties to the north will require dedication and construction of facilities that will likely include sidewalks on Ford Drive.

CODE REQUIREMENT COMMENTS:

Conditions have been included under the "code requirement" section of the report relating to requirements from agencies such as Medford Public Works Department, Medford Fire Marshal and Bear Creek Valley Sanitary Authority.

ACTION TAKEN:

Per the analysis and conditions contained herein, the Planning Commission found that Mountain Gate Village Planned Unit Development and the 88-lot subdivision met the above required criteria of the Land Development Code, and determined that, with the conditions contained herein, the decisional criteria has been met. All proposed deviations were approved by the Commission.

The Planning Commission directed staff to prepare a Final Order for approval of PUD-01-3, per the Planning Commission Report dated July 26, 2001, including:

Exhibit "A" Preliminary PUD Plan received May 15, 2001;
Exhibit "B" Preliminary Landscape Plan received May 15, 2001;
Exhibit "C" Amended Tentative Plat received June 29, 2001;
Exhibit "D" Applicant's proposed Amended Findings of Fact received May 30, 2001;
Exhibit "E" Recommendations from the Public Works Department dated June 6, 2001;
Exhibit "F" Memorandum from the Medford Water Commission dated January 31, 2001;
Exhibit "G" Memorandum from the Bureau of Fire Prevention dated June 7, 2001;
Exhibit "H" Memo for Bear Creek Valley Sanitary District dated February 5, 2001;
Exhibit "I" Letter from Jackson County Roads dated February 1, 2001;
Exhibit "J-1" Letter from Oregon Department of Transportation dated July 5, 2001;
Exhibit "K" Memorandum from the Parks and Recreation Department dated February 5, 2001;
Exhibit "L" Letter from Rogue River Valley Irrigation District received July 5, 2001;

Exhibit "M" Memorandum from Rogue Valley Transportation District dated February 8, 2001;
Exhibit "N" Proposed Lighting Standard;
Exhibit "O" Conceptual Ford Drive Street Configuration.

and subject to the following conditions which the Planning Commission has the discretion to include:

1. Prior to issuance of the first building permit, the applicant shall comply with the recommendations contained in the letter from Jackson County Roads dated February 1, 2001 (Exhibit "I").

2. Parking spaces that back out onto Forest Hills Drive proximate to Lots 81, 85, and 86 shall be integrated into proposed offstreet parking facilities, or modified for safety considerations, and be included on site plans at the time of review by the Site Plan and Architectural Commission.

3. Prior to issuance of the building permits for development, which will utilize For Drive for vehicular access, a center left turn lane in Crater Lake Avenue at Ford Drive shall be installed.

4. Development of Ford Drive, as proposed, shall take place as Phase 1 is initiated and require that Phase 1 be connected to Ford Drive.

5. The sidewalk on the south side of Forest Hills Drive from Crater Lake Avenue to Juniper Ridge shall be placed as far back from the curb as the site makes possible, with landscaping between the sidewalk and the road, at the discretion of the Site Plan and Architectural Commission.

6. The standard light fixture developed and submitted for approval by the applicant must provide the Site Plan and Architectural Commission with specifications for street light shielding, showing that light will be directed downward.

7. The Site Plan and Architectural Commission shall determine that all landscape plantings located around the perimeter of the site, including the "grass-crete" pavers, meet reasonable compliance with the buffering criteria. All fences and walls required by the Land Development Code shall be constructed. This condition shall not delimit review by the Site Plan and Architectural Commission.

8. Prior to approval of the final PUD plan, building architecture and site and landscape plans for Mountain Gate Village shall be submitted for review by the Site Plan and Architectural Commission, in accordance with Section 10.285 through 10.292.

LAND DEVELOPMENT CODE REQUIREMENTS

This is a list of Land Development Code requirements that have been developed from an administrative review of the proposal. The Planning Commission cannot modify or delete the requirements.

1. Prior to issuance of building permits, the applicant shall receive final PUD Plan approval pursuant to Section 10.240 of the Land Development Code and final plat approval of the proposed subdivision.

2. Prior to final plan approval for Mountain Gate Village PUD, the final plat for the subdivision shall be approved by the Planning Department, with a mylar copy of the recorded plat returned to the Planning Department.

3. Prior to final plan and final plat approval for Mountain Gate Village PUD or per any other stated timing factors, the applicant shall comply with the Recommendations from the Public Works Department, dated June 6, 2001 (Exhibit "E").

4. Prior to final plan approval, the applicant shall assure that the project will comply with all recommendations contained in the Memorandum from the Bureau of Fire Prevention, dated June 7, 2001 (Exhibit "G") relating to hydrant installation and address signs.

5. Building permits for the proposed lots shall not be issued prior to a Mylar copy of the recorded final plat being returned to the Planning Department.

MEDFORD PLANNING COMMISSION

Carl Bartlett

Carl Bartlett, Chair

PLANNING COMMISSION AGENDA: JULY 12, 2001
JULY 26, 2001

MOUNTAIN GATE VILLAGE

SITE PLAN.
LOCATED IN:
THE S. W. ¼ OF SECTION 8, T.37S., R.1W., W.M.
CITY OF MEDFORD, JACKSON COUNTY, OREGON
TAX LOTS 100, 200, 201, 300 & 1000 (37W8CC)

OWNER/APPLICANT
VEIWCREST CONSTRUCTION INC.
529 EDWARDS ST.
MEDFORD, OREGON 97501
541-858-8130

NORTH
SCALE: 1" = 40'

DRH
© DANIEL R. HORTON – ARCHITECT 2000
169 W. MAIN, P.O. BOX 682
EAGLE POINT, OR. 97524
PHONE/FAX 541-830-1014

SITE STATISTICS:

NUMBER OF UNITS: APARTMENTS - 168 UNITS, DUPLEXES - 82 UNITS, TOTAL - 250 UNITS

SITE DENSITY: 250 UNITS ÷ 16.6 AC. = 15 UNITS/AC.

GROSS BUILDING AREAS: APARTMENTS = [illegible], DUPLEXES & GARAGES = [illegible], TOTAL GROSS AREA [illegible]

SITE COVERAGE: APARTMENT FOOTPRINT INCLUDING COVERED PATIOS & STAIRS = [illegible], DUPLEX FOOTPRINT INCLUDING GARAGES & PATIOS = [illegible], TOTAL FOOTPRINT = [illegible], SITE AREA = [illegible], TOTAL SITE COVERAGE = 31%

APARTMENT PARKING: 1½ SPACES REQUIRED PER UNIT, 168 UNITS x 1½ = 252 SPACES REQUIRED/252 PROVIDED

APARTMENT BICYCLE PARKING: 1 SPACE PER UNIT, 168 UNCOVERED SPACES PROVIDED, 168 COVERED SPACES PROVIDED IN EA. LOWER FLOOR PRIVATE PATIO.

DUPLEX PARKING: 2 SPACES REQUIRED/4 SPACES PROVIDED

DUPLEX BICYCLE PARKING: 1 SPACE PROVIDED IN EA. PRIVATE GARAGE

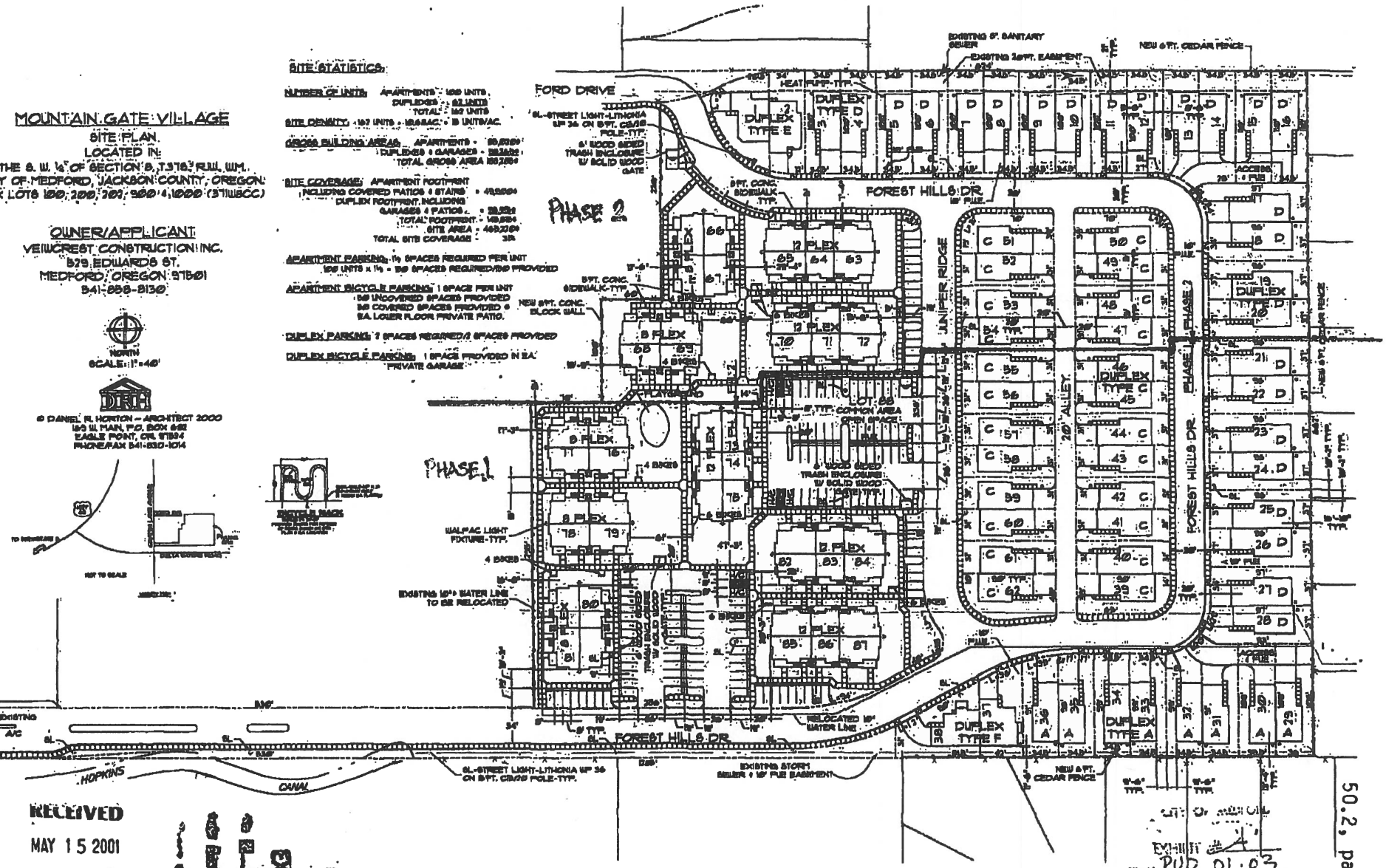

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EXHIBIT PUD 01-3

EXHIBIT #4
File # PUD 01-03
Date Rec'd. _____ By _____
Tabled By _____

MOUNTAIN GATE VILLAGE

PRELIMINARY P.U.D. LANDSCAPING PLAN
LOCATED IN:
THE S. W. ¼ OF SECTION 8, T.37S., R.1W., W.M.
CITY OF MEDFORD, JACKSON COUNTY, OREGON.
TAX LOTS 100, 200, 202, 900 & 1000 (371W8CC)

OWNER/APPLICANT

VERICREST CONSTRUCTION INC.
529 EDWARDS ST.
MEDFORD, OREGON 97501
541-858-8130

NORTH
SCALE: 1"=40'

DRH

© DANIEL R. HORTON - ARCHITECT 2000
169 N. MAIN, P.O. BOX 683
EAGLE POINT, OR. 97524
PHONE/FAX 541-830-1214
REV: 9/19/01

PLANT MATERIALS LEGEND

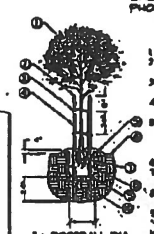
TREES: 2" CALIPER = 8' ABOVE GROUND
A. CERCIS CANDENSIS 'ORLANDIA' EASTERN REDBUD
B. TILIA AMERICANA 'REDMOND' AMERICAN LINDEN
C. CORNUS KOUSA 'MILKY WAY' KOREAN DOGWOOD
D. ACER TRUNCATUM 'PACIFIC SUNSET' PACIFIC SUNSET MAPLE
E. PYRUS CALLERYANA 'REDSPIRE' FLOWERING PEAR
F. FRAXINUS AUGUSTIFOLIA 'RAYWOOD' RAYWOOD ASH
G. QUERCUS COCCINEA SCARLET OAK
H. PINUS 'CONTORTA' SHORE PINE
I. PICEA PUNGENS 'GLAUCA' COLORADO SPRUCE
SHRUBS: 1 GAL. = 4' O/C MAX.
J. PRUNUS L. 'OTTO LUYKEN' ENGLISH LAUREL
K. RHAPHIOLEPIS INDICA 'BALLERINA' INDIA HAWTHORNE
L. EUONYMUS P. 'EMERALD GAIETY' VARIGATED EUONYMUS
M. ARCTOSTAPHYLOS DENSIFLORA 'HOWARD MCMINN' MANZANITA
N. MAHONIA AQUIFOLIUM 'ORANGE FLAME' OREGON GRAPE
O. VIBURNUM TINUS 'EVEREST'
P. PHOTINIA 'FRASERI'
Q. ABELLIA 'GAUCHER' ED GAUCHER
R. AZALEA 'MIXED'
S. ESCALLONIA S. 'NEWPORT DWARF'
T. HYDRANGEA 'QUERCIFOLIA' OAKLEAF HYDRANGIA
U. IBERIS SEMPER VIRENS 'EVERGREEN CANDYTUFT' IBERIS
GROUND COVER
V. TURF - PERENNIAL RYE GRASS BLEND, MAGNUM
W. ARCTOSTAPHYLOS UVA-URSI 'BEARBERRY' MANZANITA - 4" POTS 18" O/C
X. HEDRA HELIX 'BALTICA' IVY - 4" POTS - 18" O/C

PLANTING NOTES

1. PROVIDE TOP SOIL TWO TIMES THE DIAMETER OF ROOT BALL X 18" DEEP X EA. PLANT. PROVIDE 6" DEEP TOPSOIL X GROUND COVER X TURF.
2. PROVIDE 4" DEEP UNSETTLED MULCH X ALL PLANTED AREA NOT IN GROUND COVER.
3. PROVIDE ROOT BARRIER X ALL TREES LOCATED CLOSER THAN 8' TO PAVING OR CONCRETE

IRRIGATION NOTES

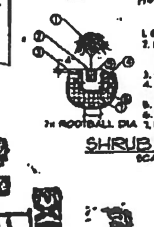
1. LANDSCAPE CONTRACTOR TO PROVIDE SHOP DRAWINGS OF IRRIGATION SYSTEM LAYOUT AND COMPONENTS, INCLUDING INSTALLATION DETAILS.
2. ALL TREES TO BE DRIP IRRIGATED W/3 EMITTERS
3. ALL SHRUBS TO BE DRIP IRRIGATED W/2 EMITTERS
4. ALL TURF TO BE WATERED W/ ADJUSTABLE POP-UP SPRINKLER HEADS.



1. TREE AS SPEC BY ARCHITECT
2. TRIM TOP OF STAKES BELOW LOWEST BRANCH TO PREVENT DAMAGE TO TREE
3. CROSS TIE BETWEEN STAKE X TREE PER PLANTING SPECIFICATIONS
4. 2"x 10' LODGE POLE STAKES (INSTALL UNDER THAN ROOT BALL)
5. EARTH WATERING BASIN (RAKE SMOOTH PRIOR TO SEEDING IN HYDROSEED AREAS, RAKE ALL BASINS X END OF PLANT ESTABLISHMENT PERIOD)
6. FINISHED GRADE
7. ROOT BALL (SET CROWN 3" ABOVE FINISHED GRADE)
8. 21 GRAM PLANT TABLETS 3 GAL.=3, 5 GAL.=5, 14" BOX=8
9. COMPACTED BACKFILL MIX (PER PLANTING SPECS)
10. UNDISTURBED NATIVE SOIL
11. TREE TO BE 2" CALIPER X 8' ABOVE FIN. GRADE

TREE PLANTING DETAIL

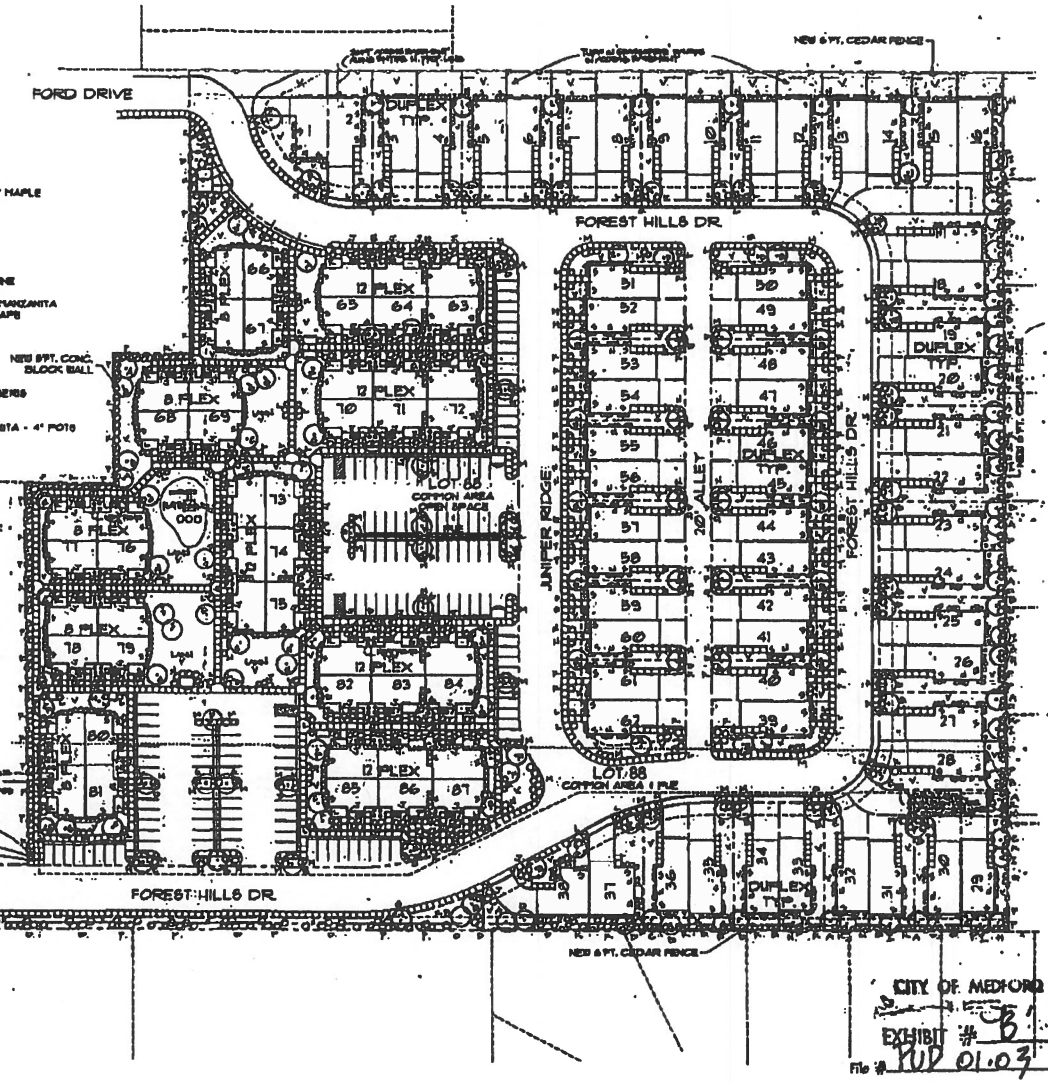
SCALE: NTS



1. SHRUB AS SPEC. BY ARCHITECT
2. EARTH WATERING BASIN (RAKE SMOOTH PRIOR TO SEEDING IN HYDROSEED AREAS, RAKE ALL BASINS AT END OF PLANT ESTABLISHMENT PERIOD)
3. FINISHED GRADE
4. 21 GRAM PLANT TABLETS 9 GAL.=3, 15 GAL.=5, 24" BOX=8
5. ROOTBALL (SET CROWN 3" ABOVE FINISHED GRADE)
6. COMPACTED BACKFILL MIX (PER PLANTING SPECS)
7. UNDISTURBED NATIVE SOIL

SHRUB PLANTING DETAIL

SCALE: NTS



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File # PUD 01-03
Date Rec'd _____ By _____
Filmed By _____

EXHIBIT B
PUD-01-03

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JUN 29 2001

PLANNING DEPT.

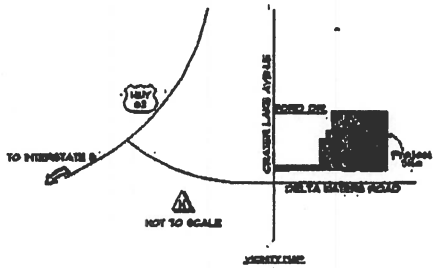
MOUNTAIN GATE VILLAGE

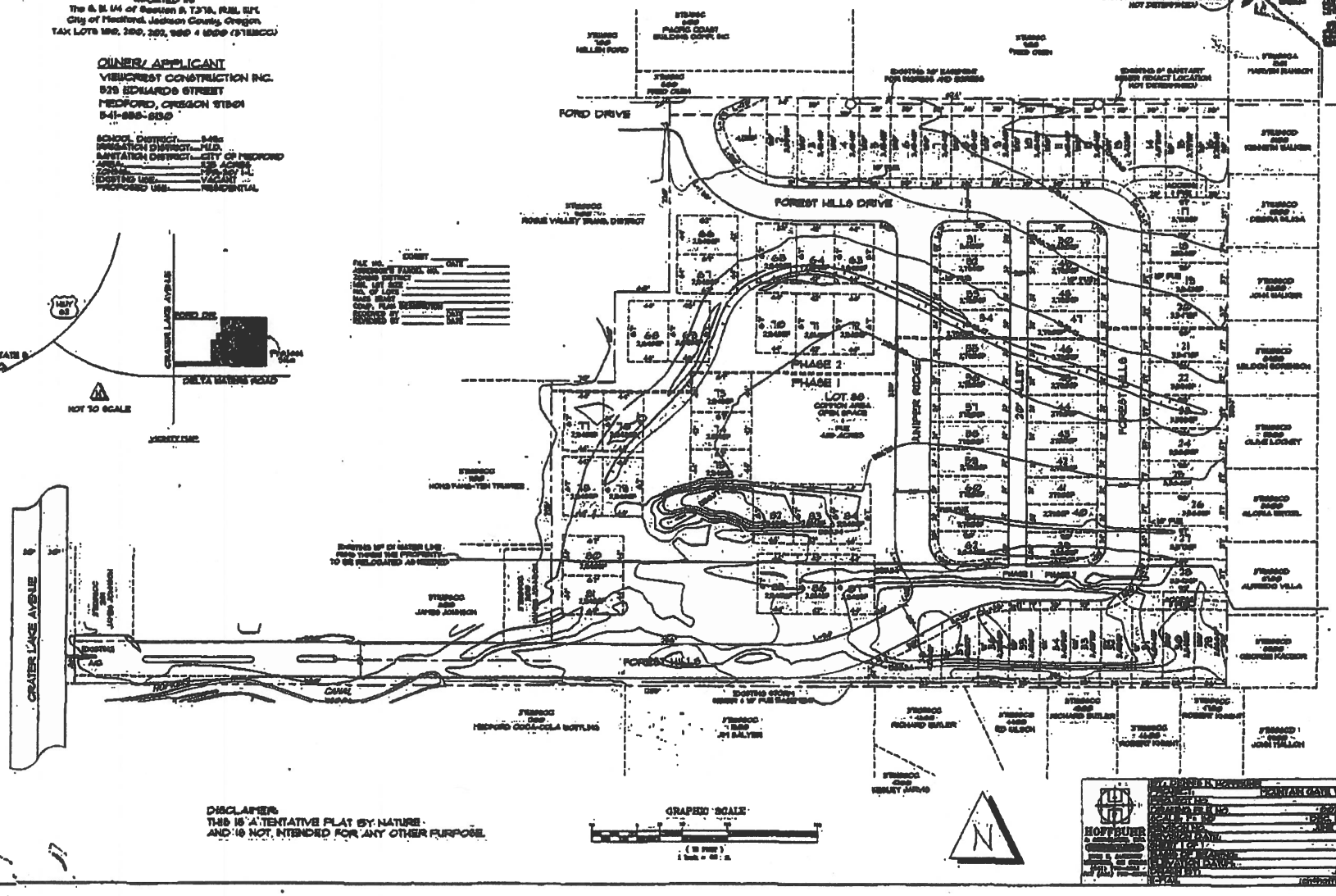
TENTATIVE PLAT

LOCATED IN:
The S. 1/2 of Section 8, T.37S., R.2E., W.M.
City of Medford, Jackson County, Oregon
TAX LOTS 100, 200, 202, 300 & 400 (31S2BCC)

OWNER/ APPLICANT
VIEWCREST CONSTRUCTION INC.
529 EDWARDS STREET
MEDFORD, OREGON 97501
541-858-8380

SCHOOL DISTRICT.....549c
IRRIGATION DISTRICT....NID.
SANITATION DISTRICT....CITY OF MEDFORD
AREA.....5.93 ACRES
ZONE.....R-1-7.5L
EXISTING USE.....VACANT
PROPOSED USE.....RESIDENTIAL





DISCLAIMER:
THIS IS A TENTATIVE PLAT BY NATURE AND IS NOT INTENDED FOR ANY OTHER PURPOSE.

CITY OF MEDFORD
EXHIBIT # 'C'
File No. PUD-01-03
Date Rec'd _____ By _____
Checked by _____

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD, OREGON:

IN THE MATTER OF AN APPLICATION FOR A PLANNED UNIT DEVELOPMENT (PUD) PROPOSED FOR AN 11.25 ACRE SITE LOCATED OFF CRATER LAKE AVE., Viewcrest Construction, Inc., Applicants; Hoffbuhr & Associates, Inc., Surveyors & Planners, Agents	**File PUD 01-03** **Amended FINDINGS AND CONCLUSIONS** **"MOUNTAIN GATE VILLAGE" A PLANNED UNIT DEVELOPMENT** **May 2001**

I. Findings of Fact Pertaining to the Site:

Date: December 19, 2000; Amended February 14, 2001, May 29, 2001

Applicant: Viewcrest Construction, Inc. (Brian Reed & Mark Owen)
529 Edwards Street
Medford, OR 97501
(541) 858-8130

Property Owner: Same as Applicant (contractual purchase)

Agent: Hoffbuhr and Associates, Inc.,
1062 East Jackson Street
Medford, OR 97504
(541) 779-4641

Architect: Dan Horton, Architect 2000
169 W. Main Street, P.O. Box 682
Eagle Point, OR 97524
(541) 830-1014

CITY OF MEDFORD
EXHIBIT # D
File # PUD.01.03
Date Rec'd _____ By _____
Offered By _____

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Property: T.37S, R2W, Section 08CC, Tax Lots 100, 200, 202, 900 and 1000, Medford, Jackson County, Oregon

Land Use: The site consists of 11.25 acres total, and is vacant. Properties in the vicinity are a mix of generally developed sites developed in SFR-4 uses to the east and south, with Light Industrial to the north, and Regional Commercial to the west. Of the site, 10.66 acres is available for development (zoned MFR-20) and the balance, .59 acres, is zoned I-L and is used only for access due to shape and size (50 feet x 623 feet).

Proposed Use: Planned Unit Development (PUD) for residential housing, consistent with the criteria for same as contained in Section 10.230 of the Medford Land Development Ordinance, and the underlying MFR-20 zoning. The PUD process is used to allow development using private streets, different lighting standards, and to request minor deviations to the bufferyard standards, setbacks and a lot depth issue for a portion of the site, and to allow for 100 multiple family units structured in 8 and 12-plex configurations, with 62 padlots (duplex units) in two phases, with the duplexes, which are single story with yards, backing up to the SFR-4 areas.

Location: The site is located north of Delta Waters Road, and east of Crater Lake Highway. The site is within 2 blocks of Kennedy School, and Park, and within 1 mile of the Roberts Road Fire Station (Station #4).

Zoning District: MFR-20 (Tax Lots 100, 200, 202 and 1000); and I-L (Tax Lot 900). The proposal for a PUD incorporates these uses, utilizing the I-L zoned parcel for access only.

Access: Access is from Crater Lake Avenue via a new private street, Forest Hills Drive, as well as a proposed use of Ford Drive. Development of single family subdivisions to the east and south of the project have eliminated the possibility of interconnectivity in those directions. Internal circulation is contained within the project, with access to Crater Lake Avenue, both of which are long enough to provide for stacking of traffic (see plans).

Public Facilities: Category A public facilities exist in the vicinity to service the property. (See Section V below).

II. Background and Scope of the Application:

The purpose of this application is to submit a request for approval of a tentative Planned Unit Development (PUD) for a tract of approximately 11.25 acres, located East of Crater Lake Avenue, south of Owens Drive and north of Delta Waters Road, in northeast Medford.

The application contains a tentative plat concurrent with the application, and several minor deviations. These deviations include buffer yard reduction issues, lot depth and coverage on several parcels, setbacks and approval of private streets, with two private access/public utility easements.

The subject tract consists of five separate tax lots. Zoning for the tract is MFR-20 (Multiple Family, 20 units per acre) for four of the parcels, containing 10.66 acres, with one parcel of .59 acres zoned I-L (Light Industrial, which is used for access). Basis for the size of the tract is information gleaned from Hoffbuhr & Associates, Surveyors and Planners.

The development of the site via a Planned Unit Development (PUD) project is submitted as the property has a number of constraints, based upon the following:

(a) Size, shape and location of the property;
(b) Access restrictions;
(c) Levels of development on abutting parcels in different zoning districts;
(d) Buffering requirements (as the land lies between Light Industrial and Single Family Residential;
(e) Zoning of the tract (a mix of MFR-20 and Light Industrial).

This PUD uses a mix of housing densities and types to effect a reasonable use of the land within these constraints. The proposed development consists of 162 units, developed in a mix of higher density apartment units on the west side of the site, and a "padlot" development for duplex units that abuts existing SFR-4 developed-lands.

III. Standards and Criteria:

As noted above, this application is presented as a PUD primarily because

A) The project has two zoning designations (although one designation, the L-I zone, is simply on the access),

B) a need to process a tentative plat and a multiple-family development project simultaneously, to allow a mix of housing type and uses that is dictated by existing land use and development on abutting parcels,, and

C) provides for a number of deviations from the General Provisions of the Medford Land Development Code (MLDC). These deviations are generally related to bufferyard and setback standards, lot configuration and private streets and accesses, and dictated by property size, shape and density requirements of the zoning district.

The uses requested are outlined in Chapter 10.230 of the Medford Code, which notes that the purpose and intent of the PUD approach

"...permits greater flexibility in urban development that would otherwise be possible under the strict requirements of the Code. The intent is to serve the following purposes:

1. *To promote more creative and imaginative urban development;*
2. *To promote urban development that is more compatible with the natural topography;*
3. *To preserve important natural features and scenic qualities of the land.*
4. *To promote more economical urban development while not* ***materially*** *compromising the public health, safety or general welfare.*
5. *To promote a more efficient use of urbanizable land;*
6. *To promote a mixture of land uses and housing types that are thoughtfully planned and integrated;*
7. *To permit infill development on parcels that are otherwise difficult or impossible to develop;*
8. *To promote the development, utility and appropriate maintenance of open spaces and other elements intended for common use and ownership."*

Section 10.235 of the PUD Ordinance provide for the procedures and criteria for applying for a PUD. In this case, the following criteria are identified:

- ☐ *"10.235(A)(1): Current Assessor's Map with parcel identified;*
- ☐ *10.235(A)(2): Preliminary PUD Plan (16 copies) and supplemental materials addressing the Site Plan and Architectural Review procedures noted in Section 10.287;*
- ☐ *10.235(A)(3): A narrative description of the PUD which shall cover nature, planned use and maintenance of any property held within common ownership; listing of any and all code deviations with a brief explanation which covers the nature and extent of the deviation; signs, if applicable; a development schedule, gross acreage, and written findings addressing Section 10.235.*
- ☐ *10.235(A)(4): Written findings of fact and conclusions of law addressing the criteria contained in Subsection 10.235(C), and which may also cover the narrative description required in Subsection 10.235(A)(3).*
- ☐ *10.235(A)(5): Names and addresses of owners of land within 200 feet of the PUD."*

The City of Medford Planning Commission is the approval agency for Planned Unit Developments (PUDs), Zone Changes and other applications for land development in the City of Medford.

The applicant understands that the Planning Commission, in the case of PUD applications, generally defers to the Architectural and Site Plan Committee for all decisions involving architecture, site plan constraints and landscaping issues. The applicant stipulates to that as a condition of approval, and will be processing a subsequent application with the Architectural and Site Plan Committee for review .

The following information will provide documentation to support consistency with the applicable criteria.

VI. Demonstration of Compliance:

The criteria in Section 10.235 require that certain steps be taken in order for a PUD to be accepted and approved by the City of Medford. The following information is submitted to demonstrate compliance with these criteria:

Section 10.235(A)(1): Current Assessor's Map with PUD boundaries noted:

FINDING:

The City of Medford finds that the application includes a current Assessor's Map with the boundaries of the PUD clearly outlined, consistent with this requirement. The map indicates the size, shape and location of the four tax lots (100, 200, 202, and 1000) that are the subject of the development in this PUD, as well as Tax Lot 900, which is the parcel anticipated for access to the development.

Section 10.235(A)(2): A preliminary PUD plan and 21 copies is required, with supplemental materials conforming to Site Plan and Architectural Review application requirements as noted in Section 10.287. The PUD shall include preliminary plans for providing water and sewer service, with a conceptual footprint for each planned building if other than single family use.

FINDING:

The City of Medford finds that a preliminary plan for "Mountain Gate Village, A PUD" has been prepared by a licensed architect, Dan Horton, and that the plat has been prepared by a licensed surveyor, Hoffbuhr and Associates, Inc. and both are submitted as Exhibit A to these findings. There have been 21 copies prepared, including one copy suitable for photocopying.

The preliminary PUD plan includes the tentative plat for 62 duplex units (developed as 62 padlots), and 100 multiple family units that are broken into varied multi-plex lots, with common area and private streets. The plat complies with the underlying zoning, without any allowance for a density bonus arising from the PUD process. The Site Plan and Architectural Review Requirements are noted within the following information pertaining to the application.

Section 10.235(A)(3): This section requires that a narrative description of the PUD should be prepared for the application.

FINDING:

In addition to the requirement noted above, Section 10.235(4) requires findings, which may also include the narrative description of the PUD. To limit confusion and duplicate information, the provisions of Section 10.235(A)(3) are contained in the findings prepared to address the provisions of Section 10.235(C). With this information, the City of Medford finds the application is consistent with Section 10.235(A)(3).

Section 10.235 (A)(4): This section requires that findings of fact and conclusions of law be submitted which *address the approval criteria in Subsection 10.235(C),* and which may include a narrative description as required above. In viewing the property against the purpose and intent of the PUD Ordinance, Sections 10.230 through 10.235, the applicant submits that the application is consistent with the preliminary criteria as contained in Section 10.235(C), as noted herein:

Section 10.235(C)(1): Compliance with Development Code: The PUD must comply with the applicable requirements of this Code, except those for which a deviation has been approved under subsection 10.230(D):

Discussion and Narrative:

This application is for an 88-lot, multiple family residential development named "Mountain Gate Village a PUD", which is proposed for the five existing tax lots that make up this tract. The developable portions of this property consist of 10.66 acres of land zoned MFR-20, with the fifth parcel of .59 acre used for access to Crater Lake Avenue.

The development submitted as a PUD contains 62 duplex, or pad lots, designed to provide a transition from the abutting single family units to the east and south, and twenty-five (25) 4-plex units, broken out in five (5) 8-plex structures and five (5) 12-plex structures, which will be divided and sold as indicated on the plat, for a total of 87 lots. The 88th "lot" is being reflected as the common area (walkways, drives, parking areas and landscaping). The project will be processed as a PUD, with 162 dwelling units upon completion within the 88 lots.

The padlots and buildings upon those lots will be available for individual sale, and each of the multiplex structures is designed and platted to allow each 4-plex to be offered for sale separately. Each purchaser of a building will receive title to a padlot and building, be it a duplex or a 4-plex structure, depending upon the unit.

The purpose behind the division of the property in this manner is to comply with lender requirements for residential, versus commercial, loans, and to provide an opportunity for affordable housing, both in terms of rental units and padlot sites that provide for, essentially, single family ownership. Additionally, the padlots are designed to include private outdoor yard space, consistent with the provisions of 10.703(2) (This will be discussed under the deviations section).

The application is proposed to be processed in two Phases, Phase 1, which includes all of the 8 and 12 plex units, as well as 26 of the padlots; and Phase 2, which provides for the balance of the padlot units, a total of 36 units.

CC&Rs and a Homeowner's Association Declaration have been prepared for the project and are attached as exhibits.

The significant deviations from the general scope and intent of the Medford Land Development Ordinance proposed as part of this PUD, are as follows:

A) A deviation from Section 10.795 (Bufferyards) pertaining to buffer standards;;

B) A deviation to allow private streets, two access ways/PUEs, and setbacks;

C) A deviation from Section 10.703(2) to expand private outdoor yard space;

D) A deviation to allow alternative lighting within the project; and

E) A deviation for lot depths on specific lots within the Padlot areas.

Density and Lot Coverage:

Density for this development falls at the lower end of the allowable density provided by the existing MFR-20 zoning district. Contrary to misinformation provided by the memorandum placed in the record by the Rogue Valley Transportation District, the application is consistent with the density requirements of the existing zoning.

Maximum density for the MFR-20 zoning district for this property would allow 213 dwelling units; the minimum density in the MFR-20 district would allow 159 units; the application reflects 162 units. The property zoned I-L (Light Industrial) is not counted as part of the allowable density, since the property is not zoned for residential uses, and is sized and shaped so that it can only be used for access.

The proposed density is very workable for the site, given the fact the design includes single story duplex units that abut the existing single family area to the east and south that has already been developed, and which provide a transition from the SFR uses to the more dense apartment sites, separating the apartments (2 story) from the single family neighborhoods, and eliminating the potential of having 2-story units "looking down" into the backyards of abutting SFR-zoned properties.

As noted herein, the property is difficult to develop due to size and shape, as well as the location, since it lies between single family uses that have been developed for some time, and the more intensive Light Industrial and Regional Commercial uses to the west, and Light Industrial uses to the south and north.

Again, the padlot (duplex) lots on the periphery are designed to provide for owner-occupied dwellings that will effectively provide for a transition between the densities. The location of the more dense uses, to the western side of the property, also provides for a minimal noise barrier for the existing single family neighborhood from the highway (noise being only buffered by mass or distance).

Essentially, the tract contained within this PUD proposal will be developed concurrently, but in 2 Phases, as shown on the preliminary PUD plan. Since the applicant anticipates the physical development and sales to occur consecutively, it is apparent that the project will probably be built out within 18 to 36 months.

Architectural and Site Plan review criteria are found in Section 10.285 of the Medford Land Development Code. This section notes that Site Plan and Architectural review is required of all projects which are not exempted from the Development Permit process as stated in Section 10.031. ~~The Planning Commission has consistently requested that all PUDs that contain elements requiring architectural review will be sent to the Architectural and Site Plan Commission for review and approval.~~

The padlots located within the center section of the PUD, (lots 39 through 62) are designed to front the new private streets (Forest Hills Drive and Juniper Ridge) and will be served, for purposes of garage entrances and off-street parking, from an alley that bisects that portion of the tract.

This section of the development will have the PUEs located in the private streets, and not on the lot frontages, due to the constraints of getting appropriate numbers of units to comply with the underlying zoning. This section of the PUD has a lot coverage somewhat greater than 40% (as do lots 35 through 38). However, due to the locational aspects of the site, the playground area, landscaping and parking, the overall project lot coverage is 31% (Total Site area: 465,220 square feet; total site coverage, including patios and garages, 183,285 square feet). Since lot coverage is based on a project-wide evaluation, the application is consistent with this standard.

FINDING:

The application is consistent with all applicable provisions of the Medford Land Development Code as it applies to the Planned Unit Development option, with the deviations noted herein.

FINDING:

There are several minor deviations from the Code, authorized by Section 10.230(D)(7); they have been listed above. The necessity for these deviations is based upon several factors: a) a need to buffer the existing Single Family Residential units on the east and south from higher-density uses; b) Allowing PUEs for the central portion of the duplex development be met by placing utilities in the private streets, allowing for smaller lots consistent with the shape and size of the property; c) a deviation from setbacks, again consistent with the size and shape of the property, and d) a deviation to allow private streets, access, and alternative lighting systems, and finally, e) a deviation for private outdoor yard space per review under Section 10.703(2).

In order to balance the development between the minimum density requirement in the MFR-20 district, and to place a reasonable development on site to meet the factors above, the applicant feels the deviations are necessary to protect abutting land uses from intensive development impacts while allowing a reasoned development of the site.

The proposed PUD plan is consistent with the requirements for a PUD as noted in Section 10.235. The property is subject to the provisions for Site Plan and Architectural Review, since the development is multiple-family residential use with common areas and private drives; architectural detail is shown for information only, and will be presented to the Site Plan and Architectural Review Commission for final review. The density on this site is consistent with applicable zoning, within the 160-213 unit range provided by the Code.

Section 10.235(C)(2): Restrictions on Development: The property is not subject to any of the following measures, or if subject thereto, the PUD can be approved under the standards and criteria thereunder:

"a) Moratorium on construction or land development, pursuant to ORS 197.505 through ORS 197.540, as amended;

b) Public Facilities Strategy pursuant to ORS 197.768, as amended;

c) Limited Service Area adopted as part of the Medford Comprehensive Plan."

FINDING:

The subject property is not governed by any moratorium, public facilities strategy as outlined by the statutes, nor is it subject to application of a Limited Service Area which was adopted as part of the Medford Comprehensive Plan.

While the memorandum from RVTD states that they feel the application is "subject to a moratorium" since the intersection of Delta Waters and Crater Lake Highway have been found to be failing, the memorandum is not consistent with the provisions for moratoriums as defined in ORS 197.505. The Revised Statutes require the City to declare a moratorium under 197.520, and establish a program of how to solve the issue (ORS 197.530). The writer of the memorandum from RVTD is obviously not familiar with the requirements of the State of Oregon pertaining to moratorium actions, or the application of OAR 660-12-060, which specifically discusses changes to functional plans and/or land use regulations. A PUD is a permitted use in this district, subject only to compliance with development standards.

Most importantly, this land use action is not a zone change or plan request that would in any way be considered a change in a functional plan or land use regulation which would increase allowable densities for the property. The site is being developed to the lowest allowable density based upon the location, zoning, size and shape of the property, and the levels of single family development that abut the east and southern boundaries of the property, and as such, reflects simply a manner of development rather than a significant change in the density on site. Approval of this application does not trigger any review under OAR 660-12-060, since this is not an amendment to any functional plan, or a land use change that would significantly affect a transportation facility. The site is subject only to developmental criteria, such as a demonstration of compliance with traffic safety issues.

Section 10.235(C)(3): The PUD is consistent with the Goals and Policies of the Comprehensive Plan, if any, which by language or context were intended to function as approval criteria for planned unit developments.

Discussion:

The applicant has identified and addressed the following Comprehensive Plan elements and mapping criteria to demonstrate that the application is consistent with the provisions of the City of Medford Comprehensive Plan:

A. General Land Use Plan Map:

The subject property, which is a tract of approximately 11.25 acres, with 10.66 developable under the MFR-20 criteria, and the balance, .59 acres, zoned L-I, being used for access, is an area of the community that has been the subject of a great deal of work over the past five years.

The City of Medford has zoned the general area a mix of single and multiple family zoning, along with Light Industrial and commercial uses along Crater Lake Avenue. Much of this zoning pre-dates the adoption of the existing Transportation Planning Rule (OAR 660-12). The site is shown on the GLUP map designations as "UHDR" or Urban, High Density Residential. Zoning is consistent with the GLUP Map. Density ranges are 15 to 20 dwellings per acre.

Crater Lake Avenue is, in this location, designated as a major arterial street. Arterial street improvements are provided by SDC charges assessed to abutting and developing areas within the corridor area. With the exception of Ford Drive, no other streets have been designed to provide for access to this project due to pre-existing development and a lack of access to the south, north or east.

At this juncture, it appears that the proposed development will access Crater Lake Avenue via Tax Lot 900, the primary access point, with an additional access to Crater Lake Avenue via Ford Drive on the northern portion of the property. .

FINDING:

The City of Medford finds that this application is consistent with the General Land Use Plan Map designation for Urban, High Density Residential, as approved by the City of Medford.

Predominant Zoning is MFR-20, which allows from 159.9 to 213 units on site (the proposal is for 162 units on site). The L-I zoned parcel is currently partially developed for access, and will be completed to provide the primary access to the site. Additional access will be via Ford Drive.

The PUD requirements, with application to the MFR-20 designation, will meet the criteria for implementation of the PUD. 10.66 acres, multiplied by the appropriate densities, allows a maximum of 213 units and a minimum of 159.9 units; the site will be developed to 162 units, well within the confines of the Plan and Zoning criteria.

B. Consistency With The Applicable Goals and Policies:

In addition to a demonstration of compliance with the Plan Map, the application should also demonstrate compliance with the applicable Goals and Policies of the Comprehensive Plan. These are noted below:

A. Environmental Element:

The environmental element of the Medford Comprehensive Plan is a detailed delineation and listing of the various physical attributes that make up the Medford urbanizable area, including such topics as climate, air and water quality, topography, natural hazards, historic and cultural areas and related features.

The Goals and Policies of this element are oriented in such a way to insure that urban land uses are planned, located and developed in such manner as to minimize conflicts with the various environmental issues and potential hazards, such as flood, landslide, and the like. The Goals and Policies are specifically directed to the Staff and decision makers for the city to insure that physical issues that require special recognition (flood plains, for example) are recognized and dealt with in a development proposal.

FINDING:

The site is not reflected on any Goal 5 inventory or mapping for historical, cultural, or social resources. There appear to be no archeological features that apply to this site. The development of the PUD on the property is required by its multiple-family zoning, and the obvious difficulty of incorporating a reasonable design into a project surrounded by diverse land uses (commercial, industrial and single family).

The development is designed to insure that the construction on site is not within any floodway or floodplain, or in any area of geologic hazard. With the existing MFR-20 zoning, and acknowledgment of that use with the design criteria assigned by the City for a PUD, the application can be found to be consistent with the Goals and Policies of the Environmental Element. The only applicable review in this instance is compliance with the requests of the irrigation district regarding no impact on the Hopkins Canal.

B. Economic Element:

The economic element is a set of policies and goals that are somewhat narrow in focus, and are designed to address the community-wide economic development plan. With the changes that have occurred in the Medford area in terms of resource based industries, the economic focus of the City has shifted from a manufacturing and agricultural base to one that is even more service oriented: regional medical facilities, regional retirement facilities, recreation and home construction.

The Economic Element does address, in Policy 4 of Goal 1, the need to monitor growth and development issues. These policy statements and the implementation strategies discuss the construction and development related industries, which have become essential to a part of the local economy. These strategies are consistent with the overall policy to make Medford competitive economically on a statewide and regional basis.

FINDING:

The City of Medford can find that this application is consistent with the provisions of the Goals and Policies within the Economic Element, particularly Goal 1, which addresses the growth and development issues facing the city. The site is also consistent with the Purpose and Intent Statement of Section 10.230 of the PUD requirements of the Ordinance.

This application will make a minor impact on the housing market (adding, eventually, 162 gross units to the inventory) and does represent infill development consistent with the overall goal of diversifying the size, shape and location of new development, again consistent with Section 10.230. The application is consistent with this goal as well.

C. Housing Element:

A review of the Housing Element Goals and Guidelines indicates that this application is in fact consistent with Goal 2, Policy 2A *(...to prevent sprawl and provide a compact urban form that preserves liveability and adjacent resource lands...).*

The application is also consistent with Implementation Strategy 1-B(4) *(...emphasize preservation and/or rehabilitation of the existing supply of....affordable housing...)"* and Strategy 1-B(5) *(...Encourage annexation of unincorporated developed neighborhoods...).*

Goal 4 applies, in that goal requires the city to

> *"...provide equal opportunity for safe, decent, sanitary and affordable housing for all residents of the city of Medford, regardless of sex, age, race, color, religion, mental or physical disability, sexual orientation, marital or family status or national origin, in conformance with the Federal Fair Housing Act of 1988 and the Americans With Disabilities Act of 1990."*

Additionally, Goal 5 applies since it requires the City to ensure opportunities for the provision of adequate housing units in a quality living environment, at types and densities that are commensurate with the financial capabilities of all present and future residents. This goal requires the city to evaluate all of the various zoning densities, and apply zoning districts in a fair and responsible manner.

The subject property is located in northeast Medford, and is surrounded by lands that are generally already developed in a mix of uses: Light Industrial to the north, northwest and southwest; SFR-4 to the east, south and southeast, and light industrial and regional commercial to the west, and more light industrial to the south.

Zoning on this site is consistent with existing and proposed densities in the vicinity. This site is simply a continuation of the existing urban level of development that has occurred in this area over the past twenty years.

FINDING:

The City of Medford can find that this application is consistent with all of the applicable goals and policies of the Housing Element as noted above. The City can find that there is a need for additional lands properly zoned in the western Medford area.

The Comprehensive Plan and the existing zoning provides the City with the appropriate tools for managing the growth and development in this general area, consistent with the underlying zoning and the housing necessary to meet the annual growth rate, yet in such a manner as to eliminate or mitigate potential problems arising from development along Crater Lake Avenue and Delta Waters Road. The provision of safe, adequate and sanitary housing is an issue that is addressed every day by the development community with infill projects such as these.

Medford is growing at approximately 2.3% to 2.9% every year, according to the Portland State University Population and Census bureau. This translates to between 1160 to 1334 new persons annually in the city that need safe and adequate housing. Allowing diversity and infill to meet that need is a significant part of complying with the goals and policies of the Housing Element.

F. Public Facilities Element:

The Public Facilities Element was designed to insure that there has been adequate planning for Category A public facilities (water, sewer, storm drainage and transportation); The Public Facilities Element also addresses Category B public facilities and services (police, fire, parks, and schools).

Goal #1, Policy 3, of the Public Facilities Element notes that in order to provide for maximum consistency and coordination of individual public facility plans, the Land Use Element MATS sectors will serve as the basic geographic planning unit whenever possible. In this case, the property does lie within a MATS sector.

Goal 2 notes that the City shall make every "reasonable" effort to assure a continuing and consistent process for the development, coordination and prioritization of the city public facilities Capital Improvement Program. The various SDC ordinances and fees are the implementation of that program; however, continued development and construction drives the collection of those fees.

Goal 3, Policy 1 delineates what are essential urban facilities and services to provide for "minimum adequate service levels." These include both the Category A and Category B facilities, although Category B facilities are generally described as those that are essentially "re-active" to the development process. Category A Public Facilities are generally described in Table B of the Public Facilities Element in the Medford Comprehensive Plan. These facilities are, specifically,

- Wastewater Collection;
- Wastewater Treatment;
- Water Supply, Treatment and Distribution;
- Storm Drainage
- Transportation facilities, including streets, public transit, etc.

Availability of the Category A public facilities, as they relate to this application, are described as follows:

Wastewater Collection:

The subject property is currently served by the City of Medford. Treatment is provided by the Regional Wastewater Treatment Plant. This area is served as part of the Medford Sanitary Sewer system, which is a larger trunk line in Crater Lake Avenue. A new 8" line will provide adequate sewage collection for the project. Adequate capacity is available in the vicinity to provide for this use.

Wastewater Treatment:

Wastewater treatment is provided by a regional Wastewater Treatment Plant located north of Kirtland Road, and west of the existing Robert Duff potable water treatment plant. The wastewater plant currently serves approximately 115,000 persons county wide. The capacity of the regional facility, according to the plant operations manager, is approximately 191,000 persons, which provides a capacity to approximately the year 2010. The plant has the capacity to serve the expected population growth within that planning period.

The regional wastewater facility receives SDCs (Systems Development Charges) that are dedicated for the expansion and maintenance of the facility. Current plans call for an expansion of the plant within the next five years to deal with current growth rates. Adequate capacity exists at the plant to serve the subject property.

Water Supply, Treatment and Distribution:

Potable water supply for the greater Medford area is provided by the Medford Water Commission (MWC), which provides potable water for Medford, Central Point, White City, Eagle Point, Phoenix, and several smaller water districts. The Commission will be providing potable water to the City of Talent in the near future.

Primary sources for the MWC system are Big Butte Springs, at the base of Mt. McLaughlin, as well as supplementary supplies from the Rogue River (Lost Creek impoundment). The MWC system is capable of serving the water needs of the region until the year 2050, based upon a service population estimated today at approximately 80,000 persons. Current usage is reflected in a maximum day consumption of 45 MGD (Million Gallons per Day), and a maximum capacity of 56.5 MGD. Like wastewater, there are SDCs that apply for the eventual expansion and upgrading of the existing supply.

Treatment is provided for surface water by the Robert Duff water treatment plant located at Table Rock Road and the Rogue River. This is a state-of-the-art sand filter system, with chlorination for disinfection. The treatment plant comes on line only when the Big Butte Springs supply needs augmentation from the River. The Medford Water Commission has obtained significant water rights for water stored and impounded at Lost Creek Lake.

Distribution systems serving this site include 8" lines located in abutting ROWs, that will be utilized for looping if necessary. MWC requirements include looping of systems within the PUD, including fire hydrants; the PUEs for such uses will be located within the private streets. Each lot that could be viewed as a separate parcel (i.e., duplex or 4-plex lot) will be required to have a meter. The existing lines can be extended as part of the water system in the vicinity. The extension of water service to serve the site is the responsibility of the applicants. Adequate water supply is available to serve the site. Coordination of this development with proposals in the vicinity will be necessary to ensure proper looping within the pressure zones, and coordinated with the MWC staff. Adequate capacity exists to serve the subject property.

Storm Drainage:

Again, storm drainage will be required upon development of the property. Storm drainage facilities exist west of the property, as part of the City of Medford Master Storm drain plan. An additional drainage exists through the property, which is a small creek that will be maintained on site as a landscaped feature. Underground storm drains exist in the vicinity of Crater Lake Avenue, as well as roadside ditches in the vicinity, which are part of the overall City of Medford Master Storm Drain program.

Storm drainage will be collected in an underground system that will be designed in accordance with the City of Medford Master Storm Sewer Program, as established by the 1996 Drainage Utility Study. Adequate capacity and facilities exist to serve the site.

FINDING:

The City of Medford has adopted a series of Ordinances that implement the Goals and Policies of this element. Systems Development Charges, development permit fees and development of a capital improvement program for Category A facilities (Water, Sewer, Streets and Drainage) indicate that the City has provided for adequate supplies of water, wastewater treatment, drainage and street development within the city. Applications that comply with the requirements of these ordinances and plans are consistent with the Public Facilities Element.

Transportation Element:

The Transportation Element of the Comprehensive Plan outlines the goals and policies adopted by the City of Medford to address transportation issues. However, the adoption of the Transportation Planning Rule by LCDC, and the application of that rule to local jurisdictions has rendered the transportation element goals and policies moot. In this case, we will address the Transportation Planning Rule below.

FINDING:

The City of Medford can find that if an application can demonstrate compliance with the Transportation Planning Rule (OAR 660-Division 12) then the application can be found to be consistent with the applicable Goals and Policies contained in the Transportation Element.

Compliance with OAR 660-Division 12: Transportation Planning Rule

Compliance with the Transportation Planning Rule also responds to the various policy and goal questions raised within the Transportation Element of the Comprehensive Plan. Since Medford is in the process of adopting a new Transportation Systems Plan (TSP) which will address the provisions of OAR 660 Division 12, addressing the OAR criteria will also address the TSP and Transportation Element requirements.

Chapter 660, Division 12 of the Oregon Administrative Rules (OARs) provides for implementation of the Statewide Transportation Goal (Goal 12). The OARs also explain how local governments and state agencies responsible for transportation planning (i.e., O.D.O.T.) can demonstrate compliance with other statewide planning goals, and how transportation facilities can be provided consistent with transportation element requirements. The Transportation Planning Rule (TPR) requires all local governments to incorporate into their Comprehensive Plans, adequate goals and policies that will:

"A. Consider all modes of transportation, including rapid transit, air, water, rail, highway and bicycle and pedestrian.

B. Inventory local, regional, and state transportation needs;

C. Consider the social consequences that would result from using different combinations of transportation modes;

D. Avoid total reliance upon any one mode of transportation;

E. Minimize adverse social, economic and environmental impacts and costs;

F. Conserve energy;

G. Meet the needs of the transportation disadvantaged by improving service;

H. Facilitate the flow of goods and services so as to strengthen the local and regional economy;

I. Conform with local and regional comprehensive plans."

More specifically, there are provisions within the chapter that apply specifically to Plan and land use regulation amendments. These provisions are contained in OAR 660-12-060:

"1) Amendments to functional plans, known as comprehensive plans, acknowledged comprehensive plans and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity and level of service of the facility. This shall be accomplished by either..."

"A) limiting allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility;

B) Amending the TSP to provide transportation facilities adequate to support the proposed land use consistent with the requirements of this division, or,

C) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

2) A plan or land use regulation amendment significantly affects a transportation facility if it:

A) Changes the functional classification of an existing or planned transportation facility;

B) Changes standards implementing a functional classification system;

C) Allows types or levels of land use which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility;

D) Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.

3) Determinations under sections 1 and 2 above shall be coordinated with affected transportation facility and service providers and other affected local governments."

Discussion:

Existing Transportation Facilities:

An overview of existing transportation facilities that would provide service to the subject properties indicates that ground transportation via state and county highways, and the City of Medford street system is the sole transportation facility or issue that is affected by this request.

As noted above, the parcel does not have access to light rail, rail, water, or other alternative transportation facilities or systems, other than the fact the site is served by RVTD. Pedestrian and bicycle access is available via the sidewalks and bike lanes that are provided by the City and County, and outlined on the existing plan. No access to Delta Waters Road to the south or east is available due to existing levels of development.

Streets in the vicinity have already been constructed to City standards, and the site is accessible primarily either by motor vehicle or bicycle via the extension of the existing access shown on the PUD program and design. The alleyway between Phase 1 and Phase 2 is designed to provide for alley-access to the garages, and provide for a "driveway-free" streetscape along the interior of the property.

The memorandum from the Rogue Valley Transportation District, which is in the record, makes a number of assumptions regarding transportation issues that are incorrect. In the memorandum, the RVTD representative alleges that the application is not consistent with the provisions of OAR 660-12-060. However, OAR 660-12-060 refers specifically to *"Amendments to functional plans...or land use regulations...which may significantly affect a transportation facility."* A Planned Unit Development is *not* an amendment to a functional plan, a comprehensive plan, or an amendment to a land use regulation (i.e, zone change). A PUD is an implementation strategy to allow flexibility in development of a site, and is not subject, in this case, to application of OAR 660-12-060.

The memo from RVTD states that "*...it is apparent that this project will add to current traffic volumes along highway 62, which are beyond State established standards...*"

However, the subject property has been zoned MFR 20 for years, and, with that zoning, has been (or should have been) calculated into the background traffic for purposes of analysis and modeling by ODOT. Since the application is not altering any land use designation, and developing to the minimum-end of the density for the zoning district, there is no application of OAR 660-12-060. The applicants note for the record that the ODOT memorandum regarding this use is based upon the OARs, and calls only for a TIS to address the issues of traffic safety. Further, Jackson County outlines, in their memo, off-site improvements that are required to accept the level of traffic generated, again, not requiring a traffic study.

Traffic Impact Issues:

An evaluation of the subject property, its size, orientation, location and existing development, as well as the existing and historic uses on site, indicates that there are no significant transportation issues arising from this PUD process. Development on the site will result in a maximum of 162 new homesites. The functional plans for the area are not affected, since the property has been planned and zoned for multiple family use for some time. Traffic generation of approximately 1,051 ADT is anticipated, based upon the ITE Trip Generation Manual, 6th Edition, which notes that Multiple Family residences generate 6.49 ADT per unit. Based upon a simplistic review, applicants anticipate that both Ford Drive and Forest Hills will service approximately 525 ADT daily.

Primary access, as noted above, will be onto Crater Lake Avenue, with potential stacking on the access way (Forest Hills and Ford Drives), which are adequate in ROW to provide access to the site. The application notes that additional ROW shall be required and dedicated as required by Jackson County.

During review of the application at the Land Development meeting, Jackson County and ODOT requested that the developer be required to (a) conduct a TIS to evaluate safety issues at Ford Drive, and (b) construct additional right and left turn lanes in Crater Lake Avenue from Ford Drive south to Forest Hills Drive.

Traffic in the vicinity of this change should not be significantly affected. Based upon the most recent traffic counts performed by the City of Medford, Crater Lake Avenue in this vicinity has a traffic volume of approximately 11,365 ADT in the vicinity of the access, and 14,000 south of Delta Waters Road.

Although the design capacity of Crater Lake Avenue in this vicinity, has a theoretical capacity of approximately 15,000 ADT, this theoretical capacity is also based upon the traffic capability figures used by the U.S. Department of Transportation (*Handbook of Highway Safety, Design and Operating Practices, Federal Highway Department, Washington, D.C. (c: 1973).* The handbook notes that a City street design of this size, a 4-lane reducing to 2-lane, with standard shoulder width, and "urban" designation generally reflects a design capacity of 350 ADT per lane, per hour, which is consistent with the design capability.

Current traffic counts indicate that the traffic generation for the proposed PUD will not have a significant impact, but that certain improvements will be necessary for traffic safety; specifically, right and left turn lanes in Crater Lake Avenue from Ford to Forest Hills Drive.

FINDING:

The City of Medford finds that this application is consistent with the Transportation Element and the intent of the Statewide Transportation Planning Rule, in that:

(1) The site is within an existing Urban Growth Boundary for the City, which has an adopted and acknowledged Comprehensive Plan; the site has been consistently reviewed for compliance with the Plan and the enabling Ordinances when zoning was applied.

(2) the property is relatively small (10.66 acres) and development has been planned for via the existing levels of zoning. The traffic counts and anticipated traffic generation from the site should not significantly affect the overall transportation facilities in the vicinity, or levels of service on residential, collector, or proposed arterial streets, or state/county highways or intersections, which are the facilities identified in OAR 660-12-060(2), since the zoning on site should have been contained within the background traffic for purposes of modelling and analysis.

(3) The traffic generation from development of this site will be approximately 1051 ADT, and is anticipated to be less than .25 Peak Hour trips.

(4) Based upon the size of the parcel, scope of the development (PUD) and number of lots, the level of traffic will not force a service level to be exceeded nor a classification amended. Additionally, the application is not an amendment to a functional plan or land use regulation that would affect a transportation facility; thus, the application is consistent with both the Plan Elements and the Oregon Transportation Planning Rule.

(5) Access will be on to Crater Lake Avenue, and the project will access the street system via controlled intersections from that street, from Ford Drive and extension of Forest Hills Drive, with the improvements as recommended by the City and County, and a TIS to discuss safety issues at Ford Drive.

Section 10.235(C)(4): Deviations:

As noted above, there are several deviations in this plan arising from the PUD application. There are no deviations from the density requirement of the MFR-20 zoning, nor any density bonus applied for (the density is within the specific requirements of the MLDC).

The deviations are:

1) A deviation from the strict application of the bufferyard and setback requirements for the property, as contained in Section 10. 795; the development will have a block wall along the Industrially-zoned lands, but the sidewalk areas and landscaped areas along the western boundary will be in the area normally required for a landscaped area behind the wall. Since there is a request for deviation from the setback along that line to allow open areas between units 66 and 67 that encroach on the west, the deviation appears consistent with the liveability issues that arise from development of the site. Additionally, there is a setback deviation for units 39 through 62, which are duplex units in the center of the project, and are two-story units (Type C). The side-yard standard as required in Section 10. 713, (4 foot setbacks plus 1/2 foot for each foot over 15 feet) results in a code requirement for 8 foot setbacks, or a total of 16 feet of separation between the buildings in this section; the plan shows a standard 10 feet between dwellings.

The requested deviation is for 3 feet on each lot, six feet total, due primarily to the fact the units have hip roofs, are 23 feet at the highest point, but the second stories do not significantly overlap each other.

2) Additionally, the applicant is requesting a deviation to allow Private Streets, access ways, alleys and PUEs to serve the property. PUEs are proposed to be located in the private streets in the interior of the PUD.

3) The applicant is requesting a deviation from the standard street light requirements of the Ordinance, since unique lighting is being developed to address the "community" aspect of the development. A standard light fixture has been developed and submitted for approval.

4) The applicant is requesting a deviation in terms of the Padlot criteria contained in Section 10.703(2), in which the applicants are requesting that the Planning Commission allow the lot lines created as part of the plat to be expanded beyond the 4-foot requirement to *allow* private outdoor yard space for the padlot parcels, which abut the existing Single Family units south and est of the site. This makes the uses more consistent with the SFR-4 development to the south and east.

5) Finally, the PUD requests a deviation from the minimum lot depth configuration for units 7 through 28 (Plan D) which are single family duplex padlots. Lot depths in this vicinity are 97 feet on the average, and the standard in Section 10.713 requires 100 feet. Again, due to the uses to the south and east, (single family) and the desire not to impact those uses significantly while meeting minimum density requirements, the deviation is requested.

The issue facing the applicant in terms of the deviations is the size, location and orientation of the parcel, as well as the zoning. The site is generally surrounded by conflicting or different land uses (Light Industrial to the west, southwest and northwest; Single Family Residential to the east and south), and the requirements of Section 10.795 and 10.713. Section 10.795 requires a type A bufferyard between the property outlined in this application and the abutting industrial uses.

The applicant refers the Planning Commission to the tentative plat and preliminary PUD plan for a review of the layout and design of the project. In order to limit the impact of the development on the abutting single family zoned parcels, the applicant is proposing what is essentially a single family development (padlots) on those portions of the PUD that abut other single family residential uses.

The deviations requested in this case are to limit the bufferyard along those lines to the proposed (and existing, in some places) 6-foot fence, and the applicant will plant a minimum of 3 canopy trees along the boundary fencing per 80 feet. Since the padlots are essentially a SFR lot, the "bufferyard" will actually exist as the back yards of those lots that abut the existing single family uses. The applicants submit that the type of use is similar, and that the deviation can be found to be acceptable on that basis. Similarly, the 3-foot deviation for lot depth should not have a significant effect on the SFR zoned sites.

The bufferyard standard is also requested to be amended along the Light Industrial zoning interface. These areas will abut the 8-plex and 12-plex units, and the applicant will construct an 8-foot masonry wall along those boundaries. Again, because of site limitations, to create a 10-foot bufferyard in addition to the wall would impact the sidewalk and access ways on the edges of the property. The applicant stipulates to tree plantings within the area, but on a lesser scale than required under 10.795(b). A landscape plan will be prepared and submitted to Site Plan and Architectural review as part of the review process to demonstrate reasonable compliance with the buffering criteria. The applicants would also request that when any Light Industrial uses are proposed for the vacant property, that they provide some additional landscaping as part of the separation. This is consistent with the deviation from the Setback requirements, since the fourplex and 8-plex units will in fact have landscaping within the setback.

The next deviation involves the use of private streets, access points and alternative lighting, rather than public streets, to serve the site. The shape and size of the parcels, the layout and design of the project, and the desire to provide a transition from the single family units to the east and southeast have made this site difficult to develop. Using a private street design, with an alley access for garages for the central units, allows the configuration proposed, while meeting the minimum density for the zoning district. If public streets were utilized, the size requirements would require a reduction in the number of units, rendering the project non-compliant with the density standards of the MFR-20 zoning district.

The private street light design is done to provide a character and design feature for the project, consistent with the private street design. Additionally, there are two private access ways that extend easterly from Forest Drive, to provide access to two of the padlot areas (Lots 15 and 16, and 29 and 30). These areas will also be PUEs (Public Utility Easements) for water lines and other utilities.

Last, the applicant is requesting a deviation to the standards required of padlots in Section 10.703(2), in that this section provides all lot lines are to be within four (4) feet of an exterior wall, "*unless the Planning Commission allows a greater distance for special purposes, such as incorporating adjacent private outdoor yard space.*"

The applicants have created a design that will allow development of padlots with adjacent outdoor yard space as part of the development. The purpose behind this design is to provide compatibility, to the extend possible, with the abutting and adjacent Single Family Residential areas.

The back yards of the new padlot subdivision will back up to the back yards of the existing uses, and the bufferyard standards seem excessive in this case; the applicant will in fact build the fencing and plant trees to the standards noted herein. The applicants are requesting the Planning Commission to allow the configuration as shown on the tentative plat and plan, which provides for individual yard spaces for these units, albeit with a 3-foot deviation to the lot depth (97 feet versus 100 feet).

Again, the transitional character of the uses proposed for this site, from SFR to Light Industrial, are part and parcel of the overall project, and deemed necessary by the developers, particularly in light of neighborhood opposition from this general area to other, more dense proposals (the Fred Owens Manufactured Home Park, for example).

Finally, the applicants request a deviation from the sideyard setback for units 39-62. These units are two-story, but the ridgelines are such (roof design is a hip roof, so frontages of the second story are only about 18 feet above the minimum standard) that the application requests a 3-foot deviation from the side yard setbacks for these units. Again, the conflict between uses and minimum density require adjustments to the code requirements to make this project workable.

FINDING:

The application is deemed consistent with this section, in that there are several minor deviations from the code that will allow the development to be better utilized, providing better visual access to all parcels, and incorporating single-family oriented design features into the lot arrangement, landscaping and screening, which are designed to assist in providing a transition between the existing single family uses and the proposal before the City. Private streets allow development to the density standard, and private lighting provides contiguity to the project. The setback and lot depth requirements are minor deviations (3 feet, on the average) that are generally acceptable within the scope of a development of this character.

Section 10.235(C)(5): Compliance with PUD Purpose Statement:

As described in the Criteria section above, there are several purpose statements that relate to the PUD process. Of the 8 various purposes, which are used as criteria under this section, this application is consistent with the following:

2. To promote urban development that is more compatible with the natural topography.

As noted above, the application is almost required to have a PUD due to its split zoning, and the necessity to orient the site in such a way as to provide a transition between this and existing uses, which are single family on one end, and Light Industrial on the other.

The subject property is zoned L-I and MFR-20, which acknowledges the necessity for additional multiple family units in this area, but also notes the transitional character of the site. The application is consistent with this criteria.

4. To promote more economical urban development while not materially compromising the public health, safety or general welfare.

As mentioned in the economic element discussion above, urban development depends upon a viable land base, and reasoned zoning designations that are consistent with the topography and general orientation of the area. The project provides for approximately 162 dwelling units, in a Planned Development setting, with landscaping, varied density, and significant open space. The site is within walking distance to Kennedy School, and the deviations requested will better allow integration of the project into the general neighborhood. The applicant has provided an internal playground, parking, sidewalks and accessability to the extent dictated by pre-existing development on abutting and adjacent parcels.

6. To promote a mixture of land uses and housing types that are thoughtfully planned and integrated.

Again, to integrate the various housing types and land uses, including padlot duplex design along the existing interface with the Single Family Residentially zoned areas, and fourplex and 8-plex units abutting the LI zoned properties, the PUD plan provides for a transitional housing development that incorporates two different levels of housing use that acknowledges the zoning on the property, meets the minimum density standard, and uses a PUD to provide for an infill design for a parcel that has serious design constraints. Using the alleyway and garage access for lots 39-62 provides for a unique streetscape, better front yard design and orientation and less concrete, consistent with the single family design criteria on abutting properties.

FINDING:

The City of Medford can find that the application is consistent with three of the eight purpose statements contained in Section 10.230(A), and as such demonstrates compliance with Section 10.235(C)(5).

Section 10.235(C)(6): *Common Areas:* The common areas within the PUD include, but are not limited to, the private streets, driveways, alleys, parking, landscaping, play areas, open space and related areas shown as "Lot 88" on the PUD Plan. Common areas are delineated in the attached CC&Rs and Declarations, and the calculations for paying for operations and maintenance are contained therein as well.

Section 10.235(C)(7): Uses Not Allowed in Underlying Zone: Proposal is for generally permitted uses, and the applicant believes that the uses are also consistent with all of the applicable criteria of the Land Development Ordinance, or are subject to a request a deviation.

Section 10.235(C)(8): Conditional Uses: Not Applicable; proposal contains no Conditional Uses;

Section 10.235(C)(9): Land Division:

The application for a PUD includes a tentative plat for 88 lots, including 62 "padlots", and the 8 and 12-plex units divided into 4-plex lots, with a remainder lot as "common area". This tentative plat is being processed consistent with the requirements for a tentative plat for land division as part of the PUD. As such, the application is consistent with the requirements contained in Article II for tentative plats, which are a Class "C" application as noted in Section 10.122 of the MLDC.

The tentative plat, as prepared by Hoffbuhr and Associates, Inc., licensed and registered surveyors, is based upon a site design prepared by Dan Horton, licensed and registered Architect, and final plat and drawings will be prepared by the parties above. This information indicates that the plat is consistent with all of the provisions of the tentative plat requirements of the Medford Land Development Code, with the deviations noted above. The tentative plat also notes that the project will be developed in two phases, Phase 1 including ten (10) of the padlots and all of the multiple family units, and the balance of the padlots being contained in Phase 2. Timing of the phases is estimated to be as follows:

Phase 1: Beginning Summer, 2001; Ending Summer, 2002
Phase 2: Beginning Summer, 2002; Ending Summer, 2003

FINDING:

The City of Medford finds that this application for a PUD includes an application for tentative plat for an 88-lot Planned Development, in two phases, with the 88th lot as the common area. A PUD process is required due to the different and varied housing types, zoning district issues, size and shape of the property, location, and the necessity to discuss deviations in this area, and the tentative plat may be submitted with the PUD requirement under the above provision. The application meets all requirements for a tentative plat, (with deviations) and is consistent with this standard.

The PUD is submitted on behalf of a single property owner, and the project, as a whole, is being submitted as a single Planned Development to insure development and extension of public facilities in a reasonable and timely manner.

CONCLUSORY FINDINGS:

The Planning Commission finds that the provisions of Chapter 10.230 of the Land Development Code, under the Purpose and Intent section, allows the City to consolidate an Article II application (i.e, tentative plat) with the PUD approval, for the following reasons:

a. **The timing of the original zoning, and the planning process that has evolved over the years, including both changes to the Medford Code and the timing of the development for this site, have resulted in the necessity for this application to be processed as a PUD with a consolidated plat request in two phases.**

b. **The location, size, orientation and scope of the property, abutting zoning designations, constraints of development and location and type of development on adjacent properties is a basis for adopting a PUD designation on this site.**

V. SUMMARY AND CONCLUSIONS:

Based upon the information submitted with this application, the Planning Commission can make the following conclusions:

Conclusion #1: Because of the need to maintain open space, comply with developmental criteria for water, sewer, streets and storm drainage and a need to address access and appropriate development, a PUD is the appropriate vehicle for development of these properties.

Conclusion #2: Because of the zoning, the site may use two housing types, (duplexes and multi-plexes) and apply the standard application of minimum and maximum densities on this property. In this case, the density of the development is consistent with the overall density for the MFR-20 tract in total, and no bonus as provided by the PUD process is necessary.

Conclusion #3: The parcel is difficult to develop, as it contains two zoning districts, abuts various zoning districts and uses that are developed, and has access issues. As a result, this application is being submitted using a PUD development plan with minor deviations, and ultimately provides a development proposal which will be consistent with the requirements of the City of Medford for development and the proper extension of public facilities.

With the above in mind, the applicant respectfully requests approval of the application with the deviations requested. The project will develop a parcel that is zoned MFR-20, sandwiched between Light Industrial and Single Family zoning, and this project provides an infill design that is consistent with the criteria for a PUD to address these issues.

SUBMITTED THIS 19th DAY OF December 2000:
AMENDED THIS 14th DAY OF February, 2001
AMENDED THIS 29th DAY OF May, 2001:

HOFFBUHR AND ASSOCIATES, INC.

3D.

RECOMMENDATIONS from the PUBLIC WORKS DEPARTMENT
MOUNTAIN GATE VILLAGE PUD

A. GENERAL COMMENTS

PLANS: Construction drawings submitted for this project shall display the City's project number, **P-1336D** in a standard City of Medford title block in the lower right-hand corner. The developer's design engineer's original drawings on mylar shall be submitted to the City for permanent records upon completion of the project. Those drawings shall be converted to reflect "as built" conditions. Also, the engineer shall coordinate with the utility companies, and show all final utility locations on the "as built" drawings.

DESIGN: The developer's design engineer shall submit complete calculations for the structural section of each street within this development. The structural section design shall be based on the design criteria set forth in the City of Medford Public Works/ Engineering and Development Division "Asphalt-Concrete Pavement Structure Design Guidelines (1998)." Street cross sections shall be designed in accordance with City of Medford Standards.

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

The developer shall be responsible for the final grading of the site. After each building in the development has been built, the finished lot shall be in compliance with the comprehensive grading plan for the subdivision filed in the Building Department.

PERMITS: Concrete or block walls built within a P.U.E., sanitary sewer, or storm drain easements require review and approval from the Engineering Division. Walls will require a separate permit from the Building Department and may require a professional engineer's certification.

The developer shall contact the Division of State Lands for the approval or clearance of said development with regard to wetlands and/or water ways if they are present on subject land. The Developer shall address all floodway issues with the proper Agencies and acquire all necessary permits for work within the floodway.

Subdivisions/P.U.D.'s of five acres and greater require a run-off and erosion control permit from DEQ.

SYSTEM DEVELOPMENT CHARGES: Buildings in this development are subject to a street system development charge, sewer collection system development charge and sewer system development charge. These will be paid at the time individual building permits are taken out. This

CITY OF MEDFORD
EXHIBIT # E
File # PUD.01.03
Date Rec'd. _____ By _____
Offered By _____

development is also subject to a storm drain system development charge, but the developer will receive a reimbursement of 25% of the estimated cost of storm drains, as established by Ordinance No. 4940, which are 24 inches in diameter or larger. The storm drain system development charge will be collected at the time of the approval of the final plat. Developments in which Collector/Arterial streets are being constructed are subject to reimbursement for street construction and public right of way as stated in City of Medford Code.

PAVEMENT MORATORIUM NOTIFICATIONS: The developer shall be responsible for notifying, by certified letter, all utility companies and existing 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 prior to the final order of approval of the Tentative Plat by the Planning Commission. Copies of the certifications shall be submitted to the City Engineer with the submittal of the preliminary construction drawings.

FINAL PLAT: The developer shall submit a preliminary draft of the final plat at the same time the construction plans are submitted. No lot number or lot line changes on the plat will be allowed after that time, unless approved by the City and all utility companies.

All final subdivision monumentation shall be established consistent with the approved subdivision plat. Said final monumentation shall include both set and found monuments and shall be placed flush with the ground at grade plan elevation or not more than 6 inches below grade plan elevation. Street centerline monuments shall be set in monument cases according to City of Medford standard drawing number 96-51.

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

The City Public Works Maintenance Division requires that both public sanitary sewer and storm drain mains be inspected by T.V. prior to acceptance of these systems by the City.

The developer shall bear all expenses resulting from the adjustment of manholes to finish grades as a result of changes in the finish street grade.

B. PHASING

The Mountain Gate Village PUD is proposing to develop in two phases. The Public Works Department does not have any concerns with the proposed phasing.

C. TRAFFIC AND STREET CIRCULATION

The Developer shall have a secondary access to this site from Ford Drive.

D. DEDICATIONS

The developer shall dedicate to the public that portion of Ford Drive that crosses the northwest portion of this site, which is designated as a Minor Residential street with a 55-foot wide right-of-way.

E. EASEMENTS

The Developer shall enter into a joint access and maintenance agreement with the commercial uses on the north side of Forest Hills Drive that also uses this street as their access.

There is an existing irrigation easement along a portion of the south side of this site and a sanitary sewer easement along a potion of the north side of this site.

F. STREET IMPROVEMENTS

The streets within this PUD are private including Forest Hills Drive east from Crater Lake Avenue. Private streets are to be designed by a Civil Engineer registered in the State of Oregon and shall be to the City of Medford standards a set forth in the General Comments.

The Developer shall construct a paved structural section, 20-feet wide from the end of the paved portion of Ford Drive to the Forest Drive connection point at the northwest corner of this site. This paved structural section shall be designed by a Civil Engineer registered in the State of Oregon and shall be to the City of Medford standards a set forth in the General Comments.

All parking and vehicular maneuvering areas related to this development shall be paved to City of Medford specifications. Code Section 10.746 & 9.550

The Developer shall construct the driveway approaches to City of Medford Standards. Code Section 10.550

Extruded curbs shall be constructed around the perimeter of all parking and maneuvering areas related to this development.

G. STREET LIGHTING AND SIGNING

This development contains private streets and the Public Works Department does not have any issues with the private street lighting and signing.

H. SANITARY SEWERS

This development is within the City of Medford sewer service area.

There is an existing 8" sanitary sewer main located at the northern property line of this development within an easement. The Developer shall provide access to the existing manholes located on the existing 8" sanitary sewer main. The Developer shall not plant trees within this easement as the roots will invade the pipe and create severe maintenance problems.

The Developer shall determine that the sewer lift station that this line flows into has sufficient

capacity for this development.

I. STORM DRAINAGE

The Developer shall contact, Rogue River Valley Irrigation District for the requirements to underground the Hopkins Canal irrigation ditch that is located on the south side of the access street, east of Crater Lake Avenue. The City Engineering Division shall review and approve the construction plans in conjunction with the Rogue River Valley Irrigation District.

There is an existing Rogue River Valley Irrigation District underground line located along a portion of the south boundary of this site within an easement. The City of Medford has a joint use maintenance agreement with the irrigation district for this line. The Developer shall not plant trees within this easement as the roots will invade the pipe and create severe maintenance problems.

The storm drainage for this site shall be directed to the existing 79" x 49" CMPA storm drain line located to the northeast of this site, as the other storm drainage lines in this area do not have sufficient capacity. The Developer shall obtain offsite easements as needed to connect to the offsite storm drain line.

All storm drainage within this PUD shall be part of a private storm drain system. The City of Medford Engineering Division shall review and approve all drainage plans. All roof drains and foundation drains shall connect directly to a storm drainage system.

This PUD lies within the Midway Drainage Basin. A drainage plan designed for a controlled storm water release of no more than 0.25 C.F.S. per acre of development, including the right-of-way, shall be prepared by an engineer, registered in the State of Oregon, and submitted to the Engineering Division for approval. This plan shall show the entire project site with sufficient spot elevations to determine direction of runoff to the proposed drainage system, as well as elevations on the drainage system. This plan shall be approved by the Engineering Division prior to the issuing of building permits. Upon completion of the project, the Developer's Design Engineer shall certify that the construction of the controlled storm water release drainage system was constructed per plan. Requirements are per Comprehensive Medford Area Drainage Master Plan as adopted by the Medford City Council in 1995 shall apply.

The Developer shall provide a copy of the erosion control plan, approved by DEQ, for the construction phase of this proposed project, to the Engineering Division.

J. WETLANDS

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

MEDFORD WATER COMMISSION

BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

FROM: Jeff Smith, Water Commission Staff Engineer

SUBJECT: **File No. PUD-01-03:** Land Development Committee Meeting

Developer/Location: Viewcrest Construction – Crater Lake/Delta Waters

Planner: Steve

DATE: January 31, 2001

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 of proposed property divisions will be required to have metered water service prior to lot creation unless otherwise arranged with MWC.

COMMENTS

1. The MWC system DOES have adequate capacity to serve this property. Off-site water line installation IS NOT required. Major water facility construction IS NOT required. MWC-metered water service DOES NOT exist to this property. Access to MWC water lines for connection IS available.

2. Further comments: Existing 10" waterline will need to be relocated with coordination from MWC. Will need minimum 10-foot easement for waterline located outside public easements or right of ways.

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FEB 0 1 2001

PLANNING DEPT.

CITY OF MEDFORD

EXHIBIT # F

PUD-01-03

Date Rec'd _____ By _____

32

BUREAU OF FIRE PREVENTION
A DIVISION OF THE MEDFORD FIRE DEPARTMENT

Inter-Office Memo

TO: Steve Terry, Medford Planning Department

FROM: John Pierce, Fire Marshal

DATE: June 7, 2001

RE: PUD-01-03 (Revised) Mountain Gate Village a 162-unit residential planned unit development on 11.25 acres located east of Crater Lake Avenue and north of Delta Waters Road.

Background Information:

This is a private development with two access and egress roads that will take access off of Crater Lake Avenue. The applicant has indicated that Ford Drive will be improved to meet the City of Medford Engineering Department's specifications.

The applicant is proposing no parking on Forest Hills Dr. from Ford Drive to Juniper Ridge. There will either be No Parking Signs or painted curbs to meet the Uniform Fire Code requirements to prevent parking in this area and any other area designated "NO Parking." The applicant also proposes on-street parking on one side of the street around the Duplexes with the alley access on Juniper Ridge and Forest Hills Dr. All other parking will be off-street within the designed parking areas for the 12 and 8-Plex apartments. (See the Fire Department Comments item number 2 for further comments.)

Applicant is aware that, with the current site design, three of the buildings require either a change in the design to provide fire apparatus access or extra fire protection as per Uniform Fire Code Sec. 1001.9. The additional fire protection may include sprinkler and standpipe systems. If the applicant chooses to provide additional fire protection the location of sprinkler and standpipe connections must be approved prior to final plat or permits being issued for this development.

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JUN 7 2001
PLANNING DEPARTMENT

CITY OF MEDFORD
EXHIBIT # 9
File # PUD.01.03
Date Rec'd. _____ By _____
Offered By _____

Fire Department Comments:

1. Approved "No Parking" signs shall be installed in all the areas that require no parking. The applicant must submit a street-parking plan to this office for our approval prior to final plat and permits being issued. The scaled plans should indicate the "No Parking Signs" or curbs painted with "No Parking Lettering" and indicate their frequency on the plans.

2. We recommend that the proposed new island on Forest Hills Drive not be installed. There is adjoining property that will take access off of Forest Hills Drive and the island could cause emergency access when that property is developed.

3. There should be a complex name sign and Forest Hills Drive street sign placed at the Crater Lake Avenue and Forest Hills Dr. intersection.

4. If the applicant installs a sprinkler system, to meet the Uniform Fire Code requirement for access as per UFC Sec 1001.9, there must be a fire hydrant within 150 feet of fire department connection.

5. The addresses for this project must be done in a logical order to provide the fastest emergency response possible. Normally the building addresses must be visible from the street that they take access from.

6. The access roads within the 8 and 12-plex parking areas must have; a clear and unobstructed width of 20 feet, an inside turning radius of 25 feet, and an outside turning radius of 35 feet.

7. Four fire hydrants and corresponding hydrant reflectors shall be required for "**Phase 1**." One hydrant is to be located in the northwest landscape island at the entry to the eight-plex indicated on the plans as "80" and "81." The second hydrant is to be located on the northeast corner of Forest Hills Dr. and Juniper Ridge. The third hydrant is to be located on the lot line between "Units 22 and 23." The fourth fir hydrant should be located on Juniper Ridge in the center island of the parking lot indicated as "Lot 88."

8. The developer must provide a temporary fire apparatus turnaround near the phase line of on Forest Hills Drive.

9. With the current design there will be two fire hydrants and corresponding reflectors required for "**Phase 2**." The first hydrant is to be located on the southwest corner of Juniper Ridge and Forest Hills Dr. The second hydrant for this phase is to be located on the lot line for "Duplex 1" and the existing 20-foot easement on the north property line.

33

BEAR CREEK VALLEY SANITARY AUTHORITY

3915 SOUTH PACIFIC HWY. • MEDFORD, OREGON 97501-9099 • (541) 535-5193 • (541) 779-4144
FAX (541) 535-5278 • www.bcvsa.org

February 2, 2001

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

Re: PUD-01-03 Mountain Gate Village.

ATTN: Steve,

The subject property is not within the BCVSA service area. Sewer service should come from the City of Medford.

Sincerely,

Carl Tappert P.E.
District Engineer

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FEB 5 2001
PLANNING DEPT.

CITY OF MEDFORD
EXHIBIT # "H"
PUD-01-03
Rec'd _____ By _____
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34

50.2, page 56

JACKSON COUNTY
Roads

ROADS, PARKS AND PLANNING SERVICES

JOSEPH L. STRAHL, P.E.
DIRECTOR

White City Office
200 Antelope Road
White City, Oregon 97503
Fax: (541) 774-6295

Medford Office
10 S. Oakdale Avenue
Medford, Oregon 97501
Fax: (541) 774-6791

E-mail: strahljl@jacksoncounty.org
Phone: (541) 774-6238

February 1, 2001

Attention: Robert Scott
Planning Director
City of Medford
200 South Ivy Street, Lausmann Annex, Room 240
Medford, OR 97501

RE: Development off Crater Lake Avenue - a county maintained road.
Planning File: PUD-01-003; Planned Unit Development.

Dear Mr. Scott:

Thank you for the opportunity to comment on the preliminary plan approval including tentative plat approval, of a 162-unit residential planned unit development on a 11.25 acre site, located on the east side of Crater Lake Avenue 600 feet north of Delta Waters Road. Roads and Parks Services has the following comments:

1. Any new or improved road approaches off Crater Lake Avenue shall be permitted and inspected by the City of Medford. Left and right turn lanes are required on Crater Lake Avenue. If the applicant objects, he may submit a traffic study.

2. The applicant shall submit construction drawings to Jackson County Roads and Parks Services and obtain county permits if required.

3. If frontage improvements are required they shall be permitted and inspected by the City of Medford.

4. Please note, Crater Lake Avenue (County Arterial) has a sixty foot right-of-way with an Average Daily Traffic count of 11,365 as of July 1999 south of Crater Lake Highway 62.

5.

If you have any questions or need further information feel free to call me at 774-6230.

Sincerely,

Eric Niemeyer, PE
Traffic & Development Engineer

City Of Medford
EXHIBIT # I
PUD-01-03
Date Rec'd _____ By _____
Date _____ By _____

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Oregon
DEPARTMENT OF TRANSPORTATION

July 5, 2001

Medford Planning Department
Steve Terry, Planner
200 S. Ivy Street, Rm. 240
Medford, OR 97501

RE: Mountain Gate Village Planned Unit Development, File PUD-01-03

Dear Steve:

We appreciate the opportunity to provide additional comment on the Mountain Gate Village Planned Unit Development, which proposes a total of 162 residential units on 11.25 acres. The subject property is located on the east side of Crater Lake Avenue, between Delta Waters and Ford Drives.

ODOT has completed the review of the Traffic Impact Study (TIS), which was submitted to demonstrate how the intersection of Crater Lake Avenue and Ford Drive could operate safely. The TIS indicates that a south-bound left turn lane should be installed in Crater Lake Avenue, for vehicles turning left onto Ford Drive. ODOT agrees with the need for this proposed improvement, and requests that it be installed prior to this development's use of Ford Drive. An access permit will be required for any modification to this intersection and additional permits will be required for any work in the right-of-way of Crater Lake Avenue. All improvements shall be constructed in accordance with ODOT's standards.

If you have further questions regarding this matter or need information regarding permit issuance, please contact Dan Dorrell, Traffic Engineer at 774-6354.

Sincerely,

Shirley Roberts

Shirley Roberts, Planner

Cc: Monte Grove, Area Manager
John Vial, District Manager

[PUD0103Medlt2.sr]

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JUL 5 2001
PLANNING DEPT.

200 Antelope Road
White City, OR 97503
Phone (541) 826-3122
Fax (541) 830-6408

CITY OF MEDFORD
EXHIBIT NO. PUD-01-3

CITY OF MEDFORD
Interoffice Memo

TO: Planning Department

FROM: Parks and Recreation Department

SUBJECT: PRELIMINARY LANDSCAPE / IRRIGATION REVIEW OF FILE PUD-01-03, VIEWCREST CONSTRUCTION COMPANY, 162 unit residential

DATE: February 5, 2001

A PRELIMINARY landscape plan has been reviewed and is found to be incomplete. Whereas a number of components are adequately specified, a plan review can not be made of the plan as submitted.

PETE YOUNG
City of Medford Parks & Recreation

CITY OF MEDFORD
EXHIBIT # K
PUD-01-03
Date Rec'd _____ By _____
Date _____

ROGUE RIVER VALLEY IRRIGATION DISTRICT

3139 MERRIMAN ROAD MEDFORD, OREGON 97501-1277 (541) 773-6127

City Of Medford
Medford Oregon 97501

Attn. Planning Department
Steve Terry

Re: Mountain Gate Village

Rogue River Valley Irrigation District sent a letter in February of this year to the Planning department regarding this purposed development. It was specifically stated that no encroachment would be allowed within this irrigation easement. Our Canal that traverses through this proposed development is extremely important to the thousands of acres that we serve through it. It is known as our Hopkins Canal.

When Country Wood phase 5 was developed to the east of this development, the irrigation district required a 20' easement, this being on tax lot 8800. It also was understood that when this property was developed, this 20' easement would continue on west. This easement should be specific to the Rogue River Valley Irrigation District. There is to be no fences or obstructions within this 20' easement. This also includes no landscape, unless approved by the Irrigation District. If Forest Hills road is built, the District will require that the remaining open canal be piped to our specifications.

In closing, RRVID uses and plans to continue to use this easement for our maintaince and operations of our system. Please plan to fence from development to canal along entire southern boundary.

Sincerely,

Jeff Eicher
Secretary/Manager

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CITY OF MEDFORD JUL 5 2001
EXHIBIT # 1 PLANNING DEPT.
File # PUD-01-03
Date Rec'd _____ By _____
Notified By _____

38

Rogue Valley Transportation District

Memo

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8 2001

PLANNING DEPT.

To: Robert O. Scott, AICP

From: Scott Chancey, Senior Planner

Date: 02/08/2001

Re: PUD-01-03 Mountain Gate Village

In response to the tentative plat approval of a 162-unit residential planned unit development, the Rogue Valley Transportation District has the following response.

Operational Concerns: Between 40 to 50 fixed route vehicles enter and exit each day onto Ford Drive. All of which are 36 to 45 feet in length. Due to the traffic levels on Crater Lake Ave. queing of our vehicles is currently a problem. Any additional delay will cause disruption to the current schedule at RVTD's Front Street Station as vehicles come into service. Consistent schedules are a primary factor in choosing to use transit as a mode of choice.

Pedestrian Concerns: There are no sidewalks on Ford Drive. In the application packet it looked like sidewalks would be provided up to Ford Drive. It appears that sidewalks may continue down Ford drive on the south side of the street only. If they are planned I would suggest moving it to the north side of the street. On the north side there will be substantially less conflict with auto traffic (two residential homes currently exist) than on the south where the entrance to RVTD's maintenance/bus parking area and driver parking facilities exist.

There are no sidewalks , or bike lanes on either side of the street along Crater Lake Ave. which creates a significant barrier to pedestrian and cyclists. Also, the speed limit is 45mph along this section of Crater Lake Ave. It changes to 35mph approximately 40 yards north of the proposed Forest Hills Drive.

General Concerns: There is considerable congestion along Crater Lake Ave. during the peak times of the day. One of the main sources of congestion appears to be vehicles that are heading north on Crater Lake Ave. and making a left turn into the new Burger King facility. There was supposed to be a left turn lane included in the development of the Burger King. If there is no turn lane built before the proposed development starts traffic will be backed up to the Delta Waters intersection (the Burger King driveway sits before the proposed Forest Hills Dr).

As a general rule the RVTD bus facilities are in operation from 4:30am to 10:00pm Monday through Friday. There may be a noise issue that needs to be addressed in the future as this development abuts the facility.

Findings and Conclusion Contained In Application

Background of the Application: As a proponent of in-fill and limitations to sprawl I am neutral on the application. However, the density is less than what the property is zoned for. It appears that no

EXHIBIT # M
PUD-01-03

consideration was given to overall circulation and the regional impact this development will have on the transportation system.

Location: It is stated that the site is located 2 blocks from Kennedy School and Park. True, however there appears to be no access to those locations except by using Crater Lake Ave., then Delta Waters. Given the lack of sidewalks and bike paths I would assume the majority of those trips would be by private auto, further adding to traffic along both roads. And those trips would be considerably longer than the suggested two blocks.

Access: It is stated that the only internal circulation is to Crater Lake Ave. along a single drive (Forest Hills Dr.), which is long enough to provide for stacking of traffic. This may be true but there is inadequate room for stacking along the other access road, Ford Dr. Given current traffic volumes anyone trying to leave the facility and travel south on Crater Lake Ave. is going to use the Ford Drive Access. Given the location of local trip generators and the limited ability to access southbound Hwy 62 from Crater Lake Ave. the majority of the outgoing trips will be via Ford Dr.

Section 10.235(c)(2): With further investigation I would assume that the PUD either fails or is close to failing to meet criteria "A", moratorium on construction or land development. Under the Transportation Planning Rule, Goal 12 states that the current transportation system must support proposed land uses. Since under state standards Hwy 62 is failing at the intersection with Delta Waters, meeting criteria "A" is questionable.

Land Use: It is stated under the findings that, "the PUD application provides for essentially a small, self contained community. The site is within 2 blocks of Kennedy School and Park, and adjacent to shopping as well." As mentioned earlier the site may be within 2 blocks of the school and park, but trips to get there (due to other developments) are going to be considerably longer. And those trips will also be made through an intersection that is close to failing current City standards. There was also mention of close proximity to shopping. Those trips, due to lack of sidewalks, bike lanes, or any safe and direct pedestrian access, would primarily be made by auto. To reach the mentioned shopping area a person would need to travel through, down, or across Hwy 62. This segment of Hwy 62 is currently failing state mobility standards (v/c ration of 1.11is projected), with the proposed solution listed as a Tier 2 project on the MTIP (meaning it is unfunded). The estimated traffic generation from the project is listed at 1,051adt.

Transportation Element: The OAR 660-12-060 provisions that relate to this project, as stated, are not being met under the current design of the PUD.

"1) Amendments to functional plans, known as comprehensive plans, acknowledged comprehensive plans and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity and level of service of the facility. This shall be accomplished by either…".

> "A) Limiting allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility;
>
> B) Amending the TSP to provide transportation facilities adequate to support the proposed land use consistent with the requirements of this division, or,
>
> C) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

The PUD does appear to be an allowed land use as planned, but in no way is it consistent with the identified function, capacity, nor level of service of the facility. It is readily apparent that this project will add to current traffic volumes along Hwy 62, which are beyond State established standards. Also, the function of Hwy 62 is a regional corridor, one designation under I-5. This PUD will be utilizing Hwy 62 as a local arterial. The current TSP cannot be amended since it is not completed, nor approved by the

DLCD. In further point, the only amendment to the TSP that would qualify under the criteria is a project listing that provides a solution to the current failure of Hwy 62 (must be a Tier 1 funded project); no funds have been identified for this project. On the surface it may appear that subsection C applies, but in no way does this project reduce the demand for automobile travel. In fact this project would limit all multi-modal options and encourage automobile traffic. The project lacks critical multi-modal facilities other than those provided on site. Those facilities would be needed to make critical connection to the mentioned school, park, shopping centers and public transit. RVTD's only connection to the facility is at the corner of Delta Waters and Crater Lake Ave. heading east. There are no connection to public transit along Ford Dr. or Crater Lake Ave.

Transportation Planning Issues: It is stated that current traffic counts indicate that the traffic generation for the proposed PUD will not have a significant impact. The estimated 1,051adt is not significant if all the surrounding intersection and major connector were not at the v/c ratios they currently are. It would also not be significant if there was no access to Hwy 62, or that there would not be anticipate increases to Hwy 62.

I disagree with the finding that the application is consistent with the Transportation Element and the Intent of the Statewide TPR. First, I assume the Transportation Element referred to is the TSP of the Medford Comprehensive Plan. Second, there is no approved TSP, nor is there a compliant Regional Transportation Plan; they are currently being worked on, but are not finished and approved. The intent of a TSP which outlines land use policies is to be used to define what different types of developments should look like and to ensure that they don't <u>overwhelm current/planned transportation system improvements</u>. The application also doesn't meet the <u>intent</u> of the TPR in that Hwy 62 is already beyond State capacity standards.

The findings further state that the "level of traffic will not force a service level to be exceeded nor a classification amended. Thus, the application is consistent with both the Plan Elements and the Oregon Transportation Planning Rule." It might meet the land use criteria as outlined in the Comprehensive Plan, but it is not consistent with the Transportation System Plan because one is not in place. True, it will not force a service level to be exceeded because they already are.

A similar situation existed at the South Medford Interchange. State standards were being violated, thus development was limited. Only those development that could prove they added 25adt or less to the failing section were allowed to move forward. Subsequently, the S.E. Medford mixed use development plan could not move forward. As a result the MPO decided to apply to the Oregon Transportation Commission to change the current mobility standards until a solution could be constructed, at which time the mobility standards would return to the previous State standards. Originally, the MPO (the only planning body that can apply for the change) listed three areas within the City that were currently in failure or projected to fail: South Medford Interchange, Hwy 62 (Poplar/Hilton to Delta Waters) and Hwy 62 (Vilas to Corey/Agate). After considerable discussion it became apparent that the only area that could even qualify under the criteria for alternative mobility standards was the South Interchange. The Hwy 62 segments were dropped from the list due to lack of potential funding to fix the problems; the length of time they would exceed established standards and the magnitude of mitigation factors to justify the change.

RVTD would object to the project, as currently presented, because of lack of support facilities to encourage multi-modal travel options, the project's access to Crater Lake Ave via Ford Dr., its exacerbation to the current Hwy 62 problems and its use of Hwy 62 as a local circulator (not its State designated function).

As a member of the MPO, a Hwy 62 Solution Team Member and most importantly a steward of the public dollar, I hope you take my comments into consideration. As a region we are about to invest upwards of 31 million dollars of taxpayer money on the North Medford Interchange. I personally feel that our investment must be protected in order to see other similar projects to fruition. Therefore, any development, planned or proposed, must be carefully scrutinized to ensure that the overall transportation system isn't adversely impacted and the region doesn't suffer as a whole.

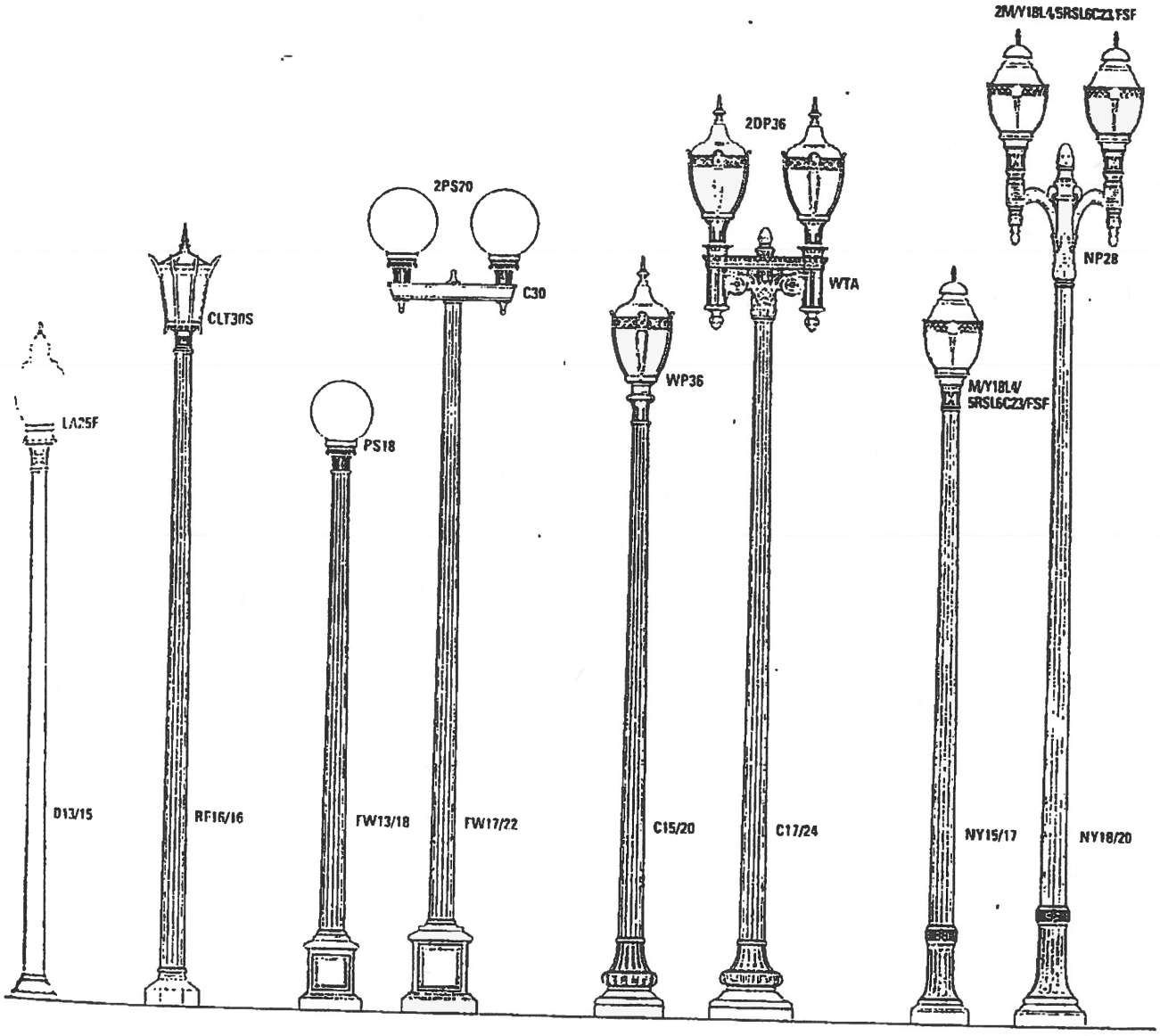
Thank you for the continued opportunity to comment on proposed developments within Medford, not only from concerns and opportunities for transit, but as a regional transportation planner as well.

Sincerely

Scott Chancey

Scott Chancey

RVTD, Senior Planner



RECEIVED

DEC 19 2000

PLANNING DEPT.

PROPOSED
STREET LIGHT FOR
MOUNTAIN GATE VILLAGE,

Optional Equipment

Receptacles, Banner Arms, Flagpole Holders, Custom Logos, & Signage are available for posts.
See the Antique Street Lamps Signage and Accessories section in the Guide.

CITY OF MEDFORD

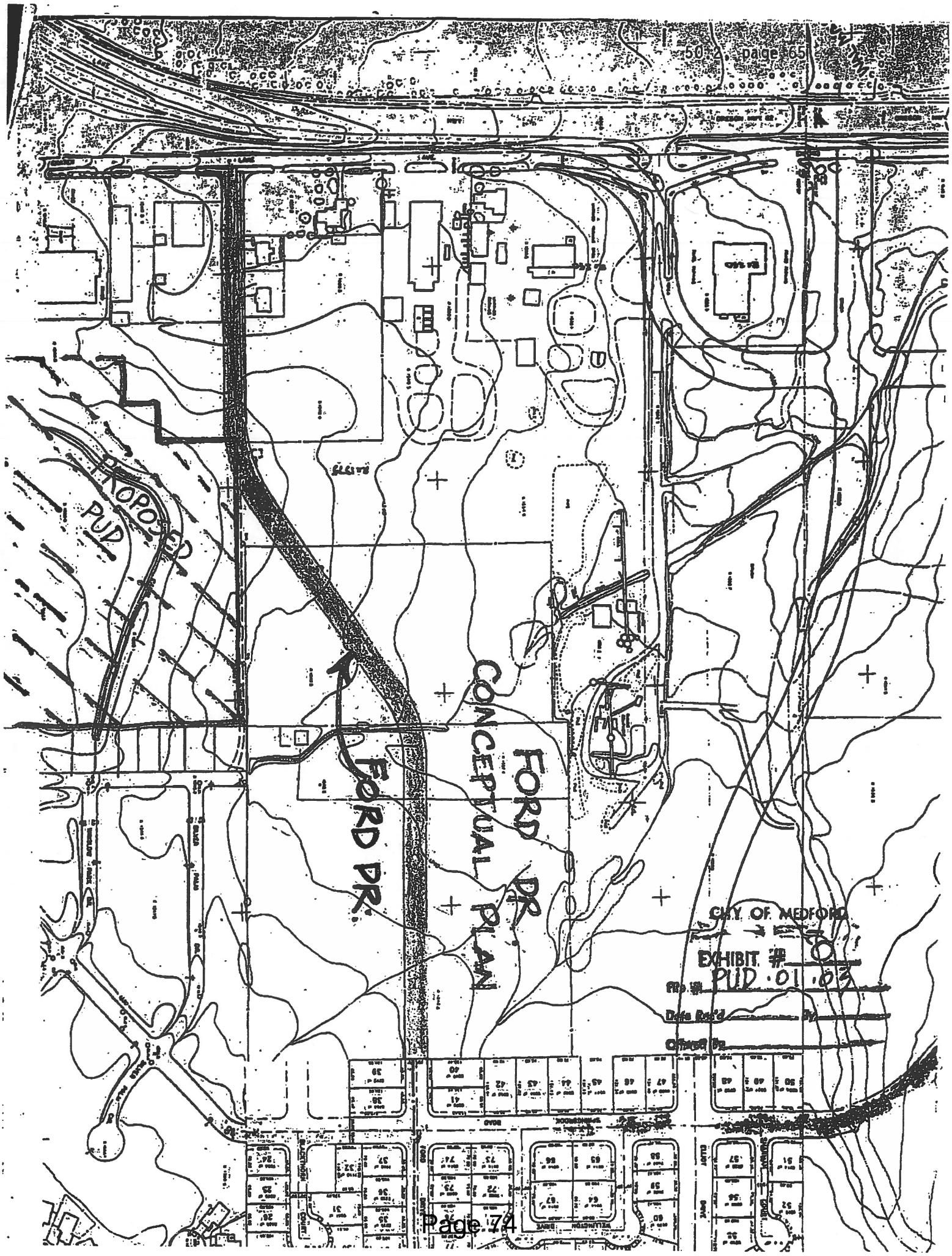
EXHIBIT # 'N'

re: PUD-01-03

LITHONIA LIGHTING

PSG6

Date Rec'd _____ By _____


PROPOSED
PUD
FORD PR
FORD PR
CONCEPTUAL PLAN
CITY OF MEDFORD
EXHIBIT #
File No. PUD-01-03
Date Rec'd
Officer By

Zoning/Vicinity Map

CITY OF MEDFORD
OREGON

Overlay Districts

- UGB
- City Limits
- A-R
- C-B
- E-A
- F
- H
- S-E
- A-A
- Subject Parcels

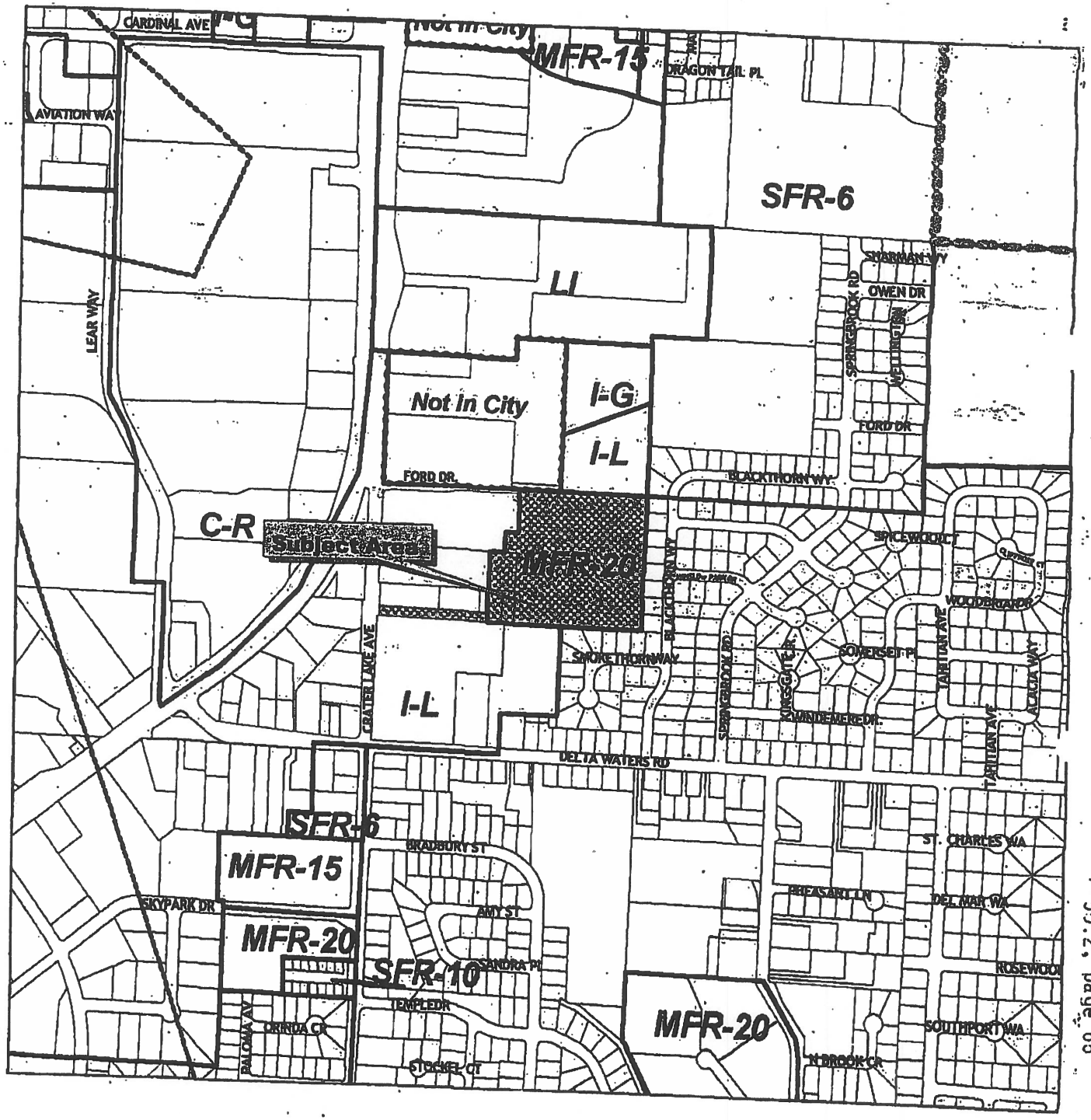
1 inch : 700 feet

350 0 350 700 1050 Feet

N W E S

FILE NUMBER: PUD-01-03
APPLICANT:
Viewcrest Construction

37 1W 8CC TL 100, 900,200,202,1000



3

PUD-01-03

LandAmerica Lawyers Title

1555 E. McAndrews Rd., Suite 100
Medford, OR 97504
Tel: (541) 779-2811/Fax: (541) 772-6079

Date Prepared: May 12, 2003

Hoffbuhr & Associates, Inc.
Attn: David Minneci
3155 Alameda Street, Suite 201
Medford OR 97504

RECEIVED
MAY 15 2003
PLA[illegible] DEPT

Reference:

Order No. 97655
Customer Ref: Mountain Gate Vlg - Phase 1 and 2
Fee: $175.00

"UPDATE #3"
SUBDIVISION/PARTITION REPORT

LAWYERS TITLE INSURANCE CORPORATION

REPORTS TO

The Oregon Real Estate Commissioner, Owner, Registered Surveyor, and any County or City within which proposed subdivision/partition is located:

That, according to the public records which impart constructive notice of matters affecting title to the premises hereinafter referred to, we find:

That fee title vests in:

Viewcrest Construction, Inc., an Oregon corporation

We also find the following apparent encumbrances, which includes "Blanket Encumbrances", as defined by ORS 92.305 (1), and also easements, restrictive covenants and rights of way:

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

2. Right of way agreement recorded March 3, 1944 in Volume 249 page 344 of the Deed Records of Jackson County, Oregon. (Affects north line of Tax lot 100)

Modified by Quitclaim Deed, from View Crest Construction, Inc., as No. 03-28760, Official Records of Jackson County, Oregon.

3. Perpetual, non-exclusive easement for ingress and egress, public utilities and services, and rights in connection therewith, dedicated and created by instrument recorded December 23, 1993 as No. 93-44452 of the Official Records of Jackson County, Oregon.

4. A Public Utility Easement easement, 10.0 feet in width, adjoining Crater Lake Avenue, subject to the terms and provisions thereof, set forth in instrument recorded June 29, 1994 as No. 94-24269 of the Official Records of Jackson County, Oregon.(Affects Tax lot 900)

5. Building Site Improvement Agreement, subject to the terms and provisions thereof, with the City of Medford, recorded June 29, 1994 as No. 94-24270, of the Official Records of Jackson County, Oregon. (Affects a portion of this and other property)

6. An easement for ingress and egress, subject to the terms and provisions thereof, reserved in instrument recorded February 23, 1998 as No. 98-06571 of the Official Records of Jackson County, Oregon. (Affects Tax Lot 900) (Portion released by Quitclaim Deed recorded as No. 03-07193, said Official Records.)

7. Road Improvement and Maintenance Agreement for access and public utilities, subject to the terms and provisions thereof, set forth in instrument recorded February 23, 1998 as No. 98-06569 of the Official Records of Jackson County, Oregon. (Portion released by Quitclaim Deed recorded as No. 03-07193, said Official Records.)

NOTE: Said easement instrument contains a covenant to bear a share of the costs of construction, maintenance, and/or repair of said easement.

8. Trust Deed, executed by View Crest Construction, Inc., to Jackson County Title, Trustee, and Scott Valley Bank, beneficiary, dated August 13, 2002 and recorded August 21, 2002 as No. 02-44343 of the Official Records of Jackson County, Oregon, to secure the payment of the sum of $953,000.00.

9. Trust Deed, executed by View Crest Construction, Inc., to Amerititle, an Oregon corporation, Trustee, and William Alan Smith, beneficiary, dated June 30, 2000 and recorded August 2, 2000 as No. 00-31973 of the Official Records of Jackson County, Oregon, to secure the payment of the sum of $863,873.00.

By instrument dated August 20, 2002 and recorded August 21, 2002 as No. 02-44344, said Official Records, the above Trust Deed was subordinated and rendered secondary and inferior to the Trust Deed of Scott Valley Bank, dated August 13, 2002 and recorded August 21, 2003 as No. 02-44343, said Official Records, in the amount of $953,000.00.

10. An easement, 10 feet in width, for the installation and maintenance of water mains, subject to the terms and provisions thereof, granted to the City of Medford in instrument recorded August 23, 2002 as No. 02-44703 of the Official Records of Jackson County, Oregon.

NOTE: 2002-2003 real property taxes, paid in full.
Total Tax: $3,957.27.
(Code 49-01, Account #1-031253-7, Map #371W08CC, Tax Lot #100)

2002-2003 real property taxes, paid in full.
Total Tax: $784.03.
(Code 49-01, Account #1-061895-1, Map #371W08CC, Tax Lot #200)

2002-2003 real property taxes, paid in full.
Total Tax: $690.10.
(Code 49-01, Account #1-091251-1, Map #371W08CC, Tax Lot #202)

2002-2003 real property taxes, paid in full.
Total Tax: $521.14.
(Code 49-01, Account #1-031257-8, Map #371W08CC, Tax Lot #900)

2002-2003 real property taxes, paid in full.
Total Tax: $801.79.
(Code 49-01, Account #1-062319-5, Map #371W08CC, Tax Lot #1000)

INFORMATIONAL NOTE:

Viewcrest Construction, Inc, is an active Oregon corporation incorporated March 8, 1999 per the Business Registry, Oregon Corporation Division. The president is Mark Owen and the secretary is Brian Reed.

We have also searched our General Index for judgments and state and federal tax liens against the above named Vestee(s), and find the following:

May 12, 2003

NONE

The premises are in Jackson County, and are described as follows:

(SEE EXHIBIT "A" ATTACHED HERETO)

This is not a report issued preliminary to the issuance of a Title Insurance policy. Our search is limited to the time specified in this guarantee and the use hereof is intended as an informational report only, to be used in conjunction with the development of real property. Liability hereunder is limited to an aggregate sum of not to exceed $1,000.00.

DATED: 05/02/03 at 5:00 P.M.

Lawyers Title Insurance Corp.

Title Officer: Donna O'Grady

DMO:rk

CC: Viewcrest Construction, Inc.
Attn: Brian Reed
529 Edwards Street
Medford, OR 97501

LTIC 97655

EXHIBIT A

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 8, TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON, SAID POINT BEING SOUTH 00°06'40" EAST 1324.42 FEET FROM THE ONE-QUARTER CORNER COMMON TO SECTIONS 7 AND 8, SAID TOWNSHIP AND RANGE; THENCE, ALONG THE SOUTH LINE OF SAID QUARTER-QUARTER, SOUTH 89°54'54" EAST 700.00 FEET TO THE INITIAL POINT OF BEGINNING, SAID POINT BEING THE NORTHWEST CORNER OF PARCEL I DESCRIBED IN DOCUMENT NO. 99-39883, OFFICIAL RECORDS OF SAID JACKSON COUNTY; THENCE, ALONG THE BOUNDARY OF PARCELS I AND II OF THE AFORESAID DOCUMENT AS FOLLOWS: SOUTH 89°54'54" EAST 624.18 FEET (RECORD SOUTH 89°55'05" EAST 624.25 FEET); THENCE SOUTH 00°06'40" EAST 662.22 FEET (RECORD SOUTH 0°06'30" EAST 662.26 FEET); THENCE NORTH 89°54'53" WEST 1284.48 FEET TO THE EAST LINE OF CRATER LAKE HIGHWAY; THENCE NORTH 00°05'10" WEST 48.71 FEET; THENCE LEAVING SAID EAST LINE, SOUTH 89°54'53" EAST 530.00 FEET; THENCE NORTH 00°05'10" WEST 294.60 FEET; THENCE SOUTH 89°39'00"EAST 70.01 FEET; THENCE NORTH 00°05'10" WEST 100.00 FEET; THENCE SOUTH 89°39'00" EAST 60.00 FEET; THENCE NORTH 00°05'10" WEST 219.50 FEET TO THE POINT OF BEGINNING.

Mountain Gate Village

NOT TO SCALE

Township 37 Range 1W Section 08CC

This print is made solely for the purpose of assisting in locating said premises and the comany assumes no liability for information shown on this map including zoning, variations, if any, in dimensions and locations, ascertained by actual survey.

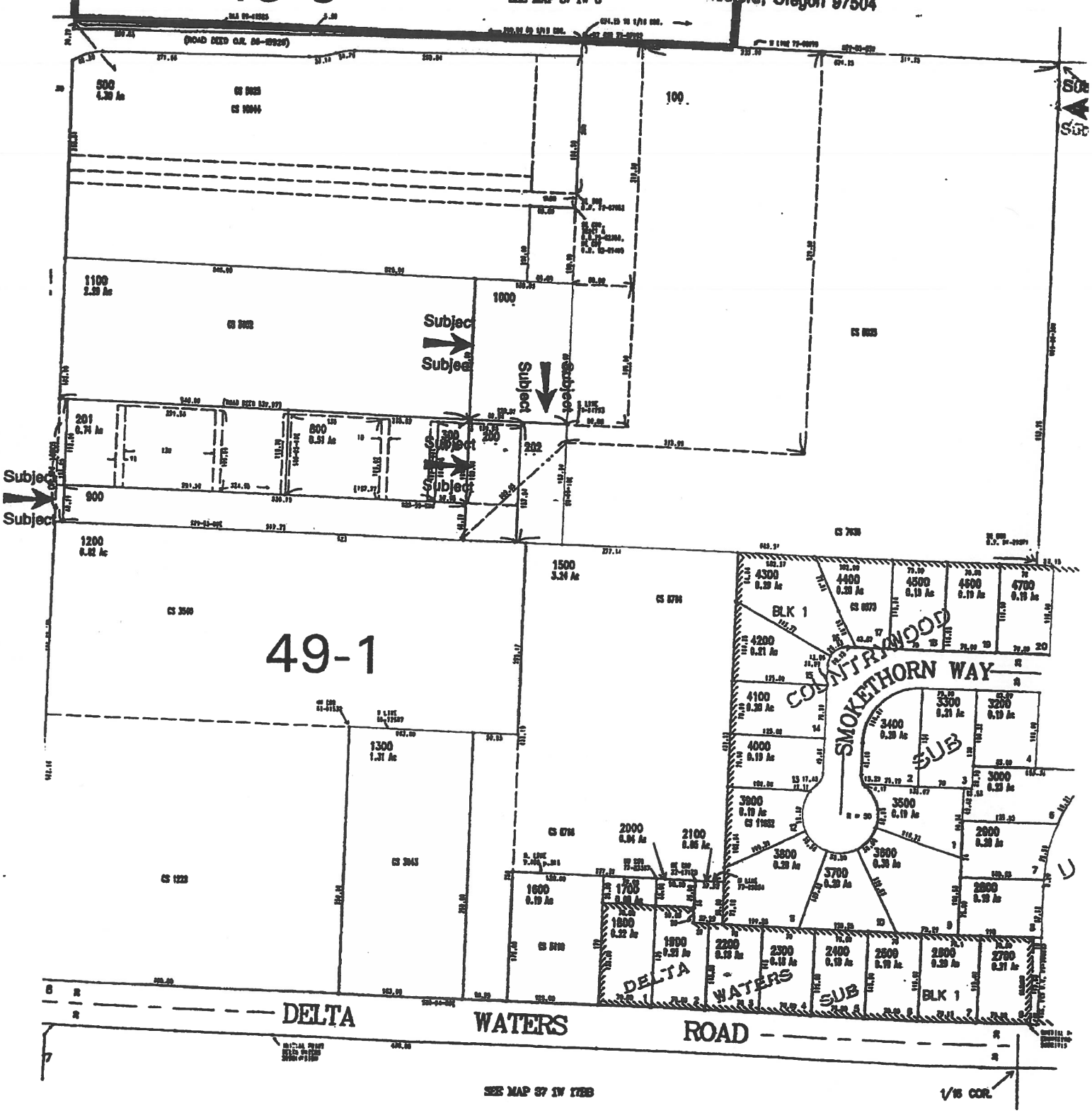
JACKSON COUNTY TITLE
1555 E. McAndrews Ph. 779-2811
Medford, Oregon 97504

SW 1/4 SW 1/4 SEC. 8 T37S R1W W.M.
JACKSON COUNTY

SCALE 1 INCH = 100 FEET

SEE MAP 37 1W 8

IMPORTANT
THIS MAP FOR ASSESSMENT AND TAXATION PURPOSES ONLY



rec'd @ p.h. 7/26/01

Jackson County Title
Division of Lawyers Title Insurance Corporation
1555 East McAndrews Road, Suite 100
Medford, Oregon 97504
Tel: (541) 779-2811 Fax: (541) 772-6079

July 10, 2001

Brian Reed
View Crest Construction, Inc.
529 Edwards Street
Medford OR 97501

RE: Mountain Gate Village-proposed
JCT No. 97655

Dear Mr. Reed,

In reference to this project. we have done a full title examination with a list of exceptions to title shown on the attached SUBDIVISION GUARANTEE.

In addition we have reviewed the surveys in the immediate area and the plat of Countrywood Subdivision No. 1 for any additional information.

We do not find a separate grant of right-of-way or easement for irrigation canal or irrigation line purposes across the described property. No reference to the Hopkins Canal crossing appears on record documents.

The "Dedication of Right of Way and Public Utility Easement" recorded as No. 93-44452 affects a strip 48.71 feet extending from Crater Lake Avenue for a distance of 670.00 feet only. It provides for "ingress and egress, public utilities and services" (copy enclosed).

If we can assist further or answer any questions, please let us know.

Very truly yours,
JACKSON COUNTY TITLE
DIVISION OF LAWYERS TITLE INSURANCE CORPORATION

BY: Donna O'Grady
DONNA O'GRADY, TITLE OFFICER

enclosures

City Of Medford

EXHIBIT #_____

#_____

Date Rec'd_____ By_____

FRED C. SANDER ET UX TO 249-344 CHARITY ISAACS ET AL	Kind of Instrument AGREEMENT 188837	County of Jackson } ss. I hereby certify that the annexed instrument of writing was received and filed for record on 4:45 o'clock P. M. on the 3rd day of March 1944 Ga. R. Carter Clerk By ..... Deputy

50-4

A G R E E M E N T

THIS AGREEMENT, Made and entered into by and between FRED C. SANDER and CHARITY R. SANDER, his wife, hereinafter known as first party, and CHARITY ISAACS, a widower, hereinafter known as second party, and LENA ISAACS, a widow, hereinafter known as third party, W I T N E S S E T H:

WHEREAS, the parties hereto are the owners in severalty of certain tracts of land situate in the Southwest Quarter of Section 8, Township 37 South, Range 1 West of the Willamette Meridian, and

WHEREAS, as owners of said property, the parties hereto for more than twenty years last past have used as a common right of way for ingress and egress from their respective properties a certain right of way over and across the property hereinafter described as follows, to-wit:

Commencing at the Southwest corner of the Northwest Quarter of the Southwest Quarter of said Section 8, and running thence South along the Old Crater Lake Highway 20 feet; thence East 20 chains to a point 20 feet due South of the Southwest corner of the land of the first party; thence North 4 feet; thence due Northeast to the South line of the said property of the first party; thence Northwesterly to a point 4 feet North of the Southwest corner of said property of the first party; thence due South to the North line of the said property of the third party; thence West 1316 feet to the Old Crater Lake Highway, the point of beginning.

AND WHEREAS, it is the desire of the parties hereto that the right to the use of said right of way be made perpetual,

NOW, THEREFORE, It is hereby mutually agreed by and between the parties hereto that each of the parties hereto, as owners of their said respective properties, shall have the right in common with the other parties hereto, to the use of said right of way for all purposes of transportation, it being understood that the parties hereto may maintain gates upon said right of way, the same as such gates are now being maintained, it being left to the third party to maintain a gate at the entrance to said old Crater Lake Highway.

Said right of way shall be appurtenant to and run with the respective parcels of land of the parties hereto as above referred to.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals this 13 day of September, A. D. 1943.

Fred C. Sander

Charity R. Sander
FIRST PARTY

Charity Isaacs
SECOND PARTY

Lena Isaacs
THIRD PARTY

STATE OF OREGON }
COUNTY OF JACKSON } ss.

BE IT REMEMBERED, That on this 13th day of December, A. D. 1943, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named FRED C. SANDER, CHARITY R. SANDER, CHARITY ISAACS, and LENA ISAACS, [illegible]

MEDFORD
OREGON
cityofmedford.org

Item No: 40.2

AGENDA ITEM COMMENTARY

DEPARTMENT: Planning
PHONE: (541) 774-2380
STAFF CONTACT: Matt Brinkley, AICP, CFM, Planning Director
AGENDA SECTION: Public Hearings
MEETING DATE: September 5, 2019

COUNCIL BILL 2019-96

An ordinance proclaiming annexation to the City of Medford, portions of the North Ross Lane right-of-way from approximately 250 feet south of its intersection with Stearns Way, to Highway 238 (Rossanley Drive); along with an approximate 730-foot portion of Highway 238, running east/west from the northerly terminus from North Ross Lane, and a 58.1-acre tract of land containing two parcels, including the Howard Memorial Sports Park. The current County zoning designation of Exclusive Farm Use (EFU) will be changed from the City SFR-00 (Single-Family Residential, one dwelling unit per existing lot) zoning district. The properties will be removed from Medford Rural Fire Protection District #2, effective pursuant to State law.

SUMMARY AND BACKGROUND

Council is requested to consider the annexation of a portion of the North Ross Lane right-of-way from approximately 250 feet south of its intersection with Stearns Way to Highway 238 (Rossanley Drive); along with an approximate 730-foot portion of Highway 238, running east/west from the northerly terminus of North Ross Lane; and a 58.1-acre tract of land, containing two parcels, including the Howard Memorial Sports Park. The current County zoning designation of Exclusive Farm Use (EFU) will be changed to the City SFR-00 (Single-Family Residential, one dwelling unit per existing lot) zoning district. The properties will be removed from Medford Rural Fire Protection District #2. (A-19-003)

PREVIOUS COUNCIL ACTIONS

On August 1, 2019, Council approved Council Bill 2019-83 establishing a hearing date of September 5, 2019, for consideration of the matter.

ANALYSIS

The subject properties are located within the City's Urban Growth Boundary and are contiguous with city limits to the north, south and east of the proposed annexation area. The subject rights-of-way have a General Land Use Plan (GLUP) map designation of Urban Residential (UR), which is compatible with the SFR-00 City zoning designation. The property is currently zoned by Jackson County as Exclusive Farm Use (EFU).

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Annexation of the right-of-way has been anticipated by Public Works and, thus, budgeted for. Once the land is annexed, storm drain, sanitary sewer and street maintenance fees will be collected.

TIMING ISSUES

None

COUNCIL OPTIONS

Approve the ordinance as presented.
Modify the ordinance as presented.
Decline to approve the ordinance as presented and direct staff regarding further action.

STAFF RECOMMENDATION

Staff recommends approval of the annexation.

SUGGESTED MOTION

I move to adopt the ordinance authorizing the annexation of the North Ross Lane right-of-way from approximately 250 feet south of its intersection with Stearns Way to Highway 238 (Rossanley Drive); along with an approximate 730-foot portion of Highway 238, running east/west from the northerly terminus of North Ross Lane; and a 58.1-acre tract of land, containing two parcels, including the Howard Memorial Sports Park.

EXHIBITS

Ordinance
City Council Report, including Exhibits A through H
Vicinity Map

AN ORDINANCE proclaiming annexation to the City of Medford, portions of the North Ross Lane right-of-way from approximately 250 feet south of its intersection with Stearns Way, to Highway 238 (Rossanley Drive); along with an approximate 730-foot portion of Highway 238, running east/west from the northerly terminus for North Ross Lane; and a 58.1-acre tract of land containing two parcels, including the Howard Memorial Sports Park. The current County zoning designation of Exclusive Farm Use (EFU) will be changed to the City SFR-00 (Single-Family Residential, one dwelling unit per existing lot) zoning district. The properties will be removed from Medford Rural Fire Protection District #2, effective pursuant to State law.

WHEREAS, the owners of the land in the territory to be annexed have consented in writing to the annexation, said consent having been heretofore filed with the City Recorder in the manner prescribed by law; and

WHEREAS, the City Council by Resolution No. 2019-83, adopted August 1, 2019, dispensed with submitting the question of the proposed annexation to the electors of the city and set 6:00 p.m. on the 5th day of September, 2019, in the Council Chambers of the City Hall in said city as the time and place of hearing thereon, at which time and place the registered voters of the city and other interested parties were given an opportunity to be heard on the question; and

WHEREAS, notices of said public hearing were published and posted in the manner and for the time prescribed by law and the public hearing was duly held by and before the City Council as provided by law and by the terms of said resolution and the published notice, and it appears to be in the best interest of the city and of the area involved that it be annexed to the City of Medford and the area be withdrawn from Medford Rural Fire Protection District #2.

WHEREAS, the City Council finds and determines that the facts and conclusions in the Staff Report dated August 29, 2019, on file in the Planning Department, are true and correct and are hereby adopted as the findings of the council; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. The area described in Exhibit A, attached hereto, shall be annexed to the City of Medford, Oregon.

Section 2. The above-described property annexed to the City of Medford is hereby withdrawn from Medford Rural Fire Protection District #2.

Section 3. The City Recorder shall submit to the Secretary of the State of Oregon a copy of this Ordinance. The City Recorder shall also, within ten days of the effective date of this annexation, send copies of this Ordinance to the County Clerk, County Assessor of Jackson County, Oregon, and Medford Rural Fire Protection District #2.

PASSED by the council and signed by me in authentication of its passage this __ day of September 2019.

ATTEST:_____ _____

City Recorder Mayor

APPROVED: _____2019. _____

Mayor

COUNCIL REPORT

for a Type IV Legislative decision: **Annexation**

Project	Ross Lane – Annexation
File no.	A-19-003
To	Mayor and City Council *for September 5, 2019 hearing*
From	Dustin Severs, Planner III
Reviewer	Kelly Evans, Assistant Planning Director
Date	August 29, 2019

BACKGROUND

Proposal

Council is requested to consider annexation of a portion of the North Ross Lane right-of-way from approximately 250 feet south of its intersection with Stearns Way to Highway 238 (Rossanley Drive); along with an approximate 730-foot portion of Highway 238, running east/west from the northerly terminus of North Ross Lane; and a 58.1-acre tract of land, containing two parcels, including the Howard Memorial Sports Park. The current County zoning designation of Exclusive Farm Use (EFU) will be changed to the City SFR-00 (Single-Family Residential, one dwelling unit per lot) zoning district. The properties will be removed from Medford Rural Fire Protection District #2. (A-19-003).

Vicinity Map

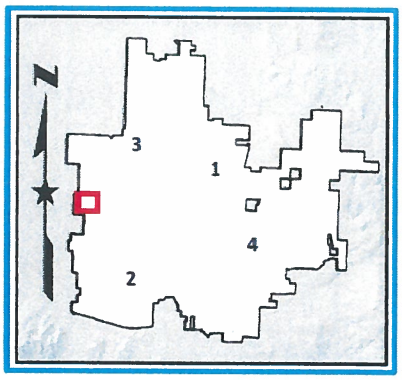


Exhibit A

History

On August 1, 2019, Council approved Council Bill 2019-83 establishing a hearing date of September 5, 2019, for consideration of the matter.

Authority

This proposed plan authorization is a Type IV Legislative decision. The City Council is authorized to approve annexations under Medford Municipal Code 10.214.

FINDINGS AND CONCLUSIONS

Criteria

MLDC 10.216(C)

The City Council must find that the following State requirements are met in order to approve an annexation:

1. *The land is within the City Urban Growth Boundary.*
2. *The land is contiguous to the current city limits.*
3. *Unless the land being considered for annexation is enclaved by the City or the City chooses to hold an election, a majority of the land owners and/or electors have consented in writing to the annexation per ORS 222.125 or ORS 222.170.*

Findings

- The land is located within the City's Urban Growth Boundary.
- The land is contiguous with the City limit.
- The applicant/owner has submitted the request for annexation and has consented in writing in accordance with the applicable state statutes.

Staff finds that all three of the above criteria are satisfied.

Conclusions

The property under consideration meets the applicable criteria for annexation.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and approve the ordinance for the annexation per the staff report dated August 29, 2019, including Exhibits A and B.

EXHIBITS

A Legal descriptions and Exhibit Maps, May 30, 2019.
B Public Works report, July 31, 2019.
C Fire Department report, July 31, 2019.
D Medford Water Commission report and map, June 12, 2019.
E Jackson County Roads memo, June 9, 2019.

F Rogue Valley Sewer Services (RVSS) memo, July 8, 2019.
G Floodplain report, July 30, 2019.
H Resolution NO. 2010-154, dated July 1, 2010.
Vicinity Map

CITY COUNCIL AGENDA: **SEPTEMBER 5, 2019**

RECEIVED
MAY 30 2019
PLANNING DEPT

EXHIBIT A

RW#7594

A tract of land lying in the East 1/2 of Section 23, Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon, said tract being more particularly described as follows:

Commencing at a point on the Easterly line of Donation Land Claim No. 73, Township 37 South, Range 2 West, Willamette Meridian, Jackson County, Oregon, said point being 748.96 feet, more or less, Northerly of the Southeast corner of said Claim No. 73 also being on the North line of that area annexed into the City of Medford through Ordinance Number 2007-49 and the **Point of Beginning**;

Thence South 89°21'00" West, along the North line of said annexed area, 30.00 feet to the West line of Ross Lane North set forth in Document Number 2008-030874, Official Records of Jackson County, Oregon;

Thence being 30.00 feet west and parallel with said Donation Land Claim 73 and along said West line as set forth in Document Numbers 2008-030874, 2008-030875, 2008-028551, 2008-027127, 2008-023004, 2008-025041, 2008-023304, North 00°02'40" East, 571.23 feet, more or less, to the South line of Document Number 2009-022492;

Thence along South line of Document Numbers 2018-006717 and 2018-013168, South 89°32'40" West a distance of 1405.71 feet, to an angle point in said Document Number 2018-006717;

Thence continuing along said South line North 00°13'50" West a distance of 16.99 feet, more or less;

Thence South 89°30'32" West a distance of 532.57 feet, more or less, to the Southwest corner of said Document Number 2018-006717;

Thence leaving said South Line along the west line of said Document Number 2018-006717, North 00°14'22" West a distance of 1343.31 feet, more or less, to a point on the Southerly line of that area annexed into the City of Medford through Ordinance Number 8525 passed November 13, 1997;

Thence along the said Southerly line, South 89°30'40" East a distance of 1484.97 feet, more or less, to the Southeast corner of said area annexed into the City of Medford through Ordinance Number 8525 passed November 13, 1997;

Thence along the East line of said area annexed into the City of Medford through Ordinance Number 8525 passed November 13, 1997, North 00°02'40" East a distance of 60.00 feet, more or less, to the South west corner of area annexed into the City of Medford through Ordinance Number 2623 passed May 20, 1976;

Thence along the South line of said area annexed into the City of Medford through Ordinance Number 2623 passed May 20, 1976 South 89°27'20" East a distance of 720.00 feet, more or less, to an angle point;

Thence along the West line of said area annexed into the City of Medford through Ordinance Number 2623 passed May 20, 1976 South 00°02'40" West a distance of 85.71 feet, more or less, to the Northerly line of Highway 238 set forth in Document Number 1999-60516 of said Official Records;

Thence along said Northerly line, North 85°42'41" West a distance of 13.16 feet, more or less;

CITY OF MEDFORD
EXHIBIT # A
FILE # A-19-003

RECEIVED
MAY 30 2019
PLANNING DEPT

Thence along the arc of a 3233.92 foot radius curve to the left (the chord to which bears North 86°51'54" West 130.22 feet) a distance of 130.22 feet, more or less, to the Easterly line of Ross Lane North set forth in Document Number 1999-60516 of said Official Records,

Thence along said Easterly line, South 66°37'26" West, 53.00 feet, more or less, to the West line of Parcel Number 1 described in Document Number 1986-05282 of said Official Records;

Thence along the West line thereof, along the arc of a 72.25 foot radius non-tangent curve to the left (the chord to which bears South 13°48'17" West, 34.37 feet) a distance of 34.70 feet, more or less, to a point being 30.00 feet Easterly of the East line of said Claim Number 73;

Thence parallel with and 30.00 feet Easterly of said East line, South 00°02'40" West, 1060.62 feet, more or less, to the Northwest corner of that area annexed into the City of Medford through Ordinance Number 2623 passed May 20, 1976;

Thence along the West line of said area annexed into the City of Medford through Ordinance Number 2623 passed May 20, 1976 South 00°02'40" West a distance of 197.50 feet, more or less, to the Southwest corner of said area annexed into the City of Medford through Ordinance Number 2623 passed May 20, 1976;

Thence parallel with and 30.00 feet Easterly of said East Donation Land Claim line, South 00°02'40" West, 290.65 feet, more or less, to the Northwest corner of that area annexed into the City of Medford through Ordinance Number 2623 passed May 20, 1976;

Thence along the West line of said area annexed into the City of Medford through Ordinance Number 2623 passed May 20, 1976 South 00°02'40" West a distance of 58.83 feet, more or less, to the Southwest corner of said area annexed into the City of Medford through Ordinance Number 2623 passed May 20, 1976;

Thence parallel with and 30.00 feet Easterly of said East Donation Land Claim line, South 00°02'40" West, 215.97 feet, more or less, to the Northeast corner of that area annexed into the City of Medford through Ordinance Number 2007-49;

Thence along the North line thereof, South 89°21'00" West, 30.00 feet to the **Point of Beginning.**

Bearings based on Survey Number 22488 as filed in the Jackson County Surveyor's office

The graphic depiction of the above description is shown on Exhibit "B" attached hereto.

The tract of land to which this description applies contains 63.42 gross acres, more or less

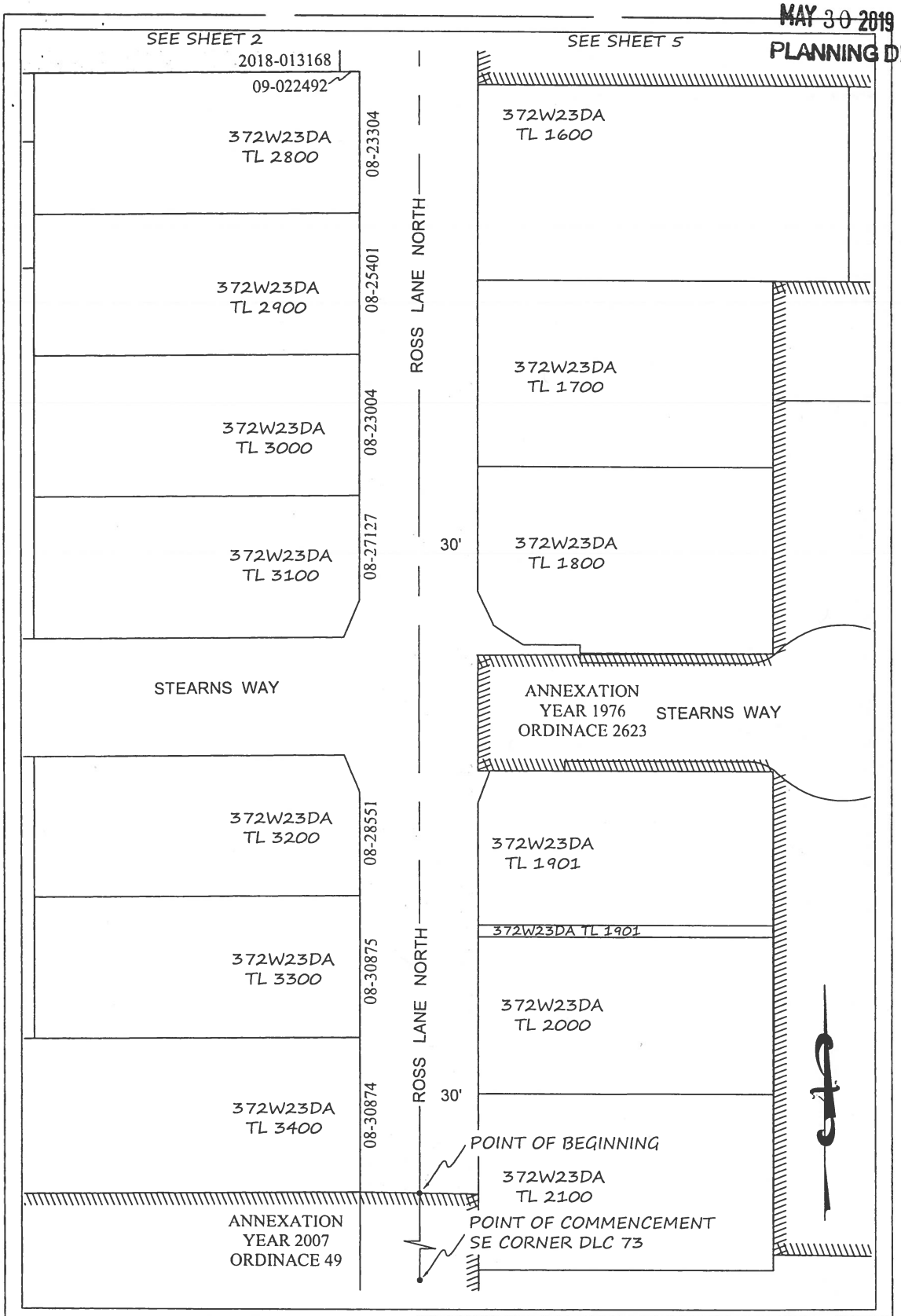
Private Land= 58.08 net acres, more or less

Public Right of Way= 5.34 net acres, more or less

REGISTERED
PROFESSIONAL
LAND SURVEYOR
5/22/19
OREGON
Jan. 9, 2007
JON M. PROUD
No. 77552 LS
RENEWAL. DEC. 31 2020

CITY OF MEDFORD
EXHIBIT # Page 2 of 2
File # A-19-003

RECEIVED
MAY 30 2019
PLANNING DEP



LEGEND

AREA TO BE ANNEXED

EXISTING ANNEXATION LINE

EAST LINE DLC 73

0' 60'

SCALE: 1"=60'

372W23D

CITY OF MEDFORD - SURVEYING DEPARTMENT

EXHIBIT "B"

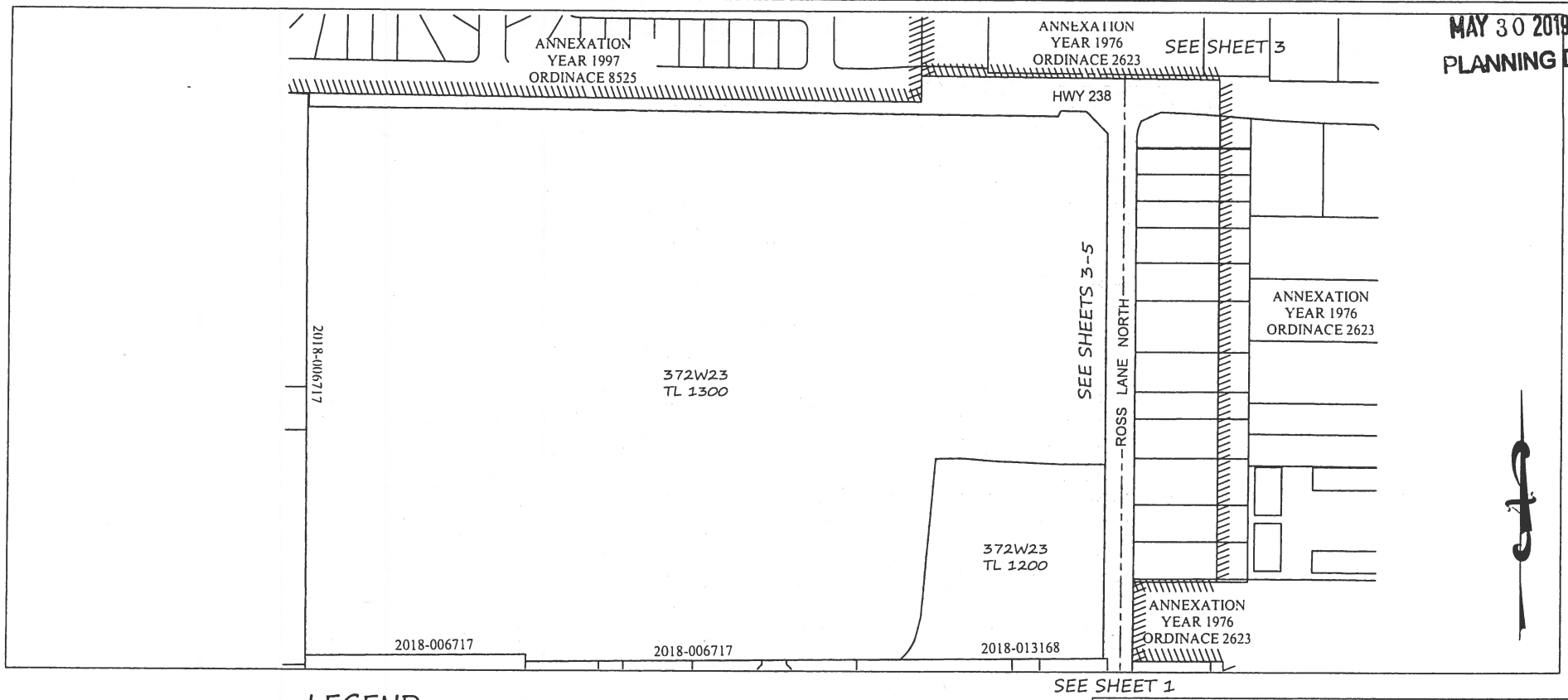
ANNEXATION OF ROSS LANE, HWY 238
AND TAX LOTS 1200 AND 1300

WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"

DRAWN BY	SPM	DATE 5-21-19	PROJECT NO.
CHECKED BY	JMP	DATE 5-21-19	N/A
NOTE		DATE	
NOTE		DATE	SHEET NO.
NOTE		DATE	1 OF 5
NOTE		DATE	

CITY OF MEDFORD
EXHIBIT #
File # A-19-003

RECEIVED
MAY 30 2019
PLANNING DEPT



LEGEND

AREA TO BE ANNEXED

EXISTING ANNEXATION LINE

EAST LINE DLC 73

0' 300'

SCALE: 1"=300'

372W23A AND 372W23D

CITY OF MEDFORD - SURVEYING DEPARTMENT

EXHIBIT "B"

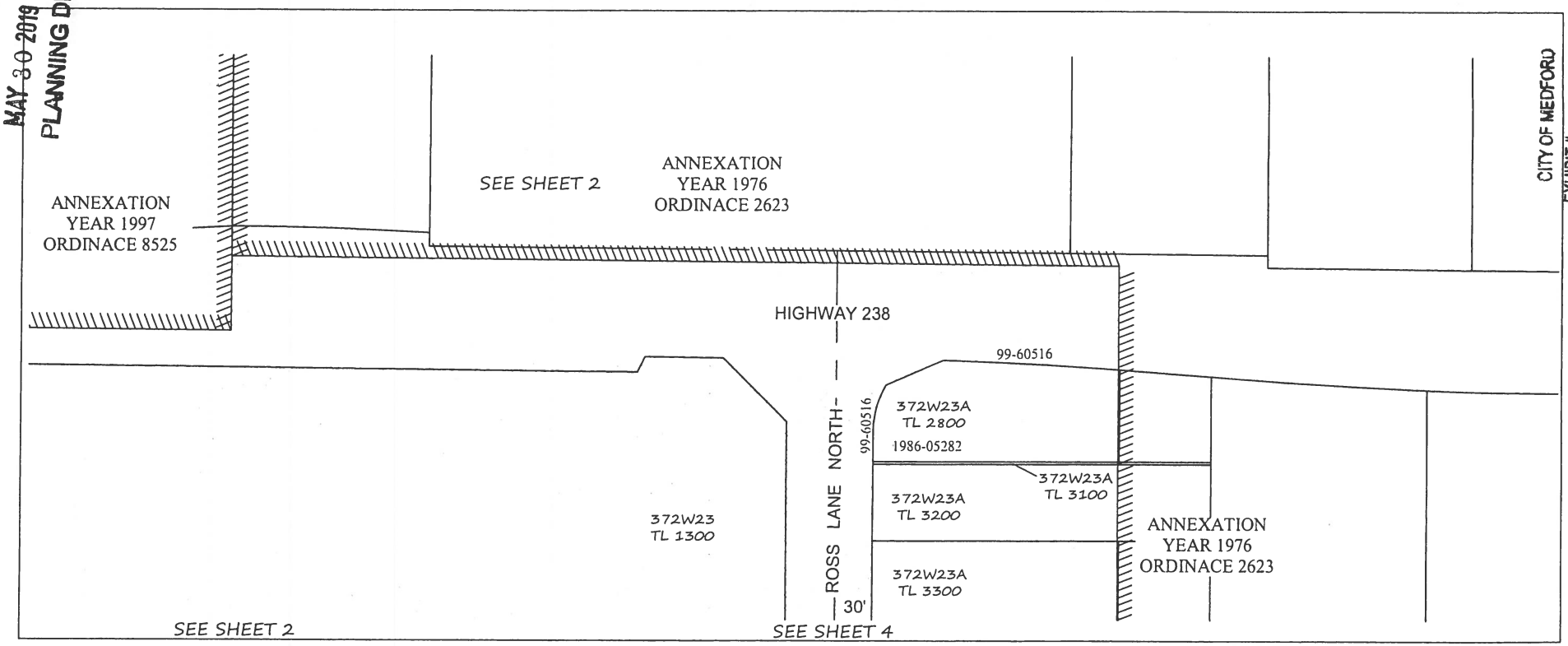
ANNEXATION OF ROSS LANE, HWY 238
AND TAX LOTS 1200 AND 1300

WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"

DRAWN BY SPM	DATE 5-21-19		PROJECT NO.
CHECKED BY JMP	DATE 5-21-19		N/A
NOTE:	DATE:	CITY OF MEDFORD	
NOTE:	DATE	EXHIBIT #	SHEET NO.
NOTE:	DATE	FILE # A-19-003	3 OF 5
NOTE:	DATE		

RECEIVED
MAY 30 2019
PLANNING DEPT

CITY OF MEDFORD
EXHIBIT #
File # 19-003



LEGEND

AREA TO BE ANNEXED

EXISTING ANNEXATION LINE

EAST LINE DLC 73

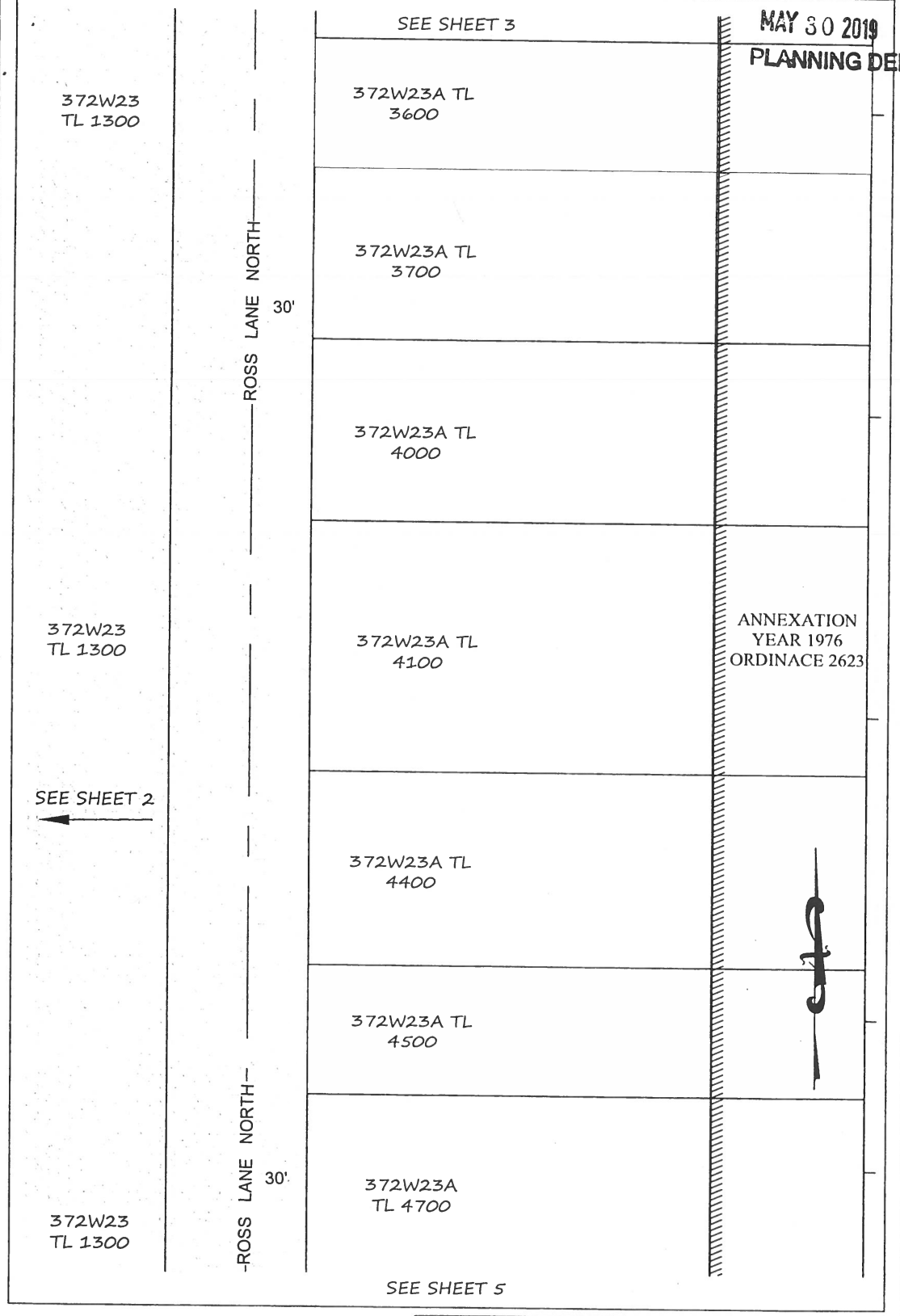
0' 100'

SCALE: 1"=100'

372W23A

CITY OF MEDFORD - SURVEYING DEPARTMENT		
EXHIBIT "B" ANNEXATION OF ROSS LANE, HWY 238 AND TAX LOTS 1200 AND 1300 WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"		
DRAWN BY SPM	DATE 5-21-19	PROJECT NO.
CHECKED BY JMP	DATE 5-21-19	N/A
NOTE	DATE	
NOTE	DATE	SHEET NO.
NOTE	DATE	3 OF 5
NOTE	DATE	

RECEIVED
MAY 30 2019
PLANNING DEPT



LEGEND

AREA TO BE ANNEXED

EXISTING ANNEXATION LINE

EAST LINE DLC 73

0' 60'

SCALE: 1"=60'

372W23A

CITY OF MEDFORD - SURVEYING DEPARTMENT

EXHIBIT "B"

ANNEXATION OF ROSS LANE, HWY 238 AND TAX LOTS 1200 AND 1300

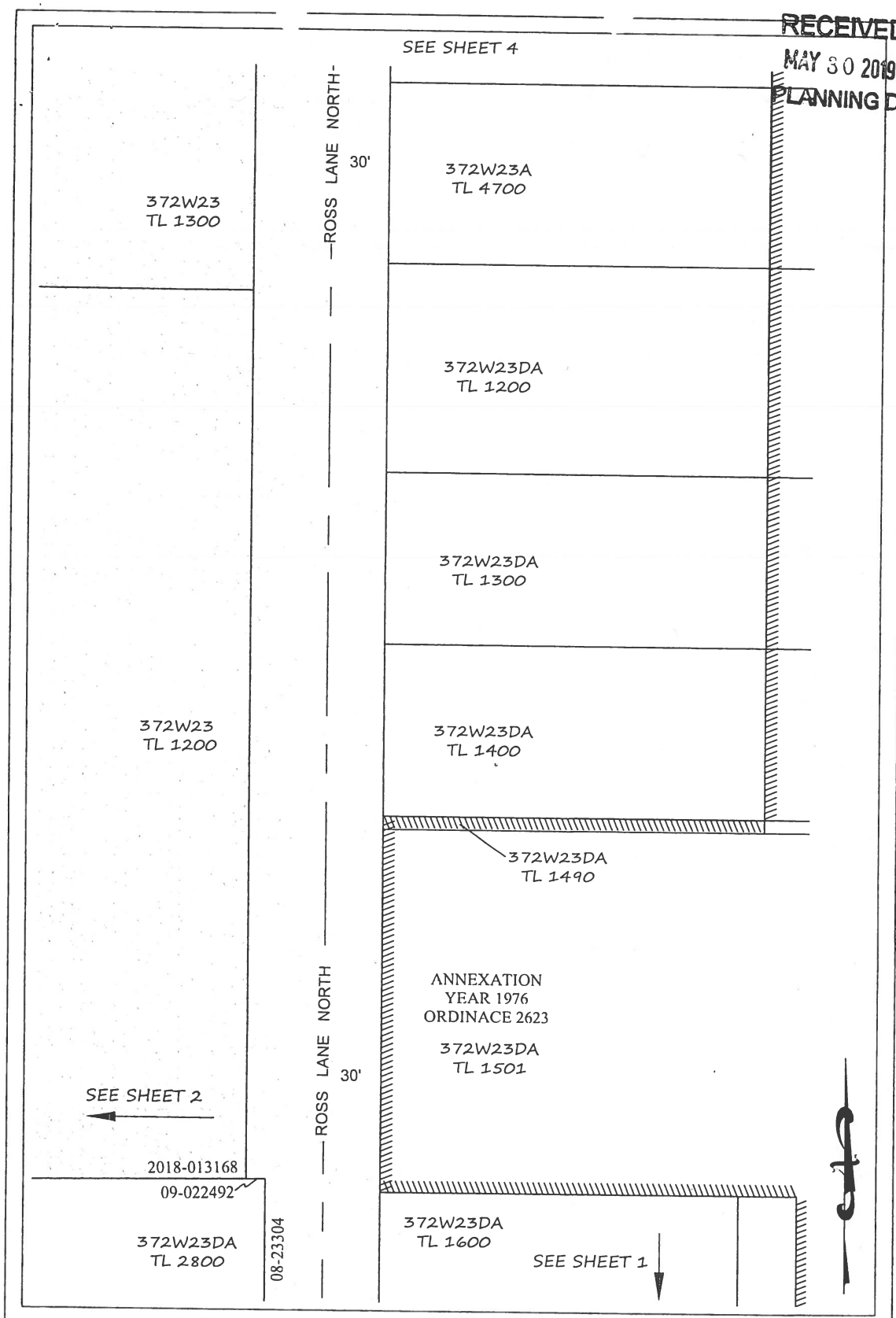
WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"

DRAWN BY	SPM	DATE 5-21-19	PROJECT NO.
CHECKED BY	JMP	DATE 5-21-19	N/A
NOTE		DATE	
NOTE		DATE	SHEET NO.
NOTE		DATE	4 OF 5
NOTE		DATE	

CITY OF MEDFORD
EXHIBIT #

File # A-19-003

RECEIVED
MAY 30 2019
PLANNING DEPT



LEGEND

AREA TO BE ANNEXED

EXISTING ANNEXATION LINE

EAST LINE DLC 73

0' 60'

SCALE: 1"=60'

372W23D

CITY OF MEDFORD - SURVEYING DEPARTMENT

EXHIBIT "B"

ANNEXATION OF ROSS LANE, HWY 238
AND TAX LOTS 1200 AND 1300

WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"

DRAWN BY: SPM	DATE 5-21-19	PROJECT NO.	
CHECKED BY: JMP	DATE 5-21-19	N/A	
NOTE:	DATE		
NOTE	DATE	CITY OF MEDFORD	SHEET NO.
NOTE	DATE	EXHIBIT #	5 OF 5
NOTE	DATE	File # A-19-003	

MEDFORD
PUBLIC WORKS

LD DATE: 7/31/2019
File Number: A-19-003

PUBLIC WORKS DEPARTMENT STAFF REPORT

Ross Lane North Annexation (TLs 1200 & 1300)
City of Medford

Project: Consideration of a request for annexation to the City of Medford a portion of the North Ross Lane right-of-way from approximately 250 feet south of its intersection with Stearns Way to Highway 238; along with an approximate 730-foot portion of Highway 238 (Rossanley Drive), running east/west from the northerly terminus of North Ross Lane; and a 58.1-acre tract of land, containing two parcels, which includes the Howard Memorial Sports Park. The current County zoning designation of Exclusive Farm Use (EFU) will be changed to the City SFR-00 (Single-Family Residential, one dwelling unit per lot) zoning district. The property will be removed from Medford Rural Fire Protection District #2. (372W23 Tl 1300 & 1200).

Applicant: Applicant: City of Medford

Planner: Dustin Severs, Planner III

A. STREETS

Rossanley Drive (Highway 238) is classified as a Major Arterial and is under Oregon Department of Transportation (ODOT) jurisdiction.

Ross Lane North is classified as a Major Collector street and is maintained by Jackson County. Ross Lane North is paved with curb and gutter and sidewalks. Ross Lane North will continue to be maintained by Jackson County unless a jurisdictional transfer is completed.

B. SANITARY SEWERS

The area of this proposed annexation lies within the Rogue Valley Sewer Service (RVSS) area. Contact RVSS for sanitary sewer accessibility and capacity adequacy.

CITY OF MEDFORD
EXHIBIT # B
FILE # A-19-003

C. STORM DRAINAGE

There are capacity constraints in the storm drainage system that will need to be addressed prior to approval of a zone change on any of the properties.

Future development on this parcel will require stormwater detention and stormwater quality facilities, which shall comply with Medford Land Development Code (MLDC) Sections 10.486 and 10.729 and the Rogue Valley Stormwater Quality Design Manual.

D. TRANSPORTATION SYSTEM

Transportation facility adequacy will be addressed at the time of a zone change.

E. SYSTEM DEVELOPMENT CHARGES

Future development/buildings within this parcel will be subject systems development charges (SDC). These SDC fees shall be paid at the time individual building permits are taken out, or you may apply for the SDC Deferral Program if your development qualifies.

This development is also subject to storm drain system development charges. A portion of the storm drain system development charge shall be collected at the time of the approval of the final plat, as applicable.

F. UTILITY FEES

Upon annexation, this parcel will be subject to City of Medford monthly utility fees as applicable.

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs

Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 7/29/2019
Meeting Date: 7/31/2019

LD File #: A19003

Planner: Dustin Severs

Applicant: City of Medford Public Works

Project Location: 1. A portion of the North Ross Lane right-of-way from approximately 250 feet south of its intersection with Stearns Way to Highway 238;

2. an approximate 730-foot portion of Highway 238 (Rossanley Drive), running east/west from the northerly terminus of North Ross Lane;

3. 58.1-acre tract of land, containing two parcels, which includes the Howard Memorial Sports Park.

ProjectDescription: Consideration of a request for annexation to the City of Medford a portion of the North Ross Lane right-of-way from approximately 250 feet south of its intersection with Stearns Way to Highway 238; along with an approximate 730-foot portion of Highway 238 (Rossanley Drive), running east/west from the northerly terminus of North Ross Lane; and a 58.1-acre tract of land, containing two parcels, which includes the Howard Memorial Sports Park. The current County zoning designation of Exclusive Farm Use (EFU) will be changed to the City SFR-00 (Single-Family Residential, one dwelling unit per lot) zoning district. The property will be removed from Medford Rural Fire Protection District #2. (372W23 Tl 1300 & 1200).

Specific Development Requirements for Access & Water Supply

Conditions

Reference	Description
Approved	Approved as submitted with no additional conditions or requirements.

Construction General Information/Requirements

Development shall comply with access and water supply requirements in accordance with the Oregon 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 (fire 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 information provided only.

Design and installation shall meet the Oregon requirements of the International Fire, Building, Mechanicial Codes and applicable NFPA Standards.

Medford Fire-Rescue, 200 S Ivy St. Rm 180, Medford OR 97501 541-774-2300

www.medfordfirerescue.org

CITY OF MEDFORD
EXHIBIT # C
FILE # A-19-003

MEDFORD WATER COMMISSION

BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: A-19-003

PARCEL ID: Tax Lots on both sides of Lozier Lane between W Main Street & Stewart Avenue

PROJECT: Consideration of a request for annexation to the City of Medford a portion of the North Ross Lane right-of-way from approximately 250 feet south of its intersection with Stearns Way to Highway 238; along with an approximate 730-foot portion of Highway 238 (Rossanley Drive), running east/west from the northerly terminus of North Ross Lane; and a 58.1-acre tract of land, containing two parcels, which includes the Howard Memorial Sports Park. The current County zoning designation of Exclusive Farm Use (EFU) will be changed to the City SFR-00 (Single-Family Residential, one dwelling unit per lot) zoning district. The property will be removed from Medford Rural Fire Protection District #2. (372W23 TI 1300 & 1200). Applicant, City of Medford Public Works; Planner, Dustin Severs.

DATE: June 12, 2019

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

CONDITIONS

1. No Conditions.

COMMENTS

2. No Comments.

K:\Land Development\Medford Planning\a19003.docx

Page 1 of 1

CITY OF MEDFORD
EXHIBIT # D
FILE # A-19-003

N

0 75 150 300 Feet

Scale: 1"= 300'

Water Facility Map
for
City of Medford
A-19-003

July 31, 2019

Legend

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

Water Meters:

- Active Meter
- On Well
- Unknown
- Vacant

Water Valves:

- Butterfly Valve
- Gate Valve
- Tapping Valve

Water Mains:

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

Boundaries:

- Urban Growth Boundary
- City Limits
- Tax Lots

MWC Facilities:

- Control Station
- Pump Station
- Reservoir

MEDFORD WATER COMMISSION

Date 7/31/2019
Path G:\WADhi\Redo MWC Map - MWC SDE - Lotus LS - July 23 2019.mxd

JACKSON COUNTY
Roads

Roads
Engineering

Chuck DeJanvier
Construction Engineer

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

www.jacksoncounty.org

July 9, 2019

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

RE: Annexation of portions of the
Ross Lane North rights-of-way - a County maintained road at these locations
Planning File: A-19-003

Dear Dustin:

Thank you for the opportunity to comment on consideration of a request for annexation to the City of Medford portions of the Ross Lane North rights-of-way from approximately 250 feet south of its intersection with Stearns Way to Highway 238 along with an approximate 730-foot portion of Highway 238. The current County zoning designation of Exclusive Farm Use will be changed to the City Single Family Residential, one dwelling unit per lot (SFR-00) zoning district. The property will be removed from the Medford Rural Fire Protection District 2. Jackson County Roads has the following comments:

1. As provided in the pending Ross Lane North Intergovernmental Agreement (IGA) between the City and the County, following annexation, City is required to request jurisdiction of these portions of Ross Lane North.

2. Jackson County Roads supports this annexation to the City of Medford.

3. Please contact the Oregon Department of Transportation for comments.

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

Sincerely,

Chuck DeJanvier, PE
Construction Engineer

I:\Engineering\Development\CITIES\MEDFORD\2019\A-19-003.docx

CITY OF MEDFORD
EXHIBIT # E
FILE # A-19-003

ROGUE VALLEY SEWER SERVICES

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

July 8, 2019

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

Re: A-19-003, Ross Lane Street Imp, Tax Lot 1200 & 1300, Map 372W23

ATTN: Dustin,

The subject property is within the RVSS service area. There are sewer facilities located along the city right-of-way to the north, east, and south of the property. The existing soccer field bathroom is connected to the sewer main on Barlynn Street to the south and the newly constructed Logos School is connected to the main along N Ross Lane. The proposed annexation will not affect any of these facilities and the existing system has adequate capacity for the proposed zoning. Future development must comply with RVSS standards.

Feel free to contact me with any questions.

Sincerely,

Nicholas R. Bakke, PE
District Engineer

K:\DATA\AGENCIES\MEDFORD\PLANNG\ANNEXATION\2019\A-19-003_ROSS LANE STREET IMP.DOC

CITY OF MEDFORD
EXHIBIT # F
FILE # A-19-003

MEDFORD
PLANNING

MEMORANDUM

To: Dustin Severs, Planner III

From: Liz Conner, CFM, Floodplain Coordinator LC

CC: File A-19-003

Date: July 30, 2019

Subject: Annexation Howard Memorial Park & Ross Lane Street Improvements

PROJECT DESCRIPTION

Consideration of a request for annexation to the City of Medford a portion of the North Ross Lane right-of-way from approximately 250 feet south of its intersection with Stearns Way to Highway 238; along with an approximate 730-foot portion of Highway 238 (Rossanley Drive), running east/west from the northerly terminus of North Ross Lane; and a 58.1-acre tract of land, containing two parcels, which includes the Howard Memorial Sports Park.

SITE CHARACTERISTICS

- EFU to SHR-00
- Ross Lane Drainage
- Special Flood Hazard Area Zone A
- FIRM panel 41029C1959F
- Between 11-10-1732P and 11-10-1570P LOMC's

FLOODPLAIN REGULATIONS

The property is currently within a mapped A zone with no Base Flood Elevation. Per the National Flood Insurance Program Regulations, any vertical structures and utilities shall comply with 44 CFR 60.3(b).

The Medford Floodplain regulations are found in Sections 9.701-9.707 of the Municipal Code. The sections pertaining to areas of special flood hazard without Base Flood Elevations (BFE) need to be reviewed and adhered to specifically, along with other relevant sections.

CITY OF MEDFORD
EXHIBIT # G
FILE # A-19-003

A Floodplain Development Permit is required prior to development in the Special Flood Hazard Areas. Development is broadly defined and includes, but is not limited to, grading, filling, paving, and construction of buildings.

Per Section 9.706 (C), encroachments into the SFHA shall be prohibited unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water-surface elevation of the base flood more than 1 foot at any point within the community.

FLOODPLAIN DEVELOPMENT PERMIT

Submit a floodplain development application and fee along with submittal requirements identified in Section 9.705 (C). An Elevation Certificate (EC) is required with the submittal of building permits for new commercial structures located in the special flood hazard area (one at the time of building permit submittal, one during construction, and one prior to certificate of occupancy).

Submit copies of all necessary permits from other governmental agencies from which approval is required prior to start of construction.

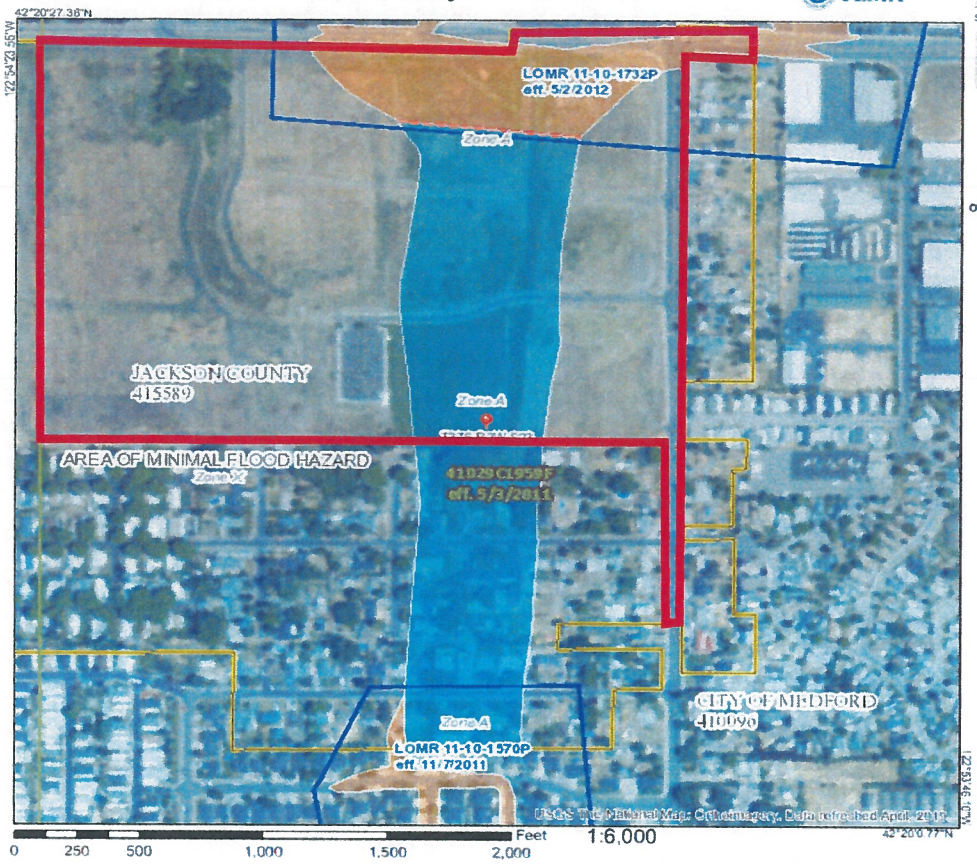
Construction shall be in compliance with applicable building and fire codes and floodplain regulations.

EXPIRATION OF FLOODPLAIN PERMIT

A floodplain Development Permit shall become invalid unless work is started within 180 days after its issuance. Extensions for periods of not more than 180 days each shall be requested in writing.

National Flood Hazard Layer FIRMette

FEMA



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS
- NO SCREEN Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- 20.2 / 17.9 Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- 97 Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS
- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 7/30/2019 at 6:27:21 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

RESOLUTION NO. 2010-154

A RESOLUTION requesting, subject to limitations, surrender by Jackson County to the City of Medford jurisdiction over Ross Lane North in areas from Main Street to Oregon State Highway 238, and West McAndrews Road.

WHEREAS, Ross Lane North, from Main Street to a point 251 feet, more or less, north of the centerline of Thorn Oak Drive, is completely within the city limits of the City of Medford (City); and

WHEREAS, Ross Lane North from a point 251 feet, more or less, north of the centerline of Thorn Oak Drive to Oregon State Highway 238, is currently outside the city limits of the City of Medford, but is completely within the Urban Growth Boundary; and

WHEREAS, West McAndrews Road from Engineer's Station 9+45 to 12+70 is completely within the city limits of the City of Medford; and

WHEREAS, Jackson County (County) presently has jurisdiction over Ross Lane North from Main Street to Oregon State Highway 238, and West McAndrews Road from Engineer's Station 9+45 to 12+70; and

WHEREAS, because of the geographical location of these roads, the costs of maintenance and improvements to these roads have become unduly burdensome to County; and

WHEREAS, County has awarded a contract for improvements of Ross Lane North from Main Street to Oregon State Highway 238, and West McAndrews Road from Engineer's Station 9+45 to 12+70; and

WHEREAS, the planned improvements are consistent with the City of Medford's Major Collector street standards; and

WHEREAS, it is in the best interest of City to accept jurisdiction of Ross Lane North and West McAndrews Road, within the city, from County upon satisfactory completion of the above road project; and

WHEREAS, the City has set conditions, limits, and timing for the transfer of jurisdiction of North Ross Lane and West McAndrews Road as described in this resolution; and

WHEREAS, pursuant to ORS 373.270(6)(a), the City initiates transfer of jurisdiction of Ross Lane North and West McAndrews Road on terms and conditions provided herein; now, therefore,

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

CITY OF MEDFORD
EXHIBIT # H
FILE # A-19-003

Section 1. The City Council of the City of Medford deems it necessary or expedient and for the interest of the City to acquire jurisdiction over County roads known as Ross Lane North and McAndrews Road or part thereof to the same extent as it has over other public streets and alleys of the city.

Section 2. Pursuant to ORS 373.270(6)(a), the City Council of the City of Medford requests County, by and through its Board of Commissioners pursuant to ORS 373.270(6)(b), to adopt an order surrendering jurisdiction of Ross Lane North and McAndrews Road as described herein, subject to the limitations described herein.

(A) The County shall perform street improvements on Ross Lane North from Main Street to Oregon Highway 238 and McAndrews Road, and construct a traffic signal at the intersection of Ross Lane North and McAndrews Road to standards acceptable to the City Engineer. The cost for these improvements, except as otherwise established by agreement, shall be borne by the County.

(B) The County shall install street lighting to City of Medford standards on the westerly side of Ross Lane North from Engineer's station 48+90 to 61+00. The cost for these improvements shall be borne by the County. The street lights will not be energized until jurisdiction has transferred to the City of Medford.

(C) The City shall, in agreement with officials from the Jackson County Road Department, agree to inspect the street lighting work required for the portion of Ross Lane North within the limits specified in 'B' above.

(D) The County, its contractors and subcontractors, if any, and all employers working under this agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all their subject workers.

(E) The County's contractor shall, throughout the term of the Contract, keep in force adequate bid bond and other insurance to guard against liability or other claims resulting from work performed. The County's contractor shall guarantee the work for a period of 1 year after completion.

(F) The County shall transfer all records and maps from the entire improvement project to the City, including Asset Values.

Section 3. Transfer of Jurisdiction. Upon completion of the improvements referenced in Section 2, and approval of the completed improvements by the City Engineer, City agrees to accept all right, title, and interest of the portion of Ross Lane North currently within the City Limits of the City of Medford, as described above, and that portion of McAndrews Road described above. Upon the project completion, acceptance, and jurisdictional transfer, the City is hereby solely responsible for all construction, improvements, repair, maintenance, levying and collection of assessments and control of access over the roads within the current City limits of

the City of Medford. The City shall have the same jurisdiction over the roads as by its charter and the laws of the State of Oregon are given or granted it over any of the public streets and alleys of the city.

The portion of Ross Lane North that is currently outside the City Limits of the City of Medford will remain under the jurisdiction of Jackson County until such time that the section outside the said current City Limits is annexed into the City of Medford. Specifically, when annexing a property fronting Ross Lane North, the City of Medford will annex the entire roadway width fronting said property.Upon such annexation, jurisdiction vests with the City and the City is thereafter solely responsible for all construction, improvements, repair, maintenance, levying and collection of assessments and control of access over the roads within said City Limits.

Section 4. Each party shall not be subject to claim, action, or liability arising in any manner whatsoever out of any act or omission, interruption, or cessation of services by the other party under this agreement. Each party shall not be liable or responsible for any direct, indirect special or consequential damages sustained by the other party to this agreement, including, but not limited to, delay, or interruption of business activities that may result in any manner whatsoever from any act or omission, interruption, or cessation of services.

Section 5. Subject to the limitations and conditions of the Oregon Tort Claims Act, ORS 30.260 et seq., and Article XI, Section 10 of the Oregon Constitution, each party shall be solely responsible for its own actions and/or failure to act and shall indemnify and hold the other party harmless from any liability, cost or damage arising therefrom. Provided, however, that neither party shall be required to indemnify the others for any claim, loss or liability arising solely out of the wrongful act of the others officers, employees or agents. The provisions of this paragraph shall survive the expiration or sooner termination of this agreement.

PASSED by the Council and signed by me in authentication of it passage this 1 day of July, 2010.

ATTEST: Glenda Owens
City Recorder

Mayor

City of Medford

Planning Department

Vicinity Map

File Number:

A-19-003

Project Name:

Annexation of Ross Lane

Map/Taxlot:

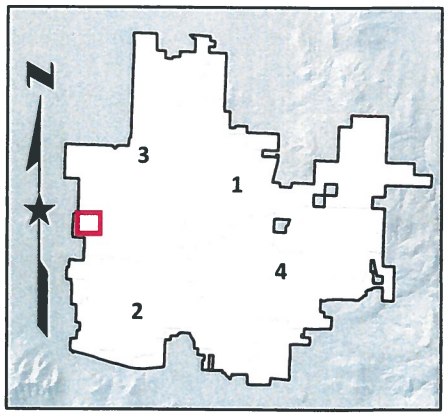
Various Properties

0 250 500 Feet

Legend

- Subject Area
- Zoning Districts
- Tax Lots

6/26/2019



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Item No: 80.1

AGENDA ITEM COMMENTARY

DEPARTMENT: City Manager
PHONE: (541) 774-2000
STAFF CONTACT: Brian Sjothun, City Manager

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: September 5, 2019

COUNCIL BILL 2019-97

An ordinance amending Section 2.050 of the Medford Municipal Code relating to Council meeting order of business.

SUMMARY AND BACKGROUND

Council is requested to consider an Ordinance amending Section 2.050 of the Medford Municipal Code (MMC) related to the Council meeting order of business.

PREVIOUS COUNCIL ACTIONS

On July 6, 2017, Council approved Council Bill 2017-75 amending Sections 2.005, 2.040, 2.045, 2.050, and 2.080 of the Medford Municipal Code pertaining to council procedures.

On May 18, 2017, Council directed staff to draft the necessary amendments to the Medford Municipal Codes to eliminate noon Council and study session meetings, change the evening meetings start time from 7:00 p.m. to 6:00 p.m. and restructure the order of business of the Council meeting to accommodate the changes.

On the February 2, 2017, Council Officers' agenda, the topic of desired ending time for the noon Council meeting was discussed. This item was reported to the Council at the February 2, 2017 noon meeting. There was general consensus from the Council for staff to bring back a proposal for consideration to potentially move all of Council business to an evening meeting and to eliminate the noon meeting.

ANALYSIS

In 2017, the general discussion behind eliminating the noon meeting and changing the order of business was an attempt to address two items. The first was the length of the noon meetings. There was a growing amount of business on the agenda during this time period, which caused the meetings to move past the normal 90-minute expectation for these meetings. The second item was in regards to possibly expanding the Council candidate pool. Moving all meetings to the evening times would eliminate the need for a Council member to have to take large chunks of time away from their Thursday work and business schedule.

In general, the changes made in 2017 have worked to the benefit of Council and staff. However, when meetings have a large number of employee and community group recognitions as well as public hearings, the Ordinances and Resolutions are pushed to the back of the meeting. These action items are truly the business of the Council and City. There are a number of non-department directors that are required to attend these meetings to speak on their agenda item if needed. With these business

actions at the end of the agenda, a number of staff are sometimes waiting to present staff reports if needed. This not only causes schedule issues, but also incurs overtime or compensatory time.
The proposed changes to the Council meeting order of business is as follows with changes highlighted:

- Roll Call
- Recognitions, community groups
- Oral Request and communications for the audience
- Approval or correction of the minutes of the preceding meeting
- Consent calendar
- Items removed from consent calendar
- Ordinances and Resolution
- Public Hearings
- Council Business
- Manager and staff reports
- Adjournment

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The exact financial benefit could not be calculated, but the proposed changes would reduce the amount of overtime that represented staff earn while required to attend the Council meetings. By moving the order of business, there will be less overtime paid or compensatory time accumulated.

TIMING ISSUES

There is no immediate timing issue. If approved, the new Council business order will begin with the October 3, 2019 meeting.

COUNCIL OPTIONS

Approve the ordinance as presented.
Modify the ordinance as presented.
Deny the ordinance and provide direction to staff

STAFF RECOMMENDATION

Staff recommends approval of the proposed ordinance.

SUGGESTED MOTION

I move to approve the ordinance adopting the changes to Medford Municipal Code 2.050 as presented.

EXHIBITS

Ordinance

ORDINANCE NO. 2019-97

AN ORDINANCE amending Section 2.050 of the Medford Municipal Code relating to Council meeting order of business.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 2.050 of the Medford Municipal Code is amended to read as follows:

2.050 **Order of Business**. The order of business at council meetings shall be as follows:

(a) Roll call
(b) Recognitions, community group reports
(c) Oral request and communications from the audience
(d) ~~Public Hearings~~ **Approval or correction of the minutes of the preceding meeting**
(e) ~~Approval or correction of the minutes of the preceding meeting~~ **Consent Calendar**
(f) ~~Consent calendar~~ **Items Removed from the consent calendar, if any**
(g) ~~Items removed from the consent calendar, if any~~ **Ordinances and Resolutions**
(h) ~~Ordinances and resolutions~~ **Public Hearings**
(i) Council Business (including propositions and remarks from the mayor and councilmembers)
(j) Manager and staff reports
(k) Adjournment

PASSED by the Council and signed by me in authentication of its passage this ___day of September, 2019.

ATTEST: _____ _____
City Recorder Mayor

APPROVED _____, 2019. _____
Mayor

NOTE: Matter in **bold** is new. Matter ~~struck out~~ is existing law to be omitted. Three asterisks (* * *) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.

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Item No: 100.2

AGENDA ITEM COMMENTARY

DEPARTMENT: Finance
PHONE: (541)-774-2030
STAFF CONTACT: Ryan Martin, CFO/Deputy City Mgr.

AGENDA SECTION: City Manager's Report
MEETING DATE: September 5, 2019

Revised June 25, 2019

MEDFORD
FINANCE

Council Vision Fund Request

Name

Date of Request

Description of Request (amount, purpose, timeline, etc.):

Which Council Goals are met by this request?

To Be Filled Out By Staff

Monies Available for Request?

Meets Council Goal(s)?

Date Council Meeting Scheduled:

AIC Assigned To:

17-19 Marijuana Taxes

Beginning	$1,300,000
Small Business	(5,000)
Fire Study	(150,000)
Reunification	(50,000)
Homeless Action Plan	(100,000)
Community Visioning	(200,000)
Addictions Recovery Center	(96,850)
Council Goals	(398,150)
Greenway Improvements	(300,000)
ENDING	**$0**

19-21 Marijuana Taxes

Beginning	$1,150,000
Council Goals	(850,000)
Public Safety Fee Decrease	(300,000)
ENDING	**$0**

Council Vision Funds Remaining	**1,248,150**