PLANNING COMMISSION AGENDA

JANUARY 25, 2018

Commission Members

David Culbertson

Joe Foley

Bill Mansfield

David McFadden

Mark McKechnie

E. J. McManus

Patrick Miranda

Alex Poythress

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

Agenda

Public Hearing
January 25, 2018
5:30 PM
Council Chambers, City Hall, Room 300
411 West Eighth Street, Medford, Oregon

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10. Roll Call

20. Consent Calendar/Written Communications (voice vote)

20.1 **LDP-17-133** Final Order of a request for a partition to create three lots on a 6.36 parcel located on the west side of N Ross Lane approximately 430 feet south of West McAndrews Road within the MFR-20 (Multiple-Family, 20 dwelling units per gross acre) zoning district. (Housing Authority of Jackson County, Applicant; Scott Sinner Consulting, Inc., Agent; Liz Conner, Planner).

20.2 **LDS-17-139 / CUP-17-140 / ZC-17-141** Final Orders of a Zone Change from SFR-00/SE (Single Family Residential - one dwelling unit per existing lot/Southeast Overlay) to SFR-4/SE (Single Family Residential - 4 dwelling units per gross acre/Southeast overlay); Horse Arena Subdivision, a 44 lot residential subdivision; and a Conditional Use Permit to allow a pedestrian path, bike path and storm water facilities within the greenway on 15.15 acres located on the north side of Coal Mine Road approximately 900 feet east of North Phoenix Road. (371W34 TL 2300, 2400, 2401). (Dan Mahar, Applicant; Neathamer Surveying, Inc., Agent; Liz Conner, Planner).

30. Minutes

30.1 Consideration for approval of minutes from the January 11, 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.**

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.**

60. Reports

60.1 Site Plan and Architectural Commission

60.2 Joint Transportation Subcommittee

60.3 Planning Department

70. Messages and Papers from the Chair

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.

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 FOR	)	
	)	**ORDER**
HOUSING AUTHORITY OF JACKSON COUNTY – NEWBRIDGE PLACE [LDP-17-133]	)	

ORDER granting approval of a request for tentative plat approval of *Newbridge Place*, as follows:

To create three lots on a 6.36 parcel located on the west side of N Ross Lane approximately 430 feet south of West McAndrews Road within the MFR-20 (Multiple-Family, 20 dwelling units per gross acre) zoning district.

WHEREAS:

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

2. The Medford Planning Commission has duly held a public hearing on the request for consideration of tentative plat approval described above, with a public hearing a matter of record of the Planning Commission on January 11, 2018; and

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

4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat approval and directed staff to prepare the final order with all conditions and findings set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for the Housing Authority of Jackson County, stands approved per the Staff Report dated January 4, 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 Staff Report dated January 4, 2018.

BASED UPON THE ABOVE, the Planning Commission determined that the tentative plat is in conformity with the provisions of law and Section 10.270 Land Division Criteria of the Land Development Code of the City of Medford.

Accepted and approved this 25th day of January, 2018.

CITY OF MEDFORD PLANNING COMMISSION

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Planning Commission Chair

ATTEST:

_____

Planning Department Representative

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

IN THE MATTER OF TENTATIVE PLAT APPROVAL OF	)	
	)	**ORDER**
HORSE ARENA SUBDIVISION [LDS-17-139]	)	

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

A 44-lot residential subdivision located on 15.15 acres on the north side of Coal Mine Road approximately 900 feet east of North Phoenix Road (371W34 TL 2300, 2400, 2401).

WHEREAS:

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

2. The Medford Planning Commission has duly held a public hearing on the request for tentative plat for *Horse Arena Subdivision,* as described above, with the public hearing a matter of record of the Planning Commission on January 11, 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 Horse Arena 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 *Horse Arena Subdivision,* stands approved per the Planning Commission Report dated January 11, 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 January 11, 2018.

BASED UPON THE ABOVE, the Planning Commission determined that the tentative plat is in conformity with the provisions of law and Section 10.270 Land Division Criteria of the Land Development Code of the City of Medford.

Accepted and approved this 25th day of January, 2018.

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 CUP-17-140 APPLICATION FOR A	)	
	)	**ORDER**
CONDITIONAL USE PERMIT SUBMTTED BY DAN MAHAR	)	

ORDER granting approval of a request for a conditional use permit for *Horse Arena Subdivision,* described as follows:

To allow a pedestrian path, bike path and storm water facilities within the greenway on 15.15 acres located on the north side of Coal Mine Road approximately 900 feet east of North Phoenix Road (371W34 TL 2300, 2400, 2401).

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.246 and 10.247; and,

2. The Medford Planning Commission has duly held a public hearing on the matter of an application for a conditional use permit for *Horse Arena Subdivision,* as described above, with a public hearing a matter of record of the Planning Commission on January 11, 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 *Horse Arena Subdivision*, as described above.

THEREFORE LET IT BE HEREBY ORDERED that the application for *Horse Arena Subdivision,* as described above, stands approved in accordance per the Planning Commission Report dated January 11, 2018.

AND LET IT FURTHER BE OF RECORD that the action of the Planning Commission in approving this request for *Horse Arena Subdivision*, as described above, is hereafter supported by the findings referenced in the Planning Commission Report dated January 11, 2018.

Accepted and approved this 25th day of January, 2018.

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-17-141 APPLICATION)
FOR A ZONE CHANGE SUBMITTED BY DAN MAHAR) **ORDER**

ORDER granting approval of a request for a zone change for *Horse Arena Subdivision*, described as follows:

Change the zone from SFR-00/SE (Single Family Residential - one dwelling unit per existing lot/Southeast Overlay) to SFR-4/SE (Single Family Residential - 4 dwelling units per gross acre/Southeast overlay), on 15.15 acres located on the north side of Coal Mine Road approximately 900 feet east of North Phoenix Road.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning for *Horse Arena Subdivision,* as describe above; 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 January 11, 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 2300

is hereby changed as described above.

Accepted and approved this 25th day of January, 2018.

CITY OF MEDFORD PLANNING COMMISSION

_____
Planning Commission Chair

ATTEST:

_____
Planning Department Representative

PLANNING COMMISSION REPORT

for a Type-C quasi-judicial decision: **Land Division**
Conditional Use Permit
Zone Change

Project	Horse Areana Subdivision Applicant: Dan Mahar; Agent: Neathamer Surveying, Inc
File no.	LDS-17-139-CUP, Cup-17-140, ZC-17-141
Reviewer	Kelly Akin, Assistant Planning Director
Date	January 11, 2018

BACKGROUND

Proposal

Consideration of a Zone Change from SFR-00/SE (Single Family Residential - one dwelling unit per existing lot/Southeast Overlay) to SFR-4/SE (Single Family Residential - 4 dwelling units per gross acre/Southeast overlay); Horse Arena Subdivision, a 44 lot residential subdivision; and a Conditional Use Permit to allow a pedestrian path, bike path and storm water facilities within the greenway on 15.15 acres located on the north side of Coal Mine Road approximately 900 feet east of North Phoenix Road. (371W34 TL 2300, 2400, 2401)

Vicinity Map

Subject Site and Surrounding Characteristics

Subject Site	Zone:	SFR-00 and SFR-4/SE (Single Family Residential – 1 dwelling unit per parcel and, SFR-4, 4 dwelling units per gross acre, Southeast Overlay
	SE Plan Sub-Areas:	17
	SE Plan Category:	Standard Lot
	GLUP:	UR Urban Residential
	Use:	Vacant
North	Zone:	SFR-4/SE (Single Family Residential, 4 dwelling units per gross acre/Southeast Overlay)
	SE Plan Sub-Area:	17
	SE Plan Category:	Standard Lot
	Use:	Single family dwellings - Vacant
South	Zone:	Jackson County EFU (Exclusive Farm Use)/SE
	Use:	Single family dwelling - Vacant
East	Zone:	SFR-00 and SFR-4/SE
	Use:	Single family dwelling - Vacant
West	Zone:	SFR-10/SE
	SE Plan Sub-Area:	17
	SE Plan Category:	Standard Lot
	Use:	Vacant

Related Projects

A-02-208	Annexation by Ordinance 2003-57
ZC-06-003	Zone Change from EFU to SFR-4/SE

Applicable Criteria

Medford Municipal Code §10.227. Zone Change

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

(1) The proposed zone is consistent with the Transportation System Plan (TSP) and the

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

***

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

(i) At least one (1) parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or

(ii) The area to be rezoned is five (5) acres or larger; or

(iii) The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five (5) acres.

***

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

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

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

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

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

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

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

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

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

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

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

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

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

Conditional Use Permit Approval Criteria – Medford Land Development Code Section 10.248 & 10.249

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

(1) 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.
(2) 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.

In authorizing a conditional use permit the approving authority (Planning Commission) may impose any of the following conditions:

(1) 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.
(2) Establish a special yard or other open space or lot area or dimension requirement.
(3) Limit the height, size, or location of a building or other structure.
(4) Designate the size, number, location, or nature of vehicle access points.
(5) Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.
(6) Designate the size, location, screening, drainage, surfacing, or other improvement of parking or truck loading area.
(7) Limit or otherwise designate the number, size, location, height, or lighting of signs.
(8) Limit the location and intensity of outdoor lighting, or require its shielding.
(9) Require screening, landscaping, or other facilities to protect adjacent or nearby property, and designate standards for installation or maintenance thereof.
(10) Designate the size, height, location, or materials for a fence.
(11) Protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.

Development requiring the mitigation of impacts under Section 10.248(2), Conditional Use Permit Criteria, must do one (1) 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 §10.270. Land Division

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

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

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

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

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

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

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

ISSUES AND ANALYSIS

Background

The subject site is part of the Southeast Plan Overlay sub-area 17 which is a Standard Lot designation. The Major Greenway, Riparian Corridor (G1) transects the site in a general east-west direction.

Zone Change

The zone change request is specifically for Tax Lot 2300 and is proposed to change from SFR-00 to SFR-4/SE. As demonstrated in the applicant's findings the proposal is consistent the Transportation System Plan and the General Land Use Plan designation (Exhibits I). Agency comments indicate Category A facilities are available or can be made available to the subject site (Exhibits M and O) with the exception of sanitary sewer facilities.

Sanitary Sewer Facilities

The proposed zoning to SFR-4 has the potential to increase flows to the sanitary sewer system. According to the Public Works report (Exhibit M), the current downstream sanitary sewer facility has capacity constraints. The report includes a variety of recommendations to alleviate the capacity constraints:

> *the applicant stipulate to only develop so the total sewer flows do not exceed current zoning limitation, or the Developer make improvements to the downstream sanitary sewer system to alleviate capacity constraints, or the Developer provide an engineering study of the downstream sewer system to show capacity exists to allow the proposed zone change.*

A condition of approval has been included, to comply with the Public Works Report (Exhibit M).

Land Division

Southeast Plan

The subject site is located within the Southeast (S-E) Overlay and is subject to the S-E Overlay District regulations and the adopted Southeast Plan, in addition to all other applicable City regulations. The site is designated as Sub-Area 17 within the Southeast Plan which allows standard lots.

The minimum density for the subject site is 38 dwelling units with a maximum of 61 dwelling units. The proposal is for 44 standard lots which exceeds the minimum requirements.

The proposed streets are consistent with the Southeast Circulation Plan Map (Exhibit G).

Conditional Use Permit

The Southeast Circulation Plan map (Exhibit G) identifies a number of greenways which include shared use paths as part of a multimodal transportation network. The G1 greenway (Exhibit H) requires a 20 foot asphalt path that follows the forks of Larson

Creek. The applicant proposes the required multi-use path as well as storm drainage facilities located within the G1 greenway and riparian area of Larson Creek.

Per the applicant's findings (Exhibit K) the multi-use path was designed in a manner to reduce the impacts to the natural area by shifting the path closer to the southerly limits of the greenway and closer towards the outer boundary of the riparian area. The location of the path is depicted on the Tentative Plat (Exhibit B).This location provided the same functionality while posing less of an impact to the Larson Creek habitat.

Oregon Department of Fish and Wildlife submitted comments that address specific design requirements for the storm water facilities that are located within the riparian setback area (Exhibit V). They also request that an approved riparian landscape plan be approved by Oregon Department of Fish and Wildlife prior to approval to construct the path within the riparian setback area. A condition of approval has been included.

Oregon Department of State Lands submitted comments (Exhibit T) stating that it is recommended that the applicant complete a wetland delineation for the subject site and that any amount of remove or fill activity may be required. A condition of approval has been included.

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibit I, J and K) and recommends the Commission adopt the findings as presented.

ACTION TAKEN

Adopt the findings as recommended by staff and directed staff to prepare the final order for LDS-17-139, CUP-17-140 and ZC-17-141 per the staff report dated January 11, 2018, including Exhibits A through **X**.

EXHIBITS

A-1 Conditions of Approval, dated January 11, 2018
B Tentative Plat received October 27, 2017
C Conceptual Grading & Drainage Plan received October 27, 2017
D Conceptual Sewer and Water Plan received October 27, 2017
E Landscape Plan received October 27, 2017
F Slope Analysis received October 27, 2017
G Southeast Circulation Plan map adopted March 7, 2013
H G1 Greenway Cross section adopted March 7, 2013
I Applicant's Findings for Zone Change received October 27, 2017

J Applicant's Findings for Land Division received October 27, 2017
K Applicant's Finding for Conditional Use Permit received October 27, 2017
L Jurisdictional Wetland Delineation received October 27, 2017
M Public Works Zone Change Staff report received December 13, 2017
N Public Works Land Division and CUP Staff report received January 3, 2018
O Medford Water Commission Memo received December 13, 2017
P Medford Fire Department Report received December 29, 2017
Q Medford Parks and Recreation memo received December 18, 2017
R Address Technician memo received December 13, 2017
S Jackson County Road letter received December 18, 2017
T Oregon Department of State Lands notice received December 21, 2017
U Talent Irrigation District comments received December 5, 2017
V Oregon Department of Fish and Wildlife comments received December 22, 2017
W Density Calculation dated January 3, 2018
X Email from Brooke Lazzari received January 8, 2018
Vicinity map

MEDFORD PLANNING COMMISSION

_____
Patrick Miranda, Chair

PLANNING COMMISSION AGENDA: **JANUARY 11, 2018**
JANUARY 25, 2018

EXHIBIT A-1

Horse Arena Subdivision
Conditions of Approval
January 11, 2018

ZONE CHANGE
CODE REQUIRED CONDITIONS

1. Comply with the report from the Public Works Department, received January 3, 2018 (Exhibit M);

2. Within 30 days of the approval of the Final Order, the applicant shall produce a restrictive covenant, in a form acceptable to the City Attorney, and record such covenant stipulating to only develop so the total sewer flows do not exceed current zoning limitations until the downstream sanitary sewer system is improved with sufficient capacity to serve the potential future development. MLDC 10.227(2)(c)

LAND DIVISION
DISCRETIONARY CONDITIONS

3. Prior to Final Plat and dedication of the Greenway to the City of Medford, the applicant must obtain approval for greenway design plans from the Medford Parks, Recreation and Facilities Management Department.

4. Prior to Final Plat, the applicant shall comply with the response from Talent Irrigation District, received December 5, 2017 (Exhibit U).

CODE REQUIRED CONDITIONS

5. Prior to approval of the final plat for the first phase containing the proposed greenway, the applicant shall enter into an agreement with the City, to the satisfaction of the City Attorney, that will address the installation, transfer of ownership, and maintenance of the greenway, in compliance with MLDC Section 10.384.

6. Prior to approval of the final plat for each phase, the applicant shall provide evidence of compliance with MLDC 10.379(1)(b), regarding the installation and maintenance of the planter strip vegetation.

7. Prior to approval of the final plat for each phase, the applicant is required to comply with MLDC 10.379(6) regarding the provisions that guarantee

the installation of street trees prior to the issuance of the Certificate of Occupancy.

8. Prior to approval of the final plat for each phase, the applicant shall comply with MLDC 10.380 regarding street lighting standards.

9. Prior to approval of the final plat for Phase **2**, the applicant shall comply with MLDC 10.804(3) regarding mitigation for passive agriculture.

10. Prior to approval of the final plat for each phase, the applicant shall:

    a. Comply with the report from the Public Works Department, received January 3, 2018 (Exhibit M and N);

    b. Comply with the memorandum from the Medford Water Commission, received December 13, 2017 (Exhibit O);

    c. Comply with the report from the Medford Fire Department, received December 29, 2017 (Exhibit P).

    d. Comply with the memo from Medford Parks & Recreation, received December 18, 2017 (Exhibit Q).

    e. Comply with the email from Oregon Department of Fish and Wildlife, received December 22, 2017 (Exhibit V).

    f. Comply with the Address Technician comment received December 13, 2017 (Exhibit R)

    g. Comply with Jackson County Roads comments received December 18, 2017 (Exhibit S).

CONDITIONAL USE PERMIT

Prior to issuance of the first building permit the applicant shall:

11. Obtain required permits per Department of State Lands comments received December 21, 2017.

Liz A. Conner

From: Brooke Lazzari <brookell@sbcglobal.net>
Sent: Monday, January 08, 2018 12:16 PM
To: Liz A. Conner
Subject: Questions on LDS 17-139

Good Afternoon Liz,

I have a few questions regarding the proposed Horse Arena Subdivision that I'm hoping you can help me with or direct me to someone who can.

- Is it possible to get an expanded map similar to the Tentative Plat Map that includes Stonegate? I'm very familiar with the area, but it seems unlikely that Nebraska and Utah would intersect as indicated on this map.
- The proposed project indicates it is accessible from Coal Mine Road. Is it possible to limit the construction access via Creek View? There is already a significant amount of traffic from Stonegate and Eastgate construction.
- Are there any requirements that the multi-use path must be maintained by the developer? Currently, the paths in Stonegate require the involvement of Code Enforcement to have the weeds mowed down and this has occurred multiple years. Further, the path along Utah Drive is covered in so much mud from unmitigated erosion from the new homes and use of equipment on the path that it has had limited usability for months.
- It appears a bridge is proposed for the trail to cross Larson Creek. Is there a time requirement that this must be completed? It is my understanding Stonegate Phase 1 was to have a bridge over the creek as well to connect the paths and over a decade later that has not occurred.

Thank you for your time.

Brooke

CITY OF MEDFORD
EXHIBIT # X
File # LDS-17-139/CUP-17-140
RC-17-141

EXHIBIT "B"

PROPOSED RE-ZONING AREA
DESCRIPTION SHEET

SFR-4

All that real property as described in Instrument Number 2012-014866, of the Official Records of Jackson County, Oregon, and a portion of Coal Mine Road, being located within Donation Land Claim Number 57, in the Southwest One-quarter of Section 34, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon. The exterior outline of the area to be re-zoned is more particularly described as follows:

Commencing at a found 2-1/2 inch brass disk marking the southeast corner of Donation Land Claim Number 57, Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence along the south line of said Donation Land Claim Number 57, also being the centerline of Coal Mine Road, North 89°50'24" West, 2472.76 feet (record: North 89°51'20" West, 2473.22 feet) to the **TRUE POINT OF BEGINNING**; thence continuing along said south line and said centerline, North 89°50'24" West, 200.00 feet; thence leaving said south line and centerline, North 00°14'48" East, 20.00 feet to the northerly right-of-way of Coal Mine Road; thence leaving said right-of-way, North 00°14'48" East, being parallel to the west line of the tract as described in Volume 478, Page 176, of the Deed Records of Jackson County, Oregon, 634.79 feet (record: North 00°13'55" East, 630.00 feet) to intersect the southerly line of that tract as described in Volume 533, Page 408, of the Deed Records of Jackson County, Oregon; thence along the southerly line of last said tract, South 61°28'52" East, 128.29 feet; thence continuing along the southerly line of last said tract, North 76°49'29" East, 74.49 feet to the southwest corner of Lot 99 per STONEGATE ESTATES, PHASE 2A, filed for record on June 17, 2015 in Volume 41 of Plats at Page 6, of the Records of Jackson County, Oregon; thence leaving the southerly line of last said tract, and along the southerly line of said Lot 99, North 76°49'29" East, 14.96 feet to intersect the west line of said tract as described in Volume 478, Page 176, said records; thence leaving the southerly line of said Lot 99, and along said west line, South 00°14'48" West, 594.48 feet (record: South 00°13'55" West, 580.00 feet) to the northerly right-of-way of Coal Mine Road; thence leaving said right-of-way, South 00°14'48" West, 20.00 feet to the Point of Beginning.

Area to be re-zoned contains 2.83 acres, more or less.

Basis of bearings for this description was established per Survey Number 19489, as filed in the office of the Jackson County Surveyor. Applied basis to the south line of Donation Land Claim Number 57.

This description is prepared for the distinct purpose of outlining an area to be re-zoned in the City of Medford, Oregon and is not sufficient for the conveyance of real property, the determination or creation of real property boundaries.

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