

PLANNING COMMISSION AGENDA JANUARY 10, 2019



Commission Members

David Culbertson
Joe Foley
Bill Mansfield
David McFadden
Mark McKechnie
E. J. McManus
Patrick Miranda
Jared Pulver

Regular Planning Commission meetings
are held on the second and fourth
Thursdays of every month
Meetings begin at 5:30 PM

City of Medford
City Council Chambers
411 W. Eighth Street, Third Floor
Medford, OR 97501
541-774-2380



Planning Commission

Agenda

Public Hearing

January 10, 2019

5:30 PM

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

10. Roll Call

20. Consent Calendar/Written Communications (voice vote)

20.1 LDS-18-149 / E-18-150 Final Orders of tentative plat approval for McKenzie Village, a proposed 25-lot residential subdivision, along with a request for an Exception for lot depth, on three contiguous parcels totaling 3.51-acres located north of Midway Road, west of Interstate 5, and east of Cummings Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (372W13AA TL 700/601 & 372W13AB TL 211). Applicant: Tom Malot Construction, Inc.; Agent: Richard Stevens & Associates; Planner: Dustin Severs.

20.2 LDS-18-155 / PUD-18-156 / ZC-18-157 / CUP-18-158 Final Orders of a Preliminary PUD Plan for the Middlefork Creek Planned Unit Development – Phases 1-7, which include requests for a tentative plat approval for a 105-lot residential subdivision; a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single Family Residential, four dwelling units per gross acre) on a 12.26-acre portion of the property and a 2.95-acre portion of the property, and a change of zone from SFR-00 to SFR-10 (Single Family Residential, ten dwelling units per gross acre) on a 12.61-acre portion of the property; and a Conditional Use Permit (CUP) in order to locate shared use paths and storm drain facilities within the Riparian Corridors of Larson Creek. The property totals 27.82-acres and is located south of East Barnett Road, east of North Phoenix Road, and abuts Coal Mine Road along its southerly boundary; is within the Southeast (SE) Overlay District, and is currently zoned SFR-00 (371W34300). Applicant: Southeast View LLC; Agent: Neathamer Surveying; Planner: Dustin Severs.

30. Minutes

30.1 Consideration for approval of minutes from the December 27, 2018, hearing.

40. Oral and Written Requests and Communications

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

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.

50. Public Hearings

Comments are limited to a total of 10 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. All others will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. **PLEASE SIGN IN.**

Continuance Request

- 50.1 **LDS-18-160** Consideration of a tentative plat for a six lot subdivision on approximately 3.08 acres within the SFR-2 (Single Family Residential – 2 dwelling units per gross acre) zoning district, located on Roxy Ann Road directly south of Autumn Park Drive (371W23DD TL 1800). Applicant: Rita Vinatieri; Agent: Neathamer Surveying Inc; Planner: Liz Conner. **The applicant has requested to continue this item to the Thursday, January 24, 2019 Planning Commission meeting.**
- 50.2 **LDS-18-153** Consideration of a request to revise the tentative plat of Phases 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A and 7B of the “High Cedars at Cedar Landing a Planned Community”. The project area is located south of Cedar Links Drive and west of Foothill Road within the SFR-4/PD (Single Family Residential four dwelling units per gross acre/Planned Development Overlay) zone. (371W16CA, TL 2200-2206, 371W16D, TL 7000-7005). Applicant: Cedar Landing Development LLC; Agent: CSA Planning Ltd.; Planner: Liz Conner. **The applicant has requested to continue this item to the Thursday, January 24, 2019 Planning Commission meeting.**

New Business

- 50.3 **LDS-18-163** Consideration of tentative plat approval for April’s Meadow Subdivision, a proposed 4-lot residential subdivision on a 1.44-acre parcel located at 2570 Springbrook Road in the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district (371W17BD400). Applicant: Sidney & Linda Lumpkin; Agent: Farber Surveying; Planner: Dustin Severs.
- 50.4 **CUP-18-159** Consideration of a request for a Conditional Use Permit (CUP) to allow for the operation of Temporary Shelter within the existing Maslow Project Resource Center on a 0.85 acre parcel located at 500 Monroe Street in a SFR-10 (Single Family Residential – 6 to 10 dwelling units per gross acre) zoning district (371W30CC7800). Applicant: Maslow Project; Agent: CSA Planning; Planner: Steffen Roennfeldt.

60. Reports

- 60.1 Site Plan and Architectural Commission
- 60.2 Planning Department

70. Messages and Papers from the Chair

80. Remarks from the City Attorney

90. Propositions and Remarks from the Commission

100. Adjournment

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

IN THE MATTER OF TENTATIVE PLAT APPROVAL OF

MCKENZIE VILLAGE SUBDIVISION

[LDS-18-149]

)
)
) ORDER

ORDER granting approval of a request for tentative plat for *McKenzie Village Subdivision*, described as follows:

A proposed 25-lot residential subdivision, along with a request for an Exception for lot depth, on three contiguous parcels totaling 3.51-acres located north of Midway Road, west of Interstate 5, and east of Cummings Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (372W13AA TL 700/601 & 372W13AB TL 211).

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Section 10.202; and
2. The Medford Planning Commission has duly held a public hearing on the request for tentative plat for *McKenzie Village Subdivision*, as described above, with the public hearing a matter of record of the Planning Commission on December 27, 2018.
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat for *McKenzie Village Subdivision*, as described above and directed staff to prepare a final order with all conditions and findings set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for *McKenzie Village Subdivision*, stands approved per the Planning Commission Report dated December 27, 2018, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Planning Commission Report dated December 27, 2018.

BASED UPON THE ABOVE, the Planning Commission determined that the tentative plat is in conformity with the provisions of law and Section 10.202(E) Land Division Criteria of the Land Development Code of the City of Medford.

Accepted and approved this 10th day of January, 2019.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative

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

IN THE MATTER OF APPROVAL OF AN EXCEPTION FOR)
)
MCKENZIE VILLAGE SUBDIVISION [E-18-150]) ORDER

ORDER granting approval for a request of an exception for *McKenzie Village Subdivision*, as described below:

a request for an Exception for lot depth, on three contiguous parcels totaling 3.51-acres located north of Midway Road, west of Interstate 5, and east of Cummings Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (372W13AA TL 700/601 & 372W13AB TL 211), along with tentative plat approval for McKenzie Village, a proposed 25-lot residential subdivision.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.186; and
2. The Medford Planning Commission has duly held a public hearing on the exception for *McKenzie Village Subdivision*, as described above, with the public hearing a matter of record of the Planning Commission on December 27, 2018.
3. At the public hearing on said exception, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted exception approval and directed staff to prepare a final order with all conditions and findings set forth for the granting of the exception approval.

THEREFORE LET IT BE HEREBY ORDERED that the exception for McKenzie Village Subdivision, as described above, stands approved per the Planning Commission Report dated December 27, 2018, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for exception approval is hereafter supported by the findings referenced in the Planning Commission Report dated December 27, 2018.

BASED UPON THE ABOVE, the Planning Commission determined that the exception is in conformity with the provisions of law and Section 10.186(B) criteria for an exception of the Land Development Code of the City of Medford.

Accepted and approved this 10th day of January, 2019.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

PLANNING COMMISSION REPORT

for a type-III quasi-judicial decision: *Land Division & Exception*

PROJECT McKenzie Village
Applicant: Tom Malot Construction, Inc.
Agent: Richard Stevens & Associates

FILE NO. LDS-18-149 / E-18-150

DATE December 27, 2018

BACKGROUND

Proposal

Consideration of tentative plat approval for McKenzie Village, a proposed 25-lot residential subdivision, along with a request for an Exception for lot depth, on three contiguous parcels totaling 3.51-acres located north of Midway Road, west of Interstate 5, and east of Cummings Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district.

Vicinity Map



Subject Site Characteristics

Zoning: SFR-10 (Single-Family Residential, ten dwelling units per gross acre)
GLUP: UR (Urban Residential)
Overlay(s): AC (Airport Area of Concern)
Use(s): Vacant

Surrounding Site Characteristics

North Zone: SFR-10
Use(s): Residential subdivision (Forette Place)
South Zone: SFR-10 & P-1 (Public Parks)
Use(s): Residential Subdivision (Midway Park)
East Zone: SFR-00 (Single Family Residential, one dwelling unit per lot) & P-1
Use(s): I-5
West Zone: SFR-10
Use(s): Residential subdivision (Cummings Place)

Related Projects

ZC-03-255 zone change going from County zoning to SFR-10
PLA-17-060 property line adjustment

Applicable Criteria

MLDC 10.202(E): Land Division Criteria

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

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;*
- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;*
- (3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the*

applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;

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

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

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

MLDC 10.186: Exception

(A) Exception, Purpose.

The purpose of this section is to empower the approving authority to vary or adapt the strict application of the public improvement and site development standards as contained in Article III, Sections 10.349 through 10.361, and 10.370 through 10.385, as well as Articles IV and V of this chapter. Exceptions may be appropriate for reasons of:

- (1) exceptional narrowness or shape of a parcel; or
- (2) exceptional topographic conditions; or
- (3) extraordinary and exceptional building restrictions on a piece of property; or
- (4) if strict applications of the public improvement or site development standards in the above-referenced Articles would result in peculiar, exceptional, and undue hardship on the owner.

(B) Criteria for an Exception.

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

- (1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception_request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met.
- (2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.
- (3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.

(4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

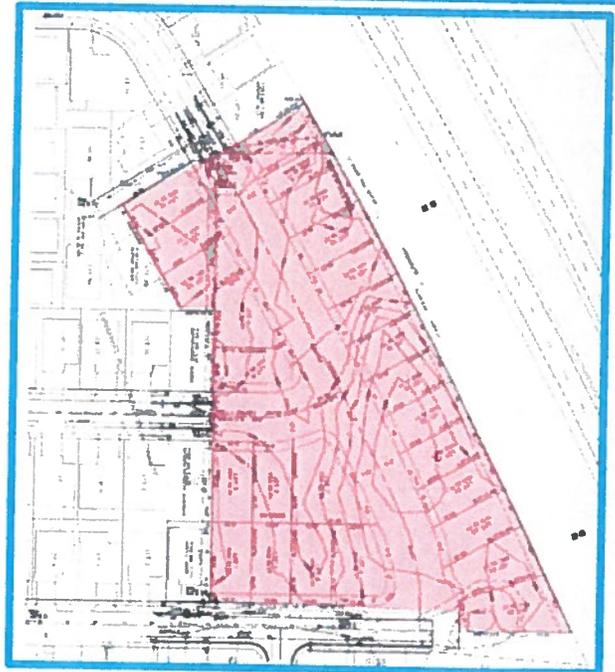
ISSUES AND ANALYSIS

Project Summary

The subject property totals 3.51 acres of vacant land, and is largely encompassed by existing neighborhoods of single-family residential subdivisions, including Cummings Place Subdivision to the west of the site, Midway Park Subdivision to the south, and Forette Place to the north. The subject site is also bounded by I-5 along its easterly boundary, and Midway Road – a Minor Residential street – along its southerly boundary.

The applicant is proposing a 25-lot residential subdivision with the development of the site with the submitted tentative plat showing a lot layout expanding on the existing residential subdivisions in which are adjacent to the site. The applicant will be completing three existing streets, which currently abut the site: the north side of Midway Road, running along the site's southerly boundary, will be improved to Minor Residential street standards, including an 8-foot park strip and a 5-foot sidewalk; Isabell Drive, which is currently stubbed at the site's easterly boundary, will be constructed to Minor Residential street standards, and extended to Reanna Way; and Reanna Way, currently stubbed at the site's northerly boundary, will be extended south to Midway Road, and constructed to Minor Residential street standards.

The applicant is also requesting an Exception from lot depth requirements. Pursuant to MLDC 10.114, the proposed 25-lot residential subdivision and the Exception request may be heard concurrently, and the Planning Commission is the authorized approving authority for both land use reviews, as per MLDC 10.108(1).



Density

Density Table

SFR-10	Allowed	Shown
Min. /Max. Density <i>6.0 to 10.0 dwelling units per gross acre</i>	22 min. / 36 max.	25 lots

As shown on the Density Table above, based on 3.64 gross acres of land, the creation of 25 lots, as identified on the submitted tentative plat, falls within the minimum/maximum range permitted for the SFR-10 zoning district as per MLDC 10.710.

Development Standards

Site Development Table (MLDC 10.710)

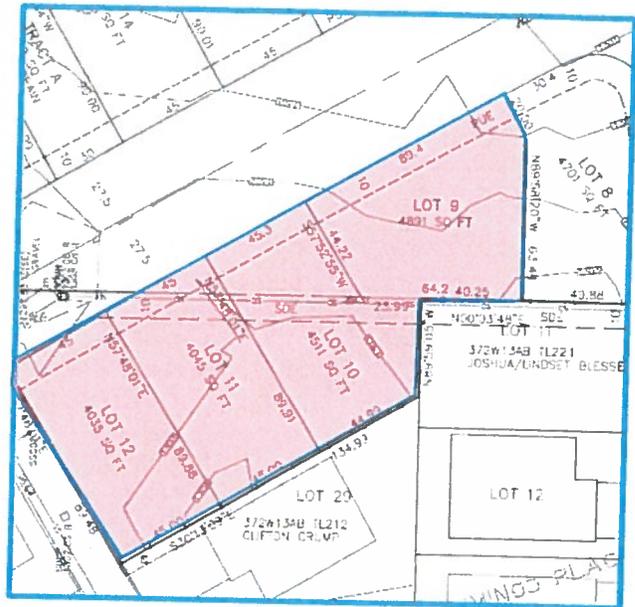
SFR-10	Lot Area	Min. lot Width (Interior)	Min. lot Width (Corner)	Min. lot Depth	Min. Lot Frontage
Required	3,600 to 8,125	40 feet	50 feet	90 feet	30 feet
Shown	4,035 to 7,200	+ 40 feet	+ 50 feet	-90 feet (lot 9-12)	+ 30 feet

As shown in the Site Development Table above, it can be found that, with the exception of lot depth for lots 9-12, the 25 proposed lots identified on the submitted tentative plat meet all the dimensional standards for the SFR-10 zoning district as found in Article V of the Medford Land Development Code.

Exception

SFR-10	Min. lot Depth: 90 feet
Lot 9	62 feet
Lot 10	89.91 feet
Lot 11	89.88 feet
Lot 12	89.48 feet

The applicant is requesting an exception from meeting the minimum lot depth standard of the Code for lots 9-12, as identified on the tentative plat. Pursuant to MLDC 10.710, the SFR-10 zoning district requires a minimum depth of 90 feet for all newly created lots. While lots 10-12 are only inches from meeting the minimum, lot 9 is short by 28 feet. All four lots meet all other dimensional standards of the Code (e.g., area, width, frontage). It is the applicant's responsibility to effectively demonstrate in their submitted findings that there are circumstances unique to the physical characteristics of the site which do not apply elsewhere in the City, and which constitute an undue hardship on the owner.



The applicants submitted findings state the following:

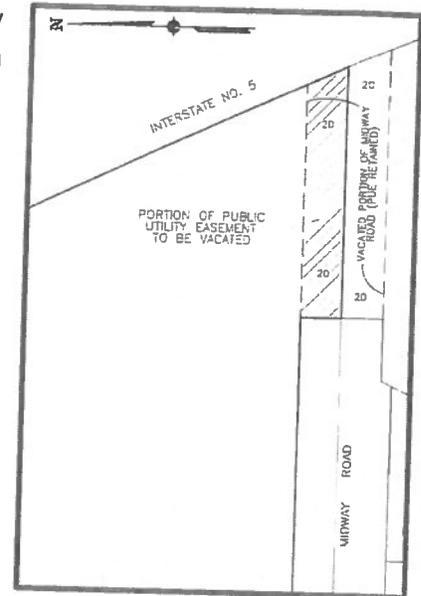
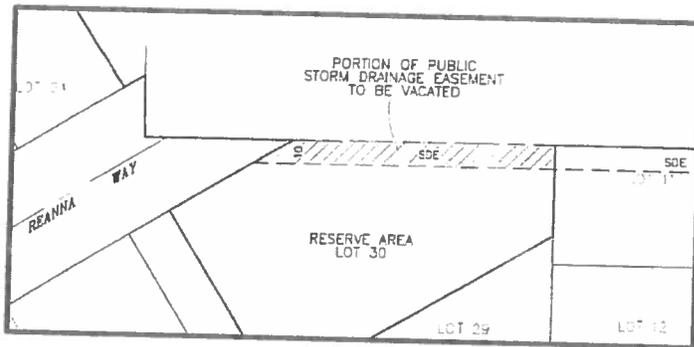
The unusual circumstances with this proposal is the presence of I-5 at an angle with the project area and the existing urban residential development (Cummings Place) on lands to the west. Meeting all of the minimum requirements is not feasible along the frontage of Reanna Way, north of Isabell Drive. Insufficient area exists to meet the standards; therefore, this request is being made. It was determined that maintaining the lot depths adjacent to I-5 and also meeting the right-of-way standards for a minor residential street was in the best interest of the neighborhood. This subdivision can be defined as an infill project that completes road connectivity in the vicinity with a planned street system. Due to the existing constraints with lots 9-12 it is not feasible to meet the lot depth standard and a hardship on the owner would exist without an exception to the lot depth.

Staff concurs with the applicant's findings. Infill developments on vacant/developable land are often constrained by historic development patterns, making it difficult to plat a site to maximum density while meeting all applicable dimensional standards of the Code. In the interest of promoting greater housing density and efficient use of land within the City – as identified in the *Housing Element* of the *Medford Comprehensive Plan* and Goal 10 of the *Oregon Statewide Planning Goals* – allowing exceptions for infill projects that do not adhere to the strict standards of the Code in meeting lot size standards is often necessary in order to accommodate needed population growth within the City's existing urban growth boundary. It is further staff's view that the infill nature of the subject development constitutes an exceptional circumstance of the property, and that given the slight relief requested by the applicant, an exception can be granted in keeping with the purpose and intent of the Code in created parcels that provide adequate spacing for the type of housing units permitted within the SFR-10 zoning district.

Easements

Maps of survey submitted by the applicant (Exhibit I) identify two separate public easements currently located on the site: a 10-foot public storm drainage easement running through lots 10-12, and a 20-foot public utility easement at the site's southeast corner.

As a condition of approval, the applicant will be required to gain approval for the vacation of the public easements identified on the submitted maps of survey (Exhibit I), prior to final plat approval.



Facility Adequacy

Per the agency comments submitted to staff (Exhibits E-G), it can be found that there are adequate facilities to serve the future development of the site.

Other Agency Comments

Oregon Department of Transportation (ODOT) (Exhibit H)

Per the email submitted to staff, ODOT requires the following:

- Any work within the state right of way will require a permit.
- ODOT will need to review and approve hydro calculations for the proposed development.

The applicant will be required to comply with all applicable requirements of the Oregon Department of Transportation, prior to final plat approval.

Committee Comments

No comments were received from a committee, such as BPAC.

DECISION

At the public hearing held on December 27, 2018, the Commission voted unanimously to approve the request while adding a neighbor letter, which had been received by staff on December 24, 2018, into the record as Exhibit J.

FINDINGS AND CONCLUSIONS

Land Division

Staff finds the subdivision plat consistent with the Comprehensive Plan and all applicable design standards set forth in Articles IV and V. Furthermore, the subdivision will not prevent development of the remainder of the property under the same ownership or of adjoining land; bears a name (McKenzie Village) that has been reviewed and approved by the City's Address Technician; the plat includes the creation of streets, which are laid out to be consistent with existing and planned streets of the adjoining properties; and criterion 5-6 are inapplicable.

Exception

Staff finds that the approval of the exception request is in harmony with the general purpose and intent of the SFR-10 zoning district, and will not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources; will not permit the establishment of a use which is not permitted in the SFR-10 zoning district; the exceptional shape of the property combined with the infill nature of the development constitutes a unique or unusual circumstance which applies to the site which does not apply elsewhere in the City, and would thereby result in an undue hardship on the owner; and the need for the exception is not the result of an illegal act.

Staff recommends that the Commission adopt the Findings of Fact as recommended by staff.

ACTION TAKEN

Adopted the findings as recommended by staff and directed staff to prepare a Final Order for approval of LDS-18-149 & E-18-150 per the Planning Commission Report dated December 27, 2018, including Exhibits A through J.

EXHIBITS

- A Conditions of Approval, dated December 20, 2018.
- B Tentative Plat, received December 5, 2018.
- C Conceptual Grading & Drainage Plan, received November 9, 2018.
- D Applicant's Findings of Fact, received December 5, 2017.
- E Public Works Staff Report, received December 5, 2018.
- F Medford Water Commission memo & associated map, received December 5, 2018.
- G Medford Fire Department Report, received December 5, 2018.
- H Oregon Department of Transportation (ODOT), November 27, 2018.
- I Survey maps showing vacation areas (1 of 2), dated December 5, 2018.

- J Neighbor Letter, received December 24, 2018.**
Vicinity map

MEDFORD PLANNING COMMISSION

Patrick Miranda, Chair

PLANNING COMMISSION AGENDA:

DECEMBER 27, 2018
JANUARY 10, 2019

RECEIVED

DEC 24 2018

PLANNING DEPT.

To: Medford Planning Commission
Re: Proposed McKenzie Village Subdivision
Date: December 24, 2018

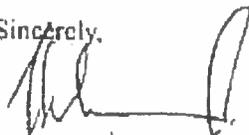
As a resident of Cummings Lane, I wish to testify regarding the proposed McKenzie Village subdivision, close to my residence.

On one hand, the proposed development will provide some benefits to nearby residents. The required ten foot block wall to the east will reduce traffic noise from the interstate highway nearby, and construction should lessen worries about the fire hazards the long, dry grass there has presented in previous summers.

However, residents of houses and apartments on Cummings Lane, Midway Road, Isabel Road, Reanna Way, and Brae Drive have only one exit. All vehicles and pedestrians enter and leave the area via Midway Road, which is currently barely adequate for all this traffic. Midway Road is a narrow, unstriped street without sidewalks. Middle school and high school students are picked up and dropped off by school buses on the corner of Midway and Table Rock Roads. Students walk down Midway Road to or from the bus, congesting an already crowded street. Large trucks make regular deliveries to Table Rock Memory Care on Midway Road and park in the street for those deliveries. McKenzie Village will add 25 houses and around 250 vehicle trips daily to this already busy road.

The problem is not with McKenzie Village but with the addition of yet more traffic to an already dangerously congested street. I am aware that Medford has applied for a state grant to provide sidewalks on one side of Midway Road, but, given the outside chance of full funding, I urge the city to address this situation immediately. To do otherwise, lays the city open to the charge that it is willing to approve new development while withholding appropriate and necessary services.

Sincerely,



Hedley W. Bond
2805 Cummings Lane
Medford, OR 97501

CITY OF MEDFORD
EXHIBIT # J
FILE # LDS-18-149/E-18-150

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

IN THE MATTER OF TENTATIVE PLAT APPROVAL OF) ORDER
MIDDLEFORK CREEK PLANNED UNIT DEVELOPMENT (PUD) [LDS-18-155])

ORDER granting approval of a request for tentative plat for *Middlefork Creek PUD*, described as follows:

A Preliminary PUD Plan for the Middlefork Creek Planned Unit Development – Phases 1-7, which include requests for a tentative plat approval for a 105-lot residential subdivision; a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single Family Residential, four dwelling units per gross acre) on a 12.26-acre portion of the property and a 2.95-acre portion of the property, and a change of zone from SFR-00 to SFR-10 (Single Family Residential, ten dwelling units per gross acre) on a 12.61-acre portion of the property; and a Conditional Use Permit (CUP) in order to locate shared use paths and storm drain facilities within the Riparian Corridors of Larson Creek. The property totals 27.82-acres and is located south of East Barnett Road, east of North Phoenix Road, and abuts Coal Mine Road along its southerly boundary; is within the Southeast (SE) Overlay District, and is currently zoned SFR-00 (371W34300).

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Section 10.202; and
2. The Medford Planning Commission has duly held a public hearing on the request for tentative plat for *Middlefork Creek PUD*, as described above, with the public hearing a matter of record of the Planning Commission on December 27, 2018.
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat approval for *Middlefork Creek PUD*, as described above and directed staff to prepare a final order with all conditions and findings set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for *Middlefork Creek PUD*, stands approved per the Planning Commission Report dated December 27, 2018, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Planning Commission Report dated December 27, 2018.

BASED UPON THE ABOVE, the Planning Commission determined that the tentative plat is in conformity with the provisions of law and Section 10.202(E) Land Division Criteria of the Land Development Code of the City of Medford.

Accepted and approved this 10th day of January, 2019.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative

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

IN THE MATTER OF PLANNING COMMISSION FILE PUD-18-156 APPLICATION)
FOR A PLANNED UNIT DEVELOPMENT SUBMITTED BY SOUTHEAST VIEW LLC) ORDER

ORDER granting approval of a preliminary PUD plan for *Middlefork Creek*, described as follows:

A Preliminary PUD Plan for the Middlefork Creek Planned Unit Development – Phases 1-7, which include requests for a tentative plat approval for a 105-lot residential subdivision; a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single Family Residential, four dwelling units per gross acre) on a 12.26-acre portion of the property and a 2.95-acre portion of the property, and a change of zone from SFR-00 to SFR-10 (Single Family Residential, ten dwelling units per gross acre) on a 12.61-acre portion of the property; and a Conditional Use Permit (CUP) in order to locate shared use paths and storm drain facilities within the Riparian Corridors of Larson Creek. The property totals 27.82-acres and is located south of East Barnett Road, east of North Phoenix Road, and abuts Coal Mine Road along its southerly boundary; is within the Southeast (SE) Overlay District, and is currently zoned SFR-00 (371W34300).

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.190 Application and Approval Provision, and
2. The Medford Planning Commission has duly held a public hearing on the matter of an application for approval of a preliminary PUD plan for *Middlefork Creek*, as described above, with a public hearing a matter of record of the Planning Commission on December 27, 2018.
3. At the public hearing on said application, evidence and recommendations were received and presented by the applicant's representative and Planning Department staff; and
4. At the conclusion of said public hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded, granted preliminary plan approval for a Planned Unit Development for *Middlefork Creek*, as described above, 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 for approval of a preliminary PUD plan for *Middlefork Creek*, as described above, stands approved subject to compliance with the conditions stated in the Planning Commission Report dated December 27, 2018.

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, for *Middlefork Creek*, as described above is hereafter supported by the findings adopted by the Planning Commission and any additional findings contained in the Planning Commission Report dated December 27, 2018.

Accepted and approved this 10th day of January, 2019.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative

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

IN THE MATTER OF PLANNING COMMISSION FILE ZC-18-157)
APPLICATION FOR A ZONE CHANGE SUBMITTED BY SOUTHEAST VIEW LLC) **ORDER**

ORDER granting approval with conditions of a request for concurrent consideration of A Preliminary PUD Plan for the Middlefork Creek Planned Unit Development – Phases 1-7, which include requests for a tentative plat approval for a 105-lot residential subdivision; a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single Family Residential, four dwelling units per gross acre) on a 12.26-acre portion of the property and a 2.95-acre portion of the property, and a change of zone from SFR-00 to SFR-10 (Single Family Residential, ten dwelling units per gross acre) on a 12.61-acre portion of the property; and a Conditional Use Permit (CUP) in order to locate shared use paths and storm drain facilities within the Riparian Corridors of Larson Creek. The property totals 27.82-acres and is located south of East Barnett Road, east of North Phoenix Road, and abuts Coal Mine Road along its southerly boundary; is within the Southeast (SE) Overlay District, and is currently zoned SFR-00.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below, within corporate limits of the City of Medford; and

WHEREAS, the City Planning Commission has given notice of, and held a public hearing, and, after considering all the evidence presented, finds that the zone change is supported by, and hereby adopts the Planning Commission Report dated December 27, 2018, and the Findings contained therein – Exhibit “A,” and Legal Description – Exhibit “B” attached hereto and hereby incorporated by reference; now, therefore,

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

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

37 1W 34 Tax Lot 300

is hereby changed from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single Family Residential, four dwelling units per gross acre) on a 12.26-acre portion of the property and a 2.95-acre portion of the property, and a change of zone from SFR-00 to SFR-10 (Single Family Residential, ten dwelling units per gross acre) on a 12.61-acre portion of the property.

Accepted and approved this 10th day of January, 2019.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative

EXHIBIT "B"

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

PARCEL I: (TL 1100)

COMMENCING AT THE SOUTHWEST CORNER OF DONATION LAND CLAIM NO. 58 IN TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON, THENCE SOUTH 13°29'35" WEST, ALONG THE CENTERLINE OF THE MEDFORD-PHOENIX COUNTY ROAD, 1039.43 FEET; THENCE SOUTH 89°39'25" EAST 1342.77 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°39'25" EAST 320.50 FEET TO THE EAST LINE OF TRACT DESCRIBED IN DEED RECORDED IN VOLUME 375, PAGE 252 OF THE DEED RECORDS OF JACKSON COUNTY, OREGON; THENCE SOUTH 0°13'55" WEST, ALONG SAID LINE, 60.00 FEET; THENCE NORTH 89°39'25" WEST 320.50 FEET TO THE SOUTHEAST CORNER OF TRACT DESCRIBED IN DEED RECORDED AS NO. 68-11843 OF THE OFFICIAL RECORDS OF JACKSON COUNTY, OREGON; THENCE NORTH 0°13'55" EAST 60.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL II: (TL 300 + 1200)

BEGINNING AT THE QUARTER SECTION CORNER COMMON TO SECTIONS 27 AND 34, BEING SOUTH 334.62 FEET FROM THE SOUTHEAST CORNER OF DONATION LAND CLAIM NO. 58 IN TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON; THENCE SOUTH 89°43' EAST 541.1 FEET; THENCE SOUTH 3442.7 FEET TO THE NORTH LINE OF THE COUNTY ROAD; THENCE ALONG SAID ROAD LINE, SOUTH 89°56' WEST 977.1 FEET; THENCE NORTH 254.9 FEET; THENCE NORTH 60°52' WEST 195.2 FEET TO THE EAST LINE OF TRACT DESCRIBED IN VOLUME 375, PAGE 252 OF THE DEED RECORDS OF JACKSON COUNTY, OREGON; THENCE ALONG SAID EAST LINE, NORTH 2749.0 FEET TO THE SOUTHWEST CORNER OF TRACT DESCRIBED IN VOLUME 394, PAGE 409, SAID DEED RECORDS; THENCE EAST ALONG THE SOUTH LINE OF SAID TRACT, 557.3 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 377.26 FEET; THENCE EAST 63.1 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO JACKSON COUNTY, OREGON, BY INSTRUMENT RECORDED MAY 17, 1965 IN VOLUME 587, PAGE 134 OF THE DEED RECORDS OF JACKSON COUNTY, OREGON, FOR THE BARNETT ROAD EXTENSION.

ALSO EXCEPTING THEREFROM THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF DONATION LAND CLAIM NO. 57 IN SECTION 34 IN TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON; THENCE NORTH 89° 50' 15" WEST, ALONG THE SOUTH LINE OF SAID CLAIM 1213.15 FEET; THENCE NORTH 0° 15' 50" EAST 1059.74 FEET TO A 5/8" IRON BAR FOR THE TRUE POINT OF BEGINNING; THENCE NORTH 89° 49' 30" WEST 265.10 FEET; THENCE NORTH 0° 15' 50" EAST 134.70 FEET; THENCE SOUTH 79° 10' 30" WEST 108.20 FEET; THENCE NORTH 74° 04' 30" WEST 193.58 FEET TO THE EAST LINE OF TRACT DESCRIBED IN VOLUME 375, PAGE 252 OF THE DEED RECORDS, JACKSON COUNTY, OREGON; THENCE, ALONG SAID EAST LINE NORTH 0° 15' 50" EAST 1059.66 FEET; THENCE NORTH 89° 43' 45" EAST 557.93 FEET; THENCE SOUTH 0° 15' 50" WEST 1230.59 FEET TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF DONATION LAND CLAIM NO. 57 IN TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON; THENCE NORTH 89° 50' 15" WEST, ALONG THE SOUTH LINE OF SAID CLAIM 1213.15 FEET; THENCE NORTH 0° 15' 50" EAST 20.0 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 0° 15' 50" EAST 1039.74 FEET; THENCE NORTH 89° 49' 30" WEST 265.10 FEET; THENCE NORTH 0° 15' 50" EAST 134.70 FEET; THENCE SOUTH 79° 10' 30" WEST 108.20 FEET; THENCE NORTH 74° 04' 30" WEST 193.58 FEET TO THE EAST LINE OF TRACT DESCRIBED IN VOLUME 375, PAGE 252 OF THE DEED RECORDS OF JACKSON COUNTY, OREGON; THENCE SOUTH 0° 15' 50" WEST, ALONG SAID EAST LINE 887.56 FEET TO THE NORTHWEST CORNER OF TRACT DESCRIBED IN VOLUME 552, PAGE 283 OF SAID DEED RECORDS; THENCE ALONG THE NORTHERLY LINE OF SAID TRACT SOUTH 70° 30' 10" EAST 126.34 FEET (RECORD SOUTH 60° 52' EAST 127.54 FEET) TO THE NORTHEAST CORNER OF SAID TRACT; THENCE SOUTH, ALONG THE EAST LINE OF SAID TRACT 277.07 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF COAL MINE ROAD; THENCE SOUTH 89° 50' 15" EAST, ALONG SAID NORTHERLY LINE 436.86 FEET TO THE TRUE POINT OF BEGINNING.

NOTE: This Legal Description was created prior to January 01, 2008.

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

IN THE MATTER OF PLANNING COMMISSION FILE CUP-18-158 APPLICATION FOR A)
CONDITIONAL USE PERMIT SUBMITTED BY SOUTHEAST VIEW LLC) **ORDER**

ORDER granting approval of a request for a conditional use permit for *Middlefork Creek PUD*, described as follows:

A Preliminary PUD Plan for the Middlefork Creek Planned Unit Development – Phases 1-7, which include requests for a tentative plat approval for a 105-lot residential subdivision; a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single Family Residential, four dwelling units per gross acre) on a 12.26-acre portion of the property and a 2.95-acre portion of the property, and a change of zone from SFR-00 to SFR-10 (Single Family Residential, ten dwelling units per gross acre) on a 12.61-acre portion of the property; and a Conditional Use Permit (CUP) in order to locate shared use paths and storm drain facilities within the Riparian Corridors of Larson Creek. The property totals 27.82-acres and is located south of East Barnett Road, east of North Phoenix Road, and abuts Coal Mine Road along its southerly boundary; is within the Southeast (SE) Overlay District, and is currently zoned SFR-00 (371W34300).

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.184; and,
2. The Medford Planning Commission has duly held a public hearing on the matter of an application for a conditional use permit for *Middlefork Creek PUD*, as described above, with a public hearing a matter of record of the Planning Commission on December 27, 2018.
3. At the public hearing on said application, evidence and recommendations were received and presented by the applicant's representative and Planning Department staff; and,
4. At the conclusion of said public hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded, granted a conditional use permit for *Middlefork Creek PUD*, as described above.

THEREFORE LET IT BE HEREBY ORDERED that the application for *Middlefork Creek PUD*, as described above, stands approved in accordance per the Planning Commission Report dated December 27, 2018.

AND LET IT FURTHER BE OF RECORD that the action of the Planning Commission in approving this request for *Middlefork Creek PUD*, as described above, is hereafter supported by the findings referenced in the Planning Commission Report dated December 27, 2018.

Accepted and approved this 10th day of January, 2019.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

PLANNING COMMISSION REPORT

for a Type-III quasi-judicial decision: PUD, Land Division, Zone Change, & Conditional Use Permit

PROJECT Middlefork Creek PUD
Applicant: South View LLC.
Agent: Neathamer Surveying, Inc.

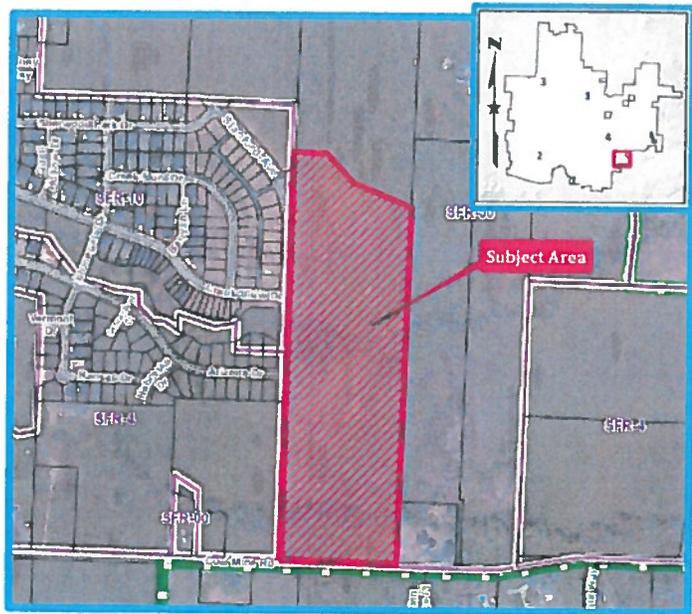
FILE NO. PUD-18-156/LDS-18-155/ZC-18-157/CUP-18-158

DATE December 27, 2018

BACKGROUND

Proposal

Consideration of a Preliminary PUD Plan for the Middlefork Creek Planned Unit Development – Phases 1-7, which include requests for a tentative plat approval for a 105-lot residential subdivision; a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single Family Residential, four dwelling units per gross acre) on a 12.26-acre portion of the property and a 2.95-acre portion of the property, and a change of zone from SFR-00 to SFR-10 (Single Family Residential, ten dwelling units per gross acre) on a 12.61-acre portion of the property; and a Conditional Use Permit (CUP) in order to locate shared use paths and storm drain facilities within the Riparian Corridors of Larson Creek. The property totals 27.82-acres and is located south of East Barnett Road, east of North Phoenix Road, and abuts Coal Mine Road along its southerly boundary; is within the Southeast (SE) Overlay District, and is currently zoned SFR-00 (371W34300).



Subject Site Characteristics

Zoning: SFR-00 (Single Family Residential – one dwelling unit per gross acre)
GLUP: UR (Urban Residential)
Overlay: SE (Southeast)
Use(s): Vacant land

Surrounding Site Characteristics

North Zone: SFR-00
Uses: Vacant land

South Zone: Jackson County RR-5
Uses: Single Family Residences

East Zone: SFR-00
Uses: Vacant land

West Zone: SFR-10 & SFR-4
Uses: Stonegate Estates Subdivision

Applicable Criteria

Planned Unit Development, §10.235(D)

The Planning Commission shall approve a Preliminary PUD if it concludes that compliance exists with each of the following criteria:

1. *The proposed PUD:*
 - a. *preserves an important natural feature of the land, or*
 - b. *includes a mixture of residential and commercial land uses, or*
 - c. *includes a mixture of housing types in residential areas, or*
 - d. *includes open space, common areas, or other elements intended for common use or ownership, or*
 - e. *is otherwise required by the Medford Land Development Code.*
2. *The proposed PUD complies with the applicable requirements of this Code, or*
 - a. *the proposed modified applications of the Code are necessary for the project to be consistent with the criteria in Section 10.235(C)(1)(a-e), and*
 - b. *the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and*

approval of the PUD shall also be subject to compliance with the substantive approval criteria in Article II for each of the additional development applications.

Zone Change Approval Criteria, §10.204

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

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

(B) Zone Change Approval Criteria.

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

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

(2) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (2)(a), (2)(b), (2)(c), or (2)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.

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

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

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

(a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise

- improved to adequately serve the property at the time of issuance of a building permit for vertical construction.*
- (b) *Adequate streets and street capacity must be provided in one (1) of the following ways:*
- (i) *Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or*
 - (ii) *Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or*
 - (iii) *If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one (1) proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs:*
 - (a) *the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two (2) years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or*
 - (b) *when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.*
 - (iv) *When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.*

Conditional Use Permit Approval Criteria, §10.184(C)

(C) Conditional Use Permit Approval Criteria.

(1) The Planning Commission must determine that the development proposal complies with either of the following criteria before approval can be granted.

(a) The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the

surrounding area when compared to the impacts of permitted development that is not classified as conditional.

(b) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the Planning Commission to produce a balance between the conflicting interests.

MLDC 10.202(E): Land Division Criteria

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

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

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

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

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

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

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

Related Projects

A-04-210 Annexation

PLA-18-115 Property Line Adjustment

Corporate Names

South View, LLC is the owner of the subject property. The Oregon Secretary of State Business registry lists South View, LLC as located at 815 Creek Drive in the City of Medford, Oregon, and lists Sydnee Dreyer as the registered agent.

ISSUES AND ANALYSIS

Background

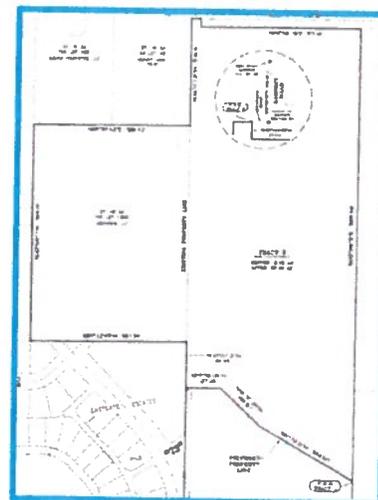
Project Site

The subject site totals 27.55 acres of open, vacant land located in the southeast corner of City limits, abutting Jackson County land along the site's southerly property, which is divided by Coal Mine Road. The undeveloped site includes two riparian waterways traversing the site east/west: North Fork Larson Creek, running through the middle of the site; and Larson Creek, running through the southerly portion of the site. Both of these creeks are classified as riparian corridors – protected waterways within the City. The site is fronted by Coal Mine Road, classified as Major Collector street under the jurisdiction of Jackson County, and located along the site's southerly boundary; and Stanford Avenue, a Major Collector Street under the jurisdiction of the City, located along the westerly boundary of the site and currently stubbed north of North Fork Larson Creek within the Stonegate Estates subdivision.



Project History

The subject site was approved for a property line adjustment on September 5, 2018 (PLA-18-115), which adjusted the property lines of the subject site and tax lot 1200 to the north in order to match the exterior boundary of the proposed PUD.



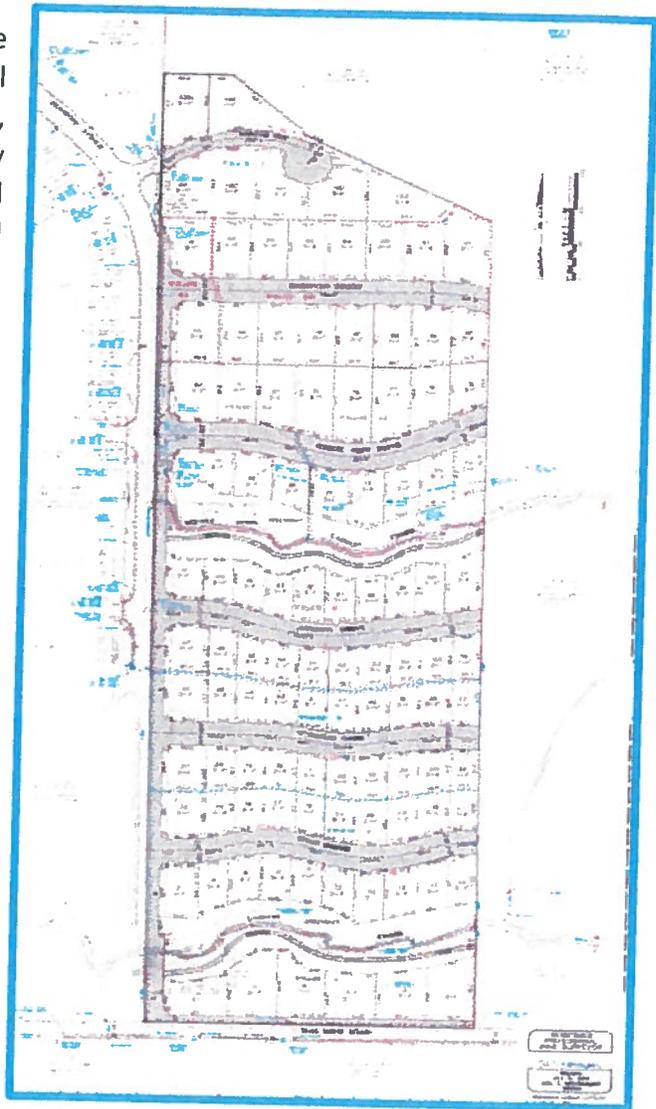
Current Proposal

The applicant is now requesting to subdivide the property, proposing a 105-lot residential subdivision to be developed with detached, single-family dwelling units. As the property is located within portions of sub-areas 15 and 17 of the Southeast Plan, the proposed residential subdivision will additionally be required to be developed as a PUD, per MLDC 10.374. As such, the applicant is proposing the creation of the Middlefork Creek PUD with the development of the site as a residential subdivision.

The applicant is additionally requesting a change of zone for the subject site, as the property's current zone of SFR-00 – a holding zone for properties that have not yet been tested for facility adequacy – is required to be rezoned in order to allow the development of the site to urban level densities and intensities. Accordingly, the applicant is requesting to rezone the site to both SFR-10 and SFR-4. The northerly 12.26-acre portion of the site, located north of North Fork Larson Creek; along with the southerly 2.95-acre portion of the site, located south of Larson Creek, are both proposed to be rezoned to SFR-4. The remaining 12.61 acre portion of the site, located between the site's two riparian waterways, is proposed to be rezoned to SFR-10, allowing a higher density of single-family lots to be developed within the central portion of the site.

Finally, the applicant is requesting a CUP, as the adopted Southeast Circulation Plan Map requires shared use paths to be located within the Greenway, obliging the applicant to obtain a CUP in order to install said shared use paths as part of the future development of the site.

Ultimately, the approval of the proposed Middlefork Creek PUD will require the applicant to obtain concurrent approvals for four separate applications: a land division, a PUD, zone changes, and a CUP. As per MLDC 10.114, the consideration of all four applications may be heard concurrently by the same approving authority, at the request of the applicant, and the Planning Commission is the designated approving authority for all of the subject requests, as per MLDC 10.108(1).



Residential Density

Residential Density Table

Zone	Acreage	Minimum/ Maximum Dwelling Units per Acre	Minimum Dwelling Units	Maximum Dwelling Units	Proposed Dwelling Units
SFR-4	13.76	2/4	34	55	45
SFR-10	10.99	6/10	66	110	60
Totals				100-165	105

As shown on the Residential Density Table above, the total number of dwelling units proposed for the PUD meets the density requirements as prescribed per the Code.

Proposed Modifications of Standards

Per MLDC 10.192(B)(1-8), the approval of PUDs may include modifications which vary from the strict standards of the Code, limited to specific categories. The applicant is requesting the following modifications from the strict standards of the code:

Lot sizes

MLDC 10.192(B)(2)

(1) Lots and Parcels in PUDs. Limitations, restrictions and design standards pertaining to the size, dimension, location, position and coverage of lots, and restrictions related to through lots.

SFR-10	Allowed	Proposed
Lot Area	3,600 to 8,125	Lot 7: 8,390 Lot 26: 8,354 Lot 27: 8,321 Lot 46: 8,596 Lot 47: 8,560 Lot 57: 8,834

The submitted tentative plat includes six lots, which exceed the maximum area allowed for the creation of lots in the SFR-10 zoning district. The applicant requests, in accordance with MLDC 10.192(B)(2) above, relief from strict compliance with the minimum lot area requirement for the five lots cited above.

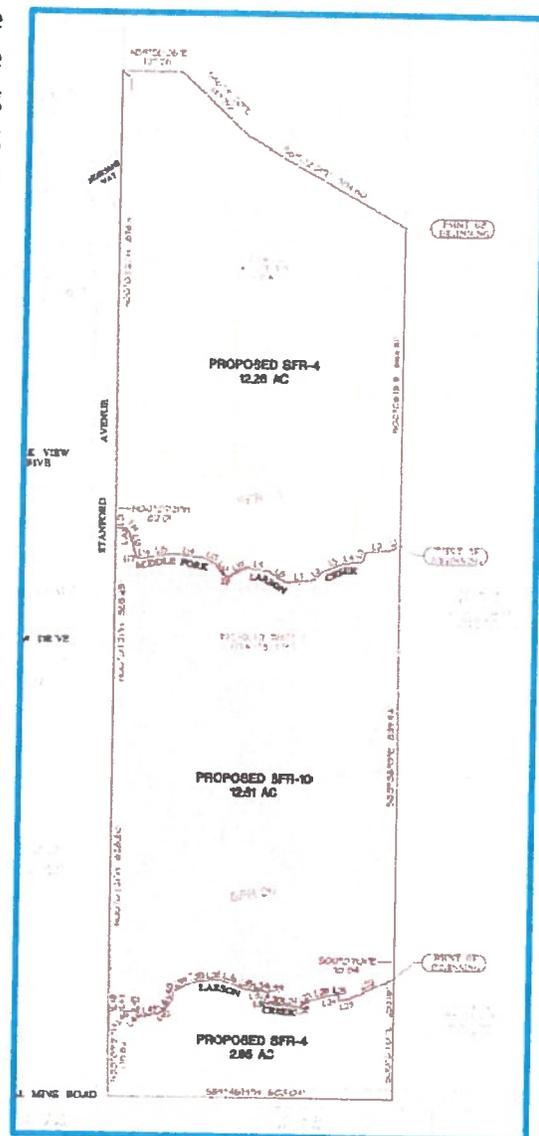
Southeast Plan/zoning

TABLE 10.373: Southeast Sub-Area, General Land Use Plan Map, Southeast Plan Map, Zoning, and Residential Density

Sub-Area	General Land Use Plan Map Designation	Southeast Plan Map Land Use Category ¹	Permitted Zoning	Permitted Residential Density Range Du/Ac ²
2, 16, 17, and 20	UR	Standard Lot	SFR-4 or SFR-6	2.5 to 6.0
6, 11, and 15	UR	Small Lot	SFR-10 with alleys ²	5.0 to 10.0 ²
			SFR-10 without alleys	6.0 to 10.0

The portion of the property located southerly of the Middle Fork of Larson Creek is located within the Sub-Area 17, requiring standard lots corresponding with the zoning of SFR-4 and SFR-6. The remaining portion of the property is located within Sub-Area 15, which require small lots corresponding with the zoning of SFR-10. The applicant is proposing to swap these two SE land use categories, rezoning the portion of the property located within Sub-Area 17 as SFR-10, while rezoning the portion of the property located within Sub-Area 15 as SFR-4. (Per MLDC 10.309, SFR-4 zoning should be located in areas where slopes exceed five percent, but are less than fifteen percent to prevent excessive grading.)

As stated in the applicant's findings, and shown on their submitted Slope Analysis (Exhibit G), the existing slopes located between the creeks are more gradual than those located northerly of the creek. Accordingly, lower density development is being proposed for those areas prescribed for SFR-10 zoning, as per Table 10.373 shown above, while higher density is proposed for those areas prescribed for SFR-4. As further stated in the submitted findings, the swapped areas are similar in quantity, although the proposed SFR-10 zoning is larger by 0.4 tenths of an acre when compared to the SFR-4 area.



Phasing

Proposed Development Schedule by Phase

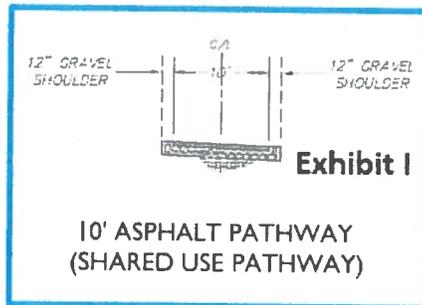
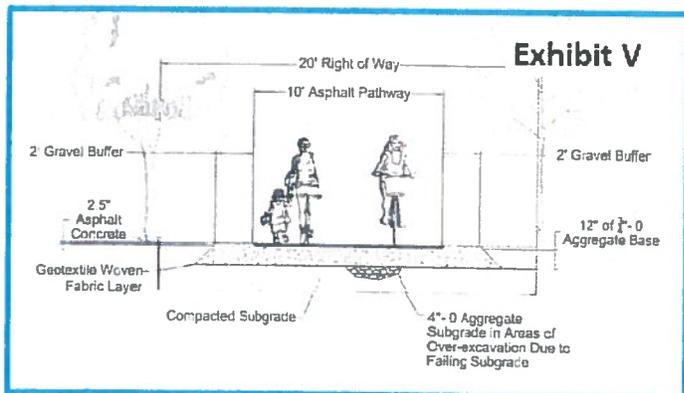
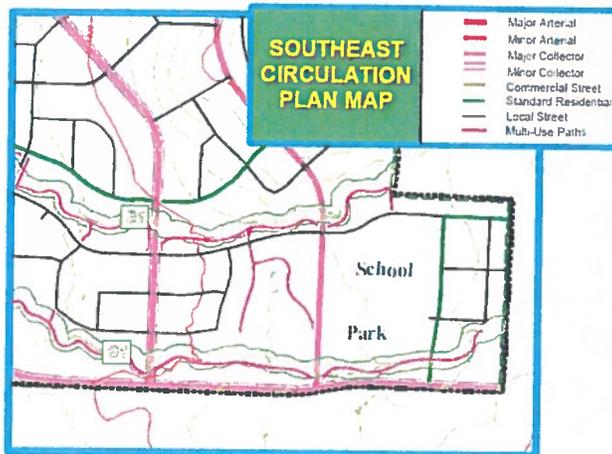
Phase	Year
2,3,4,5A, 5B	2020
1, 6A, 6B, 7	2023

The applicant is proposing to develop the property in several phases. Per MLDC 10.202(D), when it is the developer’s intent to record and develop a tentatively platted land division in phases, the Planning Commission may authorize a time schedule for platting the various phases in periods exceeding one year, but in no case shall the total time period for platting all phases be greater than five years without having to re-submit the tentative plat.

Greenways

The Southeast Area Circulation Plan and the Leisure Services Plan require the construction of a shared use pathway along both Larson Creek greenways within the development.

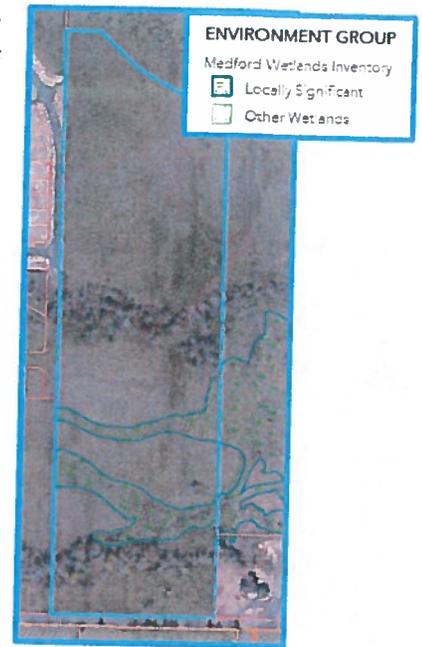
As per the staff report submitted by the Parks Department (Exhibit V), the applicant will be required to enter in an agreement with the City that outlines the development ownership, and maintenance of the Greenway and shared use pathway prior to final plat approval.



Wetlands

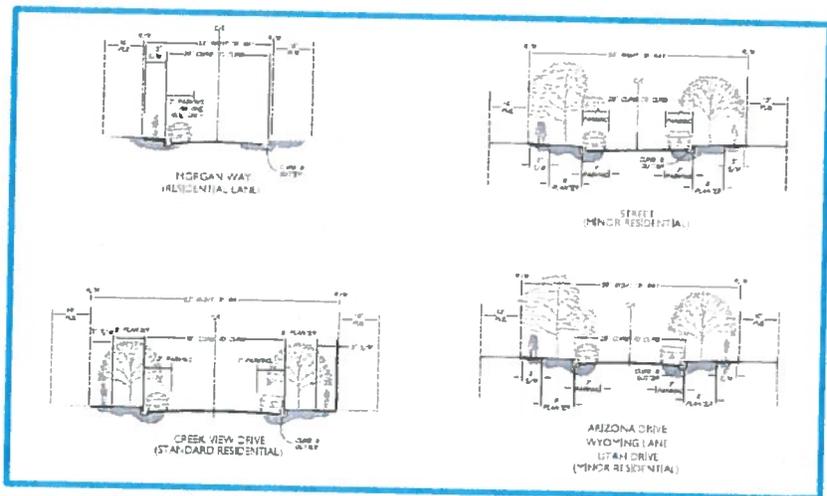
There is a designated wetland identified on the Local Wetland Inventory map which shows the subject site partially impacted by the presence of wetlands within the southern portion of the parcel. As stated in their submitted findings, the applicant has retained Schott & Associates, Inc. to conduct wetland delineation within the project's area. Per the report provided by Schott & Associates, no wetlands were found within the study area boundaries.

As a condition of approval, the applicant will be required to submit to staff documentation from the Department of State Lands (DSL) confirming that the proposed development will not conflict with state and federal regulations related to the preservation of wetlands.



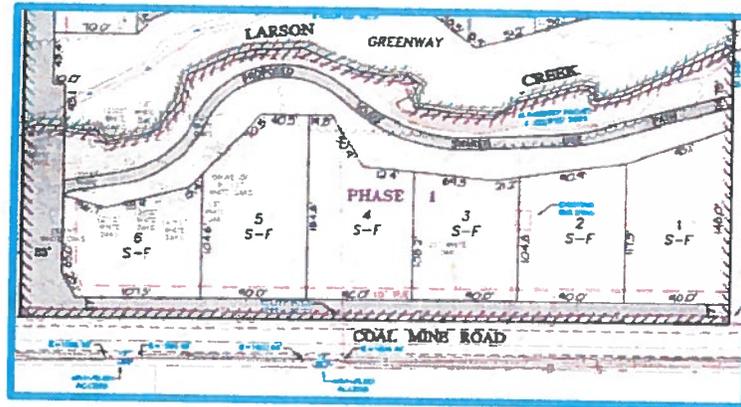
Streets/Access

As shown on the submitted tentative plat, the applicant is proposing the creation of three new streets: Hartford Street, Wyoming Lane and Utah Drive – all to be constructed to Minor Residential street standards, and stubbed at the site's easterly boundary. Additionally, the applicant is proposing the extension of four streets: Morgan Way, Creek View Drive, Arizona Drive and Stanford Avenue.

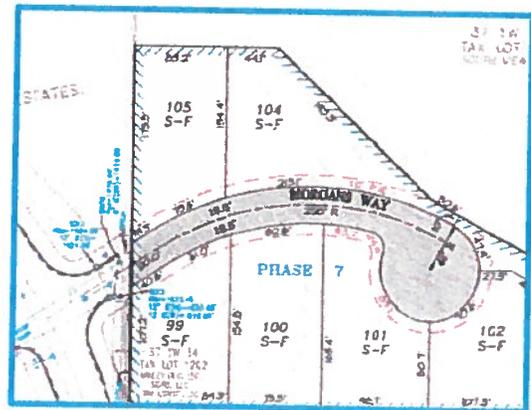


Creek View Drive, Arizona Drive and Stanford Avenue. Arizona Drive will be constructed to Minor Residential street standards, and stubbed at the site's easterly boundary; Creek View Drive will be constructed to Standard Residential street standards, and also stubbed at the site's easterly boundary; Morgans Way will be constructed to Residential Lane standards, and will terminate in a cul-de-sac; and the applicant will improve the east half of Stanford Avenue, a Major Collector street, from where the street is currently stubbed south of Arizona Drive to Coal Mine Road. The applicant will also be required to improve the north half of Coal Mine Road, which runs along the southerly boundary of the site.

Lots 1-6, as identified on the tentative plat, are bound by Larson Creek to the north and Coal Mine Road to the south. Accordingly, the applicant is requesting for these lots to take direct access off of Coal Mine Road – a Major Collector street. Per the Public Works staff report, staff is not supportive of individual driveways on Coal Mine Road; however, in accordance with MLDC 10.550, staff is amenable to allowing shared driveways off of Coal Mine Road to serve these lots.



The tentative plat shows Morgans Way as a cul-de-sac, which is not consistent with the Southeast Area Neighborhood Circulation Plan. As stated in the staff report submitted by Public Works, staff recommends that if a cul-de-sac is approved, that an accessway, in conformance with MLDC 10.464-10.466, be required for a future connection between the Morgan Way cul-de-sac and Lone Oak Drive. At the request of staff, the applicant has submitted supplemental findings (Exhibit Y) addressing the proposed cul-de-sac and the absence of an accessway at the end of Morgans Way.



In regards to the proposed cul-de-sac, the applicant's findings state the following:

The proposed cul-de-sac street is under 450 feet in length, has a vehicle turnaround area with a radius of 45 feet and will have a minimum paved section radius of 37 feet. As a result, said cul-de-sac meets the relevant criteria and is therefore permitted.

In regards to the absence of an accessway at the end of Morgans Way, the applicant's findings state the following:

The intent of an accessway is to provide safe and convenient pedestrian and bicycle access throughout a subdivision and nearby areas. Part of the proposed development includes two Greenways, located southerly of the cul-de-sac. Both Greenways provide paths that meet the intentions of an accessway that is being referred to in MLDC Section 10.464. The existence of said Greenway paths together with the sidewalks that will be

constructed on the nearby streets provide a network of connectivity and sufficient access to meet the intentions of MLDC Section 10.464, while mitigation the need to create an accessway off the cul-de-sac that would be neither safe or convenient with slopes that exceed 15%.

Riparian Corridor

The subject property is encumbered by the riparian corridors of North Fork Larson Creek to the north and Larson Creek to the south. Per MLDC 10.922, both Larson Creek and North Fork Larson Creek are identified as protected waterways within the City. As such, a 50-foot riparian corridor, which is measured horizontally from the top-of-bank on both sides of the creek, is applied to the sections of both creeks running through the subject site, restricting development within these established corridors.

The applicant is requesting to locate storm drain facilities within the riparian corridors of both creeks. Per MLDC 10.925, utilities and other such public improvements (e.g., storm drain facilities) are allowed within a riparian corridor subject to approval of a Conditional Use Permit. As such, the applicant is requesting a CUP in order to locate the storm water facilities within the riparian corridors, and for the proposed shared use path required of the development per the Southeast Circulation Plan.



Staff received a memo from the Oregon Department of Fish and Wildlife (ODFW) (Exhibit X), with ODFW making a series of suggestions along with requesting that the applicant submit a detailed plan of any impacts on the riparian corridor of both Larson and Middle Fork Larson Creek and any associated plans for mitigation.

As a condition of approval, the applicant will be required gain approval from ODFW for any impacts within the riparian corridor of both Larson and Middle Fork Larson Creek, prior to final plat approval.

Traffic Impact Analysis (TIA)

MLDC 10.461(3) requires a Traffic Impact Analysis (TIA) to be conducted to evaluate development impacts to the transportation system if a proposed application has the potential of generating more than 250 net average daily trips (ADT) or the Public Works Department has concerns due to operations or accident history.

A TIA was prepared by Southern Oregon Transportation Engineering, LLC for the subject development, and received by staff on October 25, 2018. The findings of the TIA concluded that the proposed zone change from SFR-00 to SFR-4 and SFR-10 can be accommodated on the

existing transportation system with the proposed mitigation. A summary of results are as follows:

1. The unsignalized intersection of Juanipero Way and N Phoenix Road Exceed LOS "D" in the westbound left turn movement under future year 2023 no-build and build conditions once Coal Mine Road is re-aligned with Juanipero Way.
 - a. Proposed mitigation includes a traffic signal once signal warrants are met.
 - b. Up to 61 SFR dwelling units can develop before 25 p.m. trips reach this intersection.
 - c. A pro-rate fair share of signal costs is estimated to be 3% based on total entering volume and development tip impacts. Once a pro-rate share is paid, full development can occur.

The TIA was originally received by Public Works on October 26, 2018, and Public Works received an addendum on December 3, 2018, addressing concerns raised by staff. In the memo submitted to the Planning staff (Exhibit Z), Public Works concurs with the report as modified and recommends the following conditions of approval:

1. The development shall be restricted to a trip cap stipulation based on 105 single family residential units per the submitted PUD plan
2. The applicant shall pay a 3% proportional share toward the design and construction of a traffic signal at the intersection of Juanipero Way and N. Phoenix Road prior to approval of the final plat that creates 61 or more single family units total in the PUD.
3. If Coal Mine Road is not realigned then the applicant shall design and construct a southbound left turn lane and a northbound right turn lane at the existing intersection of Coal Mine Road and N. Phoenix Road prior to construction of phases 1, 6 and 7.

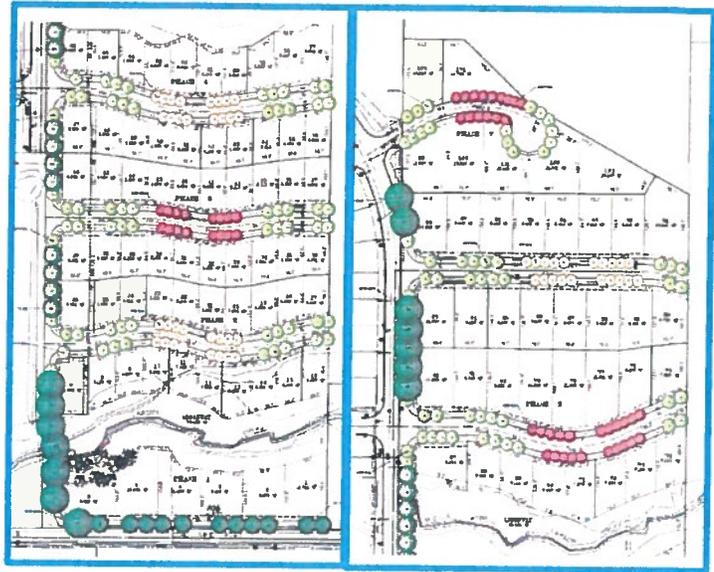
Floodplain

Per the floodplain memo (Exhibit AA), the property contains a 1% Special Flood Hazard Area with Base Flood Elevations and Floodway. Prior to Construction Drawings and site grading, the following will be required of the applicant:

- Provide a detailed Flood Study with FIS profiles for the entire reach within the development boundaries of South Fork Larson Creek and Middle Ford Larson Creek, which show the 10 year, 25 year and 100 year water surface elevations.
- Provide a hydrologic analysis for both crossings on Stanford Avenue that shows floodplain and floodway.
- If the crossings require development within the floodway then a no-rise analysis shall be required.

Landscaping

Per MLDC 10.379, new developments within the Southeast Overlay District require a streetscape and Planter Strip Plan. Accordingly, the applicant has submitted landscape plans showing streetscapes and planter strips along all street frontages of the proposed development, consistent with the requirements outlined in MLDC 10.379.



Public Improvements

Per the agency comments submitted to staff (Exhibits S-V), it can be found that there are adequate facilities to serve the PUD.

Committee Comments

No comments were received from committees such as BPAC.

Other Agency Comments

Jackson County Roads (Exhibit W)

In the staff report submitted, Jackson County Roads requests:

- An updated traffic study be submitted to determine if improvements to North Phoenix Road are needed.
- To review and comment on the hydraulic report including the calculations and drainage plan.

As a condition of approval, the applicant will be required to comply with all requirements of Jackson County Roads prior to final plat approval.

DECISION

At the public hearing held on December 27, 2018, the Commission voted unanimously to approve the requests. The Commission's motion of approval also included the approval of the applicant's request for reduced lot sizes for lots 7, 26, 27, 46, 47, and 50; approval for a five year time schedule for the phased platting of the development; approval of the applicant's request to construct Morgan's Way as a cul-de-sac; and, at the request of staff, the approval of

a revision of condition #11 to simply state that the applicant be required to comply with all requirements of the Floodplain Manager as outlined in Exhibit AA, prior to final plat approval.

During the public hearing, Public Works requested to submit revised staff reports to be added into the record with the Planning Commission report. The modifications are as follows:

- The staff report had conditioned that the developer improve the north half of Coal Mine Road plus 12-feet south of the center line. The applicant's agent, Mr. Neathamer, had expressed concerns to Public Works in potentially not having sufficient space to accommodate said requirement. In order to work with the applicant, Public Works agreed to modify the condition to read "*or approved by the City Engineer.*"
- The staff report had requested a 12-foot wide paved bike path for access of maintenance vehicles, but based on subsequent conversations with the applicant, agreed to modify the report to accept a 10-foot paved bike path with a 1-foot shoulder on each side.
- The staff report had required an accessway off of the Morgan's Way cul-de-sac. In response, the applicant submitted findings addressing the accessway, and requested relief from the accessway based on the site's topography. Staff concurred with the applicant's findings, and agreed to remove the request.

The Commission was supportive of the modifications, and the revised Public Works staff reports have been included with this Planning Commission Report.

FINDINGS AND CONCLUSIONS

Planned Unit Development (PUD)

Staff finds that the proposed PUD preserves an important natural feature of the land (riparian areas); the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole; the property is not subject to a moratorium on construction or land development, Public Facilities Strategy, or a Limited Service Area; there are no common elements proposed for the PUD; the proposed PUD does not include uses not allowed in the underlying zone; nor does it include proposed uses subject to compliance with the conditional use permit criteria as per MLDC 10.192(B(7)(c)); and the proposed 105-lot residential land division meets all the substantive approval criteria in Article II for each of the additional development applications.

Zone Change

Staff finds that, in regards to Criterion 1, there is adequate evidence in the record to demonstrate that the proposal is consistent with the UR General Land Use Plan Map designation and the Transportation System Plan, and meets the locational criteria for a change of zone to SFR-10; in regards to Criterion 2, the agency comments included as Exhibits S through V, together with the approved TIA submitted by the applicant, demonstrate that there are adequate Category A facilities available to serve the subject site.

Land Division

Staff finds the partition plat consistent with the Comprehensive Plan and all applicable design standards set forth in Articles IV and V; will not prevent development of the remainder of the property under the same ownership or of adjoining land; all proposed street names have been reviewed and approved by the City's Address Technician; all proposed streets are laid out to be consistent with existing and planned streets with the plats of land divisions already approved for adjoining property; and criterion 5 and 6 are inapplicable to the subject development.

Conditional Use Permit (CUP)

Staff finds that, in regards to Criterion 1(b), the proposed location of storm drain facilities and a shared use path within the riparian corridors of both Larson Creek and North Fork Larson Creek are in the public interest, and although the development proposal may cause some adverse impacts, a condition of approval requiring the review and approval of the applicant's mitigation plans by the Oregon Department of Fish and Wildlife will ensure the protection of the riparian area. Additionally, as stated in the applicant's submitted findings, the location of the storm drain facilities within the riparian corridors will assist in mitigating potential flood damage by keeping any overflow that may occur in a large flood event away from private property and near the creek for discharge, effectively producing a balance between conflicting interests.

Staff recommends that the Commission adopt staff's Findings of Fact.

ACTION TAKEN

Adopted the findings as recommended by staff and directed staff to prepare a Final Order for approval of PUD-18-156, LDS-18-155, ZC-18-157, and CUP-18-158 per the Planning Commission Report dated December 27, 2018, including Exhibits A through AA.

EXHIBITS

- A-1 Conditions of Approval, drafted December 27, 2018.**
- B Preliminary PUD Plan, received October 19, 2018
- C Tentative Plat, received October 19, 2018.
- D Landscape Plan, received October 19, 2018.
- E Conceptual Sewer & Water Plan, received October 19, 2018.
- F Conceptual Grading & Drainage Plan, received October 19, 2018.
- G Slope Analysis Plan, received October 19, 2018.
- H Zone Change site plan, received October 19, 2018.
- I Conceptual Road Sections, received October 19, 2018.
- J-1 Findings of Fact and Conclusions of Law (PUD), received January 2, 2019.**
- K Findings of Fact and Conclusions of Law (LDS), received January 2, 2019. (Incorporated into J-1).**
- L-1 Findings of Fact and Conclusions of Law (ZC), received January 2, 2019.**

- N Narrative description: Middlefork PUD, received October 19, 2018.
- O Geotechnical Report, received October 19, 2018.
- P Legal descriptions, received October 19, 2018.
- Q Declarations of Conditions and Covenants, received October 19, 2018.
- R Traffic Impact Analysis (TIA) (Cover and Executive Summary), received October 25, 2018.
- S Public Works report (PUD/ZC), dated November 28, 2018.
- T Medford Water Commission (MWC) report and map, received November 28, 2018.
- U Medford Fire Department report, received November 28, 2018.
- V Parks Department report, dated November 28, 2018.
- W Jackson County Roads report, received November 20, 2018.
- X Oregon Department of Fish and Wildlife, received December 4, 2018.
- Y Supplemental Findings, received December 12, 2018.
- Z Public Works memo regarding TIA, received December 12, 2018.
- AA Floodplain report, received December 20, 2018.
Vicinity Map

MEDFORD PLANNING COMMISSION

Patrick Miranda, Chair

PLANNING COMMISSION AGENDA:

DECEMBER 27, 2018
JANUARY 10, 2019

EXHIBIT A-1

Middlefork Creek PUD
PUD-18-156/LDS-18-155/ZC-18-157/CUP-18-158
Conditions of Approval
December 27, 2018

DISCRETIONARY CONDITIONS

1. The approved tentative plat shall be authorized the maximum time period of five (5) years before its expiration, as permitted for phased developments pursuant to MLDC 10.269(2).

CODE REQUIRED CONDITIONS

Prior to final plat approval for each applicable phase, the applicant shall:

2. Gain final PUD approval pursuant to MLDC 10.196.
3. Comply with all conditions stipulated by the Medford Water Commission (Exhibit T).
4. **Comply with all conditions stipulated by the Public Works Department (L-1 and J-1).**
5. Comply with all requirements of the Medford Fire Department (Exhibit U).
6. Comply with all requirements of Jackson County Roads (Exhibit W)
7. Provide staff with documentation from the Department of State Lands showing compliance with state and federal regulations related to the preservation of any wetlands identified on the property.
8. Gain approval from the Oregon Department of Fish and Wildlife (ODFW) for any proposed construction within the riparian corridors of Larson Creek and Middle Fork Larson Creek.
9. Comply with all requirements of the Parks Department regarding the installation of the 12-foot shared use pathways as identified on the PUD Plan (Exhibit V).
10. Provide staff with a copy of Covenants, Conditions, and Restrictions (CC&Rs), recorded in the official records of Jackson County, outlining the continued responsibilities of the abutting property owners in installing and maintaining the approved landscaping, including street trees, as identified on the approved landscape plan, pursuant to MLDC 10.739(1)(A)(b).

Prior to Construction Drawings and site grading for each applicable phase, the applicant shall:

11. **Comply with all requirements of the Floodplain Manager (Exhibit AA).**



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 11/2/20198

Commission Update: 1/2/2019

File Numbers: PUD-18-156/LDS-18-155/CUP-18-158

PUBLIC WORKS DEPARTMENT STAFF REPORT Middlefork Creek Subdivision

Project: Consideration of a Preliminary PUD Plan for the Middlefork Creek Planned Unit Development – Phases 1-7, which include requests for a tentative plat approval for a 105-lot residential subdivision; a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single Family Residential, four dwelling units per gross acre) on a 12.26-acre portion of the property and a 2.95-acre portion of the property, and a change of zone from SFR-00 to SFR-10 (Single Family Residential, ten dwelling units per gross acre) on a 12.61-acre portion of the property; and a Conditional Use Permit (CUP) in order to locate shared use paths and storm drain facilities within the Riparian Corridors of Larson Creek.

Location: The property totals 27.82-acres and is located south of East Barnett Road, east of North Phoenix Road, and abuts Coal Mine Road along its southerly boundary; is within the Southeast (SE) Overlay District, and is currently zoned SFR-00 (371W34300).

Applicant: Applicant, South View LLC; Agent, Neathamer Surveying Inc.; Planner Liz Conner.

The following items shall be completed and accepted prior to the respective events under which they are listed:

- Approval of Final Plat:
 - Right-of-way, construction and/or assurance of the public improvements in accordance with Medford Land Development Code (MLDC), Section 10.666 & 10.667 (Items A, B & C)
- Issuance of first building permit for residential construction:
 - Construction of public improvements (Items A through E)
- Issuance of Certificates of Occupancy for individual units:
 - Sidewalks (Items A2)

A. STREETS

1. Dedications

Coal Mine Road is classified as a Major Collector street within the Medford Land Development Code (MLDC) 10.428. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the half width (37-feet) of right-of-way, or more as required to provide for the proposed street as shown on the tentative plat. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

Stanford Avenue is classified as a Major Collector street within the MLDC 10.428. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the half width (37-feet) of right-of-way, or more as required to provide for the proposed street as shown on the tentative plat. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

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

Creek View Drive is proposed as Standard Residential Street with a right-of-way width of 63-feet, consistent with the standard prescribed by MLDC 10.430.

Arizona Drive, Hartford Street, Utah Drive and Wyoming Lane are proposed as Minor Residential streets with a right-of-way width of 55-feet, consistent with the standard prescribed by MLDC 10.430.

Morgans Way is proposed as a Residential Lane within the MLDC 10.430. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the full width of right-of-way, which is 33-feet. The proposed cul-de-sac at the south terminus shall be dedicated per MLDC 10.450, and have a minimum 45-foot radius.

Corner radii shall be provided at the right-of-way lines of all intersecting streets per MLDC 10.445.

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

the City of Medford (MLDC 10.439).

Public Utility Easements, 10-feet in width, shall be dedicated along the street frontage of all the Lots within this development (MLDC 10.471).

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

2. Public Improvements

a. Public Streets

Coal Mine Road shall be improved to Major Collector street standards, in accordance with MLDC 10.428. The Developer shall improve the north half plus 12-feet south of the centerline, or to the far edge of the existing pavement, whichever is greater, along the frontage of this development.

Commission Update: At the time of public improvement plan review, the width of the improvements to the south side of Coal Mine Road may be reduced to address potential topographical constraints, as approved by the City Engineer.

As an option, the Developer may elect to provide evidence of the existing structural section to Public Works for consideration in order to determine if the extent of construction may be reduced. Depending on the results, the Developer still may be responsible for the improvements noted above or at minimum improve the remainder of street from a point 1-foot inside the existing edge of pavement.

Stanford Avenue shall be constructed to Major Collector street standards, along the frontage of this development, in accordance with MLDC 10.428. A portion of the east half of Stanford Avenue, from south of Arizona Drive north approximately 960-feet, was constructed with Stonegate Estates and Eastgate Estates Subdivisions (P1852D & P1815D, respectively). Along this portion, the Developer shall improve the west half of Stanford Avenue from a point 1-foot inside the existing edge of pavement, plus a 10-foot park strip, 5-foot sidewalk along the frontage of this development. Along the remaining, unimproved portion, the Developer shall improve the east half plus 12-feet west of the centerline along the frontage of this development.

The Developer shall receive Street System Development Charge credits for the public improvements on Coal Mine Road and Stanford Avenue per the value established by the Medford Municipal Code, Section 3.815.

Creek View Drive shall be constructed to Standard Residential street standards, in accordance with MLDC 10.430.

Arizona Drive, Hartford Street, Utah Drive and Wyoming Lane shall be constructed to Minor Residential street standards, in accordance with MLDC 10.430.

Morgans Way shall be constructed to Residential Lane standards, in accordance with MLDC 10.430. The proposed cul-de-sac shall be constructed in accordance with MLDC 10.450.

b. Bike and Pedestrian Paths within the Riparian Corridor(s)

The paved meandering bike and pedestrian paths within the riparian corridor(s), that are not adjacent to public streets, shall be 12-foot wide with a minimum of 30-foot turning radii, and a structural section corresponding to a TI of 3.5. The said paths are also to be used by Department of Public Works vehicles for access to maintain Larson Creek. If the bike and pedestrian paths are not on City owned property, the Developer shall provide an easement for them.

Commission Update: The minimum width of the paved portion of the bike and pedestrian path shall be 10-foot wide with a minimum 1-foot shoulder on each side with a structural section as noted above.

c. Street Lights and Signing

The Developer shall provide and install in compliance with Section 10.495 of the Medford Municipal Code (MMC). Based on the preliminary plan submitted, the following number of street lights and signage will be required:

Street Lighting – Developer Provided & Installed:

- A. 3 – Type C-250
- B. 17 – Type R-100
- C. 2 – Base Mounted Cabinets (BMC)
- D. If pedestrian scale lighting is to be used, it shall be designed as per 10.380, showing conduit, wire and load calculations for approval.

Traffic Signs and Devices – City Installed, paid by the Developer:

- A. 5 – Type 4 Object Marker
- B. 6 – Street Name Signs
- C. 6 – Stop Signs
- D. 6 – No Outlet Signs
- E. 1 – Speed Sign

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

Public Works Department.

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

The Developer shall be responsible for the preservation and re-installation of all signs removed during demolition and site preparation work. The Developer's contractor shall coordinate with the City of Medford Public Works, Maintenance and Operations Division to remove any existing signs and place new signs provided the Developer.

d. Pavement Moratoriums

There are no pavement cutting moratoriums currently in effect along the respective frontages.

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

e. Soils Report

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

f. Access and Circulation

In accordance with MLDC 10.550, there shall be no driveway access to Stanford Avenue, which is a Major Collector.

In accordance with MLDC 10.550, Lots 1-6 shall be required to construct shared driveways Coal Mine Road, which is a Major Collector. Driveways on Coal Mine Road shall comply with the minimum turnaround standards in MLDC 10.746. Public Works does not support the applicant's request for individual driveways on Coal Mine Road for Lots 1 thru 6. While the area may be rural now, the land south and east of this development is in the urban reserve area and will be

developed in the future.

Morgans Way is shown as a cul-de-sac, which is not consistent with the Southeast Area Neighborhood Circulation Plan. Public works recommends that if the cul-de-sac is approved, that an Accessway, in conformance with MLDC 10.464 through 10.466, be required for a future connection from the Morgans Way cul-de-sac to Lone Oak Drive.

Commission Update: The Applicant has provided acceptable findings addressing the infeasibility of constructing the accessway in accordance with MLDC 10.464(1).

g. Easements

All public sanitary sewer or storm drain mains shall be located in paved public streets or within easements. A 12-foot wide paved access shall be provided to any public manholes which are not constructed within the street section, unless noted otherwise.

Easements shall be shown on the final plat and the public improvement plans for all sanitary sewer and storm drain mains or laterals which cross lots, including any common area, other than those being served by said lateral. The City requires that easement(s) do not run down the middle of two tax lot lines, but rather are fully contained within one tax lot.

3. Section 10.668 Analysis

To support a condition of development that an applicant dedicate land for public use or provide a public improvement, the Medford Code requires a nexus and rough proportionality analysis which is essentially a codification of the constitutional provisions in Nollan and Dolan cases.

10.668 Limitation of Exactions

Notwithstanding any other provisions of this Chapter 10, an applicant for a development permit shall not be required, as a condition of granting the application, to dedicate land for public use or provide public improvements unless:

- (1) the record shows that there is an essential nexus between the exaction and a legitimate government purpose and that there is a rough proportionality between the burden of the exaction on the developer and the burden of the development on public facilities and services so that the exaction will not result in a taking of private property for public use, or*
- (2) a mechanism exists and funds are available to fairly compensate the applicant for the excess burden of the exaction to the extent that it would be a taking.*

1. Nexus to a legitimate government purpose

The purposes for these dedications and improvements are found throughout the Medford Code, the Medford Transportation System Plan, and the Statewide Planning Rule, and supported by sound public policy. Those purposes and policies include, but are not limited to: development of a balanced transportation system addressing all modes of travel, including

motor vehicles, transit, bicycles, and pedestrians. It can be found that the listed right-of-way dedications and improvements have a nexus to these purposes and policies.

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

No mathematical formula is required to support the rough proportionality analysis. It has been described as comparing apples to oranges. Further, we are allowed to consider the benefits to the development from the dedication and improvements when determining "rough proportionality."

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

Coal Mine Road and Stanford Avenue are classified as Major Collector streets per the adopted Circulation Plan. Coal Mine Road is the primary connector to North Phoenix Road from the development. As a Major Collector, Coal Mine Road and Stanford Avenue will have one travel lane in each direction, a center-turn median, bike lanes in each direction, and sidewalks. It will provide safe travel for vehicles, bicycles, and pedestrians. As a higher order streets, they are eligible for street SDC credits for both the right-of-way and roadway improvements, per MMC, Section 3.815 (5). Street SDC credits offset costs to the Developer and is the mechanism provided by the City of Medford to fairly compensate the applicant for the excess burden of dedicating for and constructing higher order streets.

Creek View Drive, Arizona Drive, Hartford Street, Utah Drive, Wyoming Lane and Morgans Way: In determining rough proportionality, the City averaged the lineal footage of roadway per dwelling unit for road improvements and averaged square foot of right-of-way per dwelling unit for dedications. The proposed development has 105 dwelling units and will improve approximately 3,385 lineal feet of roadway which equates to 32.2 lineal feet per dwelling unit. Also the development will dedicate approximately 183,765 square feet of right-of-way which equates to approximately 1,750 square feet per dwelling unit.

To determine proportionality a neighborhood with similar characteristics was used. The development used was pervious phases of Summerfield Subdivision located between Stanford and Lone Oak and Cherry Lane and Shamrock and consisted of 152 dwelling units. The pervious development improved approximately 7,530 lineal feet of roadway and dedicated approximately 425,230 square feet of right-of-way (GIS data used to calculate, approximations only). This equates to approximately 49.5 lineal feet of road per dwelling unit and approximately 2,800 square feet of right-of-way per dwelling unit.

- a. Dedication will ensure that new development and density intensification provides the current level of urban services. This development will create an additional 105 Lots within the City of Medford and increase vehicular traffic by approximately 991 average daily trips. The proposed street improvements will provide a safe environment of all modes of travel (vehicular, bicycles, & pedestrians) to and from this development.

- b. Dedication will ensure adequate street circulation is maintained. The street layout and connectivity proposed in this development will provide alternate route choices for the residents that will live in this neighborhood. This will decrease emergency vehicle response times and will decrease overall vehicle miles traveled.
- c. Dedication will provide access and transportation connections at urban level of service standards for this development. Each Lot in this development will have direct access to a public street with facilities that will allow for safe travel for vehicles, bicycles and pedestrians. There is also sufficient space for on-street parking with the exception of Lone Oak Drive. The connections proposed in this development will enhance the connectivity for all modes of transportation and reduce trip lengths. As trip lengths are reduced, it increases the potential for other modes of travel including walking and cycling.
- d. Dedication of PUE will benefit development by providing public utility services, which are out of the roadway and more readily available to each Lot being served.

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

B. SANITARY SEWERS

The proposed development is situated within the Medford sewer service area. The Developer shall provide one service lateral to each platted lot prior to approval of the Final Plat.

Public sanitary sewer mains shall be extended on their courses to the exterior boundaries of this subdivision, such that future development can extend service without having to excavate back into the improvements provided by this subdivision.

C. STORM DRAINAGE

1. Hydrology

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

2. Storm Drainage Conditions

Developer shall make improvements to the Middle and South Forks of Larson Creek to convey the 25-year storm with one foot of freeboard, or provide calculations showing this condition now exists.

Developer shall provide a 25-foot easements for the Middle and South Forks of Larson Creek measured from the centerline of the Creek (50-foot total easement width).

Developer shall provide riparian plantings meeting ODFW standards within the Creek easements.

3. Stormwater Detention and Water Quality Treatment

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

Each phase will be required to have its own stormwater detention and water quality treatment. If the Developer desires to do so, a Stormdrain Masterplan may be submitted in lieu of requiring each phase to have separate stormwater detention and water quality treatment. The Stormdrain Masterplan shall be submitted and reviewed with each phase's construction plans and shall be constructed with any phase to be served by the facility.

Upon completion of the project, the Developer's design Engineer shall provide written certification to the Engineering Division that construction of the water quality and detention facilities were constructed per plan. This letter shall be received by the City of Medford Public Works Engineering Department prior to acceptance of the subdivision.

The City is responsible for operational maintenance of the public detention facility. Irrigation and maintenance of landscape components shall be the responsibility of the Developer or a Home Owners Association (HOA). The Developer's Engineer shall provide an operations and maintenance manual for the facility that addresses responsibility for landscape maintenance prior to subdivision acceptance. Regarding water quality maintenance, the Rogue Valley Stormwater Quality Design Manual states: "Vegetation shall be irrigated and mulched as needed to maintain healthy plants with a density that prevents soil erosion."

4. Grading

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

that the final grading of the development shall be in compliance with the approved grading plan.

5. Mains and Laterals

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

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

A storm drain lateral shall be constructed to each tax lot prior to approval of the Final Plat.

6. Wetlands

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

7. Erosion Control

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

D. SURVEY MONUMENTATION

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

Property Line Adjustment (PLA-18-115) shall be finalized prior to approval of this application.

E. GENERAL CONDITIONS

1. Design Requirements and Construction Drawings

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

2. Construction Plans

Construction drawings for any public improvements for this project shall be prepared by a Professional Engineer currently licensed in the State of Oregon, and submitted to the

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

Please Note: If Project includes one or more Minor Residential streets, an additional Site Plan shall be submitted, noting and illustrating, one of the following design options to ensure fire apparatus access per MLDC 10.430(2):

- Clustered driveways,
- Building to have sprinklers,
- 33-foot paved width.

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

3. Phasing

The Tentative Plat shows that this subdivision will be developed in phases. Any public improvements needed to serve a particular phase shall be improved at the time each corresponding phase is being developed. Public improvements not necessarily included within the geometric boundaries of any given phase, but are needed to serve that phase shall be constructed at the same time. Construction drawings for public improvements shall be submitted only for the improvements to be constructed with each phase.

4. Draft of Final Plat

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

5. Permits

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

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

6. System Development Charges (SDC)

Buildings in this development are subject to SDC fees. These SDC fees shall be paid at the time individual building permits are taken out.

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

7. Construction and Inspection

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

For City of Medford facilities, the Public Works Maintenance Division requires that public sanitary sewer and storm drain mains be inspected by video camera prior to acceptance of these systems by the City.

Where applicable, the Developer shall bear all expenses resulting from the adjustment of manholes to finish grades as a result of changes in the finish street grade.

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs
Updated by: Doug Burroughs

**SUMMARY CONDITIONS OF APPROVAL – Commission Update
Middlefork Creek Subdivision**

PUD-18-156/LDS-18-155/CUP-18-158

A. Streets

1. Street Dedications to the Public:

- Dedicate right-of-way on **Coal Mine Road**, as required.
- Dedicate full width right-of-way on **Stanford Avenue**, as required.
- Dedicate full width right-of-way (63') on **Creek View Drive**.
- Dedicate full width right-of-way (55') on **Arizona Drive, Hartford Street, Utah Drive and Wyoming Lane**.
- Dedicate full width right-of-way (33') on **Morgans Way**.
- Dedicate 10-foot public utility easements (PUE).

2. Public Improvements:

- Improve **Coal Mine Road** to Major Collector street standards.
- Construct **Stanford Avenue** to Major Collector street standards.
- Construct **Arizona Drive, Hartford Street, Utah Drive and Wyoming Lane** full width, to Minor Residential street standards.
- Construct **Morgans Way** full width, to Residential Lane standards, including the Cul-de-sac.

Lighting and Signing

- Developer supplies and installs all street lights at own expense.
- City installs traffic signs and devices at Developer's expense.

Access and Circulation

- In accordance with MLDC 10.550, there shall be no driveway access to Stanford Avenue, which is a Major Collector.
- In accordance with MLDC 10.550, Lots 1-6 shall be required to construct shared driveways Coal Mine Road.
- ~~Morgans Way Public works recommends that if the cul-de-sac is approved, that an Accessway, in conformance with MLDC 10.464 through 10.466, be required for a future connection from the Morgans Way cul-de-sac to Lone Oak Drive.~~

Other

- Provide pavement moratorium letters.
- Provide soils report.

B. Sanitary Sewer:

- Provide a private lateral to each lot.
- Provide easements as necessary.

C. Storm Drainage:

- Provide an investigative drainage report.
- Comply with Storm Drainage Conditions.
- Provide water quality and detention facilities.
- Provide a comprehensive grading plan.
- Provide storm drain laterals to each tax lot.
- Provide DSL signoff.
- Provide Erosion Control Permit from DEQ.

D. Survey Monumentation

- Provide all survey monumentation.
- Property Line Adjustment (PLA-18-115) shall be finalized prior to approval of this application.

E. General Conditions

- Provide public improvement plans and drafts of the final plat.
- Additional Site Plan to ensure fire apparatus access per MLDC 10.430(2) if project includes Minor Residential streets.

- = City Code requirement.
- = Discretionary recommendations/comments.

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



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 11/28/2018
Commission Update: 1/2/2019
File Number: ZC-18-157

PUBLIC WORKS DEPARTMENT STAFF REPORT Zone Change – Coal Mine Road Middlefork Creek Subdivision (371W34 TL 300)

Project: Consideration of a Preliminary PUD Plan for the Middlefork Creek Planned Unit Development – Phases 1-7, which include requests for a tentative plat approval for a 105-lot residential subdivision; a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single Family Residential, four dwelling units per gross acre) on a 12.26-acre portion of the property and a 2.95-acre portion of the property, and a change of zone from SFR-00 to SFR-10 (Single Family Residential, ten dwelling units per gross acre) on a 12.61-acre portion of the property.

Location: The property totals 27.82-acres and is located south of East Barnett Road, east of North Phoenix Road, and abuts Coal Mine Road along its southerly boundary; is within the Southeast (SE) Overlay District, and is currently zoned SFR-00 (371W34300).

Applicant: Applicant, South View LLC; Agent, Neathamer Surveying Inc.; Planner Liz Conner.

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

I. Sanitary Sewer Facilities

This site lies within the City of Medford Sewer Service area. There is capacity in the existing sanitary sewer system to allow this Zone Change.

P:\Staff Reports\CP, DCA, & ZC\ZC only\2018\ZC-18-157 Middlefork Creek (TL 300)\ZC-18-157 Staff Report-CU.docx

Page 1 of 2

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

TELEPHONE (541) 774-2100
FAX (541) 774-2552

II. Storm Drainage Facilities

This site lies within the Larson Creek Drainage Basin. The City of Medford has existing storm drain facilities in the area. This site would be able to connect to these facilities at the time of development. This site will be required to provide stormwater quality and detention at time of development in accordance with MLDC, Section 10.729 and/or 10.486.

III. Transportation System

~~Public Works has received the Traffic Impact Analysis Report dated October 25, 2018, for the Planned Unit Development on 371 W34 lot 300, between Barnett Road and Coal Mine Road east of North Phoenix Road, and have returned the comments to the engineer. We recommend the Applicant delay the hearing until the comments are resolved.~~

Commission Update:

Public Works received a Traffic Impact Report from Southern Oregon Transportation Engineering, dated December 11, 2018, titled, "Middlefork Creek PUD / SFR-00 to SFR-4/SFR-10 Zone Change Traffic Impact Analysis". Public Works also received an addendum Dated December 3, 2018 addressing concerns raised by the City.

Public Works concurs with the report as modified and recommends the following conditions of approval:

1. The development shall be restricted to a trip cap based on 105 single family residential units per the submitted PUD plan.
2. The applicant shall pay a 3% proportional share toward the design and construction of a traffic signal at the intersection of Juanipero Wy at N. Phoenix Rd prior to approval of the final plat that creates 61 or more single family units total in the PUD.
3. If Coal Mine Rd is not realigned then the applicant shall design and construct a southbound left turn lane and a northbound right turn lane at the existing intersection of Coal Mine Rd and N. Phoenix Rd prior to construction of phases 1, 6 and 7.

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs
Updated by: Doug Burroughs

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



Planning Commission

Minutes

From Public Hearing on **December 27, 2018**

The regular meeting of the Planning Commission was called to order at 5:30 PM in the City Hall Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Patrick Miranda, Chair
David McFadden, Vice Chair
David Culbertson
Joe Foley
Bill Mansfield
Mark McKechnie
Alex Poythress

Staff Present

Kelly Evans, Assistant Planning Director
Madison Simmons, Senior Assistant City Attorney
Doug Burroughs, Development Services Manager
Chase Browning, Deputy Fire Marshal
Terri Richards, Recording Secretary
Dustin Severs, Planner III

Commissioner Absent

E.J. McManus, Excused Absence
Jared Pulver, Unexcused Absence

10. Roll Call

20. Consent Calendar/Written Communications.

20.1 ZC-18-132 / CP-18-133 Final Order for concurrent consideration of a minor General Land Use Plan (GLUP) amendment to reclassify four parcels of land, totaling 2.35 acres located at 2231 & 2251 Table Rock Road from Urban High Density (UH) to Service Commercial (SC); and a change of zone of the subject parcels from SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre) and MFR-20 (Multiple Family Residential – 15 to 20 dwelling units per gross acre) to Service Commercial and Professional Offices (C-S/P) (372W13CA 2400, 4903, 4904 & 5000). Applicant: Housing Authority of Jackson County; Agent: Scott Sinner Consulting, Inc.; Planner: Steffen Roennfeldt.

Chair Miranda was informed that there is a correction to consent calendar 20.2. It is to correct Exhibit M-1.

Kelly Evans, Assistant Planning Director reported that staff inadvertently failed to correct the reference in the Conditions of Approval from Exhibit M in the Public Works report. It should be Exhibit M-1.

20.2 LDS-18-078 Final Order of tentative plat approval for Pioneer Marketplace Subdivision, a proposed two-phase, 12-lot land division consisting of six standard lots, four pad lots and two common area tracts on two contiguous parcels totaling 7.6-acres located at the southeast corner of West McAndrews Road and North Ross lane in the C-C

(Community Commercial) zoning district (372W26AD TL 2400 & 2600). Applicant: CDT-Bar LLC.; Agent: CSA Planning, Ltd.; Planner: Dustin Severs.

Motion: The Planning Commission adopted the consent calendar as submitted with the correction noted by staff.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Roll Call Vote: Motion passed, 7-0.

30. Minutes

30.1 The minutes for December 13, 2018, were approved as submitted.

40. Oral and Written Requests and Communications. None.

Madison Simmons, Senior Assistant City Attorney, read the Quasi-Judicial Statement.

50. Public Hearings – Continuance Request

50.1 LDS-18-153 Consideration of a request to revise the tentative plat of Phases 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A and 7B of the "High Cedars at Cedar Landing a Planned Community". The project area is located south of Cedar Links Drive and west of Foothill Road within the SFR-4/PD (Single Family Residential four dwelling units per gross acre/Planned Development Overlay) zone. (371W16CA, TL 2200-2206, 371W16D, TL 7000-7005). Applicant: Cedar Landing Development LLC.; Agent: CSA Planning Ltd.; Planner: Liz Conner. **The applicant has requested to continue this time to the January 10, 2019, Planning Commission meeting.**

Chair Miranda stated that if there are members in the audience that have come to testify on this agenda item and cannot attend the Thursday, January 10, 2019, Planning Commission hearing, please come forward and the Planning Commission will hear your testimony at this time. Please keep in mind that it is possible that your questions may be answered when staff presents their staff report on Thursday, January 10, 2019. There will be no decisions made this evening on this agenda item.

The public hearing was opened.

a. James Garner, 1020 Callaway Drive, Medford, Oregon, 97504. Mr. Garner showed photographs of the construction area. There was a storm drain behind his house but the developer removed it and rain water floods his backyard. He wanted to make the Planning Commission aware of what the construction was doing to the area.

Chair Miranda reported that there would be more information from staff during their presentation at the January 10, 2019, Planning Commission meeting.

Chair Miranda reported the record would remain opened to receive further information.

Motion: The Planning Commission continued LDS-18-153, per the applicant's request, to the January 10, 2019, Planning Commission meeting.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Roll Call Vote: Motion passed, 7-0.

50.2 LDS-18-149 / E-18-150 Consideration of tentative plat approval for McKenzie Village, a proposed 25-lot residential subdivision, along with a request for an Exception for lot depth, on three contiguous parcels totaling 3.51-acres located north of Midway Road, west of Interstate 5, and east of Cummings Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (372W13AA TL 700/601 & 372W13AB TL 211). Applicant: Tom Malot Construction, Inc.; Agent: Richard Stevens & Associates; Planner: Dustin Severs.

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

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

Dustin Severs, Planner III stated that the Land Division approval criteria can be found in the Medford Land Development Code Section 10.202(E). The Exception approval criteria can be found in the Medford Land Development Code Section 10.186(B). The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Severs reported that a letter was received from Mr. Hedley W. Bond. He is in the audience this evening and will probably testify. This letter will be submitted into the record as Exhibit J. Mr. Severs gave a staff report.

The public hearing was opened.

a. Clark Stevens, Richard Stevens and Associates, P. O. Box 4368, Medford, Oregon 97501. Mr. Stevens reported that Exception request is unique having I-5 as a major physical barrier. Lot depths were inhibited so the applicant had to apply for the Exception. Lot 9 is irregular in shape. However, the frontage of the lot is over 89 feet. It exceeds the area so there is more side yard available.

Regarding Mr. Bond's letter, he is correct that currently there is only one way out taking Midway to Table Rock Road. Cummings to the north intersects with Foster Drive that is a planned public street that will go to Table Rock Road. This is an infill project. In the future as the properties to the north, Foster Drive will also create a connectivity to Table Rock Road for street circulation.

Commissioner McKechnie asked, is there a storm drain easement that bisects Lot 10 and clips Lot 11 to be removed or does it stay? Mr. Stevens reported that it will be removed. It will be redirected to Reanna then back north again.

Commissioner McKechnie has concerns with Lot 9. Even though the lot is almost 4,900 square feet, a 15 or 20 foot setback on the front and 8 to 10 foot setback elsewhere it ends up with a lot of setback requirements and not much buildable lot. In the future it would be helpful to have a graphic showing the buildable area. Mr. Stevens stated that he would consider that. Even with a side loaded garage there is plenty of area.

Mr. Stevens reserved rebuttal time.

b. Hedley Bond, 2805 Cummings Lane, Medford, Oregon, 97501. Mr. Bond and his neighbors do not have a problem with McKenzie Village. It will cut down the noise from the Interstate when the proposed wall is installed. There has been a lot of dry grass that will cut down a fire hazard. However, there is currently only one exit from that entire neighborhood to Table Rock Road. Midway does not have sidewalks. Children are dropped off from the school bus at the corner of Table Rock and Midway. Without a sidewalk they walk down the middle of the street. He has been told that currently Midway services approximately 1,600 vehicle trips a day. Add 25 houses that is approximately an extra 250 trips daily. Eventually Foster Drive will be an exit but it is not right now. He hopes the City will look at this and realize it comes to a point where one cannot keep adding houses and vehicle trips. It is time to upgrade services and facilities for the residents in this area.

Mr. Stevens reported that Midway Road is classified as a residential street. The properties are developed to County standards. These are not developed to urban residential standards along these corridors. As individual properties develop dedications will be required, sidewalks will be conditioned or located upon those types of development. Midway Road has dedications and sidewalks for a portion. Eventually when development occurs sidewalks will connect. One day Table Rock Road will be improved to arterial standards in that location.

The public hearing was closed.

Motion: The Planning Commission adopted the findings as recommended by staff and directed staff to prepare the Final Orders for approval of LDS-18-149 and E-18-150 per the staff report dated December 20, 2018, including Exhibits A through I, and adding Exhibit J.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Vice Chair McFadden stated that he doubted there is nobody in the room that disagrees with Mr. Bond. He appreciates Mr. Bond's comments. There is nothing the Planning Commission can do dealing with his concerns. He recommended that Mr. Bond contact his City Council Representative and make him aware of the concerns. There is nothing in the State that allows the Planning Commission to require the developer to do all that extra work on the property that is not part of his project. It is an issue of budgets and funding. The City continues to actively look for grants.

Roll Call Vote: Motion passed, 7-0.

50.3 LDS-18-155 / PUD-18-156 / ZC-18-157 / CUP-18-158 Consideration of a Preliminary PUD Plan for the Middlefork Creek Planned Unit Development – Phases 1-7, which include requests for a tentative plat approval for a 105-lot residential subdivision; a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single Family Residential, four dwelling units per gross acre) on a 12.26-acre portion of the property and a 2.95-acre portion of the property, and a change of zone from SFR-00 to SFR-10 (Single Family Residential, ten dwelling units per gross acre) on a 12.61-acre portion of the property; and a Conditional Use Permit (CUP) in order to locate shared use paths and storm drain facilities within the Riparian Corridors of Larson Creek. The property totals 27.82-acres and is located south of East Barnett Road, east of North Phoenix Road, and abuts Coal Mine Road along its southerly boundary; is within the Southeast (SE) Overlay District, and is currently zoned SFR-00 (371W34300). Applicant: Southeast View LLC.; Agent: Neathamer Surveying; Planner: Dustin Severs.

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner Poythress disclosed that Neathamer Surveying and one of his firms has done business together in the past. Neathamer Surveying made a contribution to his City Council campaign. He does not believe that affects his ability to approach this topic judicially but he leaves that up to the City Attorney. Ms. Simmons has no objection.

Commissioner Mansfield disclosed that in the past Mr. Neathamer has been hired by one or more of his clients to do work and established a good relationship. He feels that will not have anything to do with whatever his decision may be in this case.

Commissioner Culbertson disclosed that Mr. Neathamer and he sit on the Site Plan and Architectural Commission together.

Vice Chair McFadden disclosed that his office has a business relationship with Mr. Neathamer through his employer but it will not cause any concern with his decision.

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

Dustin Severs, Planner III stated that the Land Division approval criteria can be found in the Medford Land Development Code Section 10.202(E). The Revision of a Preliminary or Final Planned Unit Development Plan approval criteria can be found in the Medford Land Development Code Section 10.198(A). The Zone Change approval criteria can be found in the Medford Land Development Code Section 10.204. The Conditional Use Permit approval criteria can be found in the Medford Land Development Code Section 10.184(C). The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Severs gave a staff report. Mr. Severs stated there are three additional discretionary requests: 1) Proposed modifications of standards: enlarged lot size for lots 7, 26, 27, 46, 47, and 50; 2) Five year time schedule for the phased platting of the development; and 3) Approval to construct Morgans Way as a cul-de-sac. Also, a revision to Condition #11: Comply with all the requirements of the Floodplain Manager as outlined in Exhibit AA.

Commissioner Poythress stated that Mr. Severs reported that Public Works recommends a shared driveway. By recommends does he mean a condition of this application? Mr. Severs reported that it is included in the Public Works Staff Report. To limit the number of driveways by doing shared driveways would drop it down from 6 to 3 and with the turnaround it satisfies fire concerns. Mr. Severs deferred the question to Doug Burroughs, Development Services Manager.

Mr. Burroughs stated that it is a Code requirement. They have to do shared driveways to take access off the street and hammerhead turn arounds.

Commissioner McKechnie stated that the northerly creek on some exhibits is referred to as North Fork Larson Creek and on others Middlefork Larson Creek. Mr. Severs reported it is Middlefork.

Commissioner McKechnie stated that some of this development is adjacent on both sides to undeveloped property. Where it is adjacent to developed property across Stanford does it connect to a path on the other side or will there be a condition that will require this path continue on the portion that has no development but will in the future? Mr. Severs reported that in the Parks reports they would like the applicant provide

information on how it is going to connect in the future. It is part of a broader plan to do a multiuse path throughout the entire Southeast development.

Commissioner McKechnie stated that at this point it becomes a construction nuisance if there is a path that is 500 feet long with a dead end. There is no way for people to get in and out of. There should be some security concerns. Mr. Severs reported that the Parks Staff Report states: *"Before final plat, the developer will need to submit a construction plan to the Parks Department showing how these segments of pathway connect to any others within 200 feet of the project area. Plans should indicate any intersections with streets or other facilities, plantings, or areas of vegetation removal, if applicable."*

Vice Chair McFadden stated that both paths seem to be on the south side of the riparian area. Is it easier to maintain the paths adjacent to SFR-4s or SFR-10s? Mr. Burroughs reported that Public Works does not have a preference. They just need to have access to maintain. There are detention ponds on both sides of the creek in some areas of this development. Public Works will need to have access to those. They would primarily use the paths for access to maintain channel flow of the creeks.

Vice Chair McFadden stated there are five streets going east. How far do these streets extend before they are connected to another because of the block length requirement? Mr. Burroughs stated that the applicants segments are under the maximum allowed for a block length. It is typically 660 feet for residential block length.

The public hearing was opened.

a. Bob Neathamer, Neathamer Surveying Inc., 3126 State Street, Suite 203, Medford, Oregon 97504. Mr. Neathamer reported that in the audience is Mike Mahar who is an applicant and Randy Jones an applicant both here in support of this project.

There are paths on the other side of Stanford that continue along the creek. Not to deviate from the Southeast Plan these creeks are required to be on the south side of the Southeast Plan.

Block length does not apply in the Southeast Plan. These streets are all planned for streets coming from the north. They will connect properly in the future as the land develops.

Commissioner McKechnie stated with putting the storm water management facilities near the creek there are several State agencies that get touchy about that. How is that going to or could be handled? Mr. Neathamer reported that they have started the design on the storm water management facilities. They are permitted in the riparian areas and they will have to get the approval with the Fish and Wildlife. Most of the detention and treatment area is on the north sides of the stream. However, the Middlefork will have a small detention and treatment area on the south side too.

Mr. Neathamer reserved rebuttal time.

Mr. Burroughs clarified three items in the Public Works Staff Report: 1) On Coal Mine Road the developer shall improve the north half plus 12-feet south of the centerline or to the far edge of the existing pavement, whichever is greater, along the frontage of this development. Mr. Neathamer expressed concerns of not having enough room to do a 12-foot improvement. Currently, there is 20 feet of right-of-way on that side of the road. Public Works will add in their condition "or approved by the City Engineer." 2) Initially Public Works was requesting a 12-foot wide paved bike path for access of their maintenance vehicles. Public Works would be happy to accept the 10-foot paved bike path with 1-foot shoulder on each side if it met the structural section so they could drive down it. 3) Public Works accepted the findings from Mr. Neathamer on the access way requirement because of the slopes.

Vice Chair McFadden stated that the City was recommending no asphalt surfaces because it attracts more heat therefore, he thought some of Larson Creek between this point and Bear Creek was being done with the decomposed granite to minimize heat buildup along the creek and storm drainage. Is that not the accepted practice? Mr. Burroughs reported that the City has been asking for paved paths for a little while. There are some unpaved paths.

Commissioner McKechnie asked, why is there a 10-foot bump at the south end of Stanford in the right-of-way? Mr. Burroughs deferred the question to Mr. Neathamer.

Mr. Neathamer stated that the idea is whether than have a mid-block crossing for the creek on Larson Creek pathways they are going to build a pathway down to the intersection where it is safer to cross. This is part of that pathway as it is going north along with some other improvements the applicant is doing.

The pavement for the pathway is better for bicyclists and for Public Works to run maintenance vehicles. The applicant is appreciative that they are accepting a narrower width even though there is enough space.

Ms. Evans addressed Commissioner McKechnie's question about the dead end pathway. The pathways along the creeks in the Southeast Plan are planned. It is part of the circulation plan. That is the reason for the apparent dead end. It will continue as it develops.

The public hearing was closed.

Motion: The Planning Commission adopted the findings as recommended by staff and directed staff to prepare the Final Orders for approval of PUD-18-156, LDS-18-155, ZC-18-

157, and CUP-18-158 per the staff report dated December 20, 2018, including Exhibits A through AA, and 1) Proposed modifications of standards: enlarged lot size for lots 7, 26, 27, 46, 47, and 50; 2) Five year time schedule for the phased platting of the development; and 3) Approval to construct Morgans Way as a cul-de-sac. Also, a revision to Condition #11: Comply with all the requirements of the Floodplain Manager as outlined in Exhibit AA.

Moved by: Vice Chair McFadden

Seconded by: Commissioner McKechnie

Commissioner McKechnie thinks the applicant has done a nice job on this application. It appears they have worked hard to answer a lot of the questions and provide reasonable amenities. He is happy with this development.

Commissioner Poythress commented that there is a lot going on with this application. The entire thing is complicated. He thanked the applicant for what they are doing for the City. He encouraged them to keep doing it.

Roll Call Vote: Motion passed, 7-0.

60. Reports

60.1 Site Plan and Architectural Commission.

Commissioner Culbertson reported that the Site Plan and Architectural met on Friday, December 21, 2018. They approved a major modification of the addition of four dwelling units to previously approved plans for an apartment building on East Barnett Road.

60.2 Planning Department

Ms. Evans reported that staff received a notice of intent to file an appeal to LUBA on the Transportation System Plan. It is a single person that submitted the notice.

The Boards and Commissions luncheon is scheduled for Friday, January 11, 2019 at the Inn at the Commons at noon. Ms. Evans encouraged the Planning Commission to attend.

The next Planning Commission study session is scheduled for Monday, January 14, 2019. Discussion will be on the Phoenix-Talent School District Masterplan.

There is business scheduled for the Planning Commission on Thursday, January 10, 2019, Thursday, January 24, 2019 and February 14, 2019.

Last week the City Council adopted the Wetlands Inventory into the Comprehensive Plan. There was no other language that was associated with it. They stripped everything except the inventory. They also approved the Jackson County Housing Authority GLUP map amendment on Table Rock and Berrydale.

Ms. Evans thanked the Planning Commission for their service. It has been a busy year.

70. Messages and Papers from the Chair. None.

80. Remarks from the City Attorney. None

90. Propositions and Remarks from the Commission.

90.1 Commissioner Foley thanked Commissioner Poythress for his service on the Planning Commission

90.2 Commissioner Poythress thanked the Planning Commission and it was a pleasure and real privilege for him. This is his last meeting on the Planning Commission.

100. Adjournment

The meeting was adjourned at 6:52 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Terri L. Richards
Recording Secretary

Patrick Miranda
Planning Commission Chair

Approved: January 10, 2018



City of Medford

Planning Department

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STAFF REPORT- CONTINUANCE REQUEST

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

Project Vinatieri Heights Subdivision
Applicant: Rita Vinatieri; Agent: Neathamer Surveying Inc.

File no. LDS-18-160

To Planning Commission *for January 10, 2019*

From Liz Conner, Planner II

Reviewer Kelly Evans, Assistant Planning Director *ke*

Date January 3, 2019

BACKGROUND

Proposal

Consideration of a tentative plat for a six lot subdivision on approximately 3.08 acres within the SFR-2 (Single Family Residential – 2 dwelling units per gross acre) zoning district, located on Roxy Ann Road directly south of Autumn Park Drive (371W23DD TL 1800).

Request

The applicant has requested that the item be continued to January 24 2019, in order to provide additional information.

EXHIBITS

- A Continuanace request received January 3, 2019
Vicinity map

PLANNING COMMISSION AGENDA:

JANUARY 10, 2018



NEATHAMER SURVEYING, INC.

January 3, 2019

CITY OF MEDFORD: PLANNING DEPARTMENT

Attn: Liz Conner, Planner II
200 South Ivy Street, Lausmann Annex
Medford, OR 97501

Re: *Vinatieri Heights Subdivision*
City of Medford File No. LDS-18-160

Liz:

On behalf of our client and applicant, Rita Vinatieri, the intent of this letter is to request a continuance for the Planning Commission meeting scheduled for January 10, 2019, for the referenced project.

The applicant would like to move the project to the agenda for the Planning Commission meeting scheduled for January 24, 2019. The requested continuance would allow Rita Vinatieri an opportunity to address the matters that were discussed during the land division meeting that occurred on December 19, 2018, particularly those related to the required improvements.

Thank you for your consideration. Please contact this office should any questions arise or if any additional information is necessary.

Respectfully,

Neathamer Surveying, Inc.

By: *Nathan Ruf, CFM*
Nathan Ruf, CFM



Project Name:
**Vinatieri Heights
 Subdivision**

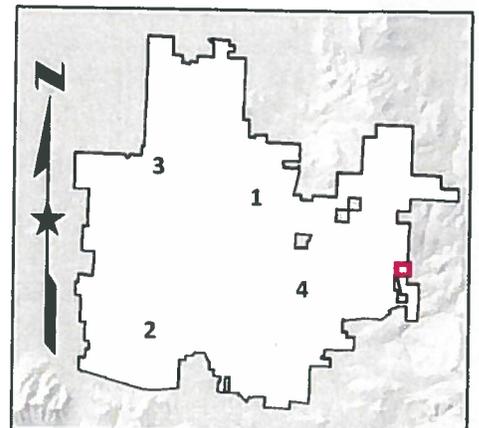
Map/Taxlot:
371W23DD TL 1800



11/02/2018

Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots





City of Medford

Planning Department

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STAFF REPORT – CONTINUANCE REQUEST

for a Type III quasi-judicial decision: Land Division

Project High Cedars and Cedar Landing PUD, Phases 3 through 7
Applicant: Cedar Landing Development LLC; Agent: CSA Planning Ltd.

File no. LDS-18-153

To Planning Commission *for 01/10/2019 hearing*

From Liz Conner, Planner II

Reviewer Kelly Evans, Assistant Planning Director *h*

Date January 3, 2019

BACKGROUND

Proposal

Consideration of a request to revise the tentative plat of Phases 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A and 7B of the "High Cedars at Cedar Landing a Planned Community". The project area is located south of Cedar Links Drive and west of Foothill Road within the SFR-4/PD (Single Family Residential four dwelling units per gross acre/Planned Development Overlay) zone. (371W16CA, TL 2200-2206, 371W16D, TL 7000-7005)

Request

The applicant has requested that the item be continued to January 24, 2019, in order to allow staff to review additional findings submitted.

EXHIBITS

- A Continuanance request received January 3, 2019
Vicinity map

PLANNING COMMISSION AGENDA:

DECEMBER 27, 2018
JANUARY 10, 2019

Continuance Request

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

RE: Project Name: Revised Tentative Plat for High Cedars Ph 5B-7B

File No(s): LDS-18-153

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

the January 24, 2019 meeting,
(hearing date)

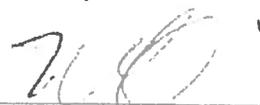
or

for a period of _____ calendar days.

Reason for request: Allow time for staff to review additional information that was provided in response to items raised during LD meeting.

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

Thank you,



Signature

01-03-2019

Date

CSA Planning, Ltd. Mike Savage
Print Name



Project Name:

High Cedars
Phases 5A, 5B
Phases 6A, 6B
Phases 7A, 7B

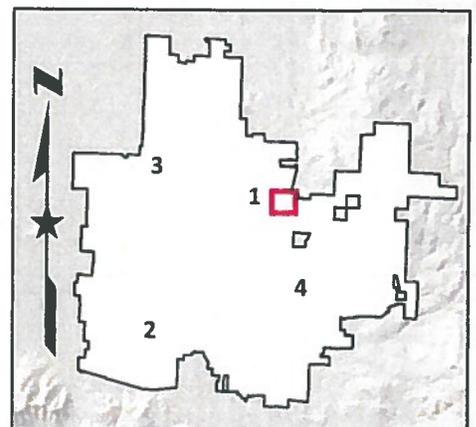
Map/Taxlot:
371W16CA TL 2202-2203
371W16D TL 7000-7003



Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

01/02/2019





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STAFF REPORT

for a type-III quasi-judicial decision: *Land Division*

PROJECT April's Meadow Subdivision
Applicant: Sidney & Linda Lumpkin
Agent: Farber Surveying

FILE NO. LDS-18-163

TO Planning Commission

for January 10, 2019 hearing

FROM Dustin Severs, Planner III

REVIEWER Kelly Evans, Assistant Planning Director *W*

DATE January 3, 2019

BACKGROUND

Proposal

Consideration of tentative plat approval for April's Meadow Subdivision, a proposed 4-lot residential subdivision on a 1.44-acre parcel located at 2570 Springbrook Road in the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district (371W17BD400).

Vicinity Map



Subject Site Characteristics

Zoning: SFR-4 (Single-Family Residential, four dwelling units per gross acre)
GLUP: UR (Urban Residential)
Overlay(s): AC (Airport Area of Concern)
Use(s): Single-Family Residence

Surrounding Site Characteristics

North Zone: SFR-4
Use(s): Residential subdivision

South Zone: SFR-4
Use(s): Residential Subdivision

East Zone: SFR-4
Use(s): Residential Subdivision

West Zone: MFR-20 (Multiple Family Residential, twenty dwelling units per gross acre)
Use(s): Vacant land

Related Projects

LDS-05-301 April's Meadows Subdivision (Expired)

Applicable Criteria

MLDC 10.202(E): Land Division Criteria

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

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;*
- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;*
- (3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;*

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

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

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

ISSUES AND ANALYSIS

Project Summary

Site characteristics/ history

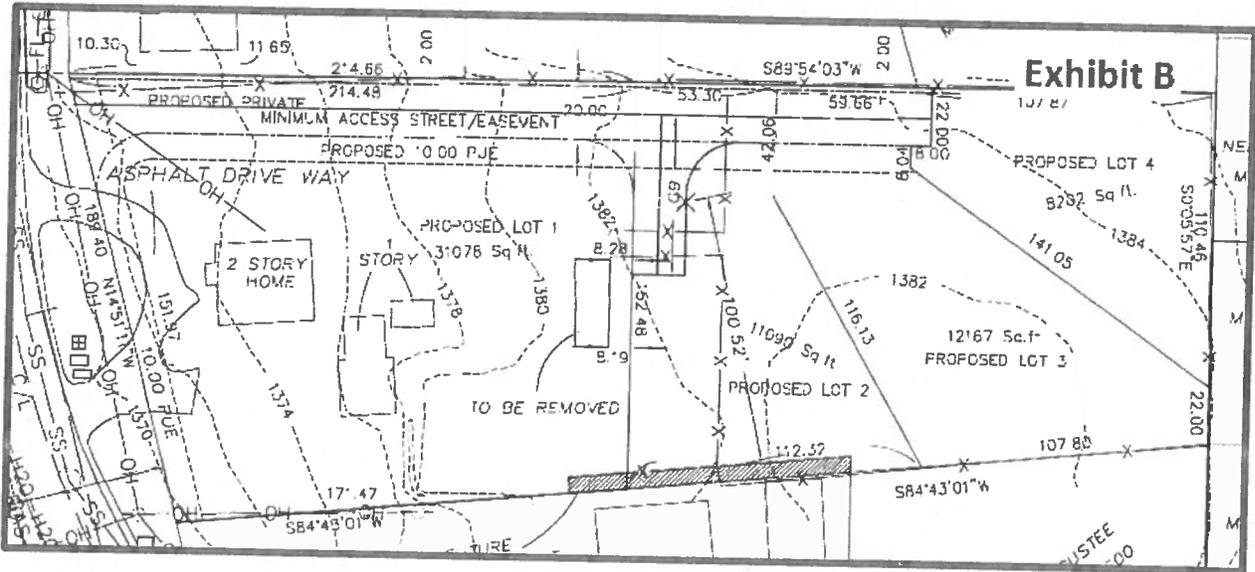
The subject site totals 1.44 acres, and is fronted along its westerly boundary by Springbrook Road, a Major Collector Street, and currently contains a two-story single family home, which serves as the residence of the applicants. The property also includes a circular drive providing two access points to the site off of Springbrook Road, a two-car garage, swimming pool, and two additional accessory structures, one of which is proposed to be removed, as shown on the tentative plat. The easterly half of the property to the rear of the existing residence is vacant.

The applicants were approved for a four-lot subdivision in 2005 (LDS-05-301); however, the tentative approval later expired.



Proposal

The applicants are requesting to subdivide the property, creating four separate parcels. The applicants are also proposing the creation of a Minimum Access Easement with the subject request. The Minimum Access Easement is proposed to be located off of Springbrook Road at the northwest corner of the applicants' parcel, identified as *Proposed Lot 1* as shown on the submitted tentative plat, from which Lots 2-4 are proposed to take access.



Density

Density Table

SFR-4	Allowed	Shown
Min. /Max. Density 2.5 to 4.0 dwelling units per gross acre	4 min. / 6 max.	4 lots

As shown on the Density Table above, based on 1.44 acres of land, the creation of four lots, as identified on the submitted tentative plat, falls within the minimum/maximum range permitted for the SFR-4 zoning district as per MLDC 10.710.

Development Standards

Site Development Table (MLDC 10.710)

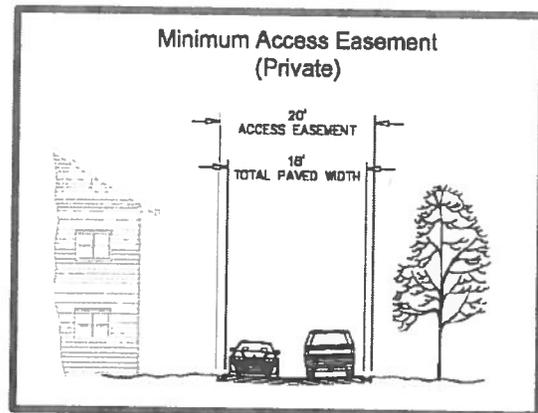
SFR-4	Lot Area	Min. lot Width (Interior)	Min. lot Depth	Min. Lot Frontage
Required	6,500 to 18,750	60 feet	90 feet	30 feet
Shown	Lot 1: 31,078	Lot 1: 160 ft.	Lot 1: 190 ft.	Lot 1: 151 ft.
	Lot 2: 11,090	Lot 2: 80 ft.	Lot 2: 150 ft.	Lot 2: 53 ft.
	Lot 3: 12,167	Lot 3: 70 ft.	Lot 3: 180 ft.	Lot 3: 59 ft.
	Lot 4: 8,202	Lot 4: 105 ft.	Lot 4: 125 ft.	Lot 4: 30 ft.

As shown in the Site Development Table above, it can be found that the four proposed lots identified on the submitted tentative plat meet all the dimensional standards for the SFR-4 zoning district as found in Article V of the Medford Land Development Code.

Lot 1, as shown in the Site Development table above, exceeds the maximum lot area for the SFR-4 zoning district; however, per MLDC 10.708(A)(3)(c), lots with an existing house and yard that exceed the maximum lot area may be removed from the density calculation at the discretion of the developer. Accordingly, the applicants' existing house and yard, identified as Lot 1 on the submitted tentative plat, is proposed to exceed the maximum size for the SFR-4 zoning district.

Access

All four proposed lots will take access from Springbrook Road; however, as Lots 2-4 do not have direct frontage off of a public right-of-way, as required per MLDC 10.425, the applicants are proposing to create a Minimum Access Easement from which Lots 2-4 will take access from a shared driveway off Springbrook Road to be located at the northwest corner of the applicants' property – Lot 1. As per MLDC 10.430(A), the creation of a Minimum Access Easement is permitted to provide access for a minimum of two and a maximum of three dwelling units (not including Accessory Dwelling Units). The applicants are proposing that the Minimum Access Easement serve as access for the lots 2-4, which do not have direct access to Springbrook Road, while the applicants' property (Lot 1) will continue to take access via a separate, existing



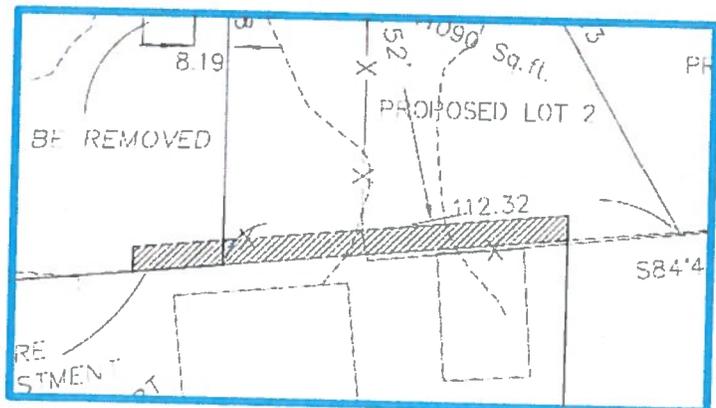
driveway off of Springbrook Road located to the south of the proposed Minimum Access Easement.

Per the staff report provided by Public Works (Exhibit E), the applicant will be required to close the existing north driveway associated with the existing circular drive prior to final plat approval. This requirement is made in the interest of limiting the number of driveways off of Springbrook Drive, which is classified as a Major Collector Street.



Property line adjustment

The submitted tentative plat (Exhibit B) identifies a *proposed future property line adjustment* located along the southerly boundary of lots 1 and 2. At the LD meeting, the applicants explained that the purpose of the property line adjustment is due to the placement of an existing fence, and an agreement with the property owner to the south.



As a condition of approval, the applicants will be required to obtain approval for the proposed property line adjustment or remove said item from their final plat submittal, prior to final plat approval for the subject request.

Fire access

Per the staff report provided by the Fire Department (Exhibit G), the turn-around shown for the proposed Minimum Access Easement driveway on the tentative plat is insufficient. Dead-end fire apparatus roads in excess of 150 feet in length are required to be provided with approved provisions for the turning around of fire apparatus. It was explained to the applicant at the LD meeting that an alternative option would be to provide the future homes on Lots 2-4 with sprinklers in lieu of providing a fire department turn-around.

Facility Adequacy

Per the agency comments submitted to staff (Exhibits E-G), it can be found that, with the imposition of the conditions of approval contained in Exhibit A, there will be adequate facilities to serve the future development of the site.

Neighbor Comments

Staff received a letter from a neighbor located at 2629 Tahitian Avenue, abutting the subject property to the east. In the letter, the neighbor, Annie Nagel, explains past issues that she has had with the subject property concerning its water drainage flowing onto her property. In a conversation with Ms. Nagel at the planning office, staff explained to Ms. Nagel that the applicant has submitted a Conceptual Grading & Drainage Plan (Exhibit C) with their application by a registered professional showing stormwater detention on the property, and that the developer's design engineer will be required to provide written certification to the Engineering Division that the construction of the water detention facilities were constructed per plan, prior to the approval of the final plat.

Other Agency Comments

None

Committee Comments

No comments were received from a committee, such as BPAC.

FINDINGS AND CONCLUSIONS

Land Division

Staff finds the subdivision plat consistent with the Comprehensive Plan and all applicable design standards set forth in Articles IV and V. Furthermore, the subdivision will not prevent development of the remainder of the property under the same ownership or of adjoining land; bears a name (April's Meadow) that has been reviewed and approved by the City's Address Technician; and criterion 4-6 are inapplicable.

Staff recommends that the Commission adopt the Findings of Fact as recommended by staff.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of LDS-18-163 per the staff report dated January 3, 2019, including Exhibits A through G.

EXHIBITS

- A Conditions of Approval, dated January 3, 2019.
- B Tentative Plat, received November 14, 2018.
- C Conceptual Grading & Drainage Plan, received October 24, 2018.

- D Applicant's Findings of Fact, received October 24, 2018.
- E Public Works Staff Report, received December 12, 2018.
- F Medford Water Commission memo & associated map, received December 12, 2018.
- G Medford Fire Department Report, received December 12, 2018.
- H Neighbor letter, received December 31, 2018.
Vicinity map

PLANNING COMMISSION AGENDA:

JANUARY 10, 2018

EXHIBIT A

April's Meadow Subdivision
LDS-18-163
Conditions of Approval
January 3, 2019

CODE REQUIRED CONDITIONS

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

1. Comply with all conditions stipulated by Medford Public Works Department (Exhibit E)
2. Comply with all conditions stipulated by the Medford Water Commission (Exhibit F).
3. Comply with all requirements of the Medford Fire Department (Exhibit G).
4. Obtain approval for *proposed future property line adjustment* as identified on the tentative plat or remove said item from final plat submittal.

TENTATIVE SUBDIVISION PLAN
 PROPOSED
 APRIL'S MEADOW SUBDIVISION
 located in the

NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 37
 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF
 MEDFORD, JACKSON COUNTY, OREGON

for
SIDNEY and LINDA LUMPKIN
 2570 SPRINGBROOK ROAD
 MEDFORD, OREGON 97504

- X— = EXISTING FENCE
- = 12" CORRUGATED PLASTIC PIPE
- = IRRIGATION BOX
- = TELEPHONE/FIBEROPTIC RISER
- = STORM DRAIN DROP INLET
- v- = POWER POLE (PP&L)
- L— = FIRE HYDRANT
- ⊞ = WATER METER
- ⊞ = WATER VALVE
- ⊞ = SANITARY SEWER MANHOLE
- = 12 INCH PVC PIPE
- = 12 INCH CORRUGATED METAL PIPE
- FL = FLOW LINE (OPEN DITCH)
- FO = FIBER OPTIC
- OH = OVERHEAD POWER

NOTES:

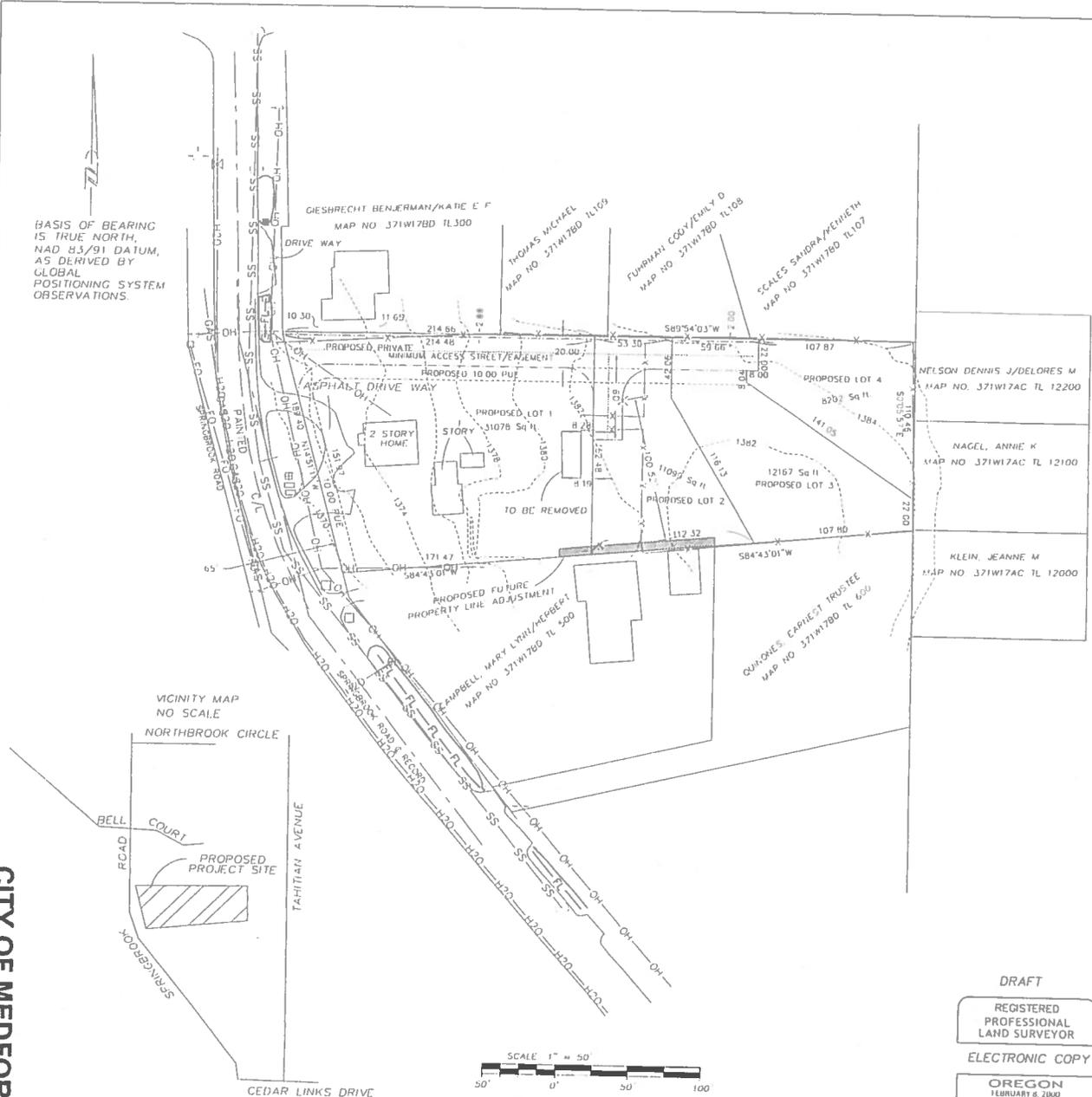
1. CITY OF MEDFORD ZONING: SFR-4
2. SCHOOL DISTRICT: MEDFORD 549C
3. FIRE DISTRICT: MEDFORD FIRE DISTRICT
4. FEMA ZONE X, SFHA=OUT
5. MEDFORD SEWER SERVICE, 18" CP 15 IN THE RIGHT OF WAY SPRINGBROOK ROAD; APPROX. 22.70 FT FROM THE NORTHWEST CORNER OF THE SUBJECT PARCEL

GROSS ACREAGE = 1.56 ACRES, 67789 Sq ft
 NET ACREAGE 1.44 ACRES, 62510 Sq ft

Surveyed by
FARBER & SONS, INC. dba

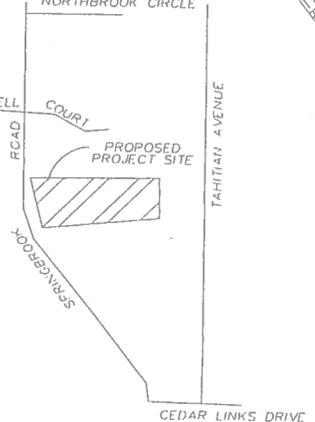
 PO BOX 5286
 431 OAK STREET
 CENTRAL POINT, OREGON 97502
 (541) 664-5599

DATE: AUGUST 14, 2018
 JOB NO.: 2017-2662
 DRAWING FILE: JOBS/MEDFORD_NE/SPRINGBROOK/LUMPKIN/MICRO/
 TENTATIVE PLAN 080218.DWG
 DRAWN BY: GIM DATE: 08/14/18 REVISIONS BY: DATE:



BASIS OF BEARING IS TRUE NORTH, NAD 83/91 DATUM, AS DERIVED BY GLOBAL POSITIONING SYSTEM OBSERVATIONS.

VICINITY MAP
 NO SCALE



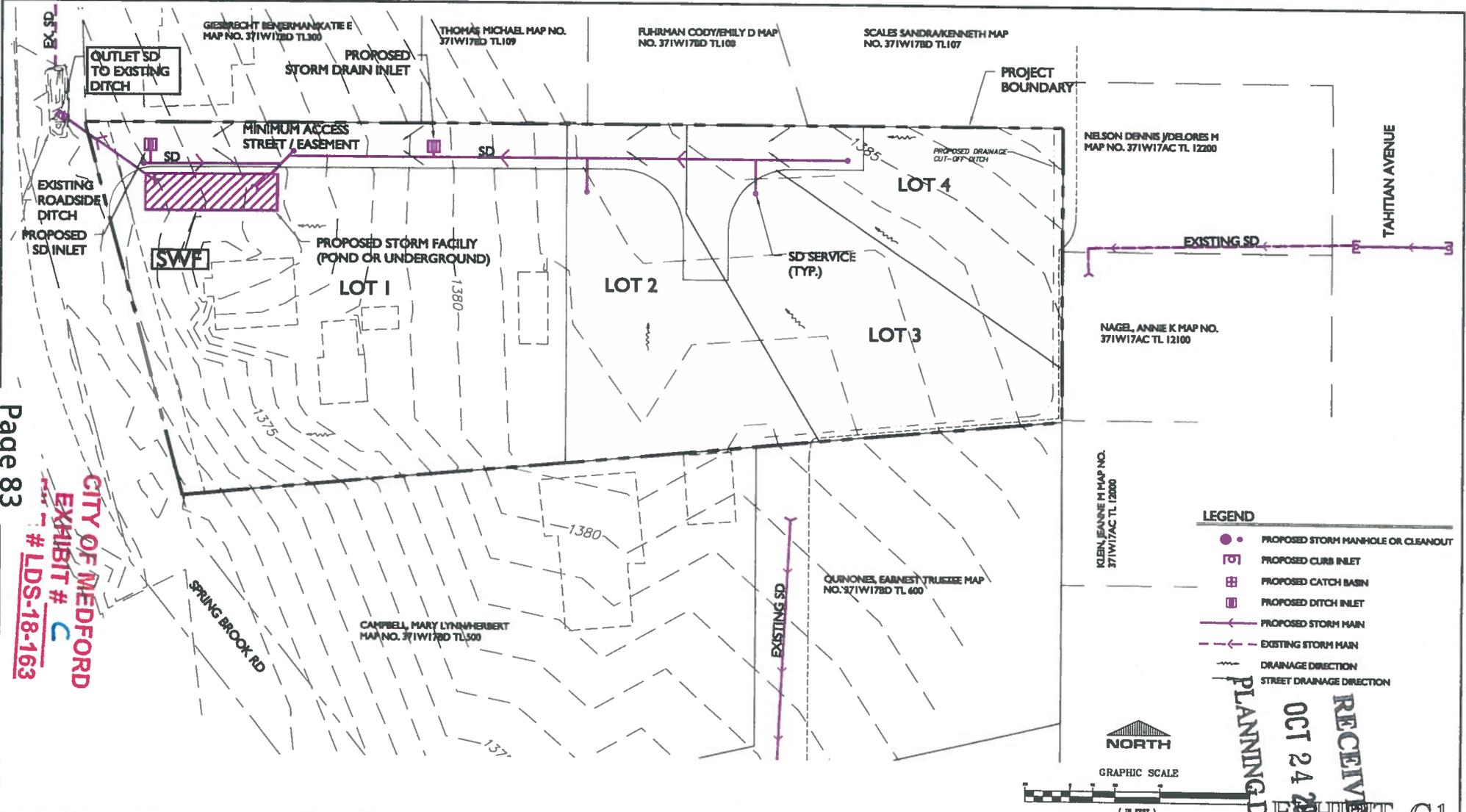
SCALE 1" = 50'
 CONTOUR INTERVAL = 2 FEET
 CONTOUR DATA IS FROM THE CITY OF MEDFORD GIS
 NVD 29

DRAFT
 REGISTERED PROFESSIONAL LAND SURVEYOR

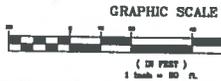
ELECTRONIC COPY

OREGON
 FEBRUARY 4, 2000
 RICHARD E. STEIN
 #9593PLS
 RENEWAL DATE 06/30/2020

CITY OF MEDFORD
EXHIBIT # C
LDS-18-163



- LEGEND**
- PROPOSED STORM MANHOLE OR CLEANOUT
 - PROPOSED CURB INLET
 - ▣ PROPOSED CATCH BASIN
 - PROPOSED DITCH INLET
 - PROPOSED STORM MAIN
 - - - EXISTING STORM MAIN
 - ~ DRAINAGE DIRECTION
 - ~ STREET DRAINAGE DIRECTION



RECEIVED
OCT 24 2018
PLANNING DEPT.
EXHIBIT C.1



P.O. BOX 1724 - MEDFORD, OREGON 97501
PH: (541) 779-3268

DRAWN BY: JOK	DATE: XX/XX
CHECKED BY: JOK	DATE: XX/XX
	DATE:
	DATE:
	DATE:

NO.	REVISION	DATE	BY



CONSTRUCTION ENGINEERING CONSULTANTS, INC.

APRIL'S MEADOW
CONCEPTUAL
GRADING & DRAINAGE PLAN

PROJECT NO.
DRAWING NO.
PLAN

RECEIVED
OCT 24 2018
PLANNING DEPT.

Findings of Fact

for
APRIL'S MEADOW a subdivision of
Taxlot 400, Assessor's map no. 37 1W 7BD

A LAND DIVISION APPLICATION IN THE
CITY OF MEDFORD, OREGON

ADDRESSING THE CRITERIA OF MLDC §10.202

August 31, 2018

PREPARED BY:
FARBER SURVEYING
431 Oak Street
Central Point, OR 97502

- *Text bulleted and italicized represents the findings per § 10.202*

10.202 (E) Land Division Approval Criteria

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

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

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

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

- *No, the intention of this subdivision is to re-configure the existing land and improvements to be consistent with the abutting properties that are already developed.*

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

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

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

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

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

- *N/A, there are no public streets or alleys being created in this application. The minimum access streets will be owned and maintained by the property owners.*

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

- *N/A; all adjoiners are zoned for residential.*

Respectfully submitted,

Herbert A Farber

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

Phone: 541 664-5599

Email: herb@farbersurveying.com

August 31, 2018



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 12/12/2018
File Number: LDS-18-163

PUBLIC WORKS DEPARTMENT STAFF REPORT April's Meadow Subdivision (TL 400)

- Project:** Consideration of tentative plat approval for April's Meadow Subdivision, a proposed 4-lot residential subdivision on a 1.44-acre parcel.
- Location:** Located at 2570 Springbrook Road in the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district (371W17BD400).
- Applicant:** Applicant, Sidney & Linda Lumpkin; Agent, Farber Surveying; Planner, Dustin Severs.

The following items shall be completed and accepted prior to the respective events under which they are listed:

- Approval of Final Plat:
Right-of-way, construction and/or assurance of the public improvements in accordance with Medford Land Development Code (MLDC), Section 10.666 & 10.667 (Items A, B & C)
- Issuance of first building permit for residential construction:
Construction of public improvements (Items A through E)
- Issuance of Certificates of Occupancy for individual units:
Sidewalks (Items A2)

A. STREETS

1. Dedications

Springbrook Road is classified as a Major Collector street within the Medford Land Development Code (MLDC) 10.428. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the half width (32.5-feet) of right-of-

way per the City of Medford's Springbrook Road Improvement Project (P1689). **The Developer's surveyor shall verify the amount of additional right-of-way required.**

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

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

Public Utility Easements, 10-feet in width, shall be dedicated along the street frontage of all the Lots within this development (MLDC 10.471).

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

2. Public Improvements

a. Public Streets

Springbrook Road – Currently has pavement with no other improvements. **No additional public improvements are required at this time. That said, the City of Medford is in the design phase of the Springbrook Road Improvement Project (P1689), and are expected to begin improvements along this frontage in 2019.**

Minimum Access Drives (Private) shall be built consistent with MLDC 10.430A(1) and improved to a minimum width of 20 feet with AC pavement. The minimum TI for the structural section shall be 3.5, the minimum AC section shall be 3" thick, and the base aggregate shall extend one foot beyond the edge of pavement. The minimum access drives shall be designed by a civil engineer licensed in the State of Oregon and plans submitted to the Public Works-Engineering Division for approval. A drainage system shall be incorporated into the paved access design to capture stormwater and direct it to the storm drain system.

b. Street Lights and Signing

No additional street lights are required. Street lights will be installed with P1689.

The Developer shall be responsible for the preservation and re-installation of all signs removed

during demolition and site preparation work. The Developer's contractor shall coordinate with the City of Medford Public Works, Maintenance and Operations Division to remove any existing signs and place new signs provided by the Developer.

c. Pavement Moratoriums

There is no pavement cutting moratorium currently in effect along this frontage to Springbrook Road. **However, once the City of Medford has completed improvements (P1689) along this frontage, there will be a street moratorium in effect for 5 years from the date of completion.**

d. Access to Public Street System

The applicant shall close the existing north driveway associated with the existing circular drive prior to Final Plat. Closure shall include the removal of any asphalt between the outside edge of the roadway shoulder and the property line.

e. Easements

All public sanitary sewer or storm drain mains shall be located in paved public streets or within easements. A 12-foot wide paved access shall be provided to any public manholes which are not constructed within the street section.

Easements shall be shown on the final plat and the public improvement plans for all sanitary sewer and storm drain mains or laterals which cross lots, including any common area, other than those being served by said lateral. The City requires that easement(s) do not run down the middle of two tax lot lines, but rather are fully contained within one tax lot.

3. Section 10.668 Analysis

To support a condition of development that an Applicant dedicate land for public use or provide a public improvement, the Medford Code requires a nexus and rough proportionality analysis which is essentially a codification of the constitutional provisions in Nollan and Dolan cases.

10.668 Limitation of Exactions

Notwithstanding any other provisions of this Chapter 10, an applicant for a development permit shall not be required, as a condition of granting the application, to dedicate land for public use or provide public improvements unless:

(1) the record shows that there is an essential nexus between the exaction and a legitimate government purpose and that there is a rough proportionality between the burden of the exaction on the developer and the burden of the development on public facilities and services so that the exaction will not result in a taking of private property for public use, or

(2) a mechanism exists and funds are available to fairly compensate the applicant for the excess burden of the exaction to the extent that it would be a taking.

1. Nexus to a legitimate government purpose

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

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

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

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

Springbrook Road is classified as a Major Collector street per the adopted Circulation Plan. Springbrook Road is the primary connector to Delta Waters and Cedar Links Drive from the development. As a Major Collector, Springbrook Road will have one travel lane in each direction, a center-turn median, bike lanes in each direction, and sidewalks. It will provide safe travel for vehicles, bicycles, and pedestrians. As a higher order streets, they are eligible for street SDC credits for both the right-of-way and roadway improvements, per MMC, Section 3.815 (5). Street SDC credits offset costs to the Developer and is the mechanism provided by the City of Medford to fairly compensate the applicant for the excess burden of dedicating for and constructing higher order streets.

Dedication of the Public Utility Easement (PUE) will benefit development by providing public utility services, which are out of the roadway and more readily available to each lot or building being served. The additional traffic of all modes of travel generated by this proposed development supports the dedication and improvements for all modes of travel and utilities. As indicated above, the area required to be dedicated for this development is necessary and roughly proportional to that required in similar developments to provide a transportation system that meets the needs for urban level services.

B. SANITARY SEWERS

The proposed development is situated within the Medford sewer service area. The Developer shall provide one service lateral to each buildable lot prior to approval of the Final Plat.

Public sanitary sewer mains shall be extended on their courses to the exterior boundaries of this subdivision, such that future development can extend service without having to excavate back into the improvements provided by this subdivision.

C. STORM DRAINAGE

1. Hydrology

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

2. Stormwater Detention and Water Quality Treatment

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

Upon completion of the project, the developer's design engineer shall provide written certification to the Engineering Division that construction of the water quality and detention facilities were constructed per plan. This letter shall be received by the City of Medford Public Works Engineering Department prior to acceptance of the subdivision.

The City is responsible for operational maintenance of the public detention facility. Irrigation and maintenance of landscape components shall be the responsibility of the developer or a Home Owners Association (HOA). The developers engineer shall provide an operations and maintenance manual for the facility that addresses responsibility for landscape maintenance prior to subdivision acceptance. Regarding water quality maintenance, the Rogue Valley Stormwater Quality Design Manual states: "Vegetation shall be irrigated and mulched as needed to maintain healthy plants with a density that prevents soil erosion."

3. Grading

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

4. Mains and Laterals

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

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

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

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

5. Erosion Control

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

D. SURVEY MONUMENTATION

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

The plat frontage along Springbrook should conform with center line resolution recently completed by City of Medford in anticipation of proposed street improvements and alignment (see survey number 22515).

If property line adjustment is needed for encroachments or other non-explained reasons then plat should be subject to the property line adjustment being finalized prior to final plat submittal.

E. GENERAL CONDITIONS

1. Design Requirements and Construction Drawings

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

2. Construction Plans

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

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

3. Phasing

The proposed plans do not show any phasing.

4. Draft of Final Plat

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

5. Easements

Easements shall be shown on the Final Plat for all sanitary sewer laterals and storm drainage laterals that cross lots other than the one being served by the laterals.

6. Permits

Building Permit applications for vertical construction shall not be accepted by the Building Department until the Final Plat has been recorded, and a "walk through" inspection has been

conducted and approval of all public improvements as required by the Planning Commission has been obtained for this development.

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

7. System Development Charges (SDCs)

Buildings in this development are subject to SDC fees. These SDC fees shall be paid at the time individual building permits are taken out.

8. Construction and Inspection

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

For City of Medford facilities, the Public Works Maintenance Division requires that public sanitary sewer and storm drain mains be inspected by video camera prior to acceptance of these systems by the City.

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs

SUMMARY CONDITIONS OF APPROVAL

April's Meadow Subdivision (TL 400)

LDS-18-163

A. Streets

1. Street Dedications to the Public:

- Springbrook Road – Dedicate additional right-of-way per City of Medford (P1689).
- Dedicate 10-foot public utility easements (PUE).

2. Improvements:

Public Streets

- Springbrook Road – Street improvements will be completed by the City of Medford (P1689).

Lighting and Signing

- No additional street lights are required. To be installed by the City of Medford (P1689).

Access to Public Street System

- The applicant shall close the existing north driveway associated with the existing circular drive prior to Final Plat.

Other

- There is no pavement cutting moratorium currently in effect along this frontage to Springbrook Road. However, once the City of Medford has completed improvements (P1689) along this frontage, there will be a street moratorium in effect for 5 years from the date of completion.

B. Sanitary Sewer:

- Provide a private lateral to each lot.
- Provide easements as necessary.

C. Storm Drainage:

- Provide an investigative drainage report.
- Provide water quality and detention facilities.
- Provide Engineers certification of stormwater facility construction.
- Provide a comprehensive grading plan.
- Provide storm drain laterals to each tax lot.
- Provide Erosion Control Permit from DEQ.

D. Survey Monumentation

- Provide all survey monumentation.

E. General Conditions

- Provide public improvement plans and drafts of the final plat.

- = City Code Requirement
- = Discretionary recommendations/comments

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



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: LDS-18-163

PARCEL ID: 371W17BD TL 400

PROJECT: Consideration of tentative plat approval for April's Meadow Subdivision, a proposed 4-lot residential subdivision on a 1.44-acre parcel located at 2570 Springbrook Road in the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district (371W17BD400); Applicant, Sidney & Linda Lumpkin; Agent, Farber Surveying; Planner, Dustin Severs.

DATE: December 12, 2018

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

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The existing water meter to the existing home at 2570 Springbrook Road shall be protected in-place and continue to serve this home. Future City of Medford "Springbrook Road Improvement Project" will have an impact on this water meter. Applicant shall coordinate with MWC Engineering staff for potentially relocating this water meter to an approved location prior to proposed Street Improvement project.
4. Proposed Parcels 2, 3, and 4 are required to have a new water meters installed. These water meters shall be located along the Springbrook Road right-of-way, and shall be located on the south side of the proposed minimum access street/easement. Water meters shall not be installed in existing or proposed driveways and shall not be installed in PUE along Springbrook Road. "Private" water service lines for proposed Lots 2, 3, and 4 will be required to be installed in the proposed private minimum access street/easement for each Lot. Applicant shall coordinate with MWC engineering staff for approved location of proposed water meters.
5. Static water pressure is approximately 94 psi in this area. Pressure reducing valves are required when water pressure is over 80 psi per Uniform Plumbing Code. See attached document from the City of Medford Building Department "Policy on Installation of Pressure Reducing Valves".

Continued to Next Page

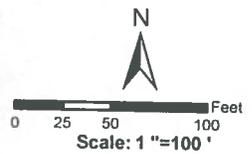
CITY OF MEDFORD
EXHIBIT # F
FILE # LDS-18-163



Continued from Previous Page

COMMENTS

1. Off-site water line installation is not required.
2. On-site water facility construction is not required.
3. Static water pressure in Springbrook Road is approximately 94 psi. (See Condition 5 above)
4. MWC-metered water service does exist to this property. A ¾" water meter serves the existing dwelling at 2570 Springbrook Road. (See Condition 3 above)
5. Access to MWC water lines is available. There is an existing 6-inch water line in Springbrook Road.



Water Facility Map
 City of Medford
 Planning Application:
 LDS-18-163
 (37-1W-17BD-400)
 November 28, 2018

Legend

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



This map is based on a digital database compiled by Medford Water Commission from a variety of sources. Medford Water Commission does not accept responsibility for errors, omissions, or published in safety. There is no warranty, expressed or implied.



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 12/6/2018
Meeting Date: 12/12/2018

LD File #: LDS18163

Planner: Dustin Severs

Applicant: Sidney & Linda Lumpkin

Site Name: April's Meadow Subdivision

Project Location: 2570 Springbrook Road

Project Description: Consideration of tentative plat approval for April's Meadow Subdivision, a proposed 4-lot residential subdivision on a 1.44-acre parcel

Specific Development Requirements for Access & Water Supply

Reference	Comments	Conditions Description
OFC 505	Required for the homes taking access from the minimum access driveway.	The developer must provide a minimum access address sign. A pre-approved address sign can also be utilized. A brochure is available at: http://www.ci.medford.or.us/Files/Minimum%20Access%20Address%20Sign.pdf
OFC 503.2.5	The dimensions of the turn around shown on the plans are insufficient. The developer may choose to provide the homes on lots 2-4 with home fire sprinklers in lieu of providing a fire department turn around.	Dead-end Fire Apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus. The Fire department turn-around area must be posted with "NO PARKING-FIRE LANE" signs. These signs shall be spaced at 50' intervals along the fire lane and at fire department designated turn-around's.
OFC 503.5	Parking shall be posted as prohibited along both sides of the minimum access driveway.	Where parking is prohibited on public roads for fire department vehicle access purposes, NO PARKING signs shall be spaced at minimum 50' intervals along the fire lane (minimum 75' intervals in 1 & 2 family residential areas) and at fire department designated turn-around areas. The signs shall have red letters on a white background stating "NO PARKING". Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths (20' wide) and clearances (13' 6" vertical) shall be maintained at all times (OFC 503.4; ORS 98.810-12). Fire apparatus access roads 20-26' wide shall be posted on both sides as a fire lane. Fire apparatus access roads more than 26' to 32' wide shall be posted on one side as a fire lane (OFC D103.6.1). This restriction shall be recorded on the property deed as a requirement for future construction. Contact Public Works Transportation Manager Karl MacNair 541-774-2115 for further information.

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

CITY OF MEDFORD
EXHIBIT # 6
FILE # LDS-18-163

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, Mechanical Codes and applicable NFPA Standards.

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

www.medfordfirerescue.org

December 31, 2018

Annie Nayel
2629 Tahitian Ave.
Medford,
OR 97504

City of Medford
Planning Department
200 S. Ivy St. Medford
OR 97501

Drainage Problem Between 2629 Tahitian Ave
and 2570 Springbrook Road

Dear Sir,

My name as stated above, I have moved in the mentioned address in Dec 2012. I have no knowledge of the water flowing problem between our properties. I just wonder why Mr. Sydney didn't cut his weeds and let it grow taller than me, also during summer I have a lot of mosquitoes, and my back yard always wet become a swampy area.

During summer, I have tried my best to mow the weeds but the grounds was too wet, at the end my mower and also my gardener mower were broken. A few days later on my gardener pointed out that it was the water pipes problem. Besides the stem pipe to my property there is another pipe. So the two pipes all end up inside my property and this created the soil erosion as the water won't really flow to Mr. Sydney's property. As his property there is no drainage to bring the water on the irrigation water to his property, it all end up in my property. I have called water dept, canal dept, and irrigation dept all denied is their work. At the end I went to irrigation dept and the staff shown me the map, it was irrigation pipe that suppose to go through Mr. Sydney's property to the end of the house, but

CITY OF MEDFORD
EXHIBIT # 14
FILE # LBS-18-163

So I called the irrigation dept again, but they told me I can't place the complain, it should be Mr. Sydney to complain, so I talked to him again, but Mr. Sydney didn't do anything, but telling me that he paid the irrigation water, but he didn't has any animals at all, only in 2012, the rest is no animals, he should pay 7 property tax rather than the cheaper rate of irrigated water. I even suggested to Mr. Sydney let me send some people over to his property to dig the drainage, so the water can flow over properly to his property, as time being the water couldn't flow to his place as there is all sorts and weeds cover it, water cannot flow properly and creates a lot of mosquitoes, soil erosion and bad smell in my backyard that I couldn't enjoy sitting outside during summer.

The only thing Mr. Sydney did, is cutting the weeds 2, 3 times during the summer, but did nothing about the irrigation water, I wonder what is the purpose of paying irrigation water when the water didn't flow to his property but end up in between our fence. Also when I complained to water dept, they sent people to clear the ^{drainage} drainage, but they bill me later of \$122.

Lastly, I hope the meeting can include the irrigation water dept, to look into this matter, to have a proper pipe work and cement work and don't let the water flow anywhere in my property, as next to it is the two electrical boxes, before any disaster happens, I hope they can seriously look into it.

Sincerely yours
Ani Hazel.



Project Name:
April's Meadow Subdivision

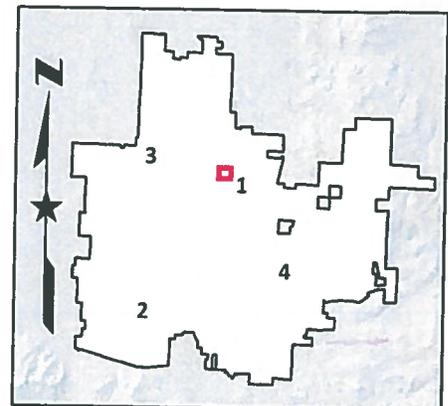
Map/Taxlot:
371W17BD TL 400



11/02/2018

Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots





STAFF REPORT

for a Type-III quasi-judicial decision: **Conditional Use Permit**

Project Maslow Project
Applicant: CSA Planning

File no. CUP-18-159

To Planning Commission *for January 10, 2019 hearing*

From Steffen Roennfeldt, Planner III

Reviewer Kelly Evans, Assistant Planning Director *KE*

Date January 3, 2019

BACKGROUND

Proposal

Consideration of a request for a Conditional Use Permit (CUP) to allow for the operation of a temporary shelter within the existing Maslow Project Resource Center on a 0.85 acre parcel located at 500 Monroe Street in a SFR-10 (Single-Family Residential – 6 to 10 dwelling units per gross acre) zoning district. (371W30CC 7800)

Vicinity Map



Subject Site Characteristics

Zoning	SFR-10	Single Family Residential - 6 to 10 dwelling units per gross acre
GLUP	PS	Parks & Schools
Use		Maslow Project Center

Surrounding Site Characteristics

<i>North</i>	Zone:	SFR-10
	Use:	Single family residences
<i>South</i>	Zone:	SFR-10
	Use:	Central Medford High School
<i>East</i>	Zone:	SFR-10
	Use:	Single family residences
<i>West</i>	Zone:	MFR-20 (Multi-family residential – 15 to 20 dwelling units per gross acre)
	Use:	Apartments

Related Projects

None

Applicable Criteria

Medford Municipal Code §10.184(C) Conditional Use Permit Approval Criteria.

- (1) *The Planning Commission must determine that the development proposal complies with either of the following criteria before approval can be granted.*
 - (a) *The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.*
 - (b) *The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.*
- (2) *In authorizing a conditional use permit the approving authority (Planning Commission) may impose any of the following conditions:*
 - (a) *Limit the manner in which the use is conducted, including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.*
 - (b) *Establish a special yard or other open space or lot area or dimension requirement.*

- (c) Limit the height, size, or location of a building or other structure.*
- (d) Designate the size, number, location, or nature of vehicle access points.*
- (e) Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.*
- (f) Designate the size, location, screening, drainage, surfacing, or other improvement of parking or truck loading area.*
- (g) Limit or otherwise designate the number, size, location, height, or lighting of signs.*
- (h) Limit the location and intensity of outdoor lighting, or require its shielding.*
- (i) Require screening, landscaping, or other facilities to protect adjacent or nearby property, and designate standards for installation or maintenance thereof.*
- (j) Designate the size, height, location, or materials for a fence.*
- (k) Protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.*

Medford Municipal Code §10.184(D) Conditional Use Permits, Mitigation of Impacts.

A conditional use requiring the mitigation of impacts under Subsection (C)(1)(b) above must do one of the following:

- (1) Preserve unique assets of interest to the community.*
- (2) Provide a public facility or public nonprofit service to the immediate area or community.*
- (3) Otherwise provide a use or improvement that is consistent with the overall needs of the community in a location that is reasonably suitable for its purpose.*

Medford Municipal Code §10.819A Temporary Shelters

(A) Purpose and Intent.

Temporary shelters provide short-term relief for homeless individuals and families, as well as those without adequate protection during times of extreme weather, within an existing or newly constructed building. It is the intent of these standards to ensure that any conflicts with temporary shelters and the surrounding land uses are mitigated through the special regulations set forth in this Section 10.819A.

(B) Definitions Pertaining to Temporary Shelters.

When used in Chapter 10 in reference to temporary shelters, the following terms shall have the meanings as herein ascribed:

(1) *Access Point: The main point of entry and exit for a temporary shelter where users, visitors, and other persons must sign in and out to maintain security within a shelter.*

(2) *Client(s): Person or persons who receive services from an operator of a temporary shelter which shall include overnight sleeping, and may include other items established per the shelter's operations plan as required in Section 10.819A(D)(1)(b).*

(3) *Operator: The organization in charge of daily operations of a temporary shelter. The operator shall be a civic, non-profit, public, religious, membership based, or otherwise competent organization and shall be the applicant for the land use review of a temporary shelter.*

(4) *Operational Period: An operator's established days of operations.*

(5) *Operations Plan: The guiding document for an operator to use in determining the standards clients must adhere to in a shelter.*

(6) *User(s): See 10.819A(B)(2) client(s).*

(C) Temporary Shelter Permit Requirements

(1) *The conditional use permit (CUP) as required by Sections 10.314 and 10.337 of this Code shall run with the lot(s), tract(s), or parcel(s) of land on which a temporary shelter was conditionally permitted. Unless modifications to the original CUP are made, a new CUP shall not be required for each new operational period.*

(2) *An operator of a temporary shelter shall comply with all applicable local, state, and federal laws, rules, and regulations (e.g. Building and Fire Department approvals) unrelated to land use applications/reviews, unless waived by the appropriate approving authority/official.*

(3) *Upon request by the applicant, the Planning Director may reduce or waive application fees and any other fees required by the Planning Department. In evaluating such a re-quest, the Director will consider the financial hardship to the applicant and other information relevant to the cost of processing the application and/or the applicant's ability to pay the fees.*

(4) *In order to begin operating a temporary shelter, an operator shall apply for and receive an approved Temporary Shelter Operational Permit from the Medford Fire-Rescue Department for each operational period.*

(5) *Shelters operating with extensions, granted per Section 10.819A(D)(2)(e), shall be required to perform all improvements, acquire all permits, and fulfill all other requirements of the Medford Municipal Code, unless waived by the appropriate approving authority.*

(6) *All applicable permits must be approved prior to the initial date of operations.*

(7) *Each temporary shelter shall adhere to the Temporary Shelter Policy as established by the City.*

(D) General Standards for Temporary Shelters

The following standards of subsection 10.819A (D) shall apply to temporary shelters. The words operator and applicant may be used interchangeably in this subsection as they are one and the same. The requirements are as follows:

(1) Operational Requirements. The operator shall be required to meet the following standards as it pertains to shelter operations:

(a) Conformance. It shall be the duty of the operator to ensure and maintain compliance with applicable local, state, and federal regulations relating to the operations of temporary shelters. Temporary shelters shall comply with all applicable building, fire, health, life, and safety codes as they pertain to temporary shelters. Compliance with this section requires the Operator maintain a Temporary Shelter Operational Permit.

(b) Operations Plan. An operations plan shall be required for a temporary shelter. An operations plan shall include, at a minimum, items addressing client interaction, rules for shelter use, facility operations and maintenance, safety and security provisions, signage that complies with the Medford Municipal Code, and the dates of the operational period.

(c) Supervision. There shall be a minimum of two on-duty representatives of the temporary shelter at any time, unless approved otherwise. The representative(s) contact information shall be clearly posted at the shelter's access point each day. The representative may be a volunteer, hired employee, or otherwise competent and responsible adult.

i. When required by Medford Fire-Rescue, a fire watch shall be in place in addition to an on-duty representative(s).

ii. On duty-representatives shall monitor all areas of a temporary shelter, in order to ensure that all applicable rules are being followed.

(d) Shelter Capacity. Shelter capacity shall be determined by applicable Building and Fire Codes.

(e) Areas for Sleeping. Temporary shelters may have separate and designated areas for sleeping or shelter for the comfort of clients by separating clients into male only, female only, and family only sleeping areas.

(f) Shelter queuing. During times of shelter intake lines or queues of people awaiting admittance shall not obstruct any public space or right of way. A three foot clearance shall be maintained on all sidewalks.

(g) Written proof of compliance with requirements of this Section shall be available in hard copy at the temporary shelter's access point and shall also be made available to the Fire Code Official, upon request.

(h) Operational Requirements stated in this Section may be conditions of approval as deemed necessary by the approving authority.

(2) Operational Period.

(a) The use of a temporary shelter shall not exceed 90 days within a 12 month period, unless otherwise permitted by this code. The operational period shall

start on the first day of operations in which individuals were provided shelter and shall end once shelter has been provided for 90 days within a 12 month period or 12 months after the first day of operations, whichever occurs sooner.

(b) The intended timeframe in which an operational period is to take place shall be clearly stated in an operations plan. This shall include one of the following:

i. Operations based on local weather events such as, but not limited to, temperature extremes, persistent smoke or fog, and other acts of nature that are hazardous to human health. Conditions for opening and closing based on weather events shall be clearly stated in the operations plan.

ii. Specific dates in which operations are to occur, not exceeding 90 days in a 12 month period as identified in this Section, subject to the 180 day limitation for Temporary Uses described in 10.819A(D)(2)(e) below.

(c) The operator shall notify Medford Fire-Rescue each time the shelter is closing.

(d) The operator shall notify Medford Fire-Rescue a minimum of four business days prior to each re-opening of the shelter and shall provide the opportunity for inspection prior to re-opening the shelter. In times of emergency the operator shall coordinate with Medford Fire-Rescue if it is not possible or prudent to give four days' notice.

(e) The operational period may be extended for a temporary shelter by the City if local conditions warrant an extension. Extensions may be granted for a total of 30, 60, or 90 calendar days. Extensions shall be approved by the City Manager. The total operational period, including extensions, shall not exceed a total of 180 consecutive days, in a 12 month period. Extensions are subject to the following conditions:

i. Operators must request to extend the operational period a minimum of 14 business days prior to the first anticipated day of extended operations.

ii. An extension of the operational period for a temporary shelter may require additional conditions that were not previously required. Additional conditions shall be consistent with applicable Building and Fire Codes, unless otherwise waived by the appropriate approving authority or the City Manager.

(f) The limitations on the length of operational periods shall apply to the lot(s), tract(s), or parcel(s) of land on which a temporary shelter operates.

(3) Reporting Requirements. Within 30 days of the end of the operational period, and/or upon application for an extension to the operational period pursuant to section 10.819A(D)(2)(e), the operator shall submit a report to the Housing Advisory Commission (HAC). At a minimum, the report shall include the following information:

i. Number of clients served at the temporary shelter during the operational period

ii. Number of public service calls to the temporary shelter and reason for each call

iii. Services provided to the clients of the temporary shelter, if applicable iv. Number of nights spent at full capacity (if applicable)

v. Number of clients from the operational period who were provided with more permanent or transitional housing

The operator shall coordinate the reporting requirement with the Medford, Ashland/Jackson County Continuum of Care using the industry standard software (e.g. Homeless Management Information System) in place at the time of reporting.

(4) Standards for Closing/Suspending Temporary Shelters

The City shall consider the reports submitted by operators to the HAC in determining whether to close or suspend a temporary shelter. A shelter may be closed or suspended in accordance with the following procedures and criteria.

(a) The City may close or suspend a temporary shelter use if:

i. The City Manager has determined that it would be in the public interest to do so.

ii. More than 40 emergency service calls within 30 calendar days are made regarding activity in or near the temporary shelter.

iii. Any safety issues are identified during an inspection, including, but not limited to fire and life safety issues.

iv. Any violation of the Medford Municipal Code and/or state or federal law occurs.

(b) Any day on which the temporary shelter is closed or suspended due to non-compliance with applicable codes, laws, or rules shall not count as a day of the operational period. Closing of a temporary shelter under this section invalidates all temporary shelter permits for the tax lot(s) on which the shelter is located, including temporary shelters in other buildings on the same tax lot, but does not invalidate a conditional use permit issued pursuant to Section 10.184 of this Code.

(c) When a temporary shelter is closed or suspended due to violation of the standards outlined in this Section, it shall not be allowed on the same tax lot(s) for a time period of one year (365 days) from the final day of operations, unless otherwise approved by the City Council.

(d) Clients of a temporary shelter, the operator, and the property owner shall be given seven calendar days for the operator and owner to remove temporary shelter components, and for clients to vacate the location in which a shelter operates, once the use has been terminated. In cases of emergency or threat to human health or life safety, less than seven days' notice may be given. The owner or operator shall not be required to remove components utilized for the temporary shelter that are also part of the owner or operator's routine operations.

(e) The City Manager's decision to revoke a temporary shelter's permits shall be effective immediately. Appeals shall be made to the City Council.

(5) Consent to Inspection of Temporary Shelter(s)

(a) Temporary shelters are subject to inspection at any time by the City to verify safe operation of a shelter.

i. Inspections by the City may include inspections of all portions of a temporary shelter. Inspections shall be in conformance with all applicable local, state, and federal laws.

ii. Areas used for bathrooms and showers shall be subject to inspections by the City, but any users of the facilities shall be given ten minutes notice prior to inspection to allow for the privacy needs of individuals who may be using the facilities.

(b) Inspections shall be required prior to each opening of a temporary shelter. All violations of applicable codes found through an inspection shall be resolved prior to commencing operations of a temporary shelter. Inspections may be required by the following City departments to verify conformance with applicable codes, prior to operations commencing:

i. Building Department

ii. Planning Department

iii. Police Department

iv. Fire-Rescue Department

(c) Each user of temporary shelter must sign a waiver and give consent to inspections from the departments listed in this Section for reasons deemed necessary to ensure safe operations of a temporary shelter. This waiver shall include consent to walk-through inspections of sleeping areas as well as inspections of the facility. This shall be a part of the operations plan and may differ from shelter to shelter.

(d) Signage stating "Inspection by the City of Medford officials, including Medford Fire-Rescue and Medford Police Department, may occur without notice" shall be prominently posted in the sleeping units, shower areas, and toilet areas of the temporary shelter.

(E) Site Standards for Temporary Shelters

The following standards shall apply to the development and use of temporary shelters.

(1) Temporary shelters must be at least 500 feet, measured from any property line, from any other temporary shelter's closest property line. This Section applies to temporary shelters during their operational period, not for land use approvals.

(2) Temporary shelters shall be an accessory use in residential zones.

(3) In commercial and industrial zones, temporary shelters may be an accessory or primary use.

(4) A site plan depicting how the standards of Section 10.819A of this Code have been met shall be submitted as a part of the application submittal. A site plan shall, at a minimum, include the following:

- (a) Building footprint(s) of the primary and accessory uses on the site in which the temporary shelter will be located.*
- (b) A floor plan, with square footage measurements labeled clearly for:
 - i. The location and size of the temporary shelter and areas intended for sleeping*
 - ii. Location and size of other areas used in conjunction with the warming shelter (e.g. common area(s), kitchen(s), bathroom(s), and similar spaces).*
 - iii. Total client capacity within the temporary shelter and areas intended for sleeping**
- (c) Location of buildings access point(s)*
- (d) Location(s) of trash receptacle(s)*
- (e) Location(s) of lighting for site and building(s)*
- (5) Adequate space shall be provided for client's personal items and shall not displace required parking per Sections 10.741-10.751.*
- (6) Access points shall have a trash receptacle that does not block the public right of way and is large enough for trash disposal during times of intake.*
- (7) Adequate access shall be given for emergency vehicles and personnel, where applicable.*
- (8) Tents, yurts, and similar temporary structures are not allowed to be used for the temporary shelter land use.*

Corporate Names

According to the Oregon Secretary of State, Maslow Project is registered at 500 Monroe Street in 97501 Medford, OR. Daniel C. Thorndike is the Registered Agent. Royal Standley is listed as the President and Paul Robinson is listed as the Secretary.

ISSUES AND ANALYSIS

Background

The Maslow Project was founded in 2009 and provides goal-oriented, wrap-around support services to homeless children and their families throughout Southern Oregon. The one-stop resource center ensures that immediate basic needs such as food, clothing, and hygiene supplies are met. The Maslow Project use is a supplemental public service use to the Medford School District and provides resources to students throughout the school district.

In September of 2018, City Council adopted Ordinance No. 2018-113 outlining the requirements for the operation of temporary shelters. This application falls under the definition for temporary shelters in the Medford Land Development Code (MLDC), Section 10.819A. Per the applicant, the proposed temporary shelter will serve up to 15 young adults aged 18-24 and will operate seasonally from December 15th through March 15th.

The proposed opening hours for the temporary shelter are from 7 pm to 8 am. These hours will not interfere with the daily operations of the Maslow Project which is open daily from 10 am to 5 pm.

Site Plan (Exhibit B)

The subject site is located at 500 Monroe Street and has street frontage on three sides: Monroe Street to the south, J Street to the east, and Whitman Place to the west.

No improvements to the building, landscaping, parking area, etc. are proposed as part of this Conditional Use Permit application.

Parking

Parking for employees and customers is provided on 16 improved spaces to the north of the building. The minimum and maximum parking requirements for temporary shelters can be found in Table 10.743-1 of the Medford Land Development Code. The minimum number of parking is calculated by adding 1 space per 25 resident beds plus 1 space per employee on the largest shift. For the maximum number, 1 space per 20 resident beds is added to 1 space per employee on the largest shift. Per the applicant's findings the largest shift will consist of 2 to 3 employees and a maximum of 15 resident beds will be provided.

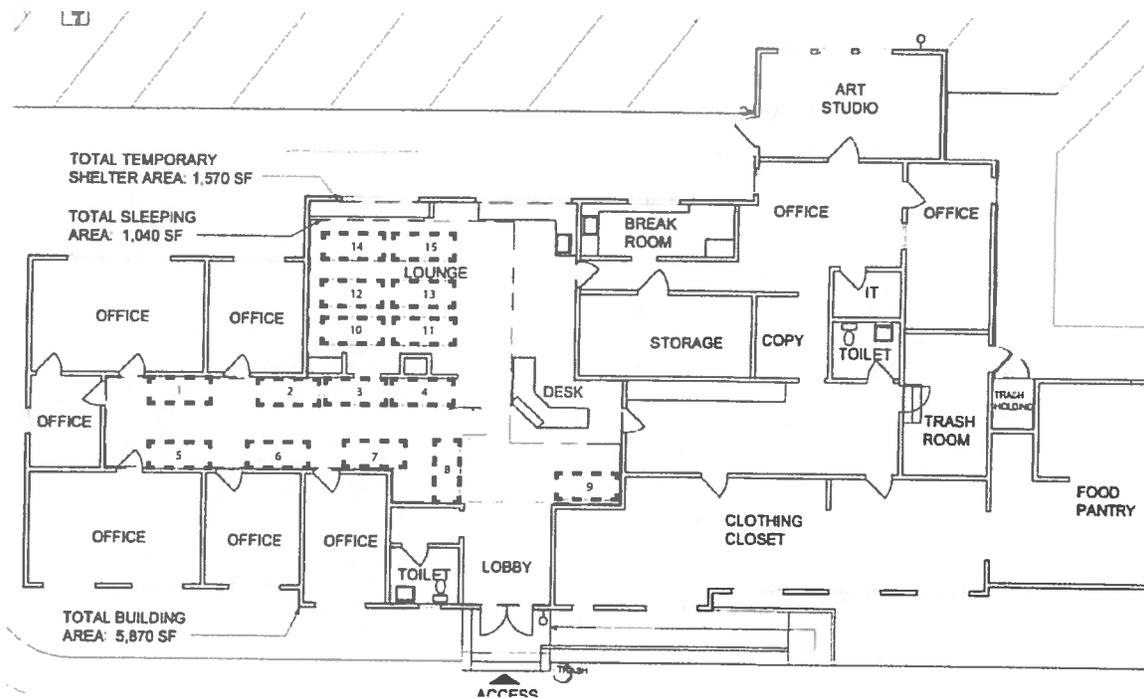
Based on a largest shift of three employees, the minimum and maximum parking requirement equals 5 vehicular spaces. MLDC 10.744 allows parking to be shared where a use will not overlap at a point in time. Therefore, as there are already 16 marked vehicle spaces existing and the operating hours do not overlap, no additional parking spaces are required.

Interior Layout

The main point of entry will be at the building's main entrance facing Monroe Street. The (up to) 15 proposed night time cots will be assembled each night in marked areas in the hallway and the lounge as depicted on the Floor Plan in Exhibit B. The cots will be broken down again each morning before normal operations for the Maslow Project continue. Per the applicant, queueing during check-in times is not expected to be a significant issue at



this site. The existing lobby is relatively spacious and can accommodate 10-12 adults. There is an additional private sidewalk area that is approximately 10 feet by 20 feet that is adequately sized for queuing the full capacity of the shelter. Queuing into the public right-of-way is not expected to happen.



Floor Plan

Operational Period

Opening Schedule

The use of a temporary shelter shall not exceed 90 days within a 12 month period per MLDC 10.819A(D)(2)(a). The Maslow shelter is proposed to open annually between December 15 and March 15 for a maximum of 90 days. Extensions may be granted if local weather conditions warrant an extension following the procedures in MLDC 10.819(D)(2)(e).

Standards for Closing/Suspension

MLDC 10.819A(D)(4) provides procedures and criteria to close or suspend the operations of a temporary shelter use if the City Manager has determined that it would be in the public interest to do so; more than 40 emergency service calls within 30 calendar days are made regarding activity in or near the temporary shelter; any safety issues are identified

during an inspection, including, but not limited to fire and life safety issues; or any violation of the Medford Municipal Code and/or state or federal law occurs.

Additional Permits & Documentation

Temporary Shelter Operational Permit

In addition to this Conditional Use Permit application, a Temporary Shelter Operational Permit application is required to be obtained by the applicant prior to opening the facilities. The Temporary Shelter Operational Permit will be issued by the Fire Department and has to be renewed for each operational period.

Temporary Use Permit

Prior to the opening of each operational period, the applicant is also required to obtain a Temporary Use Permit and approved by the Building Department.

Operational Plan (Exhibit J)

An operational plan is required by MLDC 10.819A(D)(1)(a) and shall include items addressing client security provisions, rules for shelter use, facility operations and maintenance, safety and security provisions, signage, and the dates for the operational period. All required items were sufficiently addressed in the provided Operational Plan and the applicant's findings of fact.

Committee Comments

No comments were received from a committee, such as BPAC.

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

The approval criteria for Conditional Use Permit states that the Commission must conclude the application is consistent with either MLDC 10.184(C)(1)(a) or (b). The applicant's findings state that the application complies with criterion (b):

(b) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.

The applicant makes findings (Exhibit I) pertaining to Section 10.184(C)(1)(b) and finds that the application is in the public interest, and that, by adhering to the performance standards of MLDC 10.819A and the imposition of conditions of approval, conflicting interests are balanced. Staff concurs with the applicant's findings of fact and conclusions of law that the subject use is in the public interest. The temporary shelter use is essential in providing a place to keep warm and safe during the winter months for homeless young

adults. Staff also concurs with the applicant that the proposed temporary shelter provides a public nonprofit service to the immediate area by serving local youth with critical services that will be extended with the provision of an overnight temporary shelter. Therefore, the Commission can find that the requirement found in MLDC 10.184(D)(2) is satisfied.

The approval criteria and standards for a temporary shelter can be found in the MLDC Section 10.819A. The Commission can find that all requirements are either met or can be met by the imposition of conditions of approval.

Conditions of approval prepared by staff in Exhibit A are standard conditions of approval addressing temporary shelter uses. If additional mitigation is required, the Commission may add to the Conditions of Approval (Exhibit A).

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare the final order for approval of CUP-18-159 per the staff report dated January 3, 2019, including Exhibits A through Q.

EXHIBITS

- A Conditions of Approval, dated January 2, 2019
- B Site and Floor Plan, received October 23, 2018
- C Vicinity Map, received October 23, 2018
- D Assessor Map, received October 23, 2018
- E General Land Use Plan Map, received October 23, 2018
- F Zoning Map, received October 23, 2018
- G Slopes Map, received October 23, 2018
- H Narrative, received October 23, 2018
- I Findings of Fact and Conclusions of Law, updated December 14, 2018
- J Technical Memorandum 1 – Temporary Shelter Operations Plan, received December 4, 2018
- K Technical Memorandum 2 – additional Findings of Fact, received December 14, 2018
- L Temporary Shelter Emergency Plan, received December 14, 2018
- M Guest Agreement Form, received December 14, 2018
- N Public Works Department Staff Report, dated December 5, 2018
- O Fire Department Land Development Report, dated November 26, 2018
- P Building Department Memo, dated December 5, 2018
- Q Water Commission Memo, dated December 5, 2018
Vicinity map

EXHIBIT A

Maslow Project CUP
CUP-18-159
Conditions of Approval
January 3, 2019

CODE REQUIREMENTS

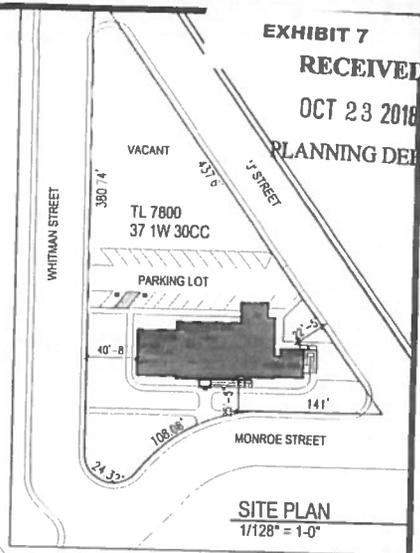
Prior to the opening of the temporary shelter use, the applicant shall:

1. Comply with all applicable requirements of MLDC 10.819A.
2. Comply with the Medford Fire Department Land Development Report, dated November 26, 2018 (Exhibit O).
3. Comply with the Memo from the Medford Water Commission, dated December 5, 2019 (Exhibit Q).
4. Either
 - a. Demonstrate to Medford Fire-Rescue that all generally-applicable requirements of the Oregon Fire Code for such occupancies are met, including Section 903's requirement of automatic sprinkler system, or
 - b. Submit a revised operations that addresses egress of individuals that require limited verbal or physical assistance to respond to an emergency and evacuate; the revisions shall be approved by a Deputy Fire Marshal or Deputy Fire Chief of Medford Fire-Rescue.

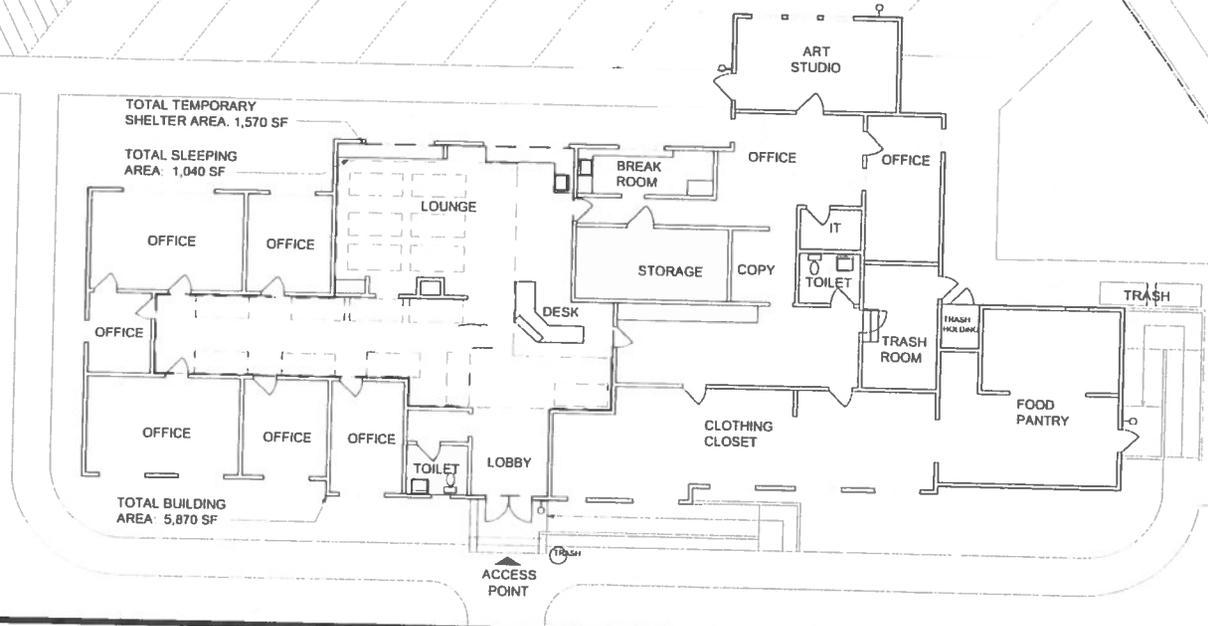
DISCRETIONARY REQUIREMENTS

5. Prior to the opening of the temporary shelter use, the applicant shall stipulate to the following:
 - a. Admittance to the temporary shelter shall be restricted to current Maslow clients aged 18 to 24. Current Maslow client is defined as an individual who has completed a Maslow Project and is actively engaged with a Maslow Project case manager.
 - b. Clients must sign the Maslow Project Temporary Shelter Guest Agreement Form.
 - c. The shelter may operate nightly from December 15th to March 15th of each year for a maximum of 90 days per calendar year.
 - d. Maximum client admission load shall be 15 persons.
 - e. Daily operating hours for the temporary shelter use shall be from 7 p.m. to 8 a.m.
 - f. At least one paid Maslow staff member shall be on site at all times.

EXHIBIT 7
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 PLANNING DEPT.



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MASLOW PROJECT - TEMPORARY SHELTER

500 MONROE STREET MEDFORD, OREGON

FLOOR PLAN

TEMPORARY SHELTER CAPACITY: 15



CITY OF MEDFORD
 EXHIBIT #
 FILE # CUP-18-159
 GSA Planning, Ltd.
 6407 Brownridge Terrace
 Medford, OR 97504
 774 0569
 gsa@gsaplanning.net

DATE: 10/22/18 SCALE: 1/16" = 1'-0" (11 X 17)

CWP-18-159

MEDFORD

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FOR ASSESSMENT AND
TAXATION ONLY

S W 1/4, S W 1/4, SEC 30, T.37S, R.1W, W.M.
JACKSON COUNTY
1" = 100'

37 1W 30CC
MEDFORD



CANCELLED TAX
LOT NUMBERS
114-600 REMAPPED TO 371W 30CC
1101-2100 REMAPPED TO 371W 30CC
2000-3100 REMAPPED TO 371W 30CC
4300
5200
7701
9900 ADDED TO 371W 30CC
9400

SUBJECT

37 1W 30CC
MEDFORD
NEW MAP MAR 74 21 20
REV APR 04 2011

CISE DATA
04/02/2011 4:05:59 PM AdminMJ

12

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- Subject
- Tax Lots
- Medford Zoning
- Medford Zoning Overlays**
- Historic
- Admin Mapping**
- Planned Development

Zoning Map

2016 Aerial



Maslow Project
Conditional Use Permit
37-1W-30CC tax lot 7800

CITY OF MEDFORD
EXHIBIT # F
FILE # CUP-18-159



CSA Planning LTD



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CITY OF MEDFORD SLOPES MAP

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NARRATIVE

The subject application seeks approval for a Conditional Use Permit for a Temporary Shelter within the existing Maslow Project Resource Center located at 500 Monroe Street in Medford, Oregon. Maslow Project provides a one-stop resource center that ensures access to immediate basic needs such as food, clothing, and hygiene supplies are met for homeless teens and young adults. Maslow also facilitates easy access to in-depth services from a comprehensive team of community partners. Maslow Project helps youth establish educational, employment, and personal development goals while providing wrap-around case-management services to assist youth in attaining those goals. In addition, Maslow Project provides student support services at local schools. Our outreach team builds community awareness and seeks out unaccompanied and unenrolled youth who may otherwise fall through the cracks.

The proposed Temporary Shelter is a logical extension of the existing use at the site. Maslow Project intends to serve young adults at the shelter aged 18-24.

CITY OF MEDFORD
EXHIBIT # H
FILE # CUP-18-159

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PLANNING DEPT.

BEFORE THE PLANNING COMMISSION

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

THE MATTER OF A REQUEST FOR)
CONDITIONAL USE PERMIT IN THE)
COMMERCIAL REGIONAL (C-R))
ZONING DISTRICT TO ALLOW A)
TEMPORARY SHELTER AT THE)
EXISTING MASLOW PROJECT)
RESOURCE CENTER. THE SITE IS)
APPROXIMATELY 0.85 ACRES. THE)
PROPERTY IS IDENTIFIED AS TAX)
LOT 7800, IN TOWNSHIP 37 SOUTH,)
RANGE 01 WEST, SECTION 30CC.)
THE SITE IS LOCATED AT 500)
MONROE STREET IN THE)
CORPORATE LIMITS OF THE CITY OF)
MEDFORD, OREGON.)

FINDINGS OF FACT AND
CONCLUSIONS OF LAW
Applicants' Exhibit 1

Applicants/Owners: Maslow Project;)
Medford School District 549C)

Agent: CSA Planning, Ltd.)

1

SCOPE AND NATURE OF THE APPLICATION

The subject application seeks approval for a Conditional Use Permit for a Temporary Shelter within the existing Maslow Project Resource Center located at 500 Monroe Street in Medford, Oregon. Maslow Project provides a one-stop resource center that ensures access to immediate basic needs such as food, clothing, and hygiene supplies are met for homeless teens and young adults. Maslow also facilitates easy access to in-depth services from a comprehensive team of community partners. Maslow Project helps youth establish educational, employment, and personal development goals while providing wrap-around case-management services to assist youth in attaining those goals. In addition, Maslow Project provides student support services at local schools. Our outreach team builds community awareness and seeks out unaccompanied and unenrolled youth who may otherwise fall through the cracks.

The proposed Temporary Shelter is a logical extension of the existing use at the site. Maslow Project intends to serve young adults at the shelter aged 18-24.

CITY OF MEDFORD
EXHIBIT # 1
CUL-18-159

II

EVIDENCE SUBMITTED WITH APPLICATION

Applicants herewith submit the following evidence in support of this land use application:

- Exhibit 1.** The proposed findings of fact and conclusions of law (this document) which demonstrates how the proposed zone change complies with the relevant substantive approval criteria
- Exhibit 2.** Vicinity Map (Scale 1" = 1,000')
- Exhibit 3.** Jackson County Assessor plat map 371W30CC
- Exhibit 4.** Map of Current General Land Use Plan Designation
- Exhibit 5.** Map of Current Zoning over Aerial Photo
- Exhibit 6.** Draft Temporary Shelter Operations Plan
- Exhibit 7.** Floor Plan and Site Plan
- Exhibit 8.** Signed and Completed Application Form and Agent Authorization.

III

APPLICABLE SUBSTANTIVE CRITERIA

The criteria governing the approval of conditional use permits are in Medford Land Development Code (MLDC) 10.248. The relevant substantive approval criteria are recited verbatim below:

10.184 Conditional Use Permit

(C) Conditional Use Permit Approval Criteria.

- (1) The Planning Commission must determine that the development proposal complies with either of the following criteria before approval can be granted.
 - (a) The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.
 - (b) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the Planning Commission to produce a balance between the conflicting interests.

(D) Conditional Use Permits, Mitigation of Impacts.

A conditional use requiring the mitigation of impacts under Subsection (C)(1)(b) above must do one of the following:

- (1) Preserve unique assets of interest to the community.
- (2) Provide a public facility or public nonprofit service to the immediate area or community.



- (3) Otherwise provide a use or improvement that is consistent with the overall needs of the community in a location that is reasonably suitable for its purpose.

MLDC 10.819A Temporary Shelters

(A) Purpose and Intent.

Temporary shelters provide short-term relief for homeless individuals and families, as well as those without adequate protection during times of extreme weather, within an existing or newly constructed building. It is the intent of these standards to ensure that any conflicts with temporary shelters and the surrounding land uses are mitigated through the special regulations set forth in this Section 10.819A

(B) Definitions Pertaining to Temporary Shelters.

When used in Chapter 10 in reference to temporary shelters, the following terms shall have the meanings as herein ascribed:

- (1) Access Point: The main point of entry and exit for a temporary shelter where users, visitors, and other persons must sign in and out to maintain security within a shelter.
- (2) Client(s): Person or persons who receive services from an operator of a temporary shelter which shall include overnight sleeping, and may include other items established per the shelter's operations plan as required in Section 10.819A(D)(1)(b).
- (3) Operator: The organization in charge of daily operations of a temporary shelter. The operator shall be a civic, non-profit, public, religious, membership based, or otherwise competent organization and shall be the applicant for the land use review of a temporary shelter.
- (4) Operational Period: An operator's established days of operations.
- (5) Operations Plan: The guiding document for an operator to use in determining the standards clients must adhere to in a shelter.
- (6) User(s): See 10.819A(B)(2) client(s).

(C) Temporary Shelter Permit Requirements

- (1) The conditional use permit (CUP) as required by Sections 10.314 and 10.337 of this Code shall run with the lot(s), tract(s), or parcel(s) of land on which a temporary shelter was conditionally permitted. Unless modifications to the original CUP are made, a new CUP shall not be required for each new operational period.
- (2) An operator of a temporary shelter shall comply with all applicable local, state, and federal laws, rules, and regulations (e.g. Building and Fire Department approvals) unrelated to land use applications/reviews, unless waived by the appropriate approving authority/official.
- (3) Upon request by the applicant, the Planning Director may reduce or waive application fees and any other fees required by the Planning Department. In evaluating such a re-quest, the Director will consider the financial hardship to the applicant and other information relevant to the cost of processing the application and/or the applicant's ability to pay the fees.
- (4) In order to begin operating a temporary shelter, an operator shall apply for and receive an approved Temporary Shelter Operational Permit from the Medford Fire-Rescue Department for each operational period.
- (5) Shelters operating with extensions, granted per Section 10.819A(D)(2)(e), shall be required to perform all improvements, acquire all permits, and fulfill all other requirements of the Medford Municipal Code, unless waived by the appropriate approving authority.
- (6) All applicable permits must be approved prior to the initial date of operations.
- (7) Each temporary shelter shall adhere to the Temporary Shelter Policy as established by the City.

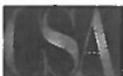
(D) General Standards for Temporary Shelters

The following standards of subsection 10.819A (D) shall apply to temporary shelters. The words operator and applicant may be used interchangeably in this subsection as they are one and the same. The requirements are as follows:

- (1) Operational Requirements. The operator shall be required to meet the following standards as it pertains to shelter operations:
 - (a) Conformance. It shall be the duty of the operator to ensure and maintain compliance with applicable local, state, and federal regulations relating to the operations of temporary shelters. Temporary shelters shall comply with all applicable building, fire, health, life, and safety codes as they pertain to temporary shelters. Compliance with this section requires the Operator maintain a Temporary Shelter Operational Permit.



- (b) Operations Plan. An operations plan shall be required for a temporary shelter. An operations plan shall include, at a minimum, items addressing client interaction, rules for shelter use, facility operations and maintenance, safety and security provisions, signage that complies with the Medford Municipal Code, and the dates of the operational period.
 - (c) Supervision. There shall be a minimum of two on-duty representatives of the temporary shelter at any time, unless approved otherwise. The representative(s) contact information shall be clearly posted at the shelter's access point each day. The representative may be a volunteer, hired employee, or otherwise competent and responsible adult.
 - i. When required by Medford Fire-Rescue, a fire watch shall be in place in addition to an on-duty representative(s).
 - ii. On duty-representatives shall monitor all areas of a temporary shelter, in order to ensure that all applicable rules are being followed.
 - (d) Shelter Capacity. Shelter capacity shall be determined by applicable Building and Fire Codes.
 - (e) Areas for Sleeping. Temporary shelters may have separate and designated areas for sleeping or shelter for the comfort of clients by separating clients into male only, female only, and family only sleeping areas.
 - (f) Shelter queuing. During times of shelter intake lines or queues of people awaiting admittance shall not obstruct any public space or right of way. A three-foot clearance shall be maintained on all sidewalks.
 - (g) Written proof of compliance with requirements of this Section shall be available in hard copy at the temporary shelter's access point and shall also be made available to the Fire Code Official, upon request.
 - (h) Operational Requirements stated in this Section may be conditions of approval as deemed necessary by the approving authority.
- (2) Operational Period.
- (a) The use of a temporary shelter shall not exceed 90 days within a 12 month period, unless otherwise permitted by this code. The operational period shall start on the first day of operations in which individuals were provided shelter and shall end once shelter has been provided for 90 days within a 12 month period or 12 months after the first day of operations, whichever occurs sooner.
 - (b) The intended timeframe in which an operational period is to take place shall be clearly stated in an operations plan. This shall include one of the following:
 - i. Operations based on local weather events such as, but not limited to, temperature extremes, persistent smoke or fog, and other acts of nature that are hazardous to human health. Conditions for opening and closing based on weather events shall be clearly stated in the operations plan.
 - ii. Specific dates in which operations are to occur, not exceeding 90 days in a 12 month period as identified in this Section, subject to the 180 day limitation for Temporary Uses described in 10.819A(D)(2)(e) below.
 - (c) The operator shall notify Medford Fire-Rescue each time the shelter is closing.
 - (d) The operator shall notify Medford Fire-Rescue a minimum of four business days prior to each re-opening of the shelter and shall provide the opportunity for inspection prior to re-opening the shelter. In times of emergency the operator shall coordinate with Medford Fire-Rescue if it is not possible or prudent to give four days' notice.
 - (e) The operational period may be extended for a temporary shelter by the City if local conditions warrant an extension. Extensions may be granted for a total of 30, 60, or 90 calendar days. Extensions shall be approved by the City Manager. The total operational period, including extensions, shall not exceed a total of 180 consecutive days, in a 12 month period. Extensions are subject to the following conditions:
 - i. Operators must request to extend the operational period a minimum of 14 business days prior to the first anticipated day of extended operations.
 - ii. An extension of the operational period for a temporary shelter may require additional conditions that were not previously required. Additional conditions shall be consistent with applicable Building and Fire Codes, unless otherwise waived by the appropriate approving authority or the City Manager.
 - (f) The limitations on the length of operational periods shall apply to the lot(s), tract(s), or parcel(s) of land on which a temporary shelter operates.
- (3) Reporting Requirements. Within 30 days of the end of the operational period, and/or upon application for an extension to the operational period pursuant to section 10.819A(D)(2)(e), the operator shall



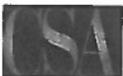
submit a report to the Housing Advisory Commission (HAC). At a minimum, the report shall include the following information:

- i. Number of clients served at the temporary shelter during the operational period
 - ii. Number of public service calls to the temporary shelter and reason for each call
 - iii. Services provided to the clients of the temporary shelter, if applicable
 - iv. Number of nights spent at full capacity (if applicable)
 - v. Number of clients from the operational period who were provided with more permanent or transitional housing. The operator shall coordinate the reporting requirement with the Medford, Ash-land/Jackson County Continuum of Care using the industry standard software (e.g. Homeless Management Information System) in place at the time of reporting.
- (4) Standards for Closing/Suspending Temporary Shelters [This section is not applicable]
- (5) Consent to Inspection of Temporary Shelter(s)
- (a) Temporary shelters are subject to inspection at any time by the City to verify safe operation of a shelter.
 - i. Inspections by the City may include inspections of all portions of a temporary shelter. Inspections shall be in conformance with all applicable local, state, and federal laws.
 - ii. Areas used for bathrooms and showers shall be subject to inspections by the City, but any users of the facilities shall be given ten minutes notice prior to inspection to allow for the privacy needs of individuals who may be using the facilities.
 - (b) Inspections shall be required prior to each opening of a temporary shelter. All violations of applicable codes found through an inspection shall be resolved prior to commencing operations of a temporary shelter. Inspections may be required by the following City departments to verify conformance with applicable codes, prior to operations commencing:
 - i. Building Department
 - ii. Planning Department
 - iii. Police Department
 - iv. Fire-Rescue Department
 - (c) Each user of temporary shelter must sign a waiver and give consent to inspections from the departments listed in this Section for reasons deemed necessary to ensure safe operations of a temporary shelter. This waiver shall include consent to walk-through inspections of sleeping areas as well as inspections of the facility. This shall be a part of the operations plan and may differ from shelter to shelter.
 - (d) Signage stating "Inspection by the City of Medford officials, including Medford Fire-Rescue and Medford Police Department, may occur without notice" shall be prominently posted in the sleeping units, shower areas, and toilet areas of the temporary shelter.

(E) Site Standards for Temporary Shelters.

The following standards shall apply to the development and use of temporary shelters.

- (1) Temporary shelters must be at least 500 feet, measured from any property line, from any other temporary shelter's closest property line. This Section applies to temporary shelters during their operational period, not for land use approvals.
- (2) Temporary shelters shall be an accessory use in residential zones.
- (3) In commercial and industrial zones, temporary shelters may be an accessory or primary use.
- (4) A site plan depicting how the standards of Section 10.819A of this Code have been met shall be submitted as a part of the application submittal. A site plan shall, at a minimum, include the following:
 - (a) Building footprint(s) of the primary and accessory uses on the site in which the temporary shelter will be located.
 - (b) A floor plan, with square footage measurements labeled clearly for:
 - i. The location and size of the temporary shelter and areas intended for sleeping
 - ii. Location and size of other areas used in conjunction with the warming shelter (e.g. common area(s), kitchen(s), bathroom(s), and similar spaces).
 - iii. Total client capacity within the temporary shelter and areas intended for sleeping
 - (c) Location of buildings access point(s)
 - (d) Location(s) of trash receptacle(s)
 - (e) Location(s) of lighting for site and building(s)
- (5) Adequate space shall be provided for client's personal items and shall not displace required parking per Sections 10.741-10.751.
- (6) Access points shall have a trash receptacle that does not block the public right of way and is large enough for trash disposal during times of intake.
- (7) Adequate access shall be given for emergency vehicles and personnel, where applicable.



- (8) Tents, yurts, and similar temporary structures are not allowed to be used for the temporary shelter land use.

IV

FINDINGS OF FACT

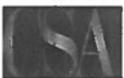
The following facts reached and found to be true with respect to this matter:

1. **Property Location:** The subject Tax Lot 7800 is located at 500 Monroe Street. The subject property is a pie shaped parcel located at the intersections of "J" Street, Whitman Place and Monroe Street. The subject property has frontage on "J" Street to the east, Whitman Place to the west and Monroe Street to the south. Whitman Place intersects with "J" Street at its north property boundary. The property is located within the corporate limits of the City of Medford and its urban growth boundary.
2. **Property Description:** The subject property is identified as Tax Lot 7800 on Jackson County Assessment Plat 371W30CC. Jackson County Assessment records indicate the property is improved as "School" with property class "981".
3. **Ownership:** The subject property is in the ownership of Medford School District 549C.
4. **Existing Land Use:** The Maslow Project Resource Center use is an adjunct public service use to the Medford School District and provides resources to students throughout 549C and beyond. Maslow Project provides a book loan program, food pantry, computer resource area, and 2nd hand clothing goods. The center also has an administrative function for case worker training and management of caseworkers that work out in the schools and on the streets.
5. **Proposed Land Use:** The proposal is for a Temporary Shelter as defined in MLDC 10.819A. Maslow Project intends the facility to be age-restricted to young adults between the ages of 18 and 24 (inclusive) and is proposed to have a maximum of 15 shelter clients. The shelter is proposed to operate from December 15th through March 15th. For specific operational parameters, see the draft Operations Plan at Exhibit 6.
6. **Parking:** The nature of the use will not require any new parking. Clients would rarely, if ever, have their own cars. They will typically reach the center by foot. There is a relatively large parking lot on the north side of the building. Staffing levels at night would typically be 2-3 people and there is adequate parking available on-site for this use.

MLDC off street parking standards in section 10.743 requires 1 off street parking space per 25 resident beds, plus 1 space per employee of the largest shift. With these requirements, the expected operations will require between 4-5 parking spaces. The number of beds requested is 15, requiring .6 spaces. Two representatives of the Maslow Project will be at the site along with one additional representative acting as a full-time fire watch, requiring three more spaces. The total, after rounding up to the nearest whole number, is 4 spaces. The site has 16 regular parking spaces as well as 1 ADA accessible van space, thus meeting the parking standards.
7. **GLUP Map Designation:** The existing GLUP designation is Public Service (PS).



8. **Existing Zoning:** The existing zoning designation is SFR-10 (Single Family Residential, 10 dwelling units per gross acre).
9. **Adjacent Zoning:** Properties adjacent and to the north and to the west and west off Whitman Place are zoned MFR-20 (Multi-family Residential, 20 dwelling units per gross acre). Properties adjacent and to the east lying east off "J" Street are zoned SFR-10 (Single-family Residential, 10 dwelling units per gross acre). A single Tax Lot lies south of the subject property and south off Monroe Street which is also zoned SFR-10 (Single-family Residential, 10 dwelling units per gross acre).
10. **Historic District:** The subject property is not within any Historic District boundary.
11. **Surrounding Land Uses:** The land uses which presently surround the property are:
 - South:** A single tax lot is directly to the south and south off Monroe Street from the subject property. It is the site of Central Medford High School, a public alternative high school for grades 9 through 12. Additionally, located on the Central Medford High School site is Spiegelburg Stadium a multipurpose sports stadium.
 - East:** Properties to the east are multi-family residential duplex units.
 - North:** Properties to the north are a mixture of single-family and multi-family residential uses.
 - West:** Properties to the west are mixed uses from single family residential to multi-family duplex units. One parcel is the site of Rogue Valley Fellowship Church.
12. **Essential (Category 'A') Public Facilities:** The comprehensive plan defines Category 'A' public facilities to include the below components. Relevant facts pertaining to these are as follows:
 - A. **Sanitary Sewage Collection and Treatment:** The site lies within the City of Medford Sewer Service area. An 8-inch sewer line is located to the west of the subject property and within Whitman Place that crosses the north tip of the subject property and connects to an 8-inch sewer line within "J" Street. Existing structures on the subject property are already connected.
 - B. **Municipal Water Service:** Medford Water Commission has existing water lines within the rights of way of "J" Street and Whitman Place. The 12-inch line within "J" street intersects with a 6-inch line within Monroe Street. One Fire hydrants is located at the north end of the subject property and one is located across Monroe Street directly across from the subject property.
 - C. **Storm Drainage:** The property lies within the Bear Creek West Drainage Basin. The City of Medford has existing storm drain facilities in the area with existing stormwater drainage lines located within Monroe Street. Stormwater flows east to be discharged into Bear Creek.
 - D. **Transportation Facilities:** The subject property has frontage on three streets, Monroe Street, Whitman Place and "J" Street. Curb, gutter and sidewalks exists along all three streets.



- **Access:** Vehicle access can be taken from either Whitman Place or “J” Street into the existing unpaved parking lot. Pedestrian access by way of paved walkways can be taken from Whitman Place, “J” Street and Monroe Street. The buildings’ front entrance is from Monroe Street.
- **Street Functional Classification:** According to Figure 5.2 of the City of Medford Transportation System Plan, the property fronts on Residential order streets. South Oakdale is one block west of Whitman Place and is the nearest Minor Collector Street. Holly Street, two blocks to the east, is also a Minor Collector Street. Stewart Avenue to the south of the subject property is the nearest Major Arterial Street.
- **Summary Traffic Impacts:** It is anticipated that the proposed temporary use will have little or no additional traffic impact. The shelter will operate from December 15 through March 15 during the colder months of the year. Shelter clients typically reach the shelter on foot and would not drive to get there. Night staffing would include 2 to 3 persons, a negligible increase in traffic if any due to the fact that the extra staff would be at night when there is a decrease from daytime traffic.

13. Draft Temporary Shelter Operations Plan: Applicant has prepared a Draft Temporary Operations Plan for the Winter of 2018-2019, see Exhibit 6. The Draft Plan is intended to show how the use will be conducted in a manner that can feasibly and will comply with all applicable operational requirements for Temporary Shelters set forth in MLDC 10.819A. These standards are addressed below in Section V.

V

CONCLUSIONS OF LAW

The following conclusions of law are reached with respect to this Conditional Use Permit application. The following discussion and conclusions of law are preceded by the criteria to which they relate:

10.184 Conditional Use Permit

(C) Conditional Use Permit Approval Criteria.

- (1) The Planning Commission must determine that the development proposal complies with either of the following criteria before approval can be granted.
 - (a) The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.
 - (b) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the Planning Commission to produce a balance between the conflicting interests. '

Conclusions of Law: Given the adjacency of the use to the Central Medford High School and the existing Maslow Project Resource Center use, the Planning Commission concludes there is not expected to be any significant impacts on value or appropriate development of abutting



property or the surrounding area because the nature of these adjacent uses is such that any marginal impact from the temporary shelter on value or appropriate development is expected to be negligible. However, the Planning Commission concludes that there is some potential for livability impacts in the evening hours, during the weeks of shelter operations, when compared to uses not classified as conditional. Accordingly, the Planning Commission concludes the Application is most properly evaluated under CUP Criterion 2.

Under CUP Approval Criterion (b), the Planning Commission concludes the City of Medford has adopted specific performance standards for Temporary Shelters at MLDC 10.819A and concludes that those performance standards are intended to produce a balance between the public interest to provide temporary wintertime shelter for homeless young adults in our area and the potential impacts on the livability of abutting property and the surrounding area. The Planning Commission herewith incorporates and adopts the below conclusions of law addressing each of those applicable standards and compliance with the same is herewith made a condition of approval. Based upon these conclusions and conditions imposed thereto, the Planning Commission concludes that public interest is served by the proposed Temporary Shelter for up to 15 young adults aged 18-24 years from December 15th through March 15th of each year at the Maslow Project and that conflicting interests are balanced in favor of allowing the Temporary Shelter as a conditional use.

D) Conditional Use Permits, Mitigation of Impacts.

A conditional use requiring the mitigation of impacts under Subsection (C)(1)(b) above must do one of the following:

- (1) Preserve unique assets of interest to the community.
- (2) Provide a public facility or public nonprofit service to the immediate area or community.
- (3) Otherwise provide a use or improvement that is consistent with the overall needs of the community in a location that is reasonably suitable for its purpose.

Conclusions of Law: The Planning Commission concludes that the proposed Temporary Shelter provides a public nonprofit service to the immediate area or community. As noted, the Maslow Project serves local youth with critical services that will be expanded with the provision of an overnight Temporary Shelter. Based on the Maslow Project's experience, the preponderance of clients are local and are expected to walk to the shelter. In addition, the site already serves the expected clients as part of its not-for-profit mission. These clients are familiar with the location and have experience accessing it. The Planning Commission concludes that use is consistent with the overall needs of the community and that the location is suitable for its purpose.

MLDC 10.819A Temporary Shelters

(A) Purpose and Intent.

Temporary shelters provide short-term relief for homeless individuals and families, as well as those without adequate protection during times of extreme weather, within an existing or newly constructed building. It is the intent of these standards to ensure that any conflicts with temporary shelters and the surrounding land uses are mitigated through the special regulations set forth in this Section 10.819A



Conclusions of Law: The Planning Commission concludes the Purpose and Intent of MLDC 10.819A is consistent with the conclusions of law the Planning Commission has adopted above to address the general CUP criteria.

(B) Definitions Pertaining to Temporary Shelters.

When used in Chapter 10 in reference to temporary shelters, the following terms shall have the meanings as herein ascribed:

- (1) Access Point: The main point of entry and exit for a temporary shelter where users, visitors, and other persons must sign in and out to maintain security within a shelter.
- (2) Client(s): Person or persons who receive services from an operator of a temporary shelter which shall include overnight sleeping, and may include other items established per the shelter's operations plan as required in Section 10.819A(D)(1)(b).
- (3) Operator: The organization in charge of daily operations of a temporary shelter. The operator shall be a civic, non-profit, public, religious, membership based, or otherwise competent organization and shall be the applicant for the land use review of a temporary shelter.
- (4) Operational Period: An operator's established days of operations.
- (5) Operations Plan: The guiding document for an operator to use in determining the standards clients must adhere to in a shelter.
- (6) User(s): See 10.819A(B)(2) client(s).

Conclusions of Law: The Planning Commission concludes as follows with respect to the definitions:

- The Access Point is identified on the Floor Plan at Exhibit 7. The Access Point is at the building's main entrance on Monroe Street.
- The users of the shelter are termed "Clients" in the Operation's Plan. The specific clients to be served by the Shelter must be concurrently enrolled in the Maslow project's resource service.
- The Operator is Maslow Project. Maslow Project is an established non-profit service entity and has been for many years in the Rogue Valley. Additional information on Maslow Project is available at: <https://www.maslowproject.com/>
- The Operational Period is stated in the draft Operations Plan and will be December 15th through March 15th of each winter season.
- A draft Operations Plan has been prepared and submitted concurrently with the Conditional Use Permit, see Exhibit 6.

(C) Temporary Shelter Permit Requirements

- (1) The conditional use permit (CUP) as required by Sections 10.314 and 10.337 of this Code shall run with the lot(s), tract(s), or parcel(s) of land on which a temporary shelter was conditionally permitted. Unless modifications to the original CUP are made, a new CUP shall not be required for each new operational period.
- (2) An operator of a temporary shelter shall comply with all applicable local, state, and federal laws, rules, and regulations (e.g. Building and Fire Department approvals) unrelated to land use applications/reviews, unless waived by the appropriate approving authority/official.
- (3) Upon request by the applicant, the Planning Director may reduce or waive application fees and any other fees required by the Planning Department. In evaluating such a re-quest, the Director will consider the financial hardship to the applicant and other information relevant to the cost of processing the application and/or the applicant's ability to pay the fees.
- (4) In order to begin operating a temporary shelter, an operator shall apply for and receive an approved Temporary Shelter Operational Permit from the Medford Fire-Rescue Department for each operational period.
- (5) Shelters operating with extensions, granted per Section 10.819A(D)(2)(e), shall be required to perform all improvements, acquire all permits, and fulfill all other requirements of the Medford Municipal Code, unless waived by the appropriate approving authority.



- (6) All applicable permits must be approved prior to the initial date of operations.
- (7) Each temporary shelter shall adhere to the Temporary Shelter Policy as established by the City.

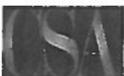
Conclusions of Law: The Planning Commission concludes as follows with respect to the Temporary Shelter Permit Requirements:

- The Temporary Shelter Conditional Use Permit is intended to operate seasonally for many years and the requested CUP provides for the same.
- Maslow Project has a demonstrated history of compliance with the health and human services and educational regulatory requirements for the existing Maslow Project services and operations and can and will apply similar diligence for compliance with any applicable regulatory requirements for the Temporary Shelter.
- Applicant is not requesting any fee waivers.
- Applicant can feasibly and will obtain the Temporary Shelter Operational Permit from Medford-Fire Rescue prior to accepting clients each season.
- Applicant can feasibly and will obtain all applicable permits prior to initial date of operations.

(D) General Standards for Temporary Shelters

The following standards of subsection 10.819A (D) shall apply to temporary shelters. The words operator and applicant may be used interchangeably in this subsection as they are one and the same. The requirements are as follows:

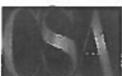
- (1) Operational Requirements. The operator shall be required to meet the following standards as it pertains to shelter operations:
 - (a) Conformance. It shall be the duty of the operator to ensure and maintain compliance with applicable local, state, and federal regulations relating to the operations of temporary shelters. Temporary shelters shall comply with all applicable building, fire, health, life, and safety codes as they pertain to temporary shelters. Compliance with this section requires the Operator maintain a Temporary Shelter Operational Permit.
 - (b) Operations Plan. An operations plan shall be required for a temporary shelter. An operations plan shall include, at a minimum, items addressing client interaction, rules for shelter use, facility operations and maintenance, safety and security provisions, signage that complies with the Medford Municipal Code, and the dates of the operational period.
 - (c) Supervision. There shall be a minimum of two on-duty representatives of the temporary shelter at any time, unless approved otherwise. The representative(s) contact information shall be clearly posted at the shelter's access point each day. The representative may be a volunteer, hired employee, or otherwise competent and responsible adult.
 - i. When required by Medford Fire-Rescue, a fire watch shall be in place in addition to an on-duty representative(s).
 - ii. On duty-representatives shall monitor all areas of a temporary shelter, in order to ensure that all applicable rules are being followed.
 - (d) Shelter Capacity. Shelter capacity shall be determined by applicable Building and Fire Codes.
 - (e) Areas for Sleeping. Temporary shelters may have separate and designated areas for sleeping or shelter for the comfort of clients by separating clients into male only, female only, and family only sleeping areas.
 - (f) Shelter queuing. During times of shelter intake lines or queues of people awaiting admittance shall not obstruct any public space or right of way. A three-foot clearance shall be maintained on all sidewalks.
 - (g) Written proof of compliance with requirements of this Section shall be available in hard copy at the temporary shelter's access point and shall also be made available to the Fire Code Official, upon request.
 - (h) Operational Requirements stated in this Section may be conditions of approval as deemed necessary by the approving authority.



Conclusions of Law: The Planning Commission concludes as follows with respect to the Temporary Shelter Operational Requirements:

- Maslow Project has a demonstrated history of compliance with the health and human services and educational regulatory requirements for the existing Maslow Project services and operations. Maslow Project can feasibly and will apply similar diligence for compliance with any applicable regulatory requirements for the Temporary Shelter.
- The CUP includes a draft Operations Plan, see Exhibit 6. The operations plan includes all the required components, including the following:
 - The Operations Plan includes rules for guests (clients) and client interaction expectations in the Guest Agreement form that each guest must sign to gain admission. The Guest Agreement also includes specific neighborhood sensitivity measures to set forth client conduct expectations for behavior in the shelter neighborhood.
 - The Operations Plan specifies staffing levels and key responsibilities that involve operations and maintenance of the shelter.
 - The Operations Plan includes a description of the safety and security at the facility as well as an emergency-specific plan.
 - No new signage is proposed at this time, any future signage can feasibly and will comply with Medford signage standards.
- The Shelter plans to have two on-duty representatives in accordance with the MLDC. At least one of the representatives will be a Maslow Project staff person and the other may be a responsible adult volunteer who has passed a background check. An additional fire-watch will be posted if the same is required as part of review and approval by Medford Fire-Rescue. The design of the facility makes shelter monitoring straightforward because the staff station has direct line of sight to the two sleeping areas.
- Applicant believes the building has sufficient capacity to shelter up to 15 young adults in a manner that can be approved by the Fire Marshal and Building Official. Applicant plans to do a walk-through with the Building Official and the Fire Marshall following submittal of the application but prior to the LD meeting.
- Based upon the experience of Maslow Project in dealing with this demographic, they do not expect a need to separate clients by gender at the outset of operations. However, Maslow Project may elect to segregate sleeping areas by gender in the future if that approach is determined to be the best management practice.
- Queuing is not expected to be a significant issue at this site. With only 15 clients maximum, the Shelter has a relatively large foyer that can accommodate 10-12 adults relatively comfortably. There is an additional private sidewalk area that is approximately 10 feet by 20 feet that is adequately sized for queuing the full capacity of the shelter.
- Applicant can feasibly and will have a hard copy of the final order approving the Conditional Use Permit together with the most current operations plan at the Access Point and a copy will be provided to the Fire Code Official.

(2) Operational Period.



- (a) The use of a temporary shelter shall not exceed 90 days within a 12 month period, unless otherwise permitted by this code. The operational period shall start on the first day of operations in which individuals were provided shelter and shall end once shelter has been provided for 90 days within a 12 month period or 12 months after the first day of operations, whichever occurs sooner.
- (b) The intended timeframe in which an operational period is to take place shall be clearly stated in an operations plan. This shall include one of the following:
 - i. Operations based on local weather events such as, but not limited to, temperature extremes, persistent smoke or fog, and other acts of nature that are hazardous to human health. Conditions for opening and closing based on weather events shall be clearly stated in the operations plan.
 - ii. Specific dates in which operations are to occur, not exceeding 90 days in a 12 month period as identified in this Section, subject to the 180 day limitation for Temporary Uses described in 10.819A(D)(2)(e) below.
- (c) The operator shall notify Medford Fire-Rescue each time the shelter is closing.
- (d) The operator shall notify Medford Fire-Rescue a minimum of four business days prior to each re-opening of the shelter and shall provide the opportunity for inspection prior to re-opening the shelter. In times of emergency the operator shall coordinate with Medford Fire-Rescue if it is not possible or prudent to give four days' notice.
- (e) The operational period may be extended for a temporary shelter by the City if local conditions warrant an extension. Extensions may be granted for a total of 30, 60, or 90 calendar days. Extensions shall be approved by the City Manager. The total operational period, including extensions, shall not exceed a total of 180 consecutive days, in a 12 month period. Extensions are subject to the following conditions:
 - i. Operators must request to extend the operational period a minimum of 14 business days prior to the first anticipated day of extended operations.
 - ii. An extension of the operational period for a temporary shelter may require additional conditions that were not previously required. Additional conditions shall be consistent with applicable Building and Fire Codes, unless otherwise waived by the appropriate approving authority or the City Manager.
- (f) The limitations on the length of operational periods shall apply to the lot(s), tract(s), or parcel(s) of land on which a temporary shelter operates.

Conclusions of Law: The Planning Commission concludes as follows with respect to the Temporary Shelter Operational Period:

- The application proposes a 90-day operational period from December 15th through March 15th of each winter season and the same is stated in the draft Operations Plan. It is expected that the shelter will be open continuously during that period, although demand will likely fluctuate based upon specific weather conditions.
 - Applicant can and will notify Medford Fire-Rescue when the shelter closes for the season and will notify Medford Fire-Rescue at least 4 days prior to opening for the season.
 - No specific extensions of time are requested as part of the CUP submittal, but Applicant reserves the right to request the same as provided in the ordinance hereinabove.
- (3) Reporting Requirements. Within 30 days of the end of the operational period, and/or upon application for an extension to the operational period pursuant to section 10.819A(D)(2)(e), the operator shall submit a report to the Housing Advisory Commission (HAC). At a minimum, the report shall include the following information:
- i. Number of clients served at the temporary shelter during the operational period
 - ii. Number of public service calls to the temporary shelter and reason for each call
 - iii. Services provided to the clients of the temporary shelter, if applicable
 - iv. Number of nights spent at full capacity (if applicable)
 - v. Number of clients from the operational period who were provided with more permanent or transitional housing. The operator shall coordinate the reporting requirement with the Medford,



Ash-land/Jackson County Continuum of Care using the industry standard software (e.g. Homeless Management Information System) in place at the time of reporting.

Conclusions of Law: The Planning Commission concludes the Applicant can feasibly and will supply the above required report each year with the details specified herein.

- (5) Consent to Inspection of Temporary Shelter(s)
 - (a) Temporary shelters are subject to inspection at any time by the City to verify safe operation of a shelter.
 - i. Inspections by the City may include inspections of all portions of a temporary shelter. Inspections shall be in conformance with all applicable local, state, and federal laws.
 - ii. Areas used for bathrooms and showers shall be subject to inspections by the City, but any users of the facilities shall be given ten minutes notice prior to inspection to allow for the privacy needs of individuals who may be using the facilities.
 - (b) Inspections shall be required prior to each opening of a temporary shelter. All violations of applicable codes found through an inspection shall be resolved prior to commencing operations of a temporary shelter. Inspections may be required by the following City departments to verify conformance with applicable codes, prior to operations commencing:
 - i. Building Department
 - ii. Planning Department
 - iii. Police Department
 - iv. Fire-Rescue Department
 - (c) Each user of temporary shelter must sign a waiver and give consent to inspections from the departments listed in this Section for reasons deemed necessary to ensure safe operations of a temporary shelter. This waiver shall include consent to walk-through inspections of sleeping areas as well as inspections of the facility. This shall be a part of the operations plan and may differ from shelter to shelter.
 - (d) Signage stating "Inspection by the City of Medford officials, including Medford Fire-Rescue and Medford Police Department, may occur without notice" shall be prominently posted in the sleeping units, shower areas, and toilet areas of the temporary shelter.

Conclusions of Law: The Planning Commission concludes the Applicant has stated its awareness and consents to comply with the above inspection requirements. The Applicant does, however, reserve the right to have the client's inspection waiver reviewed by its attorney and reserves the right to utilize a waiver that avoids any legitimate legal privacy concerns, such as being free from unreasonable search and seizure.

(E) Site Standards for Temporary Shelters.

The following standards shall apply to the development and use of temporary shelters.

- (1) Temporary shelters must be at least 500 feet, measured from any property line, from any other temporary shelter's closest property line. This Section applies to temporary shelters during their operational period, not for land use approvals.
- (2) Temporary shelters shall be an accessory use in residential zones.
- (3) In commercial and industrial zones, temporary shelters may be an accessory or primary use.
- (4) A site plan depicting how the standards of Section 10.819A of this Code have been met shall be submitted as a part of the application submittal. A site plan shall, at a minimum, include the following:
 - (a) Building footprint(s) of the primary and accessory uses on the site in which the temporary shelter will be located.
 - (b) A floor plan, with square footage measurements labeled clearly for:
 - i. The location and size of the temporary shelter and areas intended for sleeping
 - ii. Location and size of other areas used in conjunction with the warming shelter (e.g. common area(s), kitchen(s), bathroom(s), and similar spaces).
 - iii. Total client capacity within the temporary shelter and areas intended for sleeping
 - (c) Location of building access point(s)
 - (d) Location(s) of trash receptacle(s)
 - (e) Location(s) of lighting for site and building(s)
- (5) Adequate space shall be provided for client's personal items and shall not displace required parking per Sections 10.741-10.751.



- (6) Access points shall have a trash receptacle that does not block the public right of way and is large enough for trash disposal during times of intake.
- (7) Adequate access shall be given for emergency vehicles and personnel, where applicable.
- (8) Tents, yurts, and similar temporary structures are not allowed to be used for the temporary shelter land use.

Conclusions of Law: The Planning Commission concludes as follows with respect to the above site standards for temporary shelters:

- Applicant is unaware of any other temporary shelter within 500 feet of the proposed shelter and does not believe there is one.
- The property is SFR-10 and the proposed shelter is accessory to the existing Maslow Project use.
- A site plan has been provided along with a floor plan at Exhibit 7.
- Personal storage is designed into each individual bed. The floor plan shows the specific area for beds and sleeping which is entirely indoors and will not displace required parking.
- A trash receptacle can and will be placed near the access point at the front of the building in conformance with the above requirements.
- The property has City Streets on three sides and the parking lot is in the rear of the building. Thus, there is emergency vehicle access to all four sides of the building including the main and emergency access points.
- The shelter is proposed in permanent structure.

VI

ULTIMATE CONCLUSIONS

Based upon the foregoing findings of fact and conclusions of law, it is ultimately concluded that the criteria for a Conditional Use Permit for a Temporary Shelter as an accessory use to the Maslow Project use has been substantiated for each of the relevant criteria cited herein above.

Respectfully submitted on behalf of Applicants:

CSA PLANNING, LTD.



Dated: December 14, 2018



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Technical Memorandum

To: Steffen Roennfeldt
Date: December 4, 2018
Subject: Maslow Site Visit

CSA Planning, Ltd
4497 Brownridge, Suite 101
Medford, OR 97504
Telephone 541.779.0569
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Nathan@CSAplanning.net

I attended a site visit to the Maslow Project on November 16th. In attendance were representatives from the Maslow Project and the Medford Fire, Building Safety, and Planning departments. The purpose of the meeting was to identify any potential issues that may affect submitted Conditional Use Permit 18-159 for a temporary shelter.

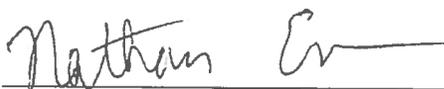
At the meeting, it was identified that the draft Operations Plan needed to be updated to include details on screening clients for limitations that may hinder the ability to safely exit the building in case of emergency. Fire also recommended that tape be laid down demarcating sleeping spaces when the shelter was in operation.

The Operations Plan, see attached, has been updated to include these details. The Maslow Project screens every individual during intake for disabilities and limitations. No substances that may impair client's ability to self-preserve are allowed on site. They also, as a policy, visually assesses each entrant for any temporary impairment that may hinder self-preservation. If a client is found to be impaired or incapable of self-preservation, they are denied entry.

The existing written findings for Conditional Use Permit 18-159 should remain sufficient in tandem with the attached updated document.

If you have any question or need additional information please let me know.

CSA Planning, Ltd.


Nathan Emerson
Associate

cc. File

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EXHIBIT # 7
PERM # CUP-18-159

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MASLOW PROJECT

Temporary Shelter Operations Plan

Winter 2018-2019

1) Eligibility and Admission:

Admittance to the Maslow Shelter shall be restricted to current Maslow clients aged 18 to 24. Current Maslow client is defined as an individual who has completed a Maslow Project intake and is actively engaged with a Maslow Project case manager.

Intake is done in person with trained Maslow staff. Intake is verbal and does not require clients to read or write. Spanish speakers are available. Every intake includes screening the client for disabilities and other limitations. This is essential so that the client can be either given or referred to proper services.

Clients wishing to stay at the shelter must complete an application and undergo a background check, primarily to ensure they do not have an active warrant. Clients will be entered onto Coordinated Entry housing list per Continuum of Care requirements. Clients must sign the Maslow Project Temporary Shelter Guest Agreement Form. Every client will be familiar to the Maslow staff through the intake process and the provision of services. An inhibited ability for self-preservation will exclude the client from entering the Maslow Shelter¹.

Following the admissions review process and once approved for the shelter, clients are eligible for the duration of shelter operations.

2) Rules for Shelter Use:

Guests behavior will affect their ability to stay on the premises. The Shelter Use Rules are set forth in the Guest Agreement Form and adopted hereto as Appendix A. Compliance with the guest agreement will be enforced by the supervising staff at all times. Supervising staff will take appropriate actions to address minor infractions/behavioral issues. If resolution of minor behavior issues does not occur or there are major infractions of any kind then these issues will be dealt with immediately and may result in removal from the shelter and they may be placed on a permanent ban.

Only service animals will be allowed at the shelter, no pets. Service animals must be attended to at all times.

Occupants will be expected to keep the shelter, bathrooms, and common areas clean and tidy.

Temporary impairment from substances will lead to exclusion.

¹ This does not preclude admission, and is not intended to limit admission, of individuals with disabilities covered by the American's with Disabilities Act.

Emergency situations will be addressed in accordance with the Maslow Shelter Emergency Plan, adopted hereto as Appendix B.

3) Shelter Daily Schedule:

6:00 am: Wakeup - Take down bedding - Doors open.

8:00 am: Clients exit.

10:00 am- 5:00 pm: Resource center open. (Daily Maslow Operations not a direct Shelter Use)

7:00 pm: Shelter doors open – Check in begins.

9:00 pm: Check in over.

10:00 pm: Doors locked down for the night.

4) Operating Period:

The shelter will operate nightly beginning December 15th of each year through March 15th of each year.

5) Client Admission Load and Sleeping Area Arrangements:

Maximum client admission load is 15 persons. Sleeping area arrangements will be determined on a nightly basis based upon the judgement of the staff supervisor. There are two areas available for sleeping: One is the main recreation room to the north of the staff desk and the other is the main hallway directly in front of the staff desk, see floor plan in Appendix C. This configuration provides line of sight from the staff desk directly to both area but provides a means to separate the client occupants where some separation is believed to be appropriate.

Tape will be used to demarcate the individual sleeping areas when the shelter is in operation.

6) Staff Levels and Key Responsibilities:

At least one paid Maslow Staff member will be on site at all times. Additional staffing will be provided by volunteers. Volunteers will need to submit a volunteer application and undergo a background check. All staff and volunteers will view RHYTTAC Safety for Youth & Staff of RHY Programs, a best practice webinar developed by the Federal Youth Services Bureau.

All volunteers and staff will be familiar with the Emergency Plan and it will be reviewed with all staff prior to the first night of operations each year.

Staff will sign in clients upon arrival and check them out upon departure. The staff person responsible for signing in will be familiar with each of Maslow's clients and will assess for impairment.

Staff will send a check-in email throughout the night to Program Supervisor. An on-call Supervisor will be available as an additional resource for emergencies.

Any behavioral issues will be noted in the incident log.

The staff will post the "on-duty representatives" at the main entrance on Monroe Street with names and contact information each night at 7:00PM sharp and prior to the first check-in.

Staff will ensure that this plan and all appendices will be maintained, together with any approved updates, in hard copy form at the entrance to the shelter and a hard copy will be provided to the Fire Code Official.

7) Neighborhood Sensitivity Measures:

The guest agreement in Appendix A includes a number of behavioral expectations that are intended to minimize potential impacts to the neighborhood.

Signs will be posted to direct line-up queueing for admissions before opening at 7:00PM. The site has walkway queueing on either side of the main entrance that is more than adequate for 15 persons. Upon opening for intake at 7:00PM, the line will be moved in into the foyer and this area has capacity for 10 individuals comfortably and thereby reducing the amount of queueing outside to a minimal duration and extent.

Loitering outside on or near the property will be discouraged. Between the hours of 7:00 and 9:00, the existing surveillance cameras will be used to monitor loitering as well as a brief sweep of the property by staff every half hour from 7:00 until 9:00. In the morning between 8:00am and the regular opening time for the Resource Center at 10:00am, case management staff is arriving. The arriving case management staff will be trained to discourage loitering near the property during this period

8) Appendix Attachments

Appendix A: Guest Agreement Form

Appendix B: Emergency Operations Plan

Appendix C: Floor Plan

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Technical Memorandum

CSA Planning, Ltd
4497 Brownridge, Suite 101
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Telephone 541.779.0569
Fax 541.779.0114
Nathan@CSAplanning.net

To: Steffen Roennfeldt

Date: December 14, 2018

Subject: Maslow Project Temporary Shelter CUP Application

This memo constitutes supplemental Findings of Fact and Conclusions of Law for 18-159, a Conditional Use Permit for a Temporary Shelter at the Maslow Project.

These supplements are in support of the previously submitted application and do not change that Application's conclusions.

City Staff made CSA aware that the submitted application mislabeled the correct code section for Conditional Use Permits in the Medford Land Development Code (MLDC) as section 10.248 instead of 10.184. It also omitted section 10.184. D, which was required to be addressed by 10.184.C.1.b. Findings have also been written to address the minimum parking requirements for the proposed temporary use.

The amended application, see attached, has been updated to include these details. In order to clearly delineate what has been changed, the updated sections have been copied into this memo below. The sections are:

- Findings of Fact for minimum parking requirements
• Approval Criteria and Conclusions of Law that correctly cite the MLDC for Conditional Use Permit section 10.184 C.
• Additional Approval Criteria for MLDC section 10.184.D along with Conclusions of Law addressing said criteria.

Findings of Fact

6. Parking: The nature of the use will not require any new parking. Clients would rarely, if ever, have their own cars. They will typically reach the center by foot. There is a relatively large parking lot on the north side of the building. Staffing levels at night would typically be 2-3 people and there is adequate parking available on-site for this use.

MLDC off street parking standards in section 10.743 requires 1 off street parking space per 25 resident beds, plus 1 space per employee of the largest shift. With these requirements, the expected operations will require between 4-5 parking spaces. The number of beds requested is 15, requiring .6 spaces. Two representatives of the Maslow Project will be at the site along with one additional representative acting as a full-time fire watch, requiring three more spaces. The total, after rounding up to the nearest whole number, is 4 spaces. The site has 16 regular parking spaces as well as 1 ADA accessible van space, thus meeting the parking standards.

Corrected Approval Criteria

10.184 Conditional Use Permit

(C) Conditional Use Permit Approval Criteria.

CITY OF MEDFORD
CUP-18-159



- (1) The Planning Commission must determine that the development proposal complies with either of the following criteria before approval can be granted.
 - (a) The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.
 - (b) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the Planning Commission to produce a balance between the conflicting interests.

Conclusions of Law: Given the adjacency of the use to the Central Medford High School and the existing Maslow Project Resource Center use, the Planning Commission concludes there is not expected to be any significant impacts on value or appropriate development of abutting property or the surrounding area because the nature of these adjacent uses is such that any marginal impact from the temporary shelter on value or appropriate development is expected to be negligible. However, the Planning Commission concludes that there is some potential for livability impacts in the evening hours, during the weeks of shelter operations, when compared to uses not classified as conditional. Accordingly, the Planning Commission concludes the Application is most properly evaluated under CUP Criterion 2.

Under CUP Approval Criterion (b), the Planning Commission concludes the City of Medford has adopted specific performance standards for Temporary Shelters at MLDC 10.819A and concludes that those performance standards are intended to produce a balance between the public interest to provide temporary wintertime shelter for homeless young adults in our area and the potential impacts on the livability of abutting property and the surrounding area. The Planning Commission herewith incorporates and adopts the below conclusions of law addressing each of those applicable standards and compliance with the same is herewith made a condition of approval. Based upon these conclusions and conditions imposed thereto, the Planning Commission concludes that public interest is served by the proposed Temporary Shelter for up to 15 young adults aged 18-24 years from December 15th through March 15th of each year at the Maslow Project and that conflicting interests are balanced in favor of allowing the Temporary Shelter as a conditional use.

Additional Approval Criteria

(D) Conditional Use Permits, Mitigation of Impacts.

A conditional use requiring the mitigation of impacts under Subsection (C)(1)(b) above must do one of the following:

- (1) Preserve unique assets of interest to the community.
- (2) Provide a public facility or public nonprofit service to the immediate area or community.
- (3) Otherwise provide a use or improvement that is consistent with the overall needs of the community in a location that is reasonably suitable for its purpose.

Conclusions of Law: The Planning Commission concludes that the proposed Temporary Shelter provides a public nonprofit service to the immediate area or community. As noted, the Maslow Project serves local youth with critical services that will be expanded with the provision of an overnight Temporary Shelter. Based on the Maslow Project's experience, the preponderance of clients are local and are expected to walk to the shelter. In addition, the site already serves the expected clients as part of its not-for-profit mission. These clients are familiar with the location and have experience accessing it. The Planning Commission concludes that use is consistent with the overall needs of the community and that the location is suitable for its purpose.



Please let me know if you have any additional questions.

CSA Planning, Ltd.

Nathan Emerson

Nathan Emerson
Associate

cc. File

Maslow Temporary Shelter Emergency Plan 2018

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CONTACT INFORMATION

MASLOW SHELTER

Located at the Maslow Project, 500 Monroe St., Medford OR 97501

SHELTER MANAGER: MATT NORTHROP 541-740-0399
FIRE WATCH: 10 PM - 8 AM TBD XXX- XXX- XXX

GUEST HOST-
SHIFT 1: 7 PM - 2 AM TBD XXX-XXX-XXX
SHIFT 2: 2 AM - 8 AM TBD XXX-XXX-XXX
RELIEF HOST: TBD

IN CASE OF EMERGENCY CALL 911

MEDFORD FIRE & RESCUE	541-774-2300
MEDFORD POLICE	541-774- 2250
MERCY FLIGHTS	800-903-9000
JACKSON CO HEALTH & HUMAN SERVICES	541-774-8200
JACKSON CO MENTAL HEALTH CRISIS LINE	541-774-8201
PACIFIC POWER	888-221-7070
AVISTA	800-227-9187
MEDFORD WATER COMMISSION	541-774-2430
549C SCHOOL DISTRICT STAFF (PLUMBING)	541-842-3900

COMMUNICATIONS

STAFF & FIRE WATCH PERSONNEL SHALL CARRY A CELL PHONE

WITHIN MASLOW SHELTER VERBAL IS SUFFICIENT

SIGN POSTED @ PRIMARY (MONROE) ENTRANCE WITH STAFF NAMES & NUMBERS

FIRST AID KIT

KIT UNDER FRONT DESK

EMERGENCY CALL 911

PROTECTION SYSTEMS

EXTINGUISHERS – ONE EACH- LOCATED @ MAIN ENTRANCE, KITCHEN, CLOTHING CLOSET, SERVER ROOM AND REAR ENTRANCE

RECORDS

IN THE EVENT THAT REQUIRES AN EVACUATION, THE GUEST HOST SHALL BRING THE RECORD OF STAFF AND GUEST LOGS TO THE EVACUATION AREA FOR ACCOUNTABILITY PURPOSES.

UTILITIES

WATER MAIN- ON “J” STREET APPROXIMATELY 100’ NORTH OF INTERSECTION WITH MONROE

GAS MAIN- BEHIND BUILDNG IN THE FENCED AREA UNDER THE KITCHEN WINDOW

ELECTRICAL- TWO PANELS – ONE IN THE SUPPLY CLOSET AND ONE IN THE FOOD PANTRY

HVAC- LOCATED IN THE SUPPLY CLOSET

WARNING SYSTEMS

AUTOMATIC SMOKE ALARMS AND CO2 DETECTORS IN ALL REQUIRED LOCATIONS.

MEDICAL EMERGENCY PROTOCOL

Trained Emergency Response Technicians (EMT’s), Paramedics, or licensed Medical Providers, shall provide all emergency medical treatment.

1. After a serious medical emergency has been identified, staff shall call 911 immediately.
2. The severity of the medical emergency and level of action required will be determined by the onsite medical responders.
3. Staff assisting with the medical emergency will use the proper personal protective equipment (PPE’s).

All injured or ill employees requiring emergency medical care for life/death medical emergencies will be transported by local emergency medical services to the nearest hospital

FIRE PROTOCOL

Fires can have several causes and sources of fuel. Most fire related deaths are caused by smoke inhalation. It is important to remember that if the primary evacuation path is towards the fire, an alternate route of egress away from the fire should be used.

The standard emergency evacuation response for a fire event is the *R.A.C.E.* formula.

R – Rescue and/or Remove all persons from the affected area.

- Crawl low under smoke to breathe cleaner air.
- Do not open a hot door. Find another exit route.

A – Activate the Alarm System

- For buildings with installed alarm systems: Activate the building alarm system at the nearest fire pull stations and dial 9-1-1.
- For all other buildings: Verbally notify those in close proximity and dial 9-1-1.
- Provide the following information when dialing 9-1-1:
 - i. Identify yourself (caller).
 - ii. Identify your location (**Maslow Shelter 500 Monroe Street, entrance is on Monroe**).
 - iii. Specify the nature of the call (fire, medical, etc).
 - iv. Indicate the location of the emergency (address, intersection).
 - v. Indicate the location of injured and special needs individuals.

Do not hang up until the 9-1-1 dispatch operator tells you to do so.

C - Confirm or Contain the Fire

- If it is noticed that smoke is seeping through a door, do not open the door. Carefully feel the door and doorknob with the back of your hands to determine if the door is too hot to touch. If it is not hot, carefully open the door and identify if anyone is in the room.
- Confirm to others that a fire has been found and initiate proper emergency notification and procedures.
- Keep doors closed to slow the spread of smoke and fire.

E - Extinguish or Evacuate the Premises

- Fire extinguishers are provided in many buildings to assist a person escaping a building. Unless an individual has been properly trained to operate a fire extinguisher they should not attempt to use the extinguisher. Never attempt to enter a smoke filled room to extinguish a fire.
- If fire extinguishers are used, they should only be used if the fire is small and contained, not spreading beyond its starting point. When attempting to use a fire extinguisher, remember the acronym “*PASS*”.

P - Pull trigger pin (stand back several feet from the fire)

A – Aim low, point the nozzle at the base of the fire

S - Squeeze the trigger

S - Sweep from side to side until the fire appears to be out

- When a fire has been confirmed, immediately evacuate the area. Do not attempt to fight a fire that could jeopardize your life. When evacuating, refer to the posted floor plan and exit as quickly as possible.
- When evacuating, Guest Host will be sure to grab sign in sheets and direct everyone to the gathering point at across Monroe Street on the sidewalk next to the batting cages. Guest Host will do a head count.

Persons not capable of self-preservation cannot be admitted to the shelter, including disabilities & drug/alcohol intoxication.

EARTHQUAKE

Earthquakes have caused a great deal of property damage over the years and have claimed many lives in various parts of the United States. It is the associated destruction of man-made structures and the instigation of other natural disasters that cause injuries and property damage. Most earthquake related injuries result from collapsing walls, falling objects and flying glass as a result of the ground shaking, or people trying to move more than a few feet during the shaking.

In addition to the earthquakes there can be foreshocks and aftershocks that may occur before or after the earthquake event, respectively. The foreshock or aftershock events are smaller earthquakes that precede or follow the main earthquake causing further damage, destruction and injury.

If an earthquake should occur, all employees, visitors and citizens will be instructed to stay indoors.

1. If indoors, take cover under sturdy furniture (i.e. desks, work tables), an interior wall away from windows or tall furniture or in a supported doorway. Do not run for the exit as the stairs may be broken or jammed with people. Remember when the building begins to shake: **DROP, COVER and HOLD ON.**

DROP - under a table or desk or crouch next to an interior wall.

COVER - your neck and head with your arms and hands.

HOLD ON! - So your protection stays with you!!!

2. If outdoors, move to an open area away from any buildings, utility wires, trees etc.
3. Find a safe place and move as little as possible until the shaking stops. Protect your eyes from flying or falling hazards by keeping your head down. Injury statistics show that people moving as little as 10 feet during an earthquake's shaking are more likely to be injured.
4. After the shaking stops, check to see if you are hurt, and then check the people around you. Move carefully and watch for things that may have fallen or broken, creating hazards. Be ready for possible aftershocks.
5. If exiting the building after an earthquake event, use the stairs, not the elevators.

Pre-Earthquake Injury Prevention Measures

1. Buildings should be inspected for any item that could fall, spill, break or move during an earthquake. Take steps to reduce these hazards.
2. Large and heavy objects should be placed on lower shelves or the floor. Hang heavy items away from where people work.
3. Secure shelves, filing cabinets over 48" tall, and other tall furniture.
4. Secure fixed equipment and heavy machinery to the floor. Larger equipment can be placed on casters and attached to tethers that attach to the wall.
5. Review processes for handling and storing hazardous materials. Have incompatible chemicals stored separately.
6. Designate areas in each facility away from exterior walls and windows where occupants should gather after an earthquake if an evacuation is not necessary.

WEATHER RELATED EMERGENCY: SNOW, WIND, ICE/HAIL, EXTREME COLD HUNKER DOWN IN SHELTER

STAY AWAY FROM WINDOWS

MONITOR PUBLIC ADDRESS SYSTEMS

FLOODING

EVACUATE FOLLOWING FIRE PROTOCOL

FIRE WATCH RESPONSIBLE FOR CUTTING UTILITIES OFF AS NEEDED

SHIFT LEADER RESPONSIBLE FOR ROSTER & HEAD COUNT

LOCKDOWN/SHELTER IN PLACE:

TERRORISM, ARMED INTRUDER, MENTAL HEALTH SCENARIO, ETC

FIRE WATCH CALL 911 AND REPORT INCIDENT

STAFF MAKE EFFORT TO BRING EVERYONE INSIDE, LOCK DOORS

STAY AWAY FROM WINDOWS & DOORS & STAY OUT OF SIGHT

KEEP QUIET

GUEST HOST CONDUCT HEAD COUNT/ROLL CALL

MONITOR PUBLIC ADDRESS SYSTEMS

ESSENTIAL SERVICES: IN THE EVENT FACILITY EXPERIENCES LOSS OF SUCH SERVICES

WATER

ELECTRICITY

GAS

HVAC/OTHER SYSTEM FAILURE

Fire Watch will call appropriate company.

If necessary activate the evacuation plan following the fire protocol.

CHEMICAL SPILL/HAZARDOUS MATERIALS

If necessary activate the evacuation plan following the fire protocol.

Cordon off the area

Call the Fire Department

IN THE EVENT OF STAFFING LIMITATIONS

Shelter cannot open if less than 1 staff and 1 volunteer are not present

PERSONAL PROPERTY

Weapons shall be checked at the front desk and secured in safe

Locks for lockers are the responsibility of assigned guest.

Anything not check in must be kept clear of walkways and exits.

All exits are to remain clear of obstruction at all times. Sleeping layout will be configured to provide a unobstructed and reasonably direct pathway to main exit that is at least 44 inches in width.

RECORDS

Records of all guests and staff are to be kept current at all times on log in sheets.

The Guest Host is responsible for logs in the event of an evacuation.

OCCUPANT LOAD

From 10:00 pm to 6:00 am at no time shall the occupant load in the facility exceed 15 shelter admittances plus 3 staff/volunteers.

Main walkways shall be an unobstructed width of 44 inches.

Occupants must sign and comply with all the terms of the Shelter Agreement.

If guests choose to leave the facility between 10 pm - 6 am they will not be readmitted.

Doors to remain locked between the hours of 10 pm - 6 am for safety.

TRAINING

All Staff and key volunteers used as a required person for shelter staffing shall be instructed on the emergency plan, use of fire extinguishers, universal precautions and crisis de-escalation techniques.

A copy of the emergency plan shall be accessible to all staff and volunteers and located in the staff/volunteer information station.

FIRE DRILL FORM

Date: _____ Time: _____

Number of Occupants in Building: _____ Time to Complete Evacuation: _____

Weather Conditions: _____

Problems Noted With Building: _____

Specific Type of Fire Simulated: _____

Specific Location of "Fire": _____

Comments on Performance: _____

Staff Participating

Person Conducting Drill

Administrator

FIRE WATCH DOCUMENTATION

Date: 12/15/2018

Shift: Day Night

Responsible Person(s): TBD

Type & Number of Communication Device(s) Utilized:

- Cell Phone _____
- Portable Radio (In communication with whom?) _____
- Other (Describe) _____

Affected Areas of the Facility (Describe) Main floor of Maslow Project

Reason for Fire Watch _____

- Fire watch interval: 15 minute (Fire Alarm System)
- Notification of Fire Department

ATTEST STATEMENT

The above listed responsible person(s) have been designated as a fire watch, due to abnormal fire & life safety conditions and/or fire protection systems and equipment that are out of service. As such, during the fire watch these individuals performed constant patrols of the affected area(s) of the facility to keep watch for fires. In addition, these individuals had no other assigned duties other than performance of required duties for fire watch.

The person in charge of the facility during this shift shall sign below as an attest that the above listed responsible persons have complied with the requirements for a fire watch.

See Fire Watch Log Next Page

Individuals responsible for conducting a fire watch shall conduct a complete walk-through of all affected areas in the time frame specified above. Reminder that these individuals also need to account for required breaks, etc.

Guest Agreement Form

By signing this document I agree to all the below requirements. I acknowledge that failure to comply with any of the below requirements may be grounds for immediate removal from the Maslow Property and may result in permanent ban. I understand that my behavior will affect my ability to stay at the Maslow Project Shelter. If I am disrespectful, vulgar or combative in any way I may be asked to leave. If I do not leave peacefully when asked, the Medford Police Department will be called and I may be cited for trespassing. If I am asked to leave the shelter for my behavior I must have permission from staff to come back on the property:

1. I will have respect for everyone at the overnight shelter; including staff, volunteers, my fellow guests, and the general public. That means that I will not be disrespectful, vulgar or combative in any way. Bullying will not be tolerated.
2. I will have respect for the surrounding neighborhood and church as I come and go to and from the shelter. Foot or bike travel to or from the Maslow Property in groups of more than 5 is discouraged. I will not litter and this includes cigarette butts. Shopping carts will not be allowed at the shelter. Bikes must be stored at the bike rack. Maslow Project is not responsible for lost or stolen items so secure them at your own risk.
3. I understand the doors will be locked between the hours of 10 pm - 6 am. I may leave during those hours (smoke break, etc.) but I will not be allowed back in until the doors reopen in the morning. I agree to leave Maslow Project property between the hours of 10 am - 6:30 pm.
4. Check-in can begin at 7:00PM. If I choose to leave the property between 7PM and 9PM, loitering within 3 city blocks of the shelter in all directions is not permitted.
5. I will not bring any alcohol or drugs or drug paraphernalia on the property.
6. I will not smoke on the property. (Including e-cigarettes)
7. I will check any weapons upon entry with staff. Firearms or illegal weapons are not allowed on the property.
8. I will not be allowed to have guests on the property.
9. I will not engage in any sexual activity with myself or anyone else.
10. If there is a problem or concern, I will find the staff person on duty to handle it.
11. I understand that inspections of sleeping areas and the facility by the City of Medford officials, including Fire-Rescue and Police Department, may occur without notice.
12. I understand that if I have a physical emergency staff may call 911 to help me.

Print Name: _____

Sign Name: _____

Date: ____/____/____



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 12/5/2018
File Number: CUP-18-159

**PUBLIC WORKS DEPARTMENT STAFF REPORT
500 Monroe Street – Maslow Project
Temporary Shelter**

- Project:** Consideration of a request for a Conditional Use Permit (CUP) to allow for the operation of Temporary Shelter within the existing Maslow Project Resource Center on a 0.85 acre parcel.
- Location:** Located at 500 Monroe Street in a SFR-10 (Single Family Residential – 6 to 10 dwelling units per gross acre) zoning district (371W30CC7800).
- Applicant:** Applicant: Maslow Project; Agent: CSA Planning; Planner: Steffen Roennfeldt.

Public Works has no comments on the proposed Conditional Use Permit application.

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs

CITY OF MEDFORD
EXISTING N
CUP-18-159



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 11/26/2018
Meeting Date: 12/5/2018

LD File #: CUP18159

Planner: Steffen Roennfeldt

Applicant: Maslow Project

Project Location: 500 Monroe Street

ProjectDescription: Consideration of a request for a Conditional Use Permit (CUP) to allow for the operation of Temporary Shelter within the existing Maslow Project Resource Center on a 0.85 acre parcel

Specific Development Requirements for Access & Water Supply

Reference	Comments	Description	Conditions
MMC 10.819A	Temporary shelter requirements.	The shelter shall comply with all requirements of Medford Municipal Code section 10.819A including obtaining a Temporary Shelter Operational Permit and inspection from Medford Fire-Rescue prior to each operational period.	The permit requirements include but are not limited to: 1. An Operational Plan 2. An Emergency Plan including an Emergency Evacuation Plan 3. Dedicated fire watch personnel 4. Smoke and carbon monoxide alarms in sleeping areas

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, Mechanical Codes and applicable NFPA Standards.

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

www.medfordfirerescue.org

Memo



To: Steffen Roennfeldt, Planning Department
From: Chad Wilttrout, Building Department
CC: CSA Planning, Agent; Maslow Project, Applicant
Date: December 5, 2018
Re: December 5, 2018, LDC Meeting: CUP-18-159

Please Note:

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

Fees are based on valuation. Please contact the front counter for estimated fees.

1. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" for information.
3. One of the parking spaces must be Van Accessible in accordance with section 1106.7 of the 2014 OSSC, including figures referenced (see Building Codes Division for 2014 OSSC Errata which included these figures, dated October 16, 2014).
4. A change of use permit is required, per Section 111 Certificate of Occupancy. Last occupancy of this building is a high school. This is in addition to the CUP requested.
5. For the temporary use must follow Section 108, temporary structures and uses. Must obtain a permit and provide plans showing compliance per this section.
6. A code analysis providing occupant load, type of construction, type of occupancy, sprinkler design, dwelling unit separation etc... will be required.
7. The building and building appurtenances shall be designed by an Oregon licensed design professional in accordance with 107.1 and 107.3.4 OSSC (for buildings over 4000 sqft.).



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: CUP-18-159

PARCEL ID: 371W30CC TL 7800

PROJECT: Consideration of a request for a Conditional Use Permit (CUP) to allow for the operation of Temporary Shelter within the existing Maslow Project Resource Center on a 0.85 acre parcel located at 500 Monroe Street in a SFR-10 (Single Family Residential – 6 to 10 dwelling units per gross acre) zoning district (371W30CC7800). Applicant: Maslow Project; Agent: CSA Planning; Planner: Steffen Roennfeldt.

DATE: December 5, 2018

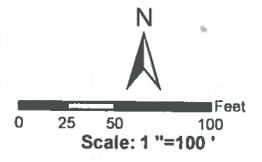
I have reviewed the above plan authorization application as requested. Conditions for approval and comments are as follows:

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The existing 2-inch water meter located along the west side of "J" Street is required to be protected in place.
4. Static water pressure is expected to be 82 psi. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".

COMMENTS

1. Off-site water line installation is not required.
2. On-site water facility construction is not required.
3. Static water pressure is approximately 82 psi. (See Condition 4 above)
4. MWC-metered water service does exist to this property. There is an existing 2-inch water meter located along the west side of "J" Street. There is also an existing "vacant" 3/4" or 1" water meter box that is currently Vacant (no water meter in box). (See Condition 3 above)
5. Access to MWC water lines is available. There is an existing 12-inch water line located in "J" Street, and there is a 6-inch water line located in Whitman Place, and a 6-inch water line is located in Monroe Street east of "J" Street.



Water Facility Map
City of Medford
Planning Application:
CUP-18-159
(37-1W-30CC-7800)
November 21, 2018

Legend

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



This map is based on a digital elevation model by the State Water Resources Control Board. It is not intended to be used for any purpose other than that for which it was prepared. The City of Medford is not responsible for any errors or omissions on this map. © 2018 Medford Water Commission



Project Name:

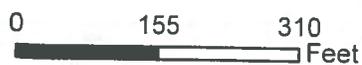
Maslow Project

Map/Taxlot:

371W30CC TL 7800

Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots



11/02/2018

