

PLANNING COMMISSION

AGENDA

APRIL 13, 2017



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

April 13, 2017

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-16-156** Final Order of tentative plat approval for Stonegate Estates Phase 5, a 20-lot (and reserve acreage) residential townhome subdivision on an approximate 5.39-acre site located on the east side of North Phoenix Road, within an SFR-10/PD/SE (Single Family Residential – 10 dwelling units per gross acre/Planned Development/Southeast Plan Overlay) zoning district (371W342000). (Dan Mahar, Applicant; Neathamer Surveying, Inc., Agent)
 - 20.2 **PUD-17-003 / ZC-17-004** Final Order of a revision to the approved Preliminary PUD Plan for Stewart Meadows Village Planned Unit Development, including the addition of property, located on a resulting approximate 121-acre site bounded generally by Stewart Avenue, South Pacific Highway, Garfield Avenue, and Myers Lane, within an SFR-6, SFR-10, C-C, I-L and I-G zoning districts, including a request for a change of zone on an approximate 0.62-acre tract from SFR-6 to SFR-10, an approximate 0.62-acre tract from SFR-10 to MFR-30, an approximate 0.26-acre tract from I-G to I-L, an approximate 0.26-acre tract from I-L to I-G, an approximate 9.8-acre tract from C-C to I-L, and an approximate 9.8-acre tract from I-L to C-C. (KOGAP Enterprises, Inc., Applicant; Maize & Associates, Inc., Agent)
 30. **Minutes**
 - 30.1 Consideration for approval of minutes from the March 23, 2017, 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.**

Continuance Request

- 50.1 **LDS-16-152** Consideration of Lilybrook, a 14 lot residential subdivision on a 1.64 acre parcel located at the northeast corner of Agate Street and Hart Avenue, within an SFR-10 (Single-Family Residential, ten dwelling units per acre) zoning district (382W01AB700): Clyde Akins, Applicant; CSA Planning Ltd., Mike Savage, Agent). **The applicant has requested to continue this item to the May 11, 2017 Planning Commission meeting.**

New Business

- 50.2 **DCA-17-014** A code amendment to revise the permitted use table in Section 10.337 to permit marijuana production and other related businesses in the Heavy Commercial (C-H) zoning district. (City of Medford, Applicant)
- 50.3 **ZC-17-017 / LDP-17-027** Consideration of a request for a change of zone from MFR-20 (Multiple-Family, 20 dwelling units per gross acre) to MFR-30 (Multiple-Family, 30 dwelling units per gross acre) and a partition to create two lots on approximately 4.5 acres located at 2180 Poplar Drive (371W18C TL 1362); (Weatherly Inn Medford LLC, Applicant; RJ Development LLC, Agent).

60. Reports

- 60.1 Site Plan and Architectural Commission
- 60.2 Joint Transportation Subcommittee
- 60.3 Planning Department
- 70. Messages and Papers from the Chair**
- 80. Remarks from the City Attorney**
- 90. Propositions and Remarks from the Commission**
- 100. Adjournment**

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF A REVISION TO THE TENTATIVE PLAT APPROVAL OF)
)
STONEGATE ESTATES PHASE 5 [LDS-16-156]) ORDER

ORDER granting approval of tentative plat for "Stonegate Estates Phase 5", described as follows:

A 20-lot (and reserve acreage) residential townhome subdivision on an approximate 5.39-acre site located on the east side of North Phoenix Road, within an SFR-10/PD/SE (Single Family Residential – 10 dwelling units per gross acre/Planned Development/Southeast Plan Overlay) zoning district (371W342000).

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 approval of tentative plat for "Stonegate Estates Phase 5", as described above, with the public hearing a matter of record of the Planning Commission on March 23, 2017.
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 approval of tentative plat for "Stonegate Estates Phase 5", 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 *Stonegate Estates Phase 5*, stands approved per the Planning Commission Report dated March 23, 2017, 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 March 23, 2017.

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 13th day of April, 2017.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



PLANNING COMMISSION REPORT

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

PROJECT Stonegate Estates Phase 5
Applicant: Dan Mahar; Agent: Neathamer Surveying

FILE NO. LDS-16-156

DATE March 23, 2017

BACKGROUND

Proposal

Consideration of Stonegate Estates Phase 5, a proposed 20-lot (and reserve acreage tract) residential subdivision on an approximate 5.39-acre site located on the east side of North Phoenix Road, within an SFR-10/PD/SE zoning district (Single-Family Residential, ten dwelling units per gross acre/Planned Development/Southeast Plan Overlay).

Subject Site Characteristics

Zoning SFR-10/SE/PD
GLUP UR (Urban Residential)
SE Area 15 (Small Lot)
Use Vacant - approved townhouses and condominiums under construction

Surrounding Site Characteristics

North	Zone:	SFR-10/SE/PD
	Use:	Single family dwellings and condominiums
South	Zone:	SFR-10/SE/PD
	Use:	Vacant
East	Zone:	SFR-00/SE (Single Family Residential, one dwelling unit per existing lot/ Southeast Plan Overlay)
	Use:	Single family dwelling
West	Zone:	SFR-4 (Single Family Residential, four dwelling units per gross acre)
	Use:	Vacant

Related Projects

- PUD-00-116 PUD Preliminary and Final Plans
CUP-04-109 Conditional Use Permit to allow vehicle, drainage, and bicycle and pedestrian facilities to encroach within the Larson Creek Riparian Corridor
AC-06-248 Site Plan and Architectural Review

Applicable Criteria

Medford Land Development Code §10.270, Land Division Criteria

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

- (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 subdivision is part of Stonegate Estates Phases 1-5, a 299 dwelling planned unit development that received Preliminary PUD Plan approval on January 10, 2002. On February 16, 2007, the Site Plan and Architectural Commission approved the site plan and architecture for Phase 5, which is comprised of 20 townhomes and 44 condominiums located within three four-plexes and four eight-plexes. On March 16, 2007, the applicant requested and received approval from the Site Plan Commission to convert the open parking areas to garages.

The Final PUD Plan was approved by the Planning Director on July 3, 2007. Since then, a De Minimis Revision to convert the parking garages to covered carports along with other minor revisions relating to the hardscapes thereof was approved by the Planning Director on November 14, 2016.

The scope of this tentative plat is limited to the 20 townhome lots (Lots 40-64), a private and public street, and associated common area. The remainder of the property is to be designated as reserve acreage and intended for the condominium portion of the development. It should be noted that condominiums are processed through the State Department of Real Estate. That portion of Phase 5 will not be discussed here.

Construction on the townhouse units is currently underway based on the prior land use approvals.

Southeast Plan Standards

The subject site is located within the Southeast Plan Overlay (S-E) and is subject to the S-E Overlay regulations and the adopted Southeast Plan, in addition to all other applicable City regulations. In its 2001 decision, the Planning Commission determined that the subject Phase 5 is included in Area 15 of the Southeast Plan, in part because of the density, housing types proposed and the physical constraints of the site.

PUD Consistency

Stonegate Phase 5 was originally approved as a mix of townhouse and condominium units. The townhouses were situated on "pad lots", which are basically lots that closely follow or match the building footprint. Pad lots have not been permitted for residential developments since 2006. Because of the code change, the applicant proposes a conventional townhouse lot layout. The applicant's findings note that some lots do not meet the minimum lot depth and side yard setback standards. The proposal is otherwise consistent with the approved Preliminary and Final PUD Plans.

The Planning Director has authority in approving Final PUD Plans, which includes making a determination of whether the Final PUD Plan is substantially consistent with the Planning Commission approved Preliminary PUD Plan. In this case, staff has determined

that the proposal is consistent with the approved Preliminary PUD plan. The number of units has not changed, nor has the design or layout of the structures. This proposal simply reconfigures the lots to a form that more closely complies with current Code standards. Pedestrian and vehicular access, parking and other design features have not been altered. Should the Planning Commission approve this tentative plat, the Planning Director will rely on the decision when considering a revised Final PUD Plan.

Phasing Request

The applicant proposes to construct the development in two phases and requests that the round-about be able to be constructed in the second phase, Phase 5B. Staff does not object to the request.

Decision: to allow a 5-year approval of development.

Public Improvements

Per the agency comments submitted to staff (Exhibits F through L), it can be found that there are adequate facilities to serve the proposed development.

Committee Comments

No comments were received from committees such as BPAC.

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibit E) and recommends the Commission adopt the findings with the following modification:

The tentative plat is substantially consistent with the approved Final PUD Plan. The number and configuration of the units is not changed. Access, parking and pedestrian connections to the greenway are unaffected. The proposed lots more closely meet the current standards of the Code and the approved pad lot configuration is no longer permissible for residential uses under MLDC 10.703.

ACTION TAKEN

Adopt the findings as recommended by staff and directed staff to prepare Commission Report and Final Order for approval of LDS-16-156 per the Commission Report dated March 23, 2017, including Exhibits A through P, and allow a 5-year approval of development.

EXHIBITS

- A Conditions of Approval dated March 16, 2017
- B Tentative Plat for Stonegate Estates Phase 5 Townhome Lots received December 9, 2016
- C Approved PUD Plan for Stonegate Estates Phase 5 received April 19, 2007
- D Survey of Stonegate Estate Phase 5 & Larson Creek Riparian Corridor received January 24, 2017
- E Applicant's Findings of Fact and Conclusions of Law received December 9, 2016
- F Public Works Staff Report received February 22, 2017
- G Medford Water Commission Staff Memo received March 8, 2017
- H Land Development Report from Medford Fire Department Report received February 21, 2017
- I Memo from Medford Building Department received February 22, 2017
- J Letter from Jackson County Roads received February 23, 2017
- K Email and Wetland Land Use Notification Response from Oregon Department of State Lands received February 21, 2017
- L Letter from the Medford Irrigation District received February 16, 2017
- M Excerpt from the City of Medford Wetland Inventory Map dated September 2002
- N Jackson County Assessor's Page
- O Southeast Circulation Plan Map adopted March 7, 2013
- P Southeast Plan Map adopted March 7, 2013
Vicinity map

MEDFORD PLANNING COMMISSION

Patrick Miranda, Chair

PLANNING COMMISSION AGENDA:

MARCH 23, 2017

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE PUD-17-003 APPLICATION FOR A)
REVISION TO STEWART MEADOWS VILLAGE PLANNED UNIT DEVELOPMENT) ORDER
SUBMITTED BY KOGAP ENTERPRISES, INC.)

ORDER granting approval for a revision to the approved Preliminary PUD Plan described as follows:

Revision to the approved Preliminary PUD Plan for Stewart Meadows Village Planned Unit Development, including the addition of property, located on a resulting approximate 121-acre site bounded generally by Stewart Avenue, South Pacific Highway, Garfield Avenue, and Myers Lane, within an SFR-6, SFR-10, C-C, I-L and I-G zoning districts, including a request for a change of zone on an approximate 0.62-acre tract from SFR-6 to SFR-10, an approximate 0.62-acre tract from SFR-10 to MFR-30, an approximate 0.26-acre tract from I-G to I-L, an approximate 0.26-acre tract from I-L to I-G, an approximate 9.8-acre tract from C-C to I-L, and an approximate 9.8-acre tract from I-L to C-C. (371W31A TL 2802, 2000, 2190, 2200, 2300, 4000, 3900; 371W31D TL 200, 1001, 2500, 1000, 2501, 2800, 900, 2900, 3000; 371W32C TL 5503, 5400).

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.245(A), Revision of a Preliminary or Final Planned Unit Development Plan; and
2. The Medford Planning Commission has considered in an open meeting the applicant's request for a revision to the approved Preliminary PUD Plan described above; and
3. Evidence and recommendations were received and presented by the applicant's representative and Planning Department staff; and
4. After consideration and discussion, the Medford Planning Commission, upon a motion duly seconded, approved a revision to the approved Preliminary PUD Plan described above.

THEREFORE LET IT BE HEREBY ORDERED that the approval for a revision to the approved Preliminary PUD Plan described above, per the Planning Commission Report dated March 23, 2017.

Accepted and approved this 13th day of April, 2017.

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-17-004 APPLICATION)
FOR A ZONE CHANGE FOR STEWART MEADOWS VILLAGE PLANNED UNIT) **ORDER**
DEVELOPMENT SUBMITTED BY KOGAP ENTERPRISES INC.)

ORDER granting approval of a request for a zone change for *Stewart Meadows Village Planned Unit Development*, described as follows:

Change of zone on an approximate 0.62-acre tract from SFR-6 to SFR-10, an approximate 0.62-acre tract from SFR-10 to MFR-30, an approximate 0.26-acre tract from I-G to I-L, an approximate 0.26-acre tract from I-L to I-G, an approximate 9.8-acre tract from C-C to I-L, and an approximate 9.8-acre tract from I-L to C-C, and a revision to the approved Preliminary PUD Plan for Stewart Meadows Village Planned Unit Development, including the addition of property, located on a resulting approximate 121-acre site bounded generally by Stewart Avenue, South Pacific Highway, Garfield Avenue, and Myers Lane, within an SFR-6, SFR-10, C-C, I-L and I-G zoning districts

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning for *Stewart Meadows Village Planned Unit Development*, 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 March 23, 2017, and the Findings contained therein – Exhibit “A,” and Legal Description – Exhibit “B” attached hereto and hereby incorporated by reference; now, therefore,

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

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

37 1W 31A Tax Lots 2802, 2000, 2190, 2200, 2300, 4000, 3900
37 1W 31D Tax Lots 200, 1001, 2500, 1000, 2501, 2800, 900, 2900, 3000
37 1W 32C Tax Lots 5503, 5400

is hereby changed as described above.

Accepted and approved this 13th day of April, 2017.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



PLANNING COMMISSION REPORT

for a Type-C quasi-judicial decision: PUD Revision and Zone Change

PROJECT Stewart Meadows Village - PUD Revision/Zone Change
 Applicant: KOGAP Enterprises, Inc.
 Agent: Maize & Associates, Inc.

FILE NO. PUD-17-003/ZC-17-004

DATE March 23, 2017

BACKGROUND

Proposal

Consideration of a revision to the approved Preliminary PUD Plan for Stewart Meadows Village Planned Unit Development, including the addition of property, located on a resulting approximate 121-acre site bounded generally by Stewart Avenue, South Pacific Highway, Garfield Avenue, and Myers Lane, within an SFR-6, SFR-10, C-C, I-L and I-G zoning districts, including a request for a change of zone on an approximate 0.62-acre tract from SFR-6 to SFR-10, an approximate 0.62-acre tract from SFR-10 to MFR-30, an approximate 0.26-acre tract from I-G to I-L, an approximate 0.26-acre tract from I-L to I-G, an approximate 9.8-acre tract from C-C to I-L, and an approximate 9.8-acre tract from I-L to C-C.

Subject Site Characteristics

Zoning	SFR-6	Single Family Residential – 6 dwelling units per gross acre
	SFR-10	Single Family Residential – 10 dwelling units per gross acre
	C-C	Community Commercial
	I-L	Light Industrial
	I-G	General Industrial
GLUP	UR	Urban Residential
	GI	General Industrial
	CM	Commercial
	HI	Heavy Industrial
Overlay	P/D	Planned Development
Use(s)	Vacant land / Harry & David building	

Surrounding Site Characteristics

- North** Zone: I-G & C-R
 Uses: Southern Oregon Sales Packing Company, Costelow's Car Dealership.
- South** Zone: SFR-00 & Jackson County Exclusive Farm Use (EFU)
 Use: Harry & David
- East** Zone: C-R & I-G
 Uses: Walmart Supercenter, National Guard Armory, Veterans Memorial Park, Holiday Inn Express, Rogue Credit Union, Hayes Oil Company, Central Oregon and Pacific Railroad.
- West** Zone: SFR-6, SFR-00, SFR-10, C-C, & Jackson County EFU
 Uses: Stewart Meadows Golf Course

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*
 - c. *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.*

3. *The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria there under:*
 - a. *Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.*
 - b. *Public Facilities Strategy pursuant to ORS 197.768 as amended.*
 - c. *Limited Service Area adopted as part of the Medford Comprehensive Plan.*

4. *The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.*

5. *If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D) (8)(c), the applicant shall alternatively demonstrate that either:*

1) *demands for the Category "A" public facilities listed below are equivalent to or less than for one or more permitted uses listed for the underlying zone, or*

2) *the property can be supplied by the time of development with the following Category "A" public facilities which can be supplied in sufficient condition and capacity to support development of the proposed use:*

a. *Public sanitary sewerage collection and treatment facilities.*

b. *Public domestic water distribution and treatment facilities.*

c. *Storm drainage facilities.*

d. *Public streets.*

Determinations of compliance with this criterion shall be based upon standards of public facility adequacy as set forth in this Code and in goals and policies of the Comprehensive Plan which by their language and context function as approval criteria for comprehensive plan amendments, zone changes or new development. In instances where the Planning Commission determines that there is insufficient public facility capacity to support the development of a particular use, nothing in this criterion shall prevent the approval of early phases of a phased PUD which can be supplied with adequate public facilities.

6. *If the Preliminary PUD Plan includes uses proposed under Subsection 10.230(D)(8)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.248.*

7. *If approval of the PUD application includes the division of land or the approval of other concurrent development permits applications as authorized in Subsection 10.230(C), 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.*

Revision or Termination of a PUD, §10.245(A)(3)

3. *Burden of Proof; Criteria for Revisions: The burden of proof and supporting findings of fact and conclusions of law for the criteria in Subsections 10.235(D) or 10.240(G), as applicable, shall be strictly limited to the specific nature and magnitude of the proposed revision. However, it is further provided that the design and development aspects of the whole PUD may be relied upon in reaching findings of fact and conclusions of law for the criterion at Subsection 10.235(D)(5). It is further provided that before the Planning Commission can approve a PUD Plan revision, it must determine that the proposed revision is compatible with existing developed portions of the whole PUD.*

Zone Change Approval Criteria, §10.227

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

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

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

(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.

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

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

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

(i) The I-L zone may abut residential and commercial zones, and the General Industrial (I-G) zone. The I-L zone is ordinarily considered to be unsuitable when abutting the Heavy Industrial (I-H) zone, unless the applicant can show it would be suitable pursuant to (1)(e) below.

(ii) The I-G zone may abut the Heavy Commercial (C-H), Light Industrial (I-L), and the Heavy Industrial (I-H) zones. The I-G zone is ordinarily considered to be unsuitable when abutting the other commercial and residential zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.

(2) *It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the Comprehensive Plan "Public Facilities Element."*

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

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

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

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

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

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

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

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

(c) *In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be*

established by deed restriction of covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:

- (i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,*
- (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,*
- (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.*

Conditional Use Permit Approval Criteria, §10.248

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.*

Corporate Names

KOGAP Enterprises, Inc. is the owner of the subject property. The Oregon Secretary of State business registry lists KOGAP Enterprises, Inc. as a registered business located at 115 Stewart Ave. in the City of Medford, Oregon, and lists Marvin Hackwell as the registered agent.

ISSUES AND ANALYSIS

Background

Project History

The Planning Commission approved the original Stewart Meadows Village Planned Unit Development (PUD), a mixed use commercial and residential community located on the old KOGAP mill site in South Medford, in November 2007. The approved Preliminary PUD plan consisted of approximately 650,000 square feet of retail and office space, and 297 single family residences and apartment units on 72 acres. The approval of an associated zone change resulted in a combination of zoning designations: C-C (Community Commercial), I-L (Light Industrial), and SFR-10 (Single Family Residential – 10 units per acre) (ZC-06-347). A 21-lot

subdivision was also tentatively approved at that time. The approval of the preliminary PUD included a condition of approval that delegated authority to the Site Plan and Architectural Commission (SPAC) for the approval of site plan details for the development, including landscaping of the common areas and building design.

The Planning Commission approved revisions to the PUD in 2009 that included the realignment of Myers Lane to correctly align with Myers Lane south of Garfield Street, realignment of Hansen Creek through the project; increasing the overall net acreage of the PUD to 77.39 acres; adjustments to the cumulative acreages of the underlying zoning based on master plan design revisions; an improved internal circulation system; revised phasing plan; and the reduction in the overall number of residential units from 297 to 190, the reduction of the gross retail square footage by 30,595 square feet, and reduction of the office square footage by 31,629 square feet. The revision also included a zone change that increased the area zoned SFR-10 by 2.05 acres and C-C by 2.94 acres. The overall I-L zoned area was reduced by 4.99 acres. A revised tentative subdivision plat reduced the number of lots from 21 to 18 and reconfigured the internal public street system.

A Final PUD Plan for Phase 1 was approved by the Planning Director in May 2012. This first phase plan approval was for the realignment and restoration of Hansen Creek through the project. The Site Plan and Architectural Commission approved the landscaping as required.

In August of 2013, the Planning Commission approved a second revision to the Planned Unit Development, which amended the design of the commercial streets internal to the site. The approved revision did not affect the required right-of-way widths; rather, it altered the approved street cross-section design. The purpose of the design is to provide improved facilities for bicyclists, pedestrians and motorists while treating a portion of the storm drainage runoff within the right-of-way.

In April of 2014, the applicant received approval from the Site Plan and Architectural Commission for the Stewart Meadows Village Design Guidelines (AC-14-009) to ensure design elements of the development have a consistent design statement and enhanced sense of place.

In June of 2016, the applicant received approval for a third revision to the Stewart Meadows Village PUD, including an expansion of the PUD boundary resulting in the area of the overall PUD increasing to 87.1 acres, and the addition of a proposed three-story 66,837 square foot medical office building to be located at the northeast corner of the site. Other approved revisions included the elimination of Ingmar Drive, modification of the standard design cross section of the Stewart Avenue sidewalk and landscape strip, a revision to the Stewart Meadows Village Design Guidelines, inclusion of a pedestrian promenade along the South Pacific Highway/railroad right-of-way, and a revision to the development phasing plan.

Also in June of 2016, the Site Plan and Architectural Commission (SPAC) approved the 66,837 square foot Providence medical office building, together with a modification to a portion of the approved design guidelines for the development.

Later in August of 2016, the applicant received approval from the Planning Commission for a zone change on 0.42 acres from I-L to I-G and change of zone on 0.42 acres from G-I to I-L.

FILE #	DATE	DESCRIPTION
PUD-06-141 ZC-06-347 LDS-06-348	November 2007	Approval of original preliminary approval of Stewart Meadows Village PUD, including a zone change and a 21-lot tentative subdivision Plat
PUD-06-141 ZC-09-005 LDS-08-161	March 2009	Approval of first PUD revision, including a zone change and a revised tentative plat reducing total lots from the 21 lots approved in 2006 tentative plat to 18 lots
AC-12-012	May 2012	Landscaping approval of Hansen Creek restoration
PUD-06-141	August 2013	Approval of second PUD revision amending design of commercial streets within the project
AC-14-009	April 2014	SPAC approval of design elements of PUD
PUD-16-037	June 2016	Approval of third PUD revision including the incorporation of additional property into the PUD
AC-16-044	June 2016	SPAC approval of 68,000 S.F. medical office building, and approval of revised design guidelines of the PUD.
ZC-16-066	August 2016	Zone Change

Project Update

The restoration and realignment of the creek amenity has been completed by the applicant. The Providence medical office building is currently under construction and the applicant is also in the process of realigning Myers Lane from Stewart Avenue on the north to Garfield Street on the south, with the curb and gutter installation complete.

Current Proposal

The applicant is now seeking a fourth revision to the Stewart Meadows Village PUD with an associated request for several changes of zone. Additionally, the applicant is requesting to expand the PUD boundary, adding an additional 34.12 acres, increasing the overall size of the PUD to 121 acres; add and modify several buildings and uses, including the addition of 81 residential dwelling units; several modifications of Code standards including building height, allowed uses, parking, signage, and the relocation of land use designations; relief from agricultural buffering; and a revision of the Design Guidelines of the PUD.

Addition of adjoining property to the PUD

The applicant is proposing to add 34.12 acres to the PUD. The Revised Preliminary PUD Plan (Exhibit B) identifies the five tax lots to be included: four tax lots south of Garfield Street, which include the Harry & David warehouse building, and a small portion of tax lot 400, currently a

part of the Stewart Meadows Golf Course, which will be consolidated into the PUD. As a condition of approval, the applicant will be required to gain approval of a Property Line Adjustment, which is reviewed administratively, prior to the Final PUD Plan approval.

Additional Area Proposed to be Incorporated into PUD

Tax Lot	Zoning	Gross Acreage
371W31D400 (portion)	SFR-6	0.62
2900	C-C	2.50
300	C-C	3.58
377W32C5400	I-L	13.74
5503	I-L	6.55
Included R-O-W (Anton/Garfield/Hwy.99)	C-C/I-L	7.13
Total		34.12

Addition and Modification of Buildings and Uses

The subject revision includes an increase of 81 residential dwelling units, which is an increase of 43% over the existing number of residences. The dwelling units consist of a combination of multi-plex family apartments, duplexes and tri-plexes.

In addition to the new residential units, the revised preliminary plan shows the inclusion of the existing Harry & David industrial warehouses, the addition of future industrial warehouses, the addition of retail/commercial developments, and the addition of a clock tower/elevator. The Revised Preliminary PUD Plan shows a reduction in the amount of office buildings and community uses from the previously approved 2016 revision. The location of a future parking structure is also identified.

Use Comparisons

Type	2016 Approval		Proposed Revision	
	Square Footage	Number of Dwelling units	Square Footage	Number of Dwelling units
Residential Units	291,576	190	337,580	271
Office	323,868		279,444	
Retail/Commercial	175,370		408,466	
Industrial	0		384,882	

Type	2016 Approval		Proposed Revision	
	Square Footage	Number of Dwelling units	Square Footage	Number of Dwelling units
Community	13,513		2,000	
Clock Tower	0		3,300	
Totals	804,327	190	1,415,672	271
Parking Structure			174,628	

Residential Density

Per MLDC 10.230(I)(2), PUDs larger than five acres are allowed an increase of 20% over the standard maximum density permitted. There are 271 dwelling units proposed in the subject PUD revision, which is an increase of 10% above the maximum density. The maximum number of dwelling units permitted for the Stewart Meadows Village PUD, at the 20% increase allowed for PUDs per the Code, is 295 dwelling units.

Residential Density

Zone	Gross Acreage	Minimum/Maximum Dwelling Units per Acre	Minimum Dwelling Units	Maximum Dwelling Units	Maximum Dwelling Units + 20%
SFR-10	22.9	6/10	137	229	274
MFR-30	0.6	20/30	12	18	21
Totals				247	295

Proposed Modifications of Standards

Per MLDC 10.230(D), the approval of PUDs may include modifications which vary from the strict standards of the Code which are limited to specific categories. In their submitted findings, the applicant has requested the following modifications from the strict standards of the code.

Building Height

Per the Code, the maximum building height permitted in residential zoning districts is 35 feet. The applicant is proposing two apartment buildings, Nos. 82 and 83, located on the northwesterly corner of Garfield Street and Myers Lane within the SFR-10 zoning district, at 55 feet. The submitted findings state that, "The increased building height will allow the residential density of the PUD to be increased to further the importance of a balanced mixed-use development."

Staff is supportive of the applicant’s request to exceed the maximum height for buildings 82 and 83, as the granting of relief from development standards is in harmony with the general purpose and intent of a PUD in promoting flexibility to allow creative and imaginative urban development that would otherwise not be possible under the strict requirements of the Code. It is further staff’s view that allowing the two proposed apartment buildings to exceed the maximum height will not adversely affect the surrounding neighborhood, and will serve in the interest of promoting greater density within the City consistent with the goals outlined in the *Housing Element of the Comprehensive Plan*.

Allowed uses

MLDC 10.230(D)(7)(C) allows that uses not permitted in the underlying zone may, nevertheless, be permitted and approved to occupy up to 20% of the gross area of the PUD.

Non-Permitted Use Summary

Building No.	Zoning	Acreage	Use	CUP Findings Required
1	I-L	5.5	MOB	Yes/Completed
2	I-L	5.6	Hotel	No
4	I-L	-----	Hotel	No
16	I-L	6.2	Entertainment	No
20	I-L	-----	Retail	No
21	I-L	-----	Retail	No
28	SFR-10	3.3	Office	Yes
Total		20.6 ac		
		17.0%		

Mixed Land Use Designation

MLDC 10.230(D)(8) allows PUDs that have more than one General Land Use Plan (GLUP) designation the flexibility to mix and relocate the GLUP designations within the boundaries of the PUD in any manner and/or location as may be approved by the Planning Commission. Stewart Meadows Village as approved contains five GLUP designations as shown in the table below.

General Land Use Designations in Approved Stewart Meadows Village PUD

General Land Use (GLUP) Designation	Acreage
General Industrial (GI)	34.1
Urban Residential (UR)	22.4
Heavy Industrial (HI)	1.6
Urban High Density Residential (UH)	0.6
Commercial (CM)	21.6
Total	80.3

The proposed relocation of the existing GLUP designations are illustrated in Exhibit H, which shows the existing GLUP map of the PUD, and Exhibit I, which shows the proposed GLUP map of the PUD.

Size Limitation for Uses in I-L Zone

Per MLDC 10.822(A), *Eating and Drinking Places* are permitted in all industrial zones but are limited to 6,000 square feet, including the outdoor eating area. The applicant requests that the *Eating and Drinking Places* within the I-L zoned portion of the PUD be allowed to have a maximum building size of 15,000 square feet, not to include a permitted outdoor seating area.

Additionally, MLDC 10.822(B) permits *Banking Institutions* within all industrial zones but is limited to 3,500 square feet of gross floor area. The applicant is requesting that any future banking institution within the I-L zoned portions of the PUD be allowed a maximum gross building size of 5,000 square feet.

Permitted Uses in All Industrial Zones (MLDC 10.822)

Eating and Drinking Places		Banking Institutions	
Allowed	Proposed	Allowed	Proposed
6,000 square feet	15,000 square feet	3,500 square feet	5,000 square feet

Staff is supportive of the applicant’s request to exceed the area permitted for these uses within the I-L zone. However, staff disagrees with the applicant’s interpretation of the Code as it pertains to the request. MLDC 10.230(D)(2) states the following:

D. Modified Application of Standards Authorized. To fulfill the purpose and intents of the standards set forth in Section 10.230(A), authority is herewith granted for the approval of PUDs which vary from the strict standards of this Code. The nature and extent of potential modifications shall be limited to the categories below described, provided that the City, in

approving such modifications, shall not violate substantive provisions of the Oregon Transportation Planning Rule:

2. Yards, Setbacks and Building Height: Limitations, restrictions and design standards pertaining to the location, size, height, yards and setbacks for buildings and other structures.

It is staff's view that the above cited section of the Code is not applicable to a request to exceed the permitted square footage for *Eating and Drinking Places* and *Banking Institutions* within the I-L zone, as MLDC 10.230(D)(2) refers to dimensional standards for *buildings and other structures*, not *uses* within a building. Accordingly, any square footage proposed for these uses that exceed the amount permitted as a special use within the I-L zone as outlined in the Code (6,000 square feet for *Eating and Drinking Places*, 3,500 square feet for *Banking Institutions*), should appropriately be calculated into the PUD's tabulation for non-permitted uses per MLDC 10.230(D)(7)(C).

As a condition of approval, the applicant will be required to calculate the square footage which exceeds the area permitted per MLDC 10.822(A-B) for all future *Eating and Drinking Places* and *Banking Institutions* located within the I-L zone of the development into the tabulation for non-permitted uses of the PUD, currently calculated at 17%.

Signage

MLDC 10.230(D)(4) grants the Planning Commission the authority to approve signage proposed within a PUD to be modified from the strict standards of the Code. The applicant has included a Signage Amendment (Exhibit P) with their application submittal which outlines requests consisting of a combination of adjusted existing codes, new codes, and the allowance of code overlays throughout the site. The stated purpose for the establishment of signage design guidelines is to provide a general design framework that allows flexibility while ensuring that all signage designs are appropriate for the project as a whole.

The submitted Signage Amendment proposes an Architectural Review Committee to review and approve all proposed signs within Stewart Meadows based on the guidelines identified in the Signage Amendment. Upon approval of the Architectural Review Committee, it will be the owner/lessee's responsibility to apply for, and receive all required City of Medford sign, Building Safety and electrical permits.

With the adoption of the submitted Signage Amendment, the authority to regulate signage within the development will not be relinquished by the Planning Department, nor is authority being delegated to the sole discretion of the PUD's Architectural Review Committee; rather, its adoption will permit a range of adjusted code allowances (e.g., height, area, number of signs, etc.), and permit Stewart Meadows to establish design guidelines to ensure consistency throughout. Pursuant to MLDC 10.1020, all signage proposed within the PUD will be subject to the regulatory authority of the Planning Department, and each separate sign will be required to obtain a permit from the Planning Department (except those expressly exempted per MLDC 10.1022).

Staff is generally supportive of the applicant's proposed sign amendments; however, staff does recommend that the applicant be required to submit a revised Stewart Meadows Signage Amendment per the revisions requested by staff (Exhibit BB). Additionally, staff recommends that the applicant be required to submit a site plan showing the proposed locations for all freestanding signs proposed within the PUD prior to final plan approval, to be approved by the Planning Director.

Parking

MLDC 10.230(D)(3) allows PUDs to modify parking requirements. The applicant included a Parking Analysis, conducted by Sandow Engineering, which assesses the anticipated uses to determine an accurate number of parking spaces needed to serve the development (Exhibit Q).

The submitted Parking Analysis concludes the following:

- Stewart Meadows PUD is proposing 3,203 off-street and 149 on-street parking spaces.
- Stewart Meadows has a peak parking demand of 2,771 vehicles. Peak occupancy is about 83% of total spaces provided.
- The peak parking demand occurs from 1:00 to 2:00 PM on typical weekdays. The site will operate near peak demand from 11:00 to 5:00 PM on typical weekdays.
- The land uses of Office, Residential, Retail, Restaurant, and Entertainment have individual peak parking demands that occur at times of the day and do not overlap; i.e. office has a peak parking demand near noon on weekdays and retail has a peak parking demand after 6:00 PM on weekdays. Therefore, providing opportunities for shared parking.
- Each building has adequate parking available within a 5 minute walk during the building's individual peak parking demand.

Parking Tabulations – by Use

	Parking Spaces Code Required	Parking Spaces Proposed	Difference
Non-Residential Use Parking	2,419	2,186	-233
Residential Use Parking	447	523	+66
Added Acreage Parking (South of Garfield)	439	504	+65

Parking Tabulations – Total

Estimated Peak Parking Demand	Parking Spaces Code Required	Off-Street Parking Spaces Proposed	Off-Street Parking Spaces Proposed + On-Street Parking Spaces
2,771 Vehicles	3,305 Spaces	3,203 Spaces	3,352 Spaces

The tabulations for the parking lots located within the non-residential areas were found to be deficient 233 parking spaces. The non-residential use parking tabulation box provided on the submitted Parking Analysis Plan (Exhibit K) states the following:

Use of shared parking may not be possible as a method for making up the shortfall in parking in certain areas due to the proximity of available spaces for the intended use. Planning for a parking structure may be advisable.

The submitted Revised Preliminary Plan shows a future alternate three-story parking structure, identified as Building No. 90, as a potential solution if parking proves to be inadequate in the future.

However, the Parking Analysis estimated that the anticipated maximum usage on site is well below the available parking spaces on site. It is further stated in the Parking Analysis that the parking numbers do not factor internal trips where people walk to multiple locations on site; therefore, there is opportunity for some land uses to share parking and reduce the overall number of needed parking spaces. The overall conclusion of the Parking Analysis is that, "Each of the buildings within the PUD has sufficient number of spaces within a reasonable walking distance. Therefore, there is sufficient available parking to meet the parking demand for the site."

Staff concurs with the conclusions of the Parking Analysis conducted by Sandow Engineering. Though the total parking spaces proposed for the PUD do not meet the minimum standards per the Code, it is staff's view that the combination of shared parking and the amount of on-street spaces provided by the internal streets within the development provide sufficient available parking to meet the peak parking demands throughout the site.

Agricultural Buffering

One of the four lots located south of Garfield Street which is proposed to be incorporated into the PUD, tax lot 5503, shares a common boundary of approximately 420 feet along its southerly property line with a property located outside of city limits within the Exclusive Farm Use (EFU) zoning District of Jackson County. Per MLDC 10.801, land proposed for urban development which abuts and has a common lot line with other land which is zoned EFU requires agricultural buffering.

Pursuant to MLDC 10.801(C), the applicant has included an Agricultural Impact Assessment (AIA) Report (Exhibit O) consistent with requirements of MLDC 10.801(A-E). Since the abutting EFU land is not under intensive day-to-day management, the property is classified as Passive Agriculture, requiring that measures be undertaken by the applicant in order to minimize or mitigate the adverse potential impacts associated with the proximity of urban and agricultural land uses. These measures include the following: the construction of a fence or masonry wall to serve as a buffer between the uses, a Deed Declaration identifying the maintenance and care responsibilities for the agricultural buffer consistent with the requirements outlined in MLDC 10.801(D)(2)(c), and irrigation runoff mitigation.

Included in the applicant's submitted Findings, is a request to eliminate the required fence and deed declaration for the following reasons:

- There is not an agricultural use that needs to be protected from trespass and vandalism.
- As there is not an agricultural use, there will be no adverse impact on the urban environment, which in this case is an industrial use.
- The subject EFU land is located within a portion of the MD-6 Urban Growth Boundary Amendment area that has been chosen as urbanizable land for the City of Medford.

Staff concurs with the applicant's findings that the mitigation provisions for Passive Agriculture as identified in the Code, specifically the requirement of a 6-foot high fence and a deed declaration, are not necessary. It is further staff's view that, given the unique circumstances of the location, the granting of relief from the strict application of the Code pertaining to agricultural buffering can be made in keeping with the purpose and intent of the Code.

Zone Change

Consolidated with the revision to the Preliminary PUD Plan for Stewart Meadows Village PUD is an application requesting a change of zone of the subject PUD composed of four parts:

- An approximate 9.8-acre tract of I-L zoning changed to C-C, with an equal-sized tract of C-C zoning changed to I-L.
- An approximate 0.62-acre tract of SFR-10 zoning changed to MFR-30 zoning.
- An approximate 0.62-acre tract of SFR-6 zoning changed to SFR-10 zoning.
- An approximate 0.26-acre tract of I-L changed to I-G, with an equal-sized tract of I-G zoning changed to I-L.

MLDC 10.230(D)(8) allows PUD's that have more than one General Land Use Plan (GLUP) designation the flexibility to mix and relocate the GLUP designations within the boundaries of the PUD; however, the resultant modifications must maintain the same GLUP designations, and at the same coverage area, as what existed prior to the changes. Accordingly, as the result of mixing and relocating the boundary lines of the GLUP designations with a PUD, changes to the underlying zoning classifications often must follow in order to maintain consistency with their land use designation. The proposed zone changes follow and are consistent with the proposed mix and relocation of the PUD's GLUP designations in order to better coincide with the PUD uses as proposed in the revised Preliminary PUD Plan.

Of the four proposed parts, two consist of adjustments of the boundaries separating two adjacent zones, C-C and I-L, and I-L and I-G, with the resulting zoning districts maintaining the same area, consistent with the Code.

The proposal also includes an additional land use designation, a small tract of approximately 0.62 acres of Urban High Density Residential, currently a part of the Stewart Meadows Golf Course, and which will be subsequently consolidated with tax lot 900 within the PUD. The incorporation of the 0.62-acre tract of land from the golf course effectively counterbalances the 0.62-acre tract of land changed from SFR-10 to MFR-30, consistent with the Code.

Analysis

An itemized analysis of the proposed rezone request based on the criteria outlined in Medford Land Development Code (MLDC) Section 10.227 cited below is as follows:

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).

I-L to C-C: The overall size of the C-C-zoned area of the PUD is greater than three acres, and is fronted by Garfield Avenue, classified as a major arterial street, consistent with the locational requirements outlined in MLDC 10.227(1)(c)(ii).

SFR-10 to MFR-30: There are no additional locational requirements for a rezone to a MFR zoning district.

SFR-6 to SFR-10: The area proposed to be changed to SFR-10 abuts additional land within the subject PUD that is zoned SFR-10, consistent with the locational requirements as outlined in MLDC 10.227(1)(b)(1).

C-C to I-L: The area proposed to be changed to I-L does not abut the I-H zone, consistent with the requirements as outlined in MLDC 10.227(1)(d)(i).

I-L to I-G: The area proposed to be changed to I-G does not abut any commercial or residential zones, consistent with the requirements as outlined in MLDC 10.227(1)(d)(ii).

(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.

Per the agency comments submitted to staff (Exhibits S-U), including Rogue Valley Sewer Services (Exhibit V), it can be found that there are adequate facilities to serve the PUD.

Staff concurs with the applicant's findings that the proposed zone changes are consistent with the Transportation System Plan (TSP) and the General Land Use Map as modified by the subject Preliminary PUD Plan revision application, meeting both the locational standards as outlined in Criterion No. 1, and demonstrating that all Category "A" urban facilities are available and will be provided to adequately serve the property, as outlined in Criterion No. 2.

Conditional Use Permit

MLDC 10.230(D)(7)(c) states the following:

Use(s) not permitted in the underlying zone may, nevertheless, be permitted and approved to occupy up to 20% of the gross area of the PUD provided that no portion of the use(s), including its parking, is located nearer than 200 feet from the exterior boundary of the PUD. If any portion of the use(s) is nearer than 200 feet from the exterior PUD boundary, then said use(s) shall be considered to be a conditional use and may be approved subject to compliance with the conditional use permit criteria in Section 10.248. However, this provision shall not apply where the land outside the PUD which is nearer than 200 feet from proposed use(s) is inside a zone in which the proposed use(s) is permitted.

The office building identified as building No. 28 on the submitted revised Preliminary PUD Plan is not a permitted use within the underlying SFR-10 zone, but is allowed under the provision of MLDC 10.230(D)(7)(c). However, a portion of the parking and maneuvering area of building No. 28 is located within 200 feet of the PUD's boundary along Myers Lane. As such, the Planning Commission must conclude that the CUP criteria identified in MLDC 10.248 is met with the proposed development. MLDC 10.248 states the following:

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.

Staff concurs with the applicant's submitted findings (Exhibit R, page 37) stating that the potential impacts from traffic, lighting, aesthetics, noise, air pollution, etc., are not significantly more than those from single-family residential uses that are permitted in the SFR-10 zone, and that there is no evidence to show that the office building and its parking area will cause a significant adverse impact on the livability, value, or appropriate development of the abutting property, when compared to the impacts of other development types permitted in the SFR-10 zoning district. Therefore, the office building and its parking area can be found to meet

Criterion No. 1 cited above, and, by extension, Criterion No. 6 of MLDC 10.235(D) has likewise been met.

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 included in both the 2009 PUD approval that included a zone change, and the 2016 PUD revision; both traffic studies analyzed the peak trip generation at 974 pm hour trips. The proposed revised plans have both intensified the commercial and industrial uses, as well as increased the residential density of the PUD – requiring an updated TIA.

The applicant submitted a new TIA (Exhibit N – includes only the executive summary due to the bulk of the document) with their PUD revision request, conducted by Sandow Engineering, with the study concluding the following:

- *The increase in PM peak hour trips from the site plan modification will not degrade any of the study intersections included in this report to below acceptable mobility standards.*
- *The increase in PM peak hour trips from the site plan modification will not substantially increase the queuing conditions over the future year background conditions.*
- *The intersection of Garfield Street at Center Drive does not meet ODOT mobility standards for the PM peak hour. Intersection improvements have been approved for an adjacent property as part of their development approvals. With the proposed and approved improvements, the intersection of Garfield Street at Center Drive operates better than the background no-build conditions under both the 2017 and 2031 PM peak hour build scenarios. The report prepared for ODOT details the analysis and findings.*
- *Stewart Meadows Development can build a portion of the site that does not generate more than 935 trips before the intersections of Garfield Street at Center Drive v/c is worsened over no-build conditions.*

The TIA was initially received by Public Works on November 22, 2016. Following the initial review, comments on the TIA were sent back to the Sandow Engineering on December 30, 2016. At the time of this writing, Public Works is still awaiting a revised analysis from Sandow Engineering in response to a few outstanding issues identified in their initial review (Exhibit AA).

The Oregon Department of Transportation (ODOT) has reviewed the applicant's submitted Traffic Impact Analysis and concurs with its conclusions (Exhibit X).

Design Guidelines

The approval of the original preliminary PUD in 2007 included a condition of approval that delegated authority to the Site Plan and Architectural Commission (SPAC) for the approval of site plan details for the development, including building designs.

The applicant received approval of the *Stewart Meadows Village Design Guidelines* from SPAC in 2014, and received subsequent approval from SPAC in 2016 for a revision of the design

guidelines. The applicant has submitted newly updated guidelines with this application (Exhibit M) which incorporates the expanded areas into the design guidelines, as well as proposes minor changes from the revised design guidelines that were approved in 2016. As the Site Plan and Architectural Commission reviewed and approved the revised guidelines, staff recommends that the Planning Commission approve the guidelines without further SPAC review.

Public Improvements

Per the agency comments submitted to staff (Exhibits S-V), including Rogue Valley Sewer Services (Exhibit W), 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

- Floodplain Coordinator: Northwest corner of the PUD development is located within 1% floodplain. Applicant will be required to submit a floodplain application at the time of building permit submittal (Exhibit X).
- The Oregon Department of Transportation (ODOT) Railway Facilities: Recommends fencing along shared right-of-way with Railroad and the PUD, and no additional public crossings permitted (Exhibit Y).

DECISION

The Commission approved the request unanimously while adding a condition of approval that the review of the applicant's submitted Design Guidelines (Exhibit M) be deferred to the Site Plan & Architectural Review Commission (SPAC).

During the presentation, staff explained that the applicant had provided staff with a revised Non-Permitted Use Summary (Exhibit CC); satisfying discretionary condition #3 as recommended in the staff report. This condition of approval has been removed from the revised conditions of approval (Exhibit A-1).

The motion of approval included the granting of relief allowing the applicant the maximum height of 55 feet for the apartment building identified as Nos. 82 & 83 on the submitted revised preliminary plan; however, the motion specified that approval of the increased height would be contingent on subsequent design approval of SPAC.

Staff also included four new exhibits into the record during the presentation. The four exhibits were as follows:

- Exhibit CC: Letter received from the applicant showing an updated Non-Permitted Use Summary, including a formal request that the submitted Design Guidelines be reviewed/approved by the Planning Commission.

- **Exhibit DD:** Revised Public Works report (PUD) made at the request of the applicant adding the sentence *The adopted conditions by each of these actions shall remain in full force as originally adopted except as previously amended and/or added to below.* (Found at top of page 2).
- **Exhibit EE:** Revised Public Works report (ZC) made at the request of the applicant adding the sentence *The adopted conditions by each of these actions shall remain in full force as originally adopted except as previously amended and/or added to below.* (Last sentence of the first paragraph found on page 2). The report also includes an updated review of the TIA submittal.
- **Exhibit FF:** Letter from the City of Medford Traffic Engineering recommending approval of the applicant's submitted TIA.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibit R) and recommends the Commission adopt the findings with the following modification:

Restaurants and banking institutions in excess of the Code permitted limits shall be included in the calculation of the 20% uses not permitted in the underlying zone. The entire area shall be included in the calculation, rather than the area in excess of the maximum (i.e. 7,500 square foot restaurant counts as 7,500 square feet, rather than the 1,500 square feet over the 6,000 square feet permitted).

ACTION TAKEN

Adopted the findings as recommended by staff, while adding one condition of approval, and directed staff to prepare a Final Order for approval of PUD-17-003 and ZC-17-004 per the Commission Report dated March 23, 2017, including Exhibits A through FF.

EXHIBITS

- A-1** Revised Conditions of Approval, drafted March 23, 2017.
- B** Revised Preliminary PUD Plan, received January 27, 2017.
- C** Proposed PUD Master Plan Revisions - Phasing, received January 9, 2017.
- D** Revised Master Plan (approved) received January 9, 2017.
- E** Phase Plan (approved), received January 9, 2017.
- F** Existing PUD Zoning Plan, received January 9, 2017.
- G** Proposed PUD Zoning Plan, received January 9, 2017.
- H** Existing GLUP Map, received January 9, 2017.
- I** Proposed GLUP Map, received January 9, 2017.
- J** Map showing Zone Change Areas, received January 9, 2017.
- K** Parking Analysis Plan, received January 9, 2017.
- L** Survey Map, received January 9, 2017.
- M** Design Guidelines revision, received January 9, 2017.
- N** Traffic Impact Analysis, received November 23, 2017.

- O Agricultural Impact Analysis report, received January 9, 2017.
 - P Signage Amendment booklet, received January 9, 2017.
 - Q Parking Analysis, received January 9, 2017.
 - R Applicant's Findings of Fact and Conclusions of Law, received January 2017
 - S Public Works Report – Zone Change, received February 22, 2017.
 - T Public Works Report – PUD Revision, received February 22, 2017.
 - U Medford Water Commission report, received February 22, 2017.
 - V Medford Fire Department report, received February 22, 2017.
 - W Rogue Valley Sewer Services report, received February 24, 2017.
 - X Floodplain report, received February 28, 2017.
 - Y ODOT (railway facilities) email, received February 28, 2017.
 - Z ODOT TIA memo, received March 14, 2017.
 - AA Letter from Public Works to Sandow Engineering, dated February 28, 2017.
 - BB Staff's requested Sign Amendment revision, drafted March 15, 2017.
 - CC Letter from applicant, received March 16, 2017.
 - DD Revised Public Works Report (PUD), received March 21, 2017.
 - EE Revised Public Works Report (ZC), received March 23, 2017.
 - FF Letter from Traffic Engineering, received March 17, 2017.
- Vicinity Map

MEDFORD PLANNING COMMISSION

Patrick Miranda, Chair

PLANNING COMMISSION AGENDA:

MARCH 23, 2017
APRIL 13, 2017

EXHIBIT A-1

Stewart Meadows Village
PUD-17-003/ZC-17-004
Conditions of Approval
March 23, 2017

DISCRETIONARY CONDITIONS

Prior to final plan approval, the applicant shall:

1. Submit a revised Signage Amendment as modified in Exhibit BB.
2. Submit a site plan showing the proposed locations for all freestanding signs proposed within the PUD prior to final plan approval, to be approved by the Planning Director.
3. Gain approval by the Site Plan & Architectural Commission (SPAC) for the revised Design Guidelines as submitted (Exhibit M).

CODE REQUIRED CONDITIONS

Prior to the issuance of a building permit for vertical construction, the applicant shall:

1. Comply with all conditions stipulated by the Medford Water Commission (Exhibit U).
2. Comply with all conditions stipulated by the Public Works Department (Exhibit S & T).
3. Comply with all requirements of the Medford Fire Department (Exhibit V).
4. Comply with all conditions stipulated by the Rogue Valley Sewer Services (Exhibit W).
5. Comply with all requirements of the Floodplain Coordinator (Exhibit X).
6. Comply with all requirements of the Oregon Department of Transportation (Railway facilities) (Exhibit Y).
7. Gain approval for a Property Line Adjustment to consolidate the portion of tax lot 400 into the PUD boundary.

MAIZE & ASSOCIATES

PLANNING CONSULTANTS

P.O. Box 628 • Medford, Oregon 97501 • Phone 541.776.4142 • Fax 541.776.4143 • jmaize3145@charter.net

March 16, 2017

RECEIVED

MAR 16 2017

PLANNING DEPT

Dustin Severs, Planner II
 Medford Planning Department
 Lausmann Annex
 200 South Ivy Street
 Medford, OR 97501

Subject: Stewart Meadows Village – Preliminary PUD Plan Revision

Hello Dustin,

In response to your request earlier this week, the applicant submits the following.

1. INCREASED SIZE OF RESTAURANTS AND BANKS AS NON-PERMITTED USES WITHIN THE I-L ZONING DISTRICT

A discussion on page 24 of the applicant's findings addresses a request to allow for restaurants and banks within the I-L zoning district of the Stewart Meadows Village PUD to have greater size limitations than those found in the standards of the Code.

Staff pointed out that Tables 6 and 12 in the findings showing the non-permitted use summary had not been updated to reflect that discussion, and therefore, the following section reviews that request.

Tables 6 and 12 show that there are five restaurants located in the PUD's I-L zoned areas, Buildings Nos. 3, 17, 18, 19, and 29, and four of those 5 are already accounted for in the text accompanying those two tables.

**Tables 6 and 12 (Revised)
 Non-Permitted Use Summary**

Building No.	Zoning	Area Size	Use	CUP Required?
1	I-L	5.5	MOB	Yes/Completed
2	I-L	5.6*	Hotel	No
4	I-L	-----	Hotel	No
16	I-L	6.2**	Entertainment	No
20	I-L	-----	Retail	No
21	I-L	-----	Retail	No
28	SFR-10	3.3	Office	Yes
29	I-L	1.7	Restaurant	No
Totals		22.3 ac		

* area includes Building No. 3
 ** area includes Buildings No

The Building No. 3 restaurant was included in the 5.6-acre area that also includes two hotel buildings (No. 2 and No.4). Although the restaurant is a permitted use, it was included in the non-permitted area, since it was too difficult to separate the restaurant and its parking area from the entire hotel site.

The Building Nos. 17, 18, and 19 restaurants, for the same reason were included in the 6.2-acre area that includes the entertainment building (Building No. 16) and two retail buildings (Buildings No. 20 and No. 21).

The Building No. 29 restaurant is located on an approximate 1.7-acre site that is bounded by Hansen Creek, Anton Drive and Bower Drive. It is unlikely that this particular 6,400 square foot restaurant could be much larger, as the building and parking area sizes are restricted by the two streets and Hansen Creek. The 61-space parking area is sufficient for the 58 minimum spaces required by Code. Nevertheless, as the restaurant area size exceeds the 5,000-square foot maximum for the I-L zone, the entire area has been included in the calculation below, rather than just the portion that exceeds 5,000 square feet. The applicant may wish to make such an adjustment at a future time.

As far as increasing the maximum size of banks in the I-L-zoned portion of the PUD, there are no banks specifically proposed in the Revised Preliminary PUD Plan, however there are two building in the I-L zone with proposed retail uses – Building No. 20 at 4,360 square feet, and Building No. 21 at 5,000 square feet, that could possibly become bank uses. Both of those buildings are already included in the 6.2-acre area that includes the large entertainment building. As an informational note, the increase of Building No. 20 from 4,360 square feet to 5,000 square feet will require the addition of only three parking spaces, which can easily be accommodated by the site.

Adding the 1.7-acre Building No. 29 restaurant site into the 20.6 acres of non-permitted uses as shown in Table 6 and Table 12, results in a sum of 22.3 acres. Based upon the approximate 121 gross acres of the PUD, the 22.3 acres on non-permitted uses result in approximately 18.4 percent of the total gross area of the PUD, which is less than the 20 percent maximum allowed by Section 10.230(D)(7c) of the Medford Land Development Code.

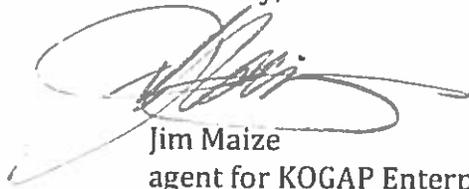
2. APPROVING AUTHORITY OF THE REVISED DESIGN GUIDELINES.

The applicant believes that the Design Guidelines are an important element of the PUD, and their approval should not be separated from the approval of the site through the Revised Preliminary PUD Plan.

The applicant, therefore, requests that the Planning Commission be the approving authority for the submitted Design Guidelines for Stewart Meadows Village Development, revised on January 9, 2017.

Thank you for your assistance. Please let me know if you have any questions about our requests.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Maize", with a large, sweeping flourish extending to the left and under the name.

Jim Maize
agent for KOGAP Enterprises, Inc.



Continuous Improvement Customer Service

CITY OF MEDFORD

Revised Date: 3/21/2017

File Number: PUD-17-003

(Reference: PUD-06-141/LDS-08-016/AC-09-005/AC-12-012/AC-14-009/PUD-16-037 Revision/AC-16-044/ZC-17-004)

PUBLIC WORKS DEPARTMENT STAFF REPORT

Stewart Meadows Village

PUD REVISION

Project: Consideration of a revision to the approved Preliminary PUD Plan for Stewart Meadows Village Planned Unit Development, including the addition of property, located on a resulting approximate 121-acre.

Location: The subject site is generally bounded generally by Stewart Avenue, South Pacific Highway, Garfield Avenue, and Myers Lane, within an SFR-6, SFR-10, C-C, I-L and I-G zoning districts (371W31A TL 2802, 2000, 2190, 2200, 2300, 4000, 3900; 371W31D TL 200, 1001, 2500, 1000, 2501, 2800, 900, 2900, 3000; 371W32C TL 5503, 5400).

Applicant: KOGAP Enterprises, Inc., Applicant (Maize & Associates Inc., Agent).
Dustin Severs, Planner.

Applicability: The Medford Public Works Department's conditions of Preliminary Plan Approval for Stewart Meadows Village Planned Unit Development (PUD) were adopted by Order of the Medford Planning Commission on November 29, 2007 (PUD-06-141) and received a minor revision on March 26, 2009 by the Planning Commission, to include two new tax lots into the development and reconfigured the internal public street system. A Final PUD Plan for the development and landscaping of the realigned Hansen Creek restoration work, running through the PUD was approved by the Planning Director in May 2012 (Phase 1A). In 2013 the Planning Commission approved a revision to allow for modifications to the public rights-of-ways within the project. In 2014, the Planning Director approved the Final PUD Plan for Phase 1 that included essentially all of the proposed development west of Hansen Creek, which also included the architectural and landscape guidelines for the project. On June 2nd, 2016 the Planning Commission approved a revision to the approved Preliminary PUD Plan for Stewart Meadows Village (PUD-16-037) to incorporate additional property into the PUD boundary. The Medford Site Plan and Architectural Commission approved plans (AC-16-044) for a 66,837 square foot Medical Office Building (AC-16-044) on 5.7 acres located in Stewart Meadows Village PUD on

P:\Staff Reports\PUD\2017\PUD-17-003_ZC-17-004 Revision - Stewart Meadows Village\PUD-17-003 Staff Report-Revised.docx Page 1

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET
MEDFORD, OREGON 97501
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TELEPHONE (541) 774-2100
FAX (541) 774-2552

CITY OF MEDFORD
EXHIBIT # DD
File # PUD-17-003/ZC-17-004

July 1st, 2016. The adopted conditions by each of these actions shall remain in full force as originally adopted except as previously amended and/or added to below.

NOTE:

The items listed here shall be completed and accepted prior to the respective issuances of permits and certificates:

Prior to issue of the first building permit or approval of a Final Plat, the following items shall be completed and accepted:

- Submittal and approval of plans for site grading and drainage, and detention, if applicable.
- Completion of all public improvements, if required. The applicant may provide security for 120% of the improvements prior to issuance of building permits. Construction plans for the improvements would need to be approved by the Public Works Engineering Department prior to acceptance of security.
- Items A – E, unless noted otherwise.

Prior to issue of Certificate-of-Occupancy for completed structures, the following items shall be completed and accepted:

- Paving of all on-site parking and vehicle maneuvering areas
- Certification by the design engineer that the stormwater quality and detention system was constructed per the approved plan, if applicable.
- Completion of all public improvements, if applicable.

REVISION REQUESTS

- The addition of adjoining property to the PUD.
- Add and modify buildings and uses.
- Include a Sign Program.
- Include additional Design Guidelines for the PUD.
- Include a Residential, Commercial and Industrial parking analysis.

The Public Works Department has no objections to the revision requests stated above for the portion of Stewart Meadows Village PUD. They are described in more detail below as needed.

A. STREETS

1. Dedications

Garfield Street is classified as a Major Arterial street, and in accordance with Medford Land Development Code (MLDC) Section 10.428, requires a total right-of-way width of 100-feet. **No additional right-of-way is required.**

Anton Drive (from Garfield Street south approx. 1,150 feet) is classified as a Commercial street, and in accordance with MLDC Section 10.429, it requires a total right-of-way width of 63 feet. **No additional right-of-way is required.**

South Pacific Highway (Highway 99) is under the jurisdiction of the Oregon Department of Transportation (ODOT). The Developer shall contact ODOT to see if additional right-of-way is required.

New streets as shown on the Tentative Plat in which any portion terminates at the boundary line of a phase of this PUD shall be dedicated to within one foot of the boundary line, and the remaining one foot shall be granted in fee, as a **non-access reserve strip** to the City of Medford per MLDC 10.439.

In accordance with MLDC, Section 10.471, the property owner shall **dedicate 10-foot wide Public Utility Easements (PUEs)** adjoining all lot lines abutting a street.

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

Garfield Street and Anton Drive – All street section improvements have been completed in close conformance with current standards (re: P1213D and P1251D), including pavement, curb and gutter, street lights, and sidewalks. **No additional public improvements are required except as noted below under Section A(4), Transportation System.**

Highway 99 is under the jurisdiction of the ODOT. The Developer shall contact ODOT to see if any additional improvements are required.

b. Street Lights and Signing

No additional street lights or signs are required along Garfield Street or Anton Drive; however the Applicant shall consult with ODOT for lighting requirements along Highway 99.

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 Medford Public Works Department and paid for by Developer.

c. Pavement Moratoriums

There is a pavement cutting moratorium currently in effect along this frontage to Garfield Street

which is set to expire July 31st 2020. No pavement moratoriums are currently in effect along the other street frontages to this development.

Pavement maintenance for Highway 99 is under the jurisdiction of ODOT. The developer shall be responsible to obtain information from ODOT as to pavement cutting moratoriums that may be currently in effect.

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.

3. Access and Circulation

Driveway access and circulation to and through the proposed development shall comply with MLDC 10.550 and 10.426. There shall be no additional driveway access directly onto Garfield Street from this site.

4. Transportation System

Public Works received a Traffic Impact Analysis (TIA) for Stewart Meadows PUD on November 22, 2016. Comments on the TIA were sent back to the Applicant's Engineer on December 30, 2016. We have not yet received a response to the comments sent on December 30, 2016. Due to the size of this TIA, we will need the revised report at least 4 weeks in advance of the hearing for adequate review time.

The Traffic Section requests the following modifications be implemented and/or addressed:

- The existing driveway on the north side of Garfield Street, east of Anton Drive, which is not being used in the revised site plan, shall be removed and replaced with continuous curb, gutter, and sidewalk.
- The existing concrete median in Garfield Street shall be extended to the west so it ends at least 50-feet, preferably 100-feet, from the western curb line of the driveway approach shown on the south side of Garfield Street. The 100-foot criteria shall be used unless the queueing and blocking report in the final TIA shows that this would conflict with westbound left turn queues to Anton Drive.
- The driveways to the grocery store and residential parking lots along Meyers Lane have been offset in the revised site plan. These driveways should be directly opposite each other to increase vehicle and pedestrian safety.

5. 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 dedication recommended herein can be found to be roughly proportional to the impacts reasonably anticipated to be imposed by this development.

Garfield Street and Anton Drive:

Local street right-of-way dedication and construction requirements identified by the Public Works Department and required by the City are the minimum required to protect the public interest and are necessary for additional or densification of development in the City without

detracting from the common good enjoyed by existing properties. Developments are required to provide all internal local streets and half-street improvements to abutting streets, including associated right-of-way dedications, to ensure that new development and density intensification provides the current level of urban services and adequate street circulation is maintained.

Dedication of the Public Utility Easements (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

This site lies within the Rogue Valley Sewer Service (RVSS) area. Contact RVSS for sanitary sewer connections.

C. STORM DRAINAGE

1. Hydrology

Prior to the first building permit, for Hansen Creek along the west boundary, a drainage and hydrology study must be prepared by a licensed Civil Engineer. The study must establish the water surface elevations for the 10 and 25 year events, and show the 100-year flood plain boundary and base flood elevations. The drainage study must verify the channel will convey the 25-year storm with 1-foot of freeboard, or improvements, proportional to the portion of the Creek within the property will be necessary to satisfy this requirement. No fill shall be allowed within the floodplain without a Flood Plain Permit from the Building Department.

2. Stormwater Detention and Water Quality Treatment

Development on this property shall be subject to 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.

Upon completion of each project, the developer's design engineer shall provide written certification to the Engineering Division that construction of the controlled storm water release drainage system was constructed per plan. This letter shall be received by the City of Medford Public Works Engineering Department prior to certificate of occupancy of the new building.

3. 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, as they are present on the site.

4. Erosion Control

Developments 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 any improvement plan approval.

5. Easements

Developer shall provide the following easements:

- A Creek easement to be a minimum of 20-feet from centerline of the Creek.

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.

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 Preliminary PUD Plan shows that this development will be developed in phases. The public improvements corresponding to a particular phase shall be constructed at the time such phase is being developed, and the public improvements that are not included within the geometric boundaries of any phase being developed, but are needed to serve each respective phase, shall be constructed with each phase as needed.

4. 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.

The City 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.

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.

5. 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.

6. Permits

Building Permit applications 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 P.U.E., 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.

Excavation and private plumbing shall require a separate permit from the Building Department.

7. System Development Charges (SDCs)

Buildings in this development are subject to sewer treatment and street systems development

charges. These SDC fees shall be paid at the time individual building permits are taken out.

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.

Prepared by: Doug Burroughs

SUMMARY CONDITIONS OF APPROVAL
Stewart Meadows Village – PUD REVISION

PUD 17-003

A. Streets

1. Street Dedications to the Public:

- **Garfield Street** – No dedications are required for this development.
- **Anton Drive (south of Garfield Street)** – No dedications are required for this development.
- **Highway 99** – Contact Oregon Department of Transportation (ODOT).
- Dedicate 10 foot public utility easements (PUE).

2. Improvements:

a. Public Streets

- **Garfield Street and Anton Drive** improvements have been completed.
- **Highway 99** – Contact Oregon Department of Transportation (ODOT).

b. Lighting and Signing

- No additional street lights are required.

c. Access and Circulation

- Driveway access to the proposed development site shall comply with MLDC 10.550 & 10.426.

d. Other

- There is a pavement cutting moratorium currently in effect on Garfield Street.
- Remove unused driveway on Garfield Street and replace with curb and gutter.
- Extend the existing concrete median on Garfield Street.
- Align Driveways taking access off the easterly portion of Meyers Lane.

B. Sanitary Sewer:

- Contact RVSS for sanitary sewer connections.

C. Storm Drainage

- Provide an investigative drainage report.
- Provide water quality and detention facilities.
- Provide a comprehensive grading plan.
- Provide storm drain laterals to each tax lot.
- Provide DSL signoff if wetlands are present.
- Provide Erosion Control Permit from DEQ.
- Provide an easement for Hansen Creek.

D. Survey Monumentation

- Provide all survey monumentation.

E. General Conditions

- Provide public improvement plans and drafts of the final plat.
- Building permits will not be issued until after final plat approval.

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



Continuous Improvement Customer Service

CITY OF MEDFORD

Revised Date: 3/21/2017

File Number: ZC-17-004

(Reference: PUD-06-141/LDS-08-016/AC-09-005/AC-12-012/AC-14-009/PUD-16-037 Revision/AC-16-044/PUD-17-003)

PUBLIC WORKS DEPARTMENT STAFF REPORT
Zone Change
Stewart Meadows Village PUD

Project: Consideration of a request for a change of zone on an approximate 0.62-acre tract from SFR-6 to SFR-10, an approximate 0.62-acre tract from SFR-10 to MFR-30, an approximate 0.26-acre tract from I-G to I-L, an approximate 0.26-acre tract from I-L to I-G, an approximate 9.8-acre tract from C-C to I-L, and an approximate 9.8-acre tract from I-L to C-C (371W31A TL 2802, 2000, 2190, 2200, 2300, 4000, 3900; 371W31D TL 200, 1001, 2500, 1000, 2501, 2800, 900, 2900, 3000; 371W32C TL 5503, 5400).

Location: Located on a resulting approximate 121-acre site bounded generally by Stewart Avenue, South Pacific Highway, Garfield Avenue, and Myers Lane, within an SFR-6, SFR-10, C-C, I-L and I-G zoning districts.

Applicant: KOGAP Enterprises, Inc., Applicant (Maize & Associates Inc., Agent).
Dustin Severs, Planner.

Applicability:

The Medford Public Works Department's conditions of Preliminary Plan Approval for Stewart Meadows Village Planned Unit Development (PUD) were adopted by Order of the Medford Planning Commission on November 29, 2007 (PUD-06-141) and received a minor revision on March 26, 2009 by the Planning Commission, to include two new tax lots into the development and reconfigured the internal public street system. A Final PUD Plan for the development and landscaping of the realigned Hansen Creek restoration work, running through the PUD was approved by the Planning Director in May 2012 (Phase 1A). In 2013 the Planning Commission approved a revision to allow for modifications to the public rights-of-ways within the project. In 2014, the Planning Director approved the Final PUD Plan for Phase 1 that included essentially all of the proposed development west of Hansen Creek, which also included the architectural and landscape guidelines for the project. On June 2nd, 2016 the Planning Commission approved a revision to the approved Preliminary PUD Plan for Stewart Meadows Village (PUD-16-037) to

P:\Staff Reports CP, DCA, & ZCZC only\2017\ZC-14-004 Stewart Meadows Village PUD (REV)\ZC-17-004 Staff Report-Revised.docx Page 1

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

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

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

CITY OF MEDFORD
EXHIBIT # EE
File # PUD-17-003/ZC-17-004

incorporate additional property into the PUD boundary. The Medford Site Plan and Architectural Commission approved plans (AC-16-044) for a 66,837 square foot Medical Office Building (AC-16-044) on 5.7 acres located in Stewart Meadows Village PUD on July 1st, 2016. **The adopted conditions by each of these actions shall remain in full force as originally adopted except as previously amended and/or added to below.**

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

I. Sanitary Sewer Facilities

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

II. Storm Drainage Facilities

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 received a Traffic Impact Analysis (TIA) for Stewart Meadows PUD on November 22, 2016. Comments on the TIA were sent back to the Applicant's Engineer on December 30, 2016. We have not yet received a response to the comments sent on December 30, 2016. Due to the size of this TIA, we will need the revised report at least 4 weeks in advance of the hearing for adequate review time.

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

Prepared by: Doug Burroughs



City of Medford

PUBLIC WORKS – ENGINEERING & DEVELOPMENT

RECEIVED

MAR 17 2017

PLANNING DEPT.

MEMORANDUM

Date: March 17, 2017

To: Doug Burroughs, Development Services Manager
Kelly Sandow, Sandow Engineering

From: Peter Mackprang, Associate Traffic Engineer

Subject: Stewart Meadows PUD Traffic Impact Analysis Addendum 2

Public Works received a Traffic Impact Report from Sandow Engineering, dated November 22, 2016, an addendum dated February 1, 2017, and an addendum dated March 13, 2017 titled, "Stewart Meadows PUD TIA Addendum 2" for the property bounded by CORP tracks, Garfield St, Meyers Ln, and Stewart Ave. The trip generation for the full potential zone change can be supported by the transportation system without mitigation except at the intersection of Center Dr and Garfield St which is an ODOT facility. According to the TIA, the development can generate 935 total daily trips before the development would significantly impact this intersection, at which time, mitigation would be required. The developer shall stipulate to a trip cap of 935 daily trips until the intersection of Center Dr and Garfield St is improved, as required by ODOT.

Traffic Engineering recommends approval while supporting ODOT conditions and without further conditions from City of Medford traffic engineering.

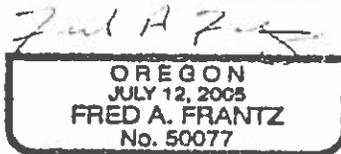
CITY OF MEDFORD
EXHIBIT # EE
File # PUD-17-003/ZC-17-004

Exhibit "B"

ZONE CHANGE SFR-6 TO SFR-10

Commencing at the southwest corner of Meyers Lane as described in Instrument Number 75-03262 of the Official Records of Jackson County, Oregon, located in the Southeast Quarter of Section 31, Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence North 0°03'00" West, along the west line of said Lane, a distance of 207.22 feet, to the POINT OF BEGINNING; thence continue North 0°03'00" West, along said west line, a distance of 112.32 feet; thence South 89°57'08 West, a distance of 240.44 feet; thence South 0°02'52" East, a distance of 112.32 feet; thence North 89°57'08" East, a distance of 240.45 feet, to the POINT OF BEGINNING.

Prepared by:
Terrasurvey, Inc.
274 Fourth Street
Ashland, Oregon 97520



Renewal 12-31-11



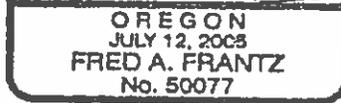
ZONE CHANGE SFR-10 TO MFR-30

Commencing at the southwest corner of Meyers Lane as described in Instrument Number 75-03262 of the Official Records of Jackson County, Oregon, located in the Southeast Quarter of Section 31, Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence North 0°03'00" West, along the west line of said Lane, a distance of 361.38 feet, to the POINT OF BEGINNING; thence continue North 0°03'00" West, along said west line, a distance of 283.17 feet; thence South 89°59'29" East, leaving said west line, a distance of 85.49 feet; thence South 0°00'31" West, a distance of 13.10 feet; thence South 89°59'29" East, a distance of 10.37 feet; thence South 0°03'00" East, a distance of 270.13 feet; thence North 89°56'52" West, a distance of 95.84 feet, to the POINT OF BEGINNING

Prepared by:
Terrasurvey, Inc.
274 Fourth Street
Ashland, Oregon 97520



Fred A. Frantz



Renewal 12-31-17



ZONE CHANGE I-G TO I-L

BEGINNING AT a 5/8 inch iron pin monumenting the Southeast corner of that tract described in Instrument Number 2016-026937 of the Official Records of Jackson County, Oregon, said pin also being on the westerly right of way of the Central Oregon and Pacific Railroad, located in the Northeast Quarter of Section 31, Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence South 70°19'10" West, along the south line of said tract, a distance of 181.89 feet; thence North 12°57'54" West, leaving said south line, a distance of 67.16 feet; thence North 70°19'10" East, a distance of 155.63 feet, to said westerly right of way; thence South 35°06'39" East, along said right of way, a distance of 69.19 feet, to the POINT OF BEGINNING.

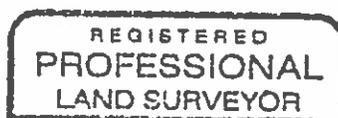
Prepared by:
Terrasurvey, Inc.
274 Fourth Street
Ashland, Oregon 97520



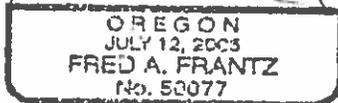
ZONE CHANGE I-L TO I-G

Commencing at a 5/8 inch iron pin monumenting the Southeast corner of that tract described in Instrument Number 2016-026937 of the Official Records of Jackson County, Oregon, said pin also being on the westerly right of way of the Central Oregon and Pacific Railroad, located in the Northeast Quarter of Section 31, Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence South 70°19'10" West, along the south line of said tract, a distance of 181.89 feet, to the POINT OF BEGINNING; thence South 13°01'28" East, leaving said south line, a distance of 143.35 feet; thence South 25°33'32" West, a distance of 23.95 feet; thence North 50°18'41" West, a distance of 185.07 feet, to a 5/8 inch iron pin monumenting the Southwest corner of said tract; thence North 70°19'10" West, along said south line, a distance of 127.92 feet, to the POINT OF BEGINNING.

Prepared by:
Terrasurvey, Inc.
274 Fourth Street
Ashland, Oregon 97520



Fred A. Frantz



Renewal 12-31-17

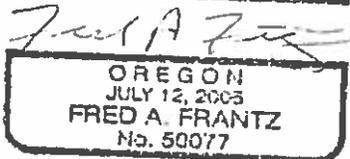
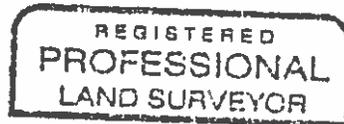


ZONE CHANGE I-L TO C-C

Commencing at a 5/8 inch iron pin on the westerly line of that tract described in Instrument Number 76-10165 of the Official records of Jackson County, Oregon. located in the Northeast Quarter of Section 31. Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence South 35°06'55" East, along said westerly line. a distance of 283.77 feet, to the most southerly corner of said tract and the POINT OF BEGINNING; thence North 54°53'05" East, along the southerly line of said tract and its northeasterly extension, a distance of 269.85 feet; thence South 35°06'39" East, a distance of 599.18 feet; thence South 55°08'08" West, a distance of 111.13 feet; thence along the arc of a curve to the left having a radius of 785.55 feet, a central angle of 21°18'49", a length of 292.22 feet and a long chord bearing and distance of South 44°28'43" West, 290.54 feet; thence along the arc of a curve to the right having a radius of 608.44 feet, a central angle of 30°40'34", a length of 325.76 feet and a long chord bearing and distance of South 49°09'36" West, 321.88 feet; thence North 30°00'19" West, a distance of 411.35 feet; thence along the arc of a curve to the right having a radius of 600.00 feet, a central angle of 32°19'09", a length of 338.45 feet and a long chord bearing and distance of North 13°50'45" West, 333.98 feet; thence North 2°18'50" East, a distance of 38.71 feet; thence North 89°58'03" East, a distance of 325.11 feet; thence North 35°06'55" West, a distance of 118.45 feet, to the POINT OF BEGINNING.

Basis of bearing for this description is the East line of Donation Land Claim 45, in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon, said bearing being South 0°14'16" East, per filed survey number 22056 at the Jackson County Surveyor's Office.

Prepared by:
Terrasurvey, Inc.
274 Fourth Street
Ashland, Oregon 97520



Renewal 12-31-17

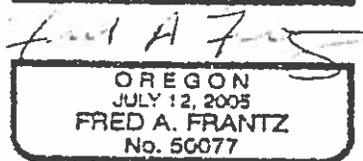
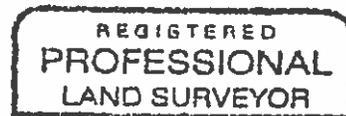


ZONE CHANGE C-C TO I-L

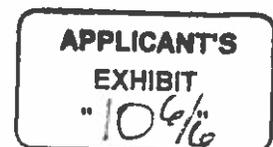
Commencing at a 5/8 inch iron pin on the westerly line of that tract described in Instrument Number 76-10165 of the Official records of Jackson County, Oregon. located in the Northeast Quarter of Section 31, Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence South 35°06'55" East, a distance of 223.24 feet, to the POINT OF BEGINNING; thence continue South 35°06' 55" East, along said westerly line and its southeasterly extension, a distance of 178.98 feet; thence South 89°58'03" West, a distance of 325.11 feet; thence South 2°18'50" West, a distance of 38.71 feet; thence along the arc of a curve to the left having a radius of 600.00 feet, a central angle of 12°15'32", a length of 128.37 feet and a long chord bearing and distance of South 3°48'56" East, 128.13 feet; thence South 89°59'47" West, a distance of 901.25 feet; thence North, a distance of 145.08 feet; thence along the arc of a curve to the left having a radius of 789.94 feet, a central angle of 16°36'38", a length of 229.01 feet and a long chord bearing and distance of North 8°13'30" West, 228.21 feet; thence North 75°01'40" East, a distance of 37.38 feet; thence along the arc of a curve to the left having a radius of 240.00 feet, a central angle of 45°01'59", a length of 188.63 feet and a long chord bearing and distance of North 52°30'40" East, 183.82 feet; thence North 29°59'41" East, a distance of 210.04 feet; thence South 64°17'38" East, a distance of 58.74 feet; thence North 88°30'14" East, a distance of 97.23 feet; thence South 41°02'25" East, a distance of 224.50 Feet; thence South 8°06'56" West, a distance of 211.74 feet; thence South 14°29'33" East, a distance of 71.97 feet; thence North 69°47'35" East, a distance of 316.95 feet; thence South 10°03'24" West, a distance of 86.25 feet; thence South 82°37'11" East, a distance of 74.62 feet; thence North 2°18'50" East, a distance of 96.25 feet; thence South 89°47'43" East, a distance of 216.20 feet to the POINT OF BEGINNING.

Basis of bearing for this description is the East line of Donation Land Claim 45, in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon, said bearing being South 0°14'16" East, per filed survey number 22056 at the Jackson County Surveyor's Office.

Prepared by:
Terrasurvey, Inc.
274 Fourth Street
Ashland, Oregon 97520



Renewal 12-31-17





Planning Commission

Minutes

From Public Hearing on **March 23, 2017**

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

Commissioners Present

Patrick Miranda, Chair
David McFadden, Vice Chair
David Culbertson
Joe Foley
Mark McKechnie
E. J. McManus

Staff Present

Matt Brinkley, Planning Director
Eric Mitton, Senior Assistant City Attorney
Alex Georgevitch, City Engineer
Ralph Sartain, Deputy Fire Marshal
Rich Rosenthal, Parks & Recreation Director
Carol Wedman, Office Administrator
Carla Paladino, Principal Planner
Dustin Severs, Planner II
Liz Conner, Planner II

Commissioners Absent

Jared Pulver, Excused Absence
Bill Mansfield, Excused Absence

10. Roll Call

20. Consent Calendar/Written Communications.

20.1 LDS-17-005 Final Order of a tentative plat for a 21 lot residential subdivision on 4.1 acres zoned SFR-6 (Single Family Residential, 6 dwelling units per gross acre) located on the west side of Kings Highway approximately 300 feet north of Halvorsen Street and east of the Aspen Street terminus and south of the Brock Way terminus. (372W36DA TL 5002) (Vision Homes, Applicant; Neathamer Surveying Inc., Agent)

Motion: Adopt the consent calendar as submitted for item 20.1 LDS-17-005.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Voice Vote: Motion passed, 6-0.

20.2 GF-17-024 A Parks & Recreation Department initiated request to consider a code amendment to create standards related to the construction and implementation of greenway trails. (City of Medford)

Commissioner McManus stated that he read in the study session minutes that there was discussion from staff regarding alternative funding methods for developers to consider

through SDC credits and other options that staff could look into. The minutes did state that the Planning Commission could proceed but the options would still be reviewed. Is that the general consensus? Chair Miranda stated that is his understanding. All the Planning Commission is voting on is either to initiate or not initiate the amendment.

Motion: The Planning Commission initiates creating standards for construction and implementation of greenway trails as development occurs.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Voice Vote: Motion passed, 6–0.

30. Minutes

30.1. The minutes for March 9, 2017, were approved as submitted.

40. Oral and Written Requests and Communications. None.

Eric Mitton, Senior Assistant City Attorney, read the Quasi-Judicial Statement.

50. Public Hearings – New Business

50.1 CP-17-013 A Comprehensive Plan Amendment to incorporate the 2016 Leisure Services Plan into the Public Facilities element and update the Goals, Policies, and Implementation strategies within the Comprehensive Plan. (City of Medford, Applicant)

Carla Paladino, Principal Planner, reviewed the proposal, criteria, plan update, overview, public facilities element, proposed parkland acquisition target areas, conclusions, goals, policies, & implementation strategies and compliance with applicable criteria.

Commissioner McKechnie asked, are the future park sites and school sites listed in priority? Ms. Paladino deferred the question to the Parks & Recreation Department.

Rich Rosenthal, Parks & Recreation Director, stated that there is no priority. Development will depend on the acquisition through either cash acquisitions, trade of land or donations of land.

The Public Hearing was opened and there being no testimony the Public Hearing was closed.

Motion: The Planning Commission finds that based on the findings and conclusions that all of the applicable criteria are either satisfied or not applicable, forwards a favorable recommendation for approval of CP-17-013 to the City Council per the staff report dated March 16, 2017, including Exhibits A through D.

Moved by: Vice Chair McFadden

Seconded by: Commissioner McManus

Roll Call Vote: Motion passed, 6-0.

50.2 LDS-16-156 Consideration of tentative plat approval for Stonegate Estates Phase 5, a 20-lot (and reserve acreage) residential townhome subdivision on an approximate 5.39-acre site located on the east side of North Phoenix Road, within an SFR-10/PD/SE (Single Family Residential – 10 dwelling units per gross acre/Planned Development/Southeast Plan Overlay) zoning district (371W342000). (Dan Mahar, Applicant; Neathamer Surveying, Inc., Agent)

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.

Liz Conner, Planner II, stated that the land division criteria are found in the Medford Land Development Code Section 10.270. It was included in the property owner notices, staff report and copies have been provided for the audience located at the entrance of Council Chambers for those in attendance. Ms. Conner gave a staff report.

Vice Chair McFadden asked, is this a better plan than the previous plan? Should the lots be bigger or changed? Ms. Conner reported that the use and design is not changing on the lot lines that were originally created. The common area has been reduced due to creating the lots. Ms. Conner deferred maintenance to the applicant.

The Public Hearing was opened.

a. Bob Neathamer, Neathamer Surveying, Inc., 3126 State Street, Suite 203, Medford, Oregon, 97504. Mr. Neathamer reported that in order to do this project today, they cannot do the pad lots. They are not allowed. The tentative plat was not done at the same time as the original final Planned Unit Development plan. The tentative plat has to come under the current standards.

There is a common use area along the rechanneled stream. These common areas are close to the structures but accessible to the greenway common area along the creek.

This is a phased project. Mr. Neathamer requested that the Planning Commission approve a 5-year approval rather than the standard 2-year approval.

The applicant will construct Phase 5B first.

There will be a Home Owner's Association for maintenance of the common areas. The wetland issue is that it is a stream bed. There is not a wetland on the project site. There will be a pedestrian path along the stream channel and the pathway to the north will have a crossing so the uses from the other side can access it as well. The property that used to be Phase 3 is now owned by the Phoenix School District and their intention is to build a school. Part of the purchase agreement was they would be able to use the creek as part of their curriculum.

Commissioner McKechnie asked, is the intention of building the roundabout is when the condominiums are built? Mr. Neathamer stated that the actual timing for the street construction will be after construction of the buildings.

Commissioner McKechnie asked, are the backyards going to be fenced? Mr. Neathamer reported yes.

Commissioner McKechnie asked, is there any thought of adjusting the fence line in the back so that they can be maintained in both directions? Mr. Neathamer stated that it is not as tight as it appears. They have approximately 10 to 15 feet of backyard.

Mr. Neathamer reserved rebuttal time.

The Public Hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare a Final Order for approval of LDS-16-156 per the staff report dated March 16, 2017, including Exhibits A through P and allowing a 5-year approval of development.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Culbertson

Roll Call Vote: Motion passed, 6-0.

50.3 PUD-17-003 / ZC-17-004 Consideration of a revision to the approved Preliminary PUD Plan for Stewart Meadows Village Planned Unit Development, including the addition of property, located on a resulting approximate 121-acre site bounded generally by Stewart Avenue, South Pacific Highway, Garfield Avenue, and Myers Lane, within an SFR-6, SFR-10, C-C, I-L and I-G zoning districts, including a request for a change of zone on an approximate 0.62-acre tract from SFR-6 to SFR-10, an approximate 0.62-acre tract from SFR-10 to MFR-30, an approximate 0.26-acre tract from I-G to I-L, an approximate 0.26-acre tract from I-L to I-G, an approximate 9.8-acre tract from C-C to I-L, and an approximate 9.8-acre tract from I-L to C-C. (371W31A TL 2802, 2000, 2190, 2200, 2300, 4000, 3900; 371W31D TL 200, 1001, 2500, 1000, 2501, 2800, 900, 2900,

3000; 371W32C TL 5503, 5400). (KOGAP Enterprises, Inc., Applicant; Maize & Associates, Inc., Agent)

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 II, stated that staff received four new exhibits after the staff report was published. Those include Exhibit CC: Letter received from the applicant showing an updated non-permitted use summary, including a formal request that the submitted Design Guidelines be reviewed and approved by the Planning Commission. Exhibit DD: Revised Public Works report (PUD) made at the request of the applicant adding the sentence *"The adopted conditions by each of these actions shall remain in full force as originally adopted except as previously amended and/or added to below."* (Found at top of page 2). Exhibit EE: Revised Public Works report (ZC) made at the request of the applicant adding the sentence *"The adopted conditions by each of these actions shall remain in full force as originally adopted except as previously amended and/or add to below."* (Last sentence of the first paragraph found on page 2). The report also includes an updated review of the TIA submittal. Exhibit FF: Letter from the City of Medford Traffic Engineer recommending approval of the applicant's submitted TIA. The applicable criteria was included in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Severs reviewed the project summary, project history, project update and current proposal revisions.

Commissioner Foley asked, what is the criteria that will determine if another parking garage is needed or not? Mr. Servers stated that was not specified. According to their analysis they have sufficient parking now based on the number of vehicles they expect. The parking structure has 298 spaces. That would certainly take care of any deficiencies they have in the commercial area.

Commissioner Foley asked, assumed inadequate by who? Mr. Severs reported that is not specified. Staff does recommend that the Planning Commission adopt the analysis that was presented.

Chair Miranda asked, if the parking structure is deemed not necessary, what will go in its place? Mr. Severs stated that it would be a vacant lot or a parking structure.

Commissioner McKechnie asked, is the Harry and David site a separate parcel? Mr. Servers reported that the Harry and David corporate office is not part of this project.

There is a warehouse owned by Harry and David which is being incorporated into the Planned Unit Development.

Commissioner McKechnie stated the little parcel that is being added to Stewart Meadows abuts a piece of County property that is zoned Exclusive Farm Use but it is attached to Harry and David's corporate office. Is that all one parcel? Mr. Severs reported that parcel is not part of the Planned Unit Development. It is part of the Harry and David parcel that has a dual zoning classification. It is mostly zoned Light-Industrial with the small section of Exclusive Farm Use.

Vice Chair McFadden stated that Mr. Severs referenced a small open parking area. Where is that? Mr. Severs deferred the question to the applicant.

Vice Chair McFadden reported that at one time there was a proposal to have a train station or trolley system. Mr. Severs stated that he is not familiar with that.

Vice Chair McFadden asked, how many stories is the building that is requesting the extra height? Mr. Severs stated that was not specified.

Vice Chair McFadden stated that there is other development being planned, proposed and approved at the intersection in question. Has all that been included in the failure of that intersection in regard to this application? Mr. Severs reported eventually those improvements that will be required are to be taken on by the development joining that intersection. The applicant or Public Works might be able to answer that question.

Alex Georgevitch, City Engineer, reported that he did not review the traffic study. The scoping letter required to look at the development that was approved on the Nash property southeast of Garfield and Center Drive. They are doing a trip cap. If they want to exceed that trip cap they can make improvements or they can wait until someone else makes those improvements to exceed the trip cap. They would be trip capped if approved as submitted this evening.

Vice Chair McFadden asked, does Mr. Georgevitch know if the other development is on the tag for those improvements or improvements that would help this proposal? Mr. Georgevitch reported that he believes they are trip capped at the same intersection. He knows they are doing some improvements but he does not know the extent of them.

Commissioner McManus stated that with the increase of residential units as well as the mixed-use, pedestrian traffic could increase both on Garfield and Stewart. Is there concerns or limitations for adequate pedestrian safety? Mr. Severs stated that the preliminary planned unit development phase is conceptual. Each individual lot will go through the Site Plan and Architectural Commission. At that time is when a closer look at pedestrian walkways and safety will take place.

The Public Hearing was opened.

a. Jim Maize, Maize & Associates, Inc., P. O. Box 628, Medford, Oregon, 97501. Mr. Maize reported that there were two representatives from KOGAP Enterprises, Inc. in the audience this evening that are able to answer questions if he cannot. This project has been in the works for approximately fifteen years. This project has mixed-use, increased residential and intensified commercial/retail through the pedestrian mall. Hanson Creek was put underground years ago. KOGAP Enterprises, Inc. has restored and rehabilitated Hanson Creek making it an amenity to the project. It is intensely landscaped and will be a focal point. There will be an entertainment building. There are two hotel buildings with a restaurant between them along Highway 99 interface. Providence Medical building is under construction. Both sides of the creek have walking paths. This development is going to be unlike anything that anyone in southern Oregon has ever seen with the availability for pedestrians to walk throughout the site. A promenade will traverse to Garfield in conjunction with the first phase. The residential will include several housing types. There will be apartment buildings along Meyers and Garfield, duplexes, triplexes, multiplexes. These will be adjacent to the residential and offices.

Answering Commissioner McKechnie's question regarding the Exclusive Farm Use interface Mr. Maize stated that it is a portion that is zoned differently than the building.

Commissioner Culbertson stated that Mr. Severs noted that the applicant is requesting that the Planning Commission review and approve the plans instead of going through the Site Plan and Architectural Commission. Mr. Maize reported yes, that is the design guidelines. The design guidelines were revised in this application primarily because the applicant is adding the industrial section. There were no industrial guidelines in the prior iteration of the design guidelines. There were some other small changes made. The applicant has increased the minimum caliper size tree to now coincide with the Code minimums of 2 inches. There were building materials, the pallet, for the industrial uses. The changes to the design guidelines were minimal. Each area of buildings will go before the Site Plan and Architectural Commission. They will see the architecture, specific site design, driveways, landscaping, building footprint, elevations, colors; the entire gamut. The applicant is requesting that the Planning Commission adopt the minor changes to the design guidelines.

Commissioner Culbertson noted for the Planning Commission that he is the current liaison to the Site Plan and Architectural Commission. The previous liaison who may have sat at that is no longer with the Planning Commission so they do not know what was discussed.

Vice Chair McFadden stated there was discussion of some type of a signage review committee. Does Mr. Maize see any problem that could be filled by the Site Plan and

Architectural Commission instead of a new group? Mr. Maize stated there will be a committee set up by KOGAP Enterprises, Inc. that will review the signs and all site details for each of the individual buildings.

Commissioner McKechnie stated that Mr. Servers noted that the proposed sign guidelines varied in some cases dramatically from the City Code. Would Mr. Maize identify what they are going to vary from? If the Planning Commission approves that for Stewart Meadows, the City sign ordinances do not apply. Mr. Maize reported that the City's sign code for free standing or monument signs is based on lots. It is one sign per lot or two signs for a corner lot with two frontages. The applicant has not created their final lot plan. The Code does not make sense to the way the lots are presently established. With the lots in place some day they will. The biggest difference as far as signs is that the applicant is requesting project signs. There are two large signs. One in the proximity of Stewart Avenue and Highway 99 and the other one on Highway 99 to the south. There are three smaller project signs placed at intersections. They are comparable to shopping center signs that the Code allows. Those would not count against lot signage. Staff has reviewed some of the signs that are prohibited that the applicant has requested and staff requested that they be removed. The applicant does not have a problem with that.

Vice Chair McFadden stated that regarding the grocery store, they have a history of difficulties especially with three major competitors in the same area. Is it likely they will see changes to the general layout and what is the square footage of the grocery store? Mr. Maize stated this project is on its fourth revision. Some maybe small some large. When there is a project of this size and the market fluctuating the market could drive the residential component. Maybe this will be so popular that the applicant may look at increasing the density further. It is hard to say at this point in today's market and when they get ready to develop the grocery store.

Chair Miranda stated that one of the proposals is to increase the restaurant space from 6,000 square feet to 15,000 square feet. Why is the applicant doubling that space? Mr. Maize reported that is a maximum. It came to be because in the commercial zone there are no restrictions on restaurant or bank sizes. This project is mixed-use, light industrial zoning, community commercial zoning in addition to general industrial and residential. In the light industrial zone, they do not know but it could be, that a viable restaurant may need to be more than 6,000 square feet.

Chair Miranda asked, on buildings 82 and 83 the applicant is requesting to go from a maximum height of 35 feet to a maximum height of 55 feet. That is a 20 foot increase. What is the plan for the extra 20 feet? Mr. Maize stated that is for a three-story building with ground floor parking. Brent Hackwell, KOGAP Enterprises, Inc., stated it is ground floor parking with three-story residential on it. It allows residents the ability to park underneath with a covered parking area.

Chair Miranda asked, is the ground floor parking area enclosed or gated? Mr. Hackwell stated it will be an enclosed area; like a parking garage. It will be residential parking only. They have not worked out the in and out access at this point.

Mr. Maize reserved rebuttal time.

The Public Hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare a Final Order for approval of PUD-17-003 and ZC-17-004 per the staff report dated March 16, 2017, including Exhibits A through FF and all revisions to reports from Public Works, etc.

Moved by: Vice Chair McFadden

Seconded by: Commissioner McManus

Friendly amendment made by Commissioner McKechnie: That the Site Plan and Architectural Commission review and approve the requests from the applicant of the revised design guidelines and the increase in height to 55-feet for buildings 82 and 83. The Planning Commission is in favor of these requests from the applicant.

Commissioner Culbertson asked, how are they going to handle the signage? Chair Miranda stated that after staff's presentation and Mr. Maize's explanation of what is going on with the signs, he is comfortable with it.

Commissioner McKechnie stated that as long as it is characterized that the issue has to do with the amount of signs because of lot lines that does not exist but the sign itself is going to be within City criteria, he does not have an issue with that.

Commissioner Foley commented that it is addressed in the conditions of approval.

Matt Brinkley, Planning Director, stated it is his understanding that in amending the Planned Unit Development that would enable the Site Plan and Architectural Commission. If that is not changed tonight, is he correct that the Site Plan and Architectural Commission and the applicant would be forced into a position to ask for a design exception/variance? The underlying zoning will not have been changed. That issue would not have been addressed. Currently, the height limitation is 35-feet.

Chair Miranda asked, will there be an impact to the 120-day rule if the revised design guidelines and the increase to a height of 55-feet is forwarded to the Site Plan and Architectural Commission for their review and approval? Mr. Brinkley stated, that is not

necessarily the issue. With the maximum building height the applicant would be forced to ask for a design exception/variance which has its own criteria.

The Planning Commission took a ten minute recess and reconvened at 8:00 p.m.

Modified friendly amendment made by Commission McKechnie: The Planning Commission approves the 55-foot height subject to Site Plan and Architectural approval of the building and that they review the design guideline changes.

Roll Call Vote: Motion passed, 6-0.

60. Reports

60.1 Site Plan and Architectural Commission.

Commissioner Culbertson reported that the Site Plan and Architectural Commission met on Friday, March 17, 2017. They considered plans for the construction of a three-story 41,000 square foot building, on a 2.08 acre lot located at the northwest corner of Garfield Street and Center Drive. They approved the application.

60.2 Report of the Joint Transportation Subcommittee.

Matt Brinkley, Planning Director, reported that the Joint Transportation Subcommittee met on Wednesday, March 22, 2017. They have put to rest the goals and objectives and now they will be working on actions for the Transportation System Plan. The project manager working for Kittelson & Associates, has left and now they are on a new staff person at Kittelson & Associates. The next meeting will be Monday, April 3, 2017, to work out definitely the new scope of work so it can be done by the end of the year.

60.3 Planning Department

Mr. Brinkley, reported that the next Planning Commission study session is scheduled for Monday, March 27, 2017. Discussion will be on marijuana production in heavy commercial zones.

There is business scheduled for the Planning Commission on Thursday, April 13 2017, Thursday, April 27, 2017 and Thursday, May 11, 2017.

Thursday, March 16, 2017, the City Council was scheduled to hear the appeal of a Site Plan and Architectural Commission decision regarding the left turn lane for the Center Drive Hotel. At the last minute the appellant withdrew their appeal.

On Thursday, April 6, 2017, the City Council will hear an appeal of a Landmarks and Historic Preservation Commission decision on an internally illuminated sign. They will also hear a minor amendment of the Transportation System Plan that the Planning Commission recommended. Also, they will hear the Transportation Facility for the sidewalk infill projects that the Planning Commission forwarded to the City Council.

The Urban Growth Boundary amendment will go to the Jackson County Board of Commissioners in two months.

70. Messages and Papers from the Chair.

70.1 Chair Miranda reiterated that there remains one Planning Commissioner vacancy on the Joint Transportation Subcommittee, if anyone is willing and interested. Currently, they meet once a month but once the Transportation System Plan is amended and approved they will go back to meeting quarterly.

80. Remarks from the City Attorney. None.

90. Propositions and Remarks from the Commission. None.

100. Adjournment

The meeting was adjourned at 8:15 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Terri L. Rozzana
Recording Secretary

Patrick Miranda
Planning Commission Chair

Approved: April 13, 2017

RECEIVED

MAR 29 2017

Planning Dept.

Continuance Request

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

RE: Project Name: Lilybrook Subdivision

File No(s): LDS-16-152

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

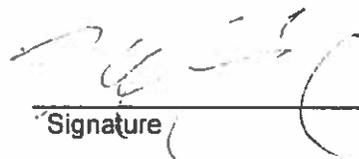
5-11-2017

Reason for request: To be able to process the subdivision request with the concurrently sought Zone Change and PLA.

This request is made pursuant to ORS 222.178(5):

The 120-day period set in subsection (1) of this section may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (11) of this section for mediation, may not exceed 245 days.

I understand that this request extends the 120-day period equal to the number of calendar days between hearings (i.e., April 10 to May 8 = 28 days). From April 13 to May 11 = 28 days



 Signature

3-29-2017

 Date

CSA Planning, Ltd. Michael Savage

 Print Name



Project Name:
Clyde Akins
Zone Change &
Property Line Adjustment

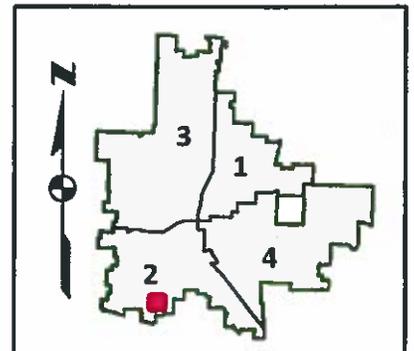
Map/Taxlot:
372W25AD TL 7100 & 7200

0 160 320
Feet

03/22/2017

Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots





City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT

for a Class-A legislative decision: **Development Code Amendment**

Project Marijuana Production in Heavy Commercial zoning district
File no. DCA-17-014
To Planning Commission *for 04/13/2017 hearing*
From Carla Angeli Paladino, Long Range Planning
Reviewer Kelly Akin, Assistant Planning Director
Date April 06, 2017

BACKGROUND

Proposal

A legislative amendment to revise the permitted use table in Section 10.337 to permit marijuana production and other related businesses in the Heavy Commercial (C-H) zoning district. (see Exhibit A)

History

In December 2016, the City Council approved an ordinance that permitted the retail sales of marijuana in three commercial zoning districts. Prior to the hearing, two citizens spoke to the Council about allowing the production of marijuana in the heavy commercial zoning district to the amendment. The citizens were directed to speak with the Planning Department staff about the process for initiating a text amendment.

A letter from Brett and Trina Helfrich dated December 7, 2016, was received by the Planning Department. (See Exhibit B) They requested the City consider amending the code to allow the production of marijuana in the heavy commercial zoning district. They own warehouse space in the heavy commercial district but are unable to accommodate requests from interested parties to use the facilities because the use is currently prohibited.

The Planning Commission discussed the request during a January study session and initiated the code amendment on January 26, 2017. Staff drafted language and discussed the proposal at a subsequent study session with the Planning Commission in March.

Related projects

DCA-15-104 Marijuana products and related businesses (Ordinance 2015-104)
 DCA-15-104 Retail sales of marijuana (Ordinance 2016-143)

Authority

This proposed plan authorization is a Class-A legislative amendment of Chapter 10 of the Municipal Code. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to Chapter 10 under Medford Municipal Code §§10.102–122, 10.164, and 10.184.

ANALYSIS

The existing marijuana-related business table identifies which uses are permitted (Ps) and prohibited (X) in the different commercial and industrial zoning districts.

			C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
003	Marijuana-related business									
	Type (as termed in State Law)	SIC Equivalent								
0031	Production	013	X	X	X	X	X	Ps	Ps	Ps
0032	Processing	205-207	X	X	X	X	Ps	Ps	Ps	Ps
0033	Wholesale	512, 516, 519	X	X	X	X	Ps	Ps	Ps	Ps
0034	Laboratory	873	Ps	X	Ps	Ps	Ps	Ps	X	X
0035	Dispensary	549, 591	X	X	Ps	Ps	Ps	X	X	X
0036	Retail	549, 591	X	X	Ps	Ps	Ps	X	X	X

When provisions were being drafted in 2015 to address marijuana uses, the life cycle of the marijuana plant was compared to the life cycle of a tomato plant. In what zoning district is it permitted to grow, process, and sell tomatoes and make similar provisions to allow those uses for marijuana-related businesses in the same districts. The table

above notes the equivalent SIC code as it relates to non-marijuana related uses to cross reference the comparison. It also serves as a quick reference guide to identify those other uses.

For the current request to permit producing (growing) marijuana in the heavy commercial zoning district, the SIC codes were again reviewed to compare uses and where they are and are not permitted. The growing of marijuana is compared to field crops (SIC 013). Currently, the code does not permit field crops or any other type of plant to be grown in the commercial zoning districts unless the property is within the Exclusive Agricultural overlay district. The proposal would modify the table to permit growing marijuana in the heavy commercial zoning district as well as allowing field crops and vegetables/melons to be grown (when done indoors). The proposed changes are shown below.

			C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
003	<u>Marijuana-related businesses</u>									
0031	Production	013, <u>016</u>	x	x	x	x	xPs	Ps	Ps	Ps

013	Field Crops, Except Cash Grains	X*	X*	X*	X*	X* <u>1</u>	P	P	P
016	Vegetables and Melons	X*	X*	X*	X*	X* <u>1</u>	P	P	P

"1" = Production allowed in the zone when conducted inside an enclosed structure

In reviewing the proposed changes above, other uses have been questioned. For example if someone is interested in making edibles or oils with marijuana, the code indicates that processing is permitted in the heavy commercial and all of the industrial zoning districts. The SIC equivalent noted under processing is 205-207. However when reviewing the 205-207 SIC codes, bakery products are allowed in the heavy commercial zoning district while sugar and confectionary products and fats and oils are not permitted uses in that zoning district. Since the code was being amended regarding production, it was decided to review these inconsistencies as well and propose changes.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
205	Bakery Products	X	X	X	X	P	P	P	P
206	Sugar and Confectionary Products	X	X	X	X	XP	P	P	P
207	Fats and Oils	X	X	X	X	X	P	P	P

The original proposal included changing 207 to a permitted use along with 206 in the C-H zoning district. The Planning Commission was not in favor of that change when the draft was discussed at their study session in March so the text was amended.

The main focus of this amendment is to evaluate if producing (growing) marijuana should be permitted in the heavy commercial zoning district. Heavy commercial zoning is found along major roadway corridors like Highway 99, Riverside, Crater Lake Highway, and West Main. An original concern with permitting this use in the heavy commercial zoning district is due to the fact that this zone also allows the construction of multi-family residences. Would this change create a conflict of uses? Is there a chance that a parcel would house both an indoor grow in a warehouse and residences? It is unknown if this would happen in the future but the amendment creates the potential for it to occur. On the other hand, indoor growing is permitted in all of the industrial zoning districts and there are many instances where this zoning is adjacent to residentially zoned properties. Is this potential conflict of uses any different than the one that can occur currently between indoor grows in industrial zones and adjacent residential properties. Hopefully, the answer is no. The special use regulations found in Section 10.839 exist to try and mitigate any potential conflicts.

The proposed changes also help level the playing field for non-marijuana related uses. Equivalent uses currently prohibited would now be permitted if the amendment is approved.

FINDINGS AND CONCLUSIONS

The criteria that apply to code amendments are in Medford Municipal Code §10.184(2). The criteria are rendered in italics; findings and conclusions in roman type.

Land Development Code Amendment. The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:

10.184 (2) (a). Explanation of the public benefit of the amendment.

Findings

The amendment can be considered a direct benefit to those working in the marijuana industry and those property owners with properties zoned heavy commercial. The proposal, if approved, would permit new uses in this zoning district that are not currently permitted. The new uses are both marijuana related and non-marijuana related which helps keep the code consistent and balances where similar uses are permitted.

Conclusions

The proposed changes will modify the code to allow new uses within the heavy commercial zoning district. This may provide new business opportunities for property owners and expands where certain uses are allowed in the City. This criterion is satisfied.

10.184 (2) (b). The justification for the amendment with respect to the following factors:

- 1. Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.*

Findings

The following goals, policies, and implementation measures are from the Economy Element.

Goal: To actively stimulate economic development and growth that will provide opportunities to diversify and strengthen the mix of economic activity in the City of Medford.

Policy 1-1: The City of Medford shall strengthen its role as the financial, medical, tourist, governmental, and business hub of Southern Oregon and shall build on its comparative advantages in the local and regional marketplace.

Implementation 1-1(c): Provide incentives for businesses that produce value-added products to expand or locate in the community.

Implementation 1-1(f): Provide incentives for entrepreneurial small businesses to start up and/or expand in the City.

Conclusions

The marijuana industry was not envisioned when the Economy Element was adopted by City Council, but the related business activities do fit within the goal of promoting economic growth. This criterion is satisfied.

2. *Comments from applicable referral agencies regarding applicable statutes or regulations.*

Findings

The proposal was provided to the Department of Land Conservation and Development and referral agencies for comments. The Fire and Public Works Departments formally forwarded no comment memos to the Planning Department on this topic. (See Exhibits C and D) No other comments were received on the amendment.

Conclusions

The proposal was provided to applicable referral agencies per code requirements. No specific changes or comments have been received on the amendment. This criterion is satisfied.

3. *Public comments.*

Findings

The amendment was initiated by a property owner in Medford. Two study sessions were held with the Planning Commission to discuss the amendment and a change to the proposal was made based on feedback received. (See Exhibits E and F) Additional opportunities for public comment will be provided during the Planning Commission and City Council hearings.

Conclusions

No additional public input has been received for this proposal to date. Opportunities to comment on the amendment will be afforded the community during the hearing process. This criterion is satisfied.

4. *Applicable governmental agreements.*

Findings

The amendment does not affect any known governmental agreements.

Conclusions

This criterion is not applicable as no governmental agreements are affected by the proposal.

RECOMMENDED ACTION

The Planning Commission recommends adopting the proposed amendment based on the analyses, findings, and conclusions in the Commission Report dated April 6, 2017, including Exhibits A through F.

EXHIBITS

- A Proposed amendment
- B Letter from Brett and Trina Helfrich dated December 7, 2016
- C Fire Department comments dated March 20, 2017
- D Public Works – Engineering Department comments dated March 21, 2017
- E Planning Commission study session minutes (January 9, 2017)
- F Planning Commission study session minutes (March 27, 2017)

PLANNING COMMISSION AGENDA: APRIL 13, 2017

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
019	General Farms, Primarily Crop	X*	X*	X*	X*	X*	P	P	P

"1" = Production allowed in the zone when conducted inside an enclosed structure

D. MANUFACTURING DIVISION

20 FOOD AND KINDRED PRODUCTS. This major group includes establishments manufacturing or processing foods and beverages for human consumption and certain related products such as meat and fish products, manufactured ice, chewing gum, and prepared foods except vegetable and animal fats and oils.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
201	Meat Products	X	X	X	X	X	P	P	P
202	Dairy Products	X	X	X	X	P	P	P	P
203	Preserved Fruits and Vegetables	X	X	X	X	X	P	P	P
204	Grain Mill Products	X	X	X	X	X	P	P	P
205	Bakery Products	X	X	X	X	P	P	P	P
206	Sugar and Confectionary Products	X	X	X	X	X P	P	P	P
207	Fats and Oils	X	X	X	X	X	P	P	P

Exhibit B

Letter from Brett and Trina Helfrich

Eads Investments, LLC
845 S. Riverside Ave. Medford, OR 97501
(541)772-7122 eadsinvestments@gmail.com

December 7, 2016

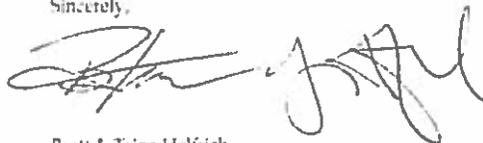
Kelly Akin
Principal Planner
Lausmann Annex
200 S. Ivy St.
Medford, OR 97501
Kelly.akin@cityofmedford.org

Dear Kelly,

We are writing to implore the city council to reconsider the marijuana production restrictions for the C-H zoning in the city of Medford. We are a locally based business that owns property and warehouse space in the C-H zone adjacent to downtown Medford. However, in our particular location, we are more segregated from the other commercial or retail businesses in our zoning. Our warehouses are located down an alley and run partially along I-5. With the ever-changing climate in the cannabis industry we have several interested parties for production but are unable to accommodate the existing requests due to this restriction on production. We can potentially lease to all other marijuana related business without the restriction. In our opinion some of these would carry a higher liability and would still have the same outcome with several hundred pounds of plants on the property.

Please let us know what further steps would need to be taken to try and amend the restrictions on the zoning. We look forward to working with you.

Sincerely,



Brett & Trina Helfrich
Eads Investments, LLC

Exhibit C

Fire Department comments

Carla G. Paladino

From: Greg G. Kleinberg
Sent: Monday, March 20, 2017 10:54 AM
To: Carla G. Paladino
Subject: DCA-17-014 Fire Comments

Carla,

Medford Fire-Rescue has no position regarding this code change.

Thank You,

Greg Kleinberg
Deputy Chief - Fire Marshal
Medford Fire-Rescue
541-774-2317

Exhibit D

Public Works Department comments



Continuous Improvement Customer Service

CITY OF MEDFORD

Date: 3/21/2017
File Number: DCA-17-014

PUBLIC WORKS DEPARTMENT STAFF REPORT

Development Code Amendment – Marijuana production in Heavy Commercial

Project: A code amendment to revise the permitted use table in Section 10.337 to permit marijuana production and other related businesses in Heavy Commercial (C-11) zoning district.

Applicant: City of Medford (Citizen Initiated)

Planner: Carla Angeli Paladino, Principle Planner, Long Range Division

Public Works has no comments on the proposed amendment.

Prepared by: Doug Burroughs

P:\Staff Reports\CP, DCA, & ZC\DCA only\2017\DCA-17-014 Marijuana Production in C-11\DCA-17-014 Staff Report.docx Page 1

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

Exhibit E

Planning Commission Study Session Minutes 1/9/2017 (excerpt)

The study session of the Medford Planning Commission was called to order at noon in the Lausmann Annex Room 151-157 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
Jared Pulver

Staff Present

Matt Brinkley, Planning Director
Kelly Akin, Principal Planner
Eric Mitton, Senior Assistant City Attorney
Carla Paladino, Planner IV

20.2 GF-16-159 Code Amendment initiation request: Marijuana production in C-H zone

At the December 1, 2016 City Council meeting, two citizens spoke under the oral requests and communications portion of the agenda. Both were interested in Council reviewing the code to allow marijuana production in the Heavy Commercial zoning district.

On December 7, 2016, a letter was received from Brett and Trina Helfrich, business owners with property and warehouse space in the Heavy Commercial zoning district near downtown Medford. They have received requests from customers looking for space to grow marijuana. As the code is currently written, production is not a permitted use in that zoning district and they are unable to accommodate the requests of those interested parties.

In October 2015, the code was amended to include marijuana related uses such as production, processing, wholesale, laboratory and dispensaries. Special use regulations were also adopted outlining specific conditions related to marijuana uses. In December 2016, the code was amended again to permit retail sales of marijuana in designated zoning districts.

The production (growing) of marijuana was permitted in all the industrial zoning districts and prohibited in all of the commercial zoning districts to mirror where other crop production is permitted in the code.

Commissioner Mansfield asked what was the reason it was excluded to begin with? Ms. Paladino reported that field crops are not allowed in commercial areas unless it is in the Exclusive Agricultural overlay. Growing marijuana mirrored those uses.

In researching other cities Central Point allows for cultivation in all residential and commercial industrial zones but they must be indoors. Ashland does not allow it in commercial zoning districts but does allow it in industrial zones. Ms. Paladino could not find anything allowing production in Roseburg. Phoenix allows cultivation in the commercial highway zoning district.

Vice Chair McFadden asked where is the dividing line between production and processing? Kelly Akin, Principal Planner, stated that production is defined as planting, cultivating, growing or harvesting or drying leaves or flowers. Processing is processing, compounding, conversion into products, concentrates or extracts. Marijuana related businesses conduct operations inside secure enclosed structures. No production, processing, storage or sales conducted outside. No odors. Trespasser glare of lighting. Then it talks about hazardous fencing, etc.

Commissioner Culbertson reported that dealing with a lot of the marijuana growers outside the city limits, they are really constrained, with some of the regulations. They are hauling water from the City of Medford because they cannot use the well water; they get caught. They are only supposed to use irrigation rights. They are only supposed to be in an agricultural zone. They are limited to 40,000 square feet. If OLCC changes it they may be able to go to 80,000 square feet of plant-able production under one license, which they are planning on doubling it. 40,000 square feet is quite a bit. That is roughly 100 plants on a 10 x 10 lot; just under one acre. When looking at the water volume quantity that a plant or production demands, it is high. There is a lot of water needed. There is also a lot of power that is needed. The light depth is when they turn the lights on for 12 hours and off for 12 hours. They can take a nine month growing season and in an indoor controlled capacity shrink it to 3 months and get the same production. They can get four full crops on indoor grow whereas, outdoor grow is one crop. There are some serious efficiencies that they can gain. Commissioner Culbertson knows of one building downtown that has a grandfathered water right, high volume tap with 660 power going to the building with air controlled four floors, 1000 square feet per floor. It would be the most insane vertically integrated grow production in downtown. It is in C-H zoning district. It is his opinion allowing marijuana production in C-H zoning districts is a bad idea. It is a very poor idea to allow growing inside the City. Processing is a different thing. (After the meeting, Commissioner Culbertson reviewed the zoning

map for the location he described above and the property is in the industrial zoning district not commercial.)

Vice Chair McFadden stated that in the long term could a building become unusable for anything else but for marijuana.

Matt Brinkley, Planning Director, stated that looking at this for the City of Phoenix several years ago that issue did come up. They had several indoor grows that had just started up without any review and in both cases those buildings suffered serious long term damage. One had to be gutted in order to be reused. The other building still reeks of marijuana which was an issue for the property owner since they had files in the building. An indoor grow can be more efficient, hence more profitable. Indoor grows are willing to pay a premium for space.

Commissioner Mansfield shares Commissioner Culbertson's views for the same reason. He heard mentioned the economic development; he submits respectively economic development should not be a consideration to good planning. Everybody wants to make money.

Commissioner Pulver is opposed to the change being discussed. The Eads warehouse is not commercial in nature. The warehouse market is constrained. There is excessive demand partially driven by marijuana related uses.

Commissioner Foley agrees with the Commissioner Pulver about having buildings that are in a zone that is not right for them but they are where they are. He is concerned about allowing it in all commercial zones. The unintended consequences could be huge. Is there any other way to work this besides rezoning? Is there any other option available to allow along the line of a conditional use permit certain requests? Ms. Paladino reported that if the Commission wants to go the conditional use route they could.

Ms. Akin stated there are three options; permitted, conditional and not permitted.

Ms. Paladino reported that if the Commission wants to initiate the code amendment it will be presented to the Planning Commission at their Thursday, January 26, 2017, meeting and they can say no at that time.

Exhibit F

Planning Commission Study Session Minutes 3/27/2017 (excerpt)

The study session of the Medford Planning Commission was called to order at noon in the Lausmann Annex Room 151-157 on the above date with the following members and staff in attendance:

Commissioners Present

David McFadden, Vice Chair
David Culbertson
Joe Foley
Bill Mansfield
Mark McKechnie
E. J. McManus

Staff Present

Matt Binkley, Planning Director
Kelly Akin, Assistant Planning Director
Kevin McConnell, Deputy City Attorney
Carla Paladino, Principal Planner

Commissioners Absent

Patrick Miranda, Chair, Excused Absence
Jared Pulver, Unexcused Absence

20.1.1 DCA-17-014 – Code Amendment Draft Review – Marijuana Production in Heavy Commercial

Carla Paladino, Principal Planner reported that in December 2016, two citizens spoke to the City Council and asked that they consider allowing the production of marijuana in the Heavy Commercial zoning district.

A letter was received from Brett and Trina Helfrich owners of property off of Riverside between I-5 and Riverside in the Heavy Commercial zoning district. They have been approached by people in the cannabis industry looking for space to grow.

The Planning Commission had an initial study session on January 9, 2017, to hear the request. The text amendment was initiated by the Planning Commission on January 26, 2017.

The Code currently allows for production or growing marijuana in all the industrial zoning districts. Last year the Medford voters voted down allowing marijuana production outdoors in residential zones. Marijuana grown on residential properties must be done indoors. This piece of the marijuana law is found in Section 5 of the Municipal code.

The proposed change would amend the code to allow production in the Heavy Commercial zoning district. The special use regulation in Section 10.839 would apply (must be conducted in a secure and enclosed structure, no offensive odor may emanate from the property).

If allowing marijuana growing at a minimum it should allow vegetables and melons, and field crops are similar to marijuana (field crops include cotton, tobacco, sugarcane, Irish potatoes, hops and yams). Currently, these uses could only be grown indoors unless they have the Exclusive Agricultural overlay. If it is permitted to process marijuana in the Heavy Commercial zoning district (this could include making food/edibles or extraction for oils). Other such uses that are not marijuana related should be allowed as well.

Vice Chair McFadden is concerned with fats and oils. Ms. Paladino stated that staff was relating the oil to a smaller scale similar to olive oil and diffusers. She will check into that before the hearing.

Commissioner Foley is confused why fats and oils are included. Ms. Paladino reported that under the SIC codes 205 Bakery Products, 207 Sugar and Confectionary Products and 207 Fats and Oils the thought was, if allowing marijuana production to include baked goods and making oil products, why shouldn't they allow other users?

Kevin McConnell, Deputy City Attorney, clarified that the City does not allow OLCC license marijuana production in residential zones. They are talking about Measure 91 home grows of four plants and any medical marijuana grows that are allowed under State law.

Commissioner Foley commented that the testimony at the Planning Commission meeting was open to a conditional use permit. Should that be considered versus just allowing it? Ms. Paladino reported that was discussed in the early stages. From a staff perspective it cannot meet the criteria.

Commissioner Foley stated that he is talking about a conditional use permit as it relates to an exception for heavy commercial. Looking at it just for that zone. Ms. Paladino reported that heavy commercial allows to build residentially.

Ms. Paladino stated that something could be added to the special use regulation section about not having the same use on the same property or a buffer. It could be simple seeing what happens and if it gets denied it is denied.

The Planning Commission hearing date is Thursday, April 13, 2017, with a recommendation to the City Council. City Council will hear this in May. If the Planning Commission is

not comfortable with this they can make a recommendation for something different or just say no they do not want that.

Vice Chair McFadden commented that there was an odor issue with this inclusion. Is there a solution to the odor issue? Ms. Paladino reported that currently the special use regulation that any marijuana production is not allowed to emanate odors to neighbors. Those are addressed through code complaints.

Matt Brinkley, Planning Director, stated that there are filtration systems that are reported to work.

Mr. McConnell reported that the big local marijuana producers have heavy duty filtration systems. He visited one on for a potential code violation several months ago and he could not smell marijuana from the outside. They had thousands of plants. Inside was not as bad as thought to be. There is a device called a nasal ranger to detect odors.

Commissioner McKechnie stated that originally he was in favor of a conditional use permit for any of the marijuana uses. It seemed that staff thought if it had to have a conditional use permit, it was dead unless, there is something that can be done with the conditional use permit process that would allow some sort of flexibility. It gave some control over the process without killing it.

Commissioner McKechnie stated that heavy commercial allows more intense uses than light industrial. Is there a size limitation on heavy commercial versus light industrial? Kelly Akin, Assistant Planning Director, stated that in heavy commercial there are two things to discuss. The minimum lot area in heavy commercial is 7,000 square feet. The zone change criteria has locational criteria for heavy commercial. It states that it has to abut on an arterial street or highway. May abut I-G, I-L or any of the commercial zones which would include the neighborhood commercial zone. Ordinarily considered to be unsuitable abutting any residential and industrial zones.

Commissioner Culbertson asked, would they have the ability to submit an application for a zone change to the GLUP map changing it to an industrial zone? Ms. Akin replied, potentially. It depends on the criteria to amend the GLUP map. Commissioner Culbertson stated that a pathway exists. They would have to go through the steps. They are asking to change the pathway to not have them go through a zone change and a GLUP alteration. Ms. Akin replied that is correct.

Commissioner McKechnie stated that everything else is allowed in heavy commercial except indoor growing.

Ms. Akin stated that when they went through the process, it is handy to have that second equivalent that ended up being adopted into the text. They considered marijuana to be tomatoes. Staff carried the SIC codes all the way through. Ms. Paladino talked

about having to change the other agricultural items being permitted in production in the C-H zone. Staff classified as marijuana in the SIC codes that are not currently permitted.

Commissioner Culbertson agrees with the changes; it is filling the gap. He agrees with Vice Chair McFadden on the concerns about the fats and oils. How far do we go on additional products? The request for the amendment is only on growing.

Ms. Akin reported that on the fats, oil, and confectionary when staff contemplated the processing they listed the three SIC codes 205, 206, and 207 but for some reason only bakeries are permitted. Currently, candy production is not allowed in the C-H zone.

Commissioner McManus suggested having a category of consumables.

Commissioner McKechnie suggested omitting fats and oil.

Commissioner McManus asked, if the conditional use permit process is considered does the conditional use permit stay with the property and the entity? Ms. Akin replied that it runs with the land.

Commissioner McManus asked, are there cities with active marijuana production that have more of an objective approach? Ms. Paladino stated that Ashland does not allow production in commercial zones. Phoenix allows production in highway commercial zones. Central Point may be repealing some of their marijuana laws so she does not want to use them as baseline. She can get more examples.

Mr. Brinkley reported that Phoenix has special standards for all of the cannabis businesses. There is no conditional use permit but they have a special business license and have to comply with the special standards. There is limitation on the size of the facility and separation of the facilities one from another so you do not end up with concentration.

Commissioner Mansfield reported that he has disqualified himself from this subject.

Commissioner Foley asked, should they consider something that does not run with the land for conditional use? Mr. Brinkley asked, does the Code allow imposing a condition like that on a conditional use permit? Ms. Akin reported that it does not expire once the use is established. It runs with the land.

Commissioner McKechnie asked, why can't it run with the use?

Commissioner Culbertson stated that some of the conditional use permits should have retraction language stating if they go out of business or transfer those should dissipate and go back to the original zoning.

Vice Chair McFadden asked, how is a planned unit development terminated? Ms. Akin reported that it takes a Planning Commission action. All land use actions run with the land.

Ms. Akin stated that the point of a conditional use permit is to mitigate impacts.

Commissioner Culbertson asked Mr. McConnell legally he does not think one would be able to impose retroactive enforcement if language was created that conditional use permits now have some sort of sunset or it goes with that particular business. Mr. McConnell stated that he agrees with that without doing any research. If there was sunset language, how would the title report reflect that? It runs with the land so there would have to be a notice to people of their rights and potential liabilities.

Commissioner Mansfield stated that he agrees with Mr. McConnell. He does not think you could do a conditional use permit to a certain person or corporation. It runs with the land. He does not think the law would permit it.

Mr. Brinkley reported that is the same issue they run into with a legally non-conforming use. That does not show up in a title report. Staff has the same issues with planned unit developments.

Commissioner Culbertson stated that in real estate transactions any buyer will have to do due diligence on the property for a particular business use. If it is regular residential they are not going to question it because the residential zoning is going to be there. If someone applies for a City of Medford business application, they are going to want the file pulled and find out what they can and cannot do for their business use. In the due diligence period they should be researching that. He does not see in the title reports anything of public record. A business application is not of public record.

Commissioner Mansfield reported that he wished they would stop calling it a business license, it is a business tax. There are no regulatory provisions whatsoever, except as a checkpoint to make sure one is following the zoning requirements.

Ms. Paladino clarified moving forward. The chart would be amended to remove permitting production of fats and oils in the C-H zoning. The remaining changes would be provided to the Commission on the 13th for their consideration.

Vice Chair McFadden asked about internal discussion of better copies for the agenda packets. Ms. Akin stated that will be discussed with staff. Staff provides for the Site Plan and Architectural Commission pdfs separately from the agenda and staff can do it for the Planning Commission which they have done several times in the past. It was not well received but staff will do it on huge projects. Vice Chair McFadden stated that it would be nice if there was some way of imbedding a link.



Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT

for a type-C quasi-judicial decision: Zone Change & Land Division – Partition

PROJECT Weatherly Inn Medford
Applicant: Weatherly Inn Medford, LLC.
Agent: RJ Development, LLC.

FILE NO. LDP-17-027 / ZC-17-017

TO Planning Commission *for April 13, 2017 hearing*

FROM Dustin Severs, Planner II

REVIEWER Kelly Akin, Assistant Planning Director *ka*

DATE April 6, 2017

BACKGROUND

Proposal

Consideration of a request for a partition to create two lots, and a request for a change of zone from MFR-20 (Multiple-Family, 20 dwelling units per gross acre) to MFR-30 (Multiple-Family, 30 dwelling units per gross acre), on a 4.5 acre parcel located at 2180 Poplar Drive within the MFR-20 zoning district (371W18C TL 1362).

Subject Site Characteristics

Zoning: MFR-20
GLUP: UH (Urban High Density Residential)
Use: Weatherly Inn Independent Living Community

Surrounding Site Characteristics

<i>North</i>	Zone: MFR-20 Use(s): Ivy Club Apartments
<i>South</i>	Zone: MFR-20 Use(s): Fountain Plaza Retirement
<i>East</i>	Zone: SFR-6 (Single-Family Residential, 6 dwelling units per gross acre) Use(s): Single-family homes
<i>West</i>	Zone: MFR-20 Use(s): Apartments

Applicable Criteria

MLDC 10.227: Zone Change Approval Criteria

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

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

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

(2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the Comprehensive Plan "Public Facilities Element."

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

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

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

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

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

- (a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or*
- (b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.*
- (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.*
- (c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction of covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:*
 - (i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,*
 - (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,*
 - (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.*

MLDC 10.270: Land Division Criteria

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

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

Project Summary

The subject site is the location of the Weatherly Inn Medford Independent Living Community, a residential care facility. The applicant has submitted an application for site plan approval to the Site Plan & Architectural Commission (SPAC) for the construction of a second Residential Care Facility to be located on the vacant land to the north of the existing Weatherly Inn facility. The new residential care facility is proposed to be a three story building consisting of a first floor providing 30 memory care units, and second and third floors providing 48 units of assisted living.

In conjunction with their SPAC application, the applicant is requesting to partition the portion of the lot proposed to contain the new facility, thereby creating two distinct communities with

a campus-type appearance. Additionally, the applicant is requesting to rezone the existing parcel from MFR-20 to MFR-30, allowing greater lot coverage for the new facility, and allowing a higher density to permit additional dwelling units.

ISSUES AND ANALYSIS

Land Division – Partition

Density

The density range for the MFR-30 zone is between 20 and 30 dwelling units per gross acre. The permitted density range for the subject 1.54 gross acre (plus fronting half street) northerly parcel, proposed to be created with the approval of the partition request, is between 31 and 46 dwelling units.

Street Dedications & Public Improvements

The subject site is fronted by Poplar Drive – classified as a major collector street – and currently measures at a width of 50 feet, containing curb and gutter and sidewalk. Per MLDC 10.428(3), major collector streets require a right-of-way width of 74 feet. Per the report provided by Public Works (Exhibit H), the applicant will be required to dedicate for public right-of-way sufficient width of land to comply with the 37 foot half-width of right-of-way. In order to comply with the half width of right-of-way required per the code, the applicant will need to dedicate 12 feet along the property's frontage of Poplar Drive. As a condition of approval, the applicant's final plat will be required to show a dedication of 12 feet along the property's frontage of Poplar Drive.

Zone Change

GLUP Consistency

The General Land Use Plan (GLUP) designation for the subject site is UH (Urban High Density Residential). According to the General Land Use Plan Element of the *Comprehensive Plan*, the MFR-30 zone district is a permitted zone in the UH designation.

Locational Criteria

MLDC 10.227(1) identifies additional locational criteria required for various zone changes; however, the Code requires no additional locational criteria for a zone change to any multi-family zone.

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 included with the application submittal, prepared by Southern Oregon Transportation Engineering, LLC. The TIA found that the site is estimated to generate a total of 958 average daily trips (ADT), which will add 48 net new trips to the transportation system which is shown to impact one intersection (Morrow Road & Poplar Drive) involving collectors and arterials with 25 or more peak hour trips.

The findings of the TIA concluded that the proposed zone change can be accommodated on the existing transportation system without creating adverse impacts. Intersection operations and safety were evaluated to address development impacts to the surrounding area. The results of the analysis were as follows:

1. All study area intersections operate acceptably under existing year 2017 and design year 2019 no-build and build conditions during the p.m. peak hour.
2. There were no safety concerns as a result of 95th percentile queue lengths or crash histories.
3. Sight distance is shown to be adequate form existing development driveways.
4. Left and right turn lane criterion is not shown to be met on Poplar Drive at either development driveway.

Traffic Engineering has reviewed and recommends approval of the applicant's submitted TIA, concluding that the trip generation for the full potential zone change can be supported by the transportation system without mitigation (Exhibit P).

Facility Adequacy

Per the agency comments submitted to staff (Exhibits H-K), it can be found that there are adequate facilities to serve the development.

Other Agency Comments

Rogue Valley International Airport: Requests an Avigation, Noise and Hazard Easement to be required as part of the permit process. In the 2010 LUBA decision on Michelle Barnes vs. City of Hillsboro and the Port of Portland, Nollan/Dolan findings are required to support the request (LUBA No. 2010-011). None were provided; therefore, a condition requiring compliance with the airport email has not been included.

Committee Comments

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

FINDINGS AND CONCLUSIONS

Partition

Staff finds the partition plat consistent with the Comprehensive Plan and all applicable design standards set forth in Article IV and V. Furthermore, the partition will not prevent development of the remainder of the property under the same ownership or of adjoining land. Criteria 3 through 6 are not applicable to the subject development. Staff recommends that the Commission adopt the Applicant's Findings of Fact (Exhibits F) as presented.

Zone Change

Staff has reviewed the applicant's findings and conclusions (Exhibit G) and recommends the Commission adopt the findings with the following modifications.

- Criterion 1: There is adequate evidence in the record to demonstrate that the proposal is consistent with the UH General Land Use Plan Map designation and the Transportation System Plan, and that there are no additional locational criteria for a change of zone to MFR-30. The Commission can find that this criterion is satisfied.
- Criterion 2: The agency comments included as Exhibits H-K demonstrate that there is adequate Category A facilities available to serve the subject site. The Commission can find that this criterion is satisfied.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of LDP-17-027 & ZC-17-017 per the staff report dated April 6, 2017, including Exhibits A through P.

EXHIBITS

- A Conditions of Approval, dated April 6, 2017.
- B Tentative Plat, received March 20, 2017.
- C Preliminary Drainage + Grading Plan, received February 21, 2017.
- D Landscape Plan, received February 21, 2017.
- E Assessors Map, received February 21, 2017.
- F Applicant's Findings of Fact (LDP-17-027), received February 21, 2017.
- G Applicant's Findings of Fact (ZC-17-017), received February 6, 2017.
- H Public Works Staff Report (LDP-17-027) dated March 22, 2017.
- I Public Works Staff Report (ZC-17-017) dated March 22, 2017.
- J Medford Water Commission memo, dated March 22, 2017.
- K Medford Fire Department Report, dated March 22, 2017.
- L Rogue Valley-Medford International Airport email, received March 9, 2017.
- M Oregon Department of Aviation email, received March 14, 2017.
- N Preliminary Drainage Study, received February 21, 2017.
- O Traffic Impact Analysis (only Executive Summary included due to size of document), received January 30, 2017.
- P Traffic Engineering email, received February 6, 2017.
Vicinity map

PLANNING COMMISSION AGENDA:

APRIL 13, 2017

EXHIBIT A

Weatherly Inn Medford
LDP-17-027 / ZC-17-017
Conditions of Approval
April 6, 2017

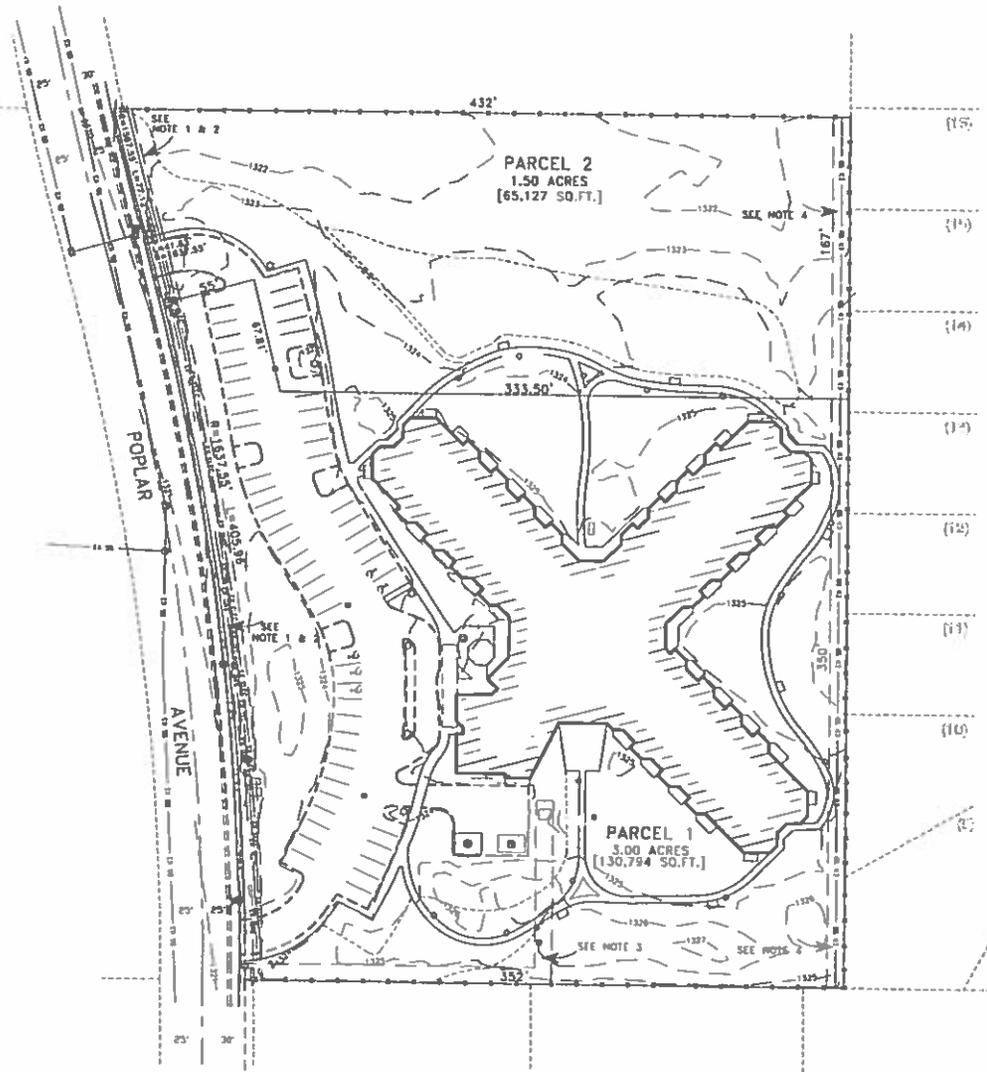
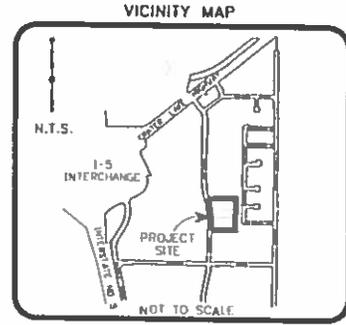
CODE REQUIRED CONDITIONS

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

1. Comply with all land division conditions stipulated by Medford Public Works Department (Exhibit H)
2. Comply with all zone change conditions stipulated by Medford Public Works Department (Exhibit I)
3. Comply with all conditions stipulated by the Medford Water Commission (Exhibit J).
4. Comply with all requirements of the Medford Fire Department (Exhibit K).
5. Submit a revised tentative plat showing the dedication of 12 feet along the property's frontage of Poplar Drive.

**LAND PARTITION
TENTATIVE PLAT**

Situated in:
The S.W. 1/4 of Section 18, T.37S., R.1W., W.M.,
City of Medford, Jackson County, Oregon
Tax Lot 1.362



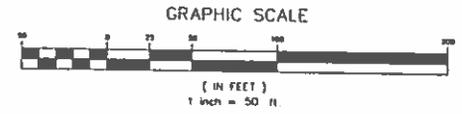
OWNER/APPLICANT
WEATHERLY INN MEDFORD LLC
303 39th Ave NE
Olympia, Wa. 98506

AGENT
CIVIL WEST ENGINEERING SERVICES
1055B HWY-62 #1
EAGLE POINT, OR 97524
(541) 266-8801

SURVEYOR
HOFFBUHR & ASSOCIATES, INC
880 GOLF VIEW DRIVE SUITE 201
MEDFORD, OR. 97504
(541) 779-4641

ENGINEER
CIVIL WEST ENGINEERING SERVICES
1055B HWY-62 #1
EAGLE POINT, OR 97524
(541) 266-8601

- NOTES:**
1. BURIED UTILITIES (ELECTRIC, TELEPHONE, TV, WATER MAIN) ARE LOCATED ALONG THE STREET FRONTAGE BEHIND THE SIDEWALK PER INSTRUMENT NO. 82-01297
 2. 10' POWER LINE EASE, TO BENEFIT PACIFIC POWER & LIGHT PER INSTRUMENT NO. 83-17827
 3. 10' POWER LINE EASE, TO BENEFIT PACIFIC POWER & LIGHT PER INSTRUMENT NO. 83-17827
 4. 10' DRAINAGE EASEMENT PER LAND PARTITION FILED AS SURVEY NO. 8853
 5. PROPERTY IS SUBJECT TO A BLANKET EASEMENT FOR WIRING AND EQUIPMENT USED IN THE PROVISION OF MULTI-CHANNEL VIDEO TELEVISION AND OTHER COMMUNICATION SERVICES PER INSTRUMENT NO. 2015-018339



Contour Interval = 1 ft.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

ELECTRONIC COPY
OREGON
LEARNED & PUBLISHED
DARRELL L. HUCK
PWS

Expires 6/30/2017

PLANT SCHEDULE

PLANT	QUANTITY	PLANT	QUANTITY
1. LANTANA	100	11. LANTANA	100
2. LANTANA	100	12. LANTANA	100
3. LANTANA	100	13. LANTANA	100
4. LANTANA	100	14. LANTANA	100
5. LANTANA	100	15. LANTANA	100
6. LANTANA	100	16. LANTANA	100
7. LANTANA	100	17. LANTANA	100
8. LANTANA	100	18. LANTANA	100
9. LANTANA	100	19. LANTANA	100
10. LANTANA	100	20. LANTANA	100

LANDSCAPE NOTES

- The irrigation system of all the automatic, and have a top loading double check valve installed on the irrigation line at the mainline. This system shall comply with the City of Medford Code 17.000.010 and the International Plumbing Code.
- 1" x 1" x 1" back which shall be applied to all existing sidewalks to a depth of 2 inches. Place over 1/2" round stone to be under and gravel over to a depth of 2". There is paving stone and curb and the proposed materials shall be applied to all existing areas.
- For the City of Medford Code 17.000.010 and 17.000.011, each new tree and shrub to be planted shall have a minimum 12" caliper for trees and 1 1/2" for shrubs at the proposed mature canopy. Structural Root and soil water should be installed in all new trees.
- 4" high 1/2" thick 1/2" diameter perforated surface shall be 4" above the top of existing paving surface. shall be applied to a depth of 4" above and water.

PLANT MATERIAL AND INSTALLATION

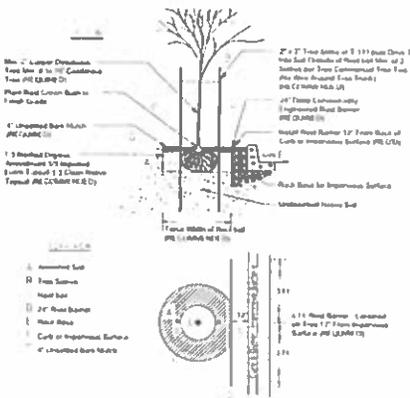
- All plant material shall be healthy, 1/2" caliper trees and 1 1/2" caliper shrubs. They shall have well-developed root systems, and be free of any diseases, insect infestations, and other plant problems. All plants shall be installed in accordance with the City of Medford Code 17.000.010 and the International Planting Code.
- The manufacturer's planting instructions shall be followed for all plants. The manufacturer's planting instructions shall be followed for all plants. The manufacturer's planting instructions shall be followed for all plants.
- Shrub and tree planting shall be in compliance with the City of Medford Code 17.000.010 and the International Planting Code. The manufacturer's planting instructions shall be followed for all plants.
- The contractor shall provide all necessary materials and labor for the installation of all plants. The contractor shall provide all necessary materials and labor for the installation of all plants.

- Per City of Medford Code 17.000.010 and 17.000.011, each new tree and shrub to be planted shall have a minimum 12" caliper for trees and 1 1/2" for shrubs at the proposed mature canopy. Structural Root and soil water should be installed in all new trees.
- 4" high 1/2" thick 1/2" diameter perforated surface shall be 4" above the top of existing paving surface. shall be applied to a depth of 4" above and water.
5. Planting holes shall be 4" in diameter and 4" deep at the bottom. The soil shall be amended with a 2" layer of 1/2" diameter perlite or similar material. The soil shall be amended with a 2" layer of 1/2" diameter perlite or similar material.

- PLANT MATERIAL WARRANTY**
- All plant material and accessories shall be warranted for one year (12 months) from the date of original installation.
 - Plant material under warranty shall be in healthy condition at the end of the warranty period. Any plant material that is not in healthy condition shall be replaced by plants of the same species and size.
 - The Contractor shall not be responsible for any plant material damaged by conditions of soil during the warranty period.

LANDSCAPE AREA CALCULATIONS

TOTAL LANDSCAPE AREA	14,500 SQ FT
TOTAL CURB RATES USAGE AREA	1,071 SQ FT
TOTAL CURB RATES USAGE AREA	1,071 SQ FT



CITY OF MEDFORD TREE PLANTING CODE 17.000

17.000.010 TREE PLANTING CODE

galbraith

LANDSCAPE ARCHITECTURE & SITE PLANNING

3000 S. W. 10TH STREET
MEDFORD, OREGON 97504

PHONE: 531-750-7500
FAX: 531-750-7501

WWW.GALBRAITHLANDSCAPE.COM

RJ DEVELOPMENT

1628 NW
1111 Commercial
1000 S. W. 10th St.
Medford, OR 97504

Phone: 531-750-7500
Fax: 531-750-7501

http://www.rjdevelopment.com

Weatherly Court

2188 Poplar Drive
Medford, Oregon

17.000.010
17.000.011
17.000.012
17.000.013
17.000.014

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Land Division Approval Criteria

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

Our proposed Land Division of the property located at 2180 Poplar Drive is consistent with Medford's Comprehensive Plan, any other applicable specific plans thereto, and all applicable design standards set for in Article IV and V.

The parcel we are proposing dividing is approximately 4.5 acres with a three-story independent living community occupying the southern 2.5-3 acres. The remaining 1.5-2 acres are undeveloped except for parking spaces and sidewalks.

With this Land Division, we intend to seek approval of a new three-story assisted living and memory care community on the newly created parcel. The development of this new community will comply with all relevant development standards and requirements within Medford's Municipal Code.

Dividing this parcel and developing the site fits well within Medford's Comprehensive Plan.

To begin, approval of this land division will improve and maintain quality of life in Medford because of the parcel's new use, which will have a positive effect on the natural environment. Granting this land division will allow development and enhancement of land that is currently underutilized. We intend to enhance the parcel with new, lush landscaping that will greatly benefit the environment in Medford.

Also, this land division will create a beautiful open space area between the new facility and the existing Weatherly Inn that will be used by residents and staff for recreational activities.

Further, this land division and subsequent development will advance Medford's goals of protecting livability, ground water resources, water quality, and plants and wildlife because our development will comply with all requirements of Medford's Municipal and Land Development Code.

Moreover, this land division and subsequent development will strengthen Medford's role as a major urban center and assure that Medford offers services that meet the needs of existing and future residents. There is a great need in Medford and the surrounding area for additional assisted living and Alzheimer's care services. Approval of this land division will ensure that citizens requiring these services will have access to

these services. This is vitally important considering the number of people affected by Alzheimer's ages 65 and over is expected to increase over 35% between now and 2025.

Additionally, this land division will stimulate economic development and growth within Medford. The subsequent development of this newly divided parcel will create 30 to 40 professional jobs, further diversifying and strengthening the mix of economic activity in Medford. Also, the newly-created parcel of this land division will increase Medford's property tax base, which will directly benefit Medford.

Next, this land division and subsequent development will provide additional housing options for the residents of Medford and the surrounding area. The new facility we are proposing with this land division will offer 48 units of assisted living housing and care services for those requiring assistance with daily living. The facility will also offer 49 beds of memory care services. Though memory care beds aren't typically classified as traditional housing units, the residents will call the facility home.

This land division also fits within Medford's General Land Use Plan (GLUP). The GLUP Map designates this parcel as Urban High Density Residential, which permits residential uses from 15 to 30 units per gross acre. Our proposed use on this parcel is classified as a Congregate Care Facility or Long Term Living Facility, and both are permitted within a multiple family residential dwelling zone. Also of note, density requirements do not apply to our proposed use.

Lastly, this land division and proposed development will minimally impact Medford's transportation system. Most of our future residents do not have vehicles and those that do seldomly drive. Most of the traffic produced by our development will be service vehicles and family members visiting loved ones. Our traffic study will show that the trips generated by our proposed uses will be substantially lower than a typical multi-family use.

- 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;

This land division will not prevent development of the remainder of the property under the same ownership or of adjoining land or of access thereto. The remainder of the property in this land division is already developed and operates as an independent living facility for Seniors.

- 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;

Our proposed development of the divided parcel will be named Weatherly Court. The adjacent independent living facility is named Weatherly Inn. It is our intention to create a campus feeling between the two facilities, which will have the same ownership and operator.

- 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;

This land division will not create any streets or alleys.

- 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;

This land division will not create any streets or alleys.

- 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.

This land division will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU zoning district.

Zone Change Approval Criteria

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

- 1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule. Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.
 - a) For zone changes to **SFR-2**, the zoning shall be approved under either of the following circumstances:
 - i) if at least seventy percent (70%) of the area proposed to be rezoned exceeds a slope of fifteen percent (15%),
 - ii) if other environmental constraints, such as soils, geology, wetlands, and flooding, restrict the capacity of the land to support higher densities.
 - 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.
 - c) For zone changes to any **commercial zoning district**, the following criteria shall be met for the applicable zoning sought:
 - i) The overall area of the C-N zoning district shall be three (3) acres or less in size and within, or abutting on at least one (1) boundary, residential zoning. In determining the overall area, all abutting property(s) zoned CN shall be included in the size of the district.
 - ii) The overall area of the C-C zoning district shall be over three (3) acres in size and shall front upon a collector or arterial street or state highway. In determining the overall area, all abutting property(s) zoned C-C shall be included in the size of the district.
 - iii) The overall area of the C-R zoning district shall be over three (3) acres in size, shall front upon an arterial street or state highway, and shall be in a centralized location that does not otherwise constitute a neighborhood shopping center or portion thereof. In determining the overall area, all abutting property(s) zoned C-R shall be included in the size of the district. The C-R zone is ordinarily considered to be unsuitable if abutting any residential zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.

- iv) The C-H zone shall front upon an arterial street or state highway. The CH zone may abut the General Industrial (I-G), Light Industrial (I-L), and/or any commercial zone. The C-H zone is ordinarily considered to be unsuitable if abutting any residential and I-H zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.
- d) For zone changes to any industrial zoning district, the following criteria shall be met for the applicable zoning sought:
 - i) The I-L zone may abut residential and commercial zones, and the General Industrial (I-G) zone. The I-L zone is ordinarily considered to be unsuitable when abutting the Heavy Industrial (I-H) zone, unless the applicant can show it would be suitable pursuant to (1)(e) below.
 - ii) The I-G zone may abut the Heavy Commercial (C-H), Light Industrial (IL), and the Heavy Industrial (I-H) zones. The I-G zone is ordinarily considered to be unsuitable when abutting the other commercial and residential zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.
 - iii) The I-H zone may abut the General Industrial (I-G) zone. The I-H zone is ordinarily considered to be unsuitable when abutting other zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.
- e) For purposes of (1)(c) and (1)(d) above, a zone change may be found to be “suitable” where compliance is demonstrated with one (1) or more of the following criteria:
 - i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows only one (1) zone;
 - ii) At least fifty percent (50%) of the subject property’s boundaries abut zones that are expressly allowed under the criteria in (1)(c) or (1)(d) above;
 - iii) At least fifty percent (50%) of the subject property’s boundaries abut properties that contain one (1) or more existing uses which are permitted or conditional uses in the zone sought by the applicant, regardless of whether the abutting properties are actually zoned for such existing uses; or
 - iv) Notwithstanding the definition of “abutting” in Section 10.012 and for purposes of determining suitability under Section (1) (e), the subject property is separated from the “unsuitable” zone by a public right-of-way of at least sixty (60) feet in width.

The proposed zone fits within Medford’s General Land Use Plan (GLUP). The GLUP Map designates this parcel as Urban High Density Residential (UHDR), which permits residential uses from 15 to 30 units per gross acre. The current zoning of the parcel is MFR-20, and we are proposing a zone change to MFR-30. According to the General Land Use Plan Element of Medford’s Comprehensive Plan, the UHDR designation permits the MFR-20 and MFR-30 zoning districts within its boundaries. Our proposed rezone from MFR-20 to MFR-30 fits within the limits of the GLUP and maintains Medford’s vision set forth in the Comprehensive Plan.

Our proposed use on this parcel also fits within all zoning requirements and is classified as a Congregate Care Facility or Long Term Living Facility – both are permitted within a multiple family residential dwelling zone

Further, proposed rezone is consistent with and will minimally impact Medford's Transportation System Plan. Most of our future residents do not have vehicles and those that do seldomly drive. Most of the traffic produced by our development will be service vehicles and family members visiting loved ones. Our traffic study will show that the trips generated by our proposed uses will be substantially lower than a typical multi-family use.

- 2) It shall be demonstrated that **Category A urban services and facilities** are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the *Land Development Code* and Goal 3, Policy 1 of the *Comprehensive Plan* "Public Facilities Element" and *Transportation System Plan*.
- a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.

Storm drainage, sanitary sewer, and water facilities are already in place along Poplar Drive. Each of these services is in adequate condition, capacity, and location to serve this parcel after the rezone or will be extended or improved to adequately serve this parcel after the rezone.

- 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

Streets which serve this parcel presently exist and have adequate capacity for this rezone and subsequent development. This will be shown in our traffic study accompanying this rezone application.

- 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.



Continuous Improvement Customer Service

CITY OF MEDFORD

LD Date: 3/22/2017
File Number: LDP-17-027

PUBLIC WORKS DEPARTMENT STAFF REPORT **Land Partition – 2180 Poplar Drive** **Weatherly Inn Medford, LLC**

- Project:** Consideration of a request for a partition to create two lots on approximately 4.5 acres.
- Location:** The subject site is located at 2180 Poplar Drive (371W18C TL 1362).
- Applicant:** Applicant, Weatherly Inn Medford, LLC; Agent, RJ Development, LLC.; Planner, Dustin Severs.

A. STREETS

1. Dedications

Poplar Drive is classified as a Major Collector Street within the Medford Land Development Code (MLDC) Section 10.428. The developer shall dedicate for public right-of-way, sufficient width of land to comply with the half width of right-of-way, which is 37-feet. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

The developer will receive Street System Development Charge (SSDC) credits for the public right-of-way dedication, 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 Site Plan and Architectural Commission. The City will then select an appraiser, and a cash deposit will be required as stated in Section 3.815.**

In accordance with MLDC 10.471, **the property owner shall dedicate a 10-foot wide public utility easement (PUE) adjacent to the right-of-way line in Poplar Drive along this Developments respective frontage.**

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

Poplar Drive – All street section improvements, with the exception of a planter strip, have been completed in close conformance with current standards, including pavement, curb and gutter, street lights, and sidewalks. **No additional improvements are required.**

b. Street Lights and Signing

No additional street lights are required.

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.

c. Pavement Moratoriums

There is a pavement cutting moratorium currently in effect along this frontage to Poplar Drive, expiring August 25th, 2020.

3. Access and Circulation

With future development of Parcel 2, driveways shall comply with MLDC 10.550. This is will require a new driveway approach. A Site Plan shall be submitted with the building permit application to show the location of the proposed (and existing) driveways for the development.

The Developer shall submit evidence of or provide cross-access easement(s) for all adjacent properties in accordance with MLDC 10.550 as part of the Final Plat approval.

4. Easements

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

5. Section 10.668 Analysis

To support a condition of development that an Applicant dedicates 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 dedication recommended herein can be found to be roughly proportional to the impacts reasonably anticipated to be imposed by this development.

Poplar Drive:

The additional right-of-way on Poplar Drive will provide the needed width for the missing design elements of a Major Collector street including a left turn lane, a 10-foot planter strip and a bike lane that will conform to current MLDC standards. Poplar Drive is a 35 mile per hour facility, which currently carries approximately 11,600 vehicles per day. The 10-foot planter strip moves pedestrians a safe distance from the edge of the roadway. Poplar Drive will be the primary route for pedestrians and bicyclists traveling to and from this development.

Dedication of the 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. 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.

The City assesses System Development Charges (SDCs) to help pay for acquisition of right-of-way and construction of additional Arterial & Collector Street capacity required as a result of new development. Because a mechanism exists in the form of SDC credit for right-of-way dedication and street improvements in accordance with Medford Municipal Code (MMC) 3.815 and other applicable parts of the Code, to fairly compensate the applicant, the conditions of MLDC, Section 10.668 are satisfied.

B. SANITARY SEWERS

The proposed development is situated within the Medford sewer service area. It is unclear where the existing or proposed sanitary sewer laterals are located. A Site/Utility Plan shall be submitted with the building permit application to show the location of the existing or proposed sanitary sewer lateral for the proposed building. A separate individual sanitary sewer lateral shall be provide at the time when Parcel 2 is developed.

C. STORM DRAINAGE

1. Drainage Plan

Future development of Parcel 2 shall provide a comprehensive drainage plan showing the entire project site with sufficient spot elevations to determine direction of runoff to the proposed drainage system, and also showing elevations on the proposed drainage system, shall be submitted with the first building permit application for approval. All area catch basins shall meet Department of Environmental Quality (DEQ) requirements, which include a down-turned elbow and sump.

With future development of Parcel 2, the Developer shall provide copies of either a Joint Use Maintenance Agreement or a private stormdrain easement for any stormwater draining onto or from adjacent private property.

A Site/Utility Plan shall be submitted with the building permit application to show the location of the existing or proposed stormdrain lateral/s for the site.

All private storm drain lines shall be located outside of the public right-of-way and/or any public utility easements (PUE).

2. Grading

Future development of Parcel 2 shall provide a comprehensive grading plan showing the relationship between adjacent property and the proposed development will be submitted with the 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.

3. Detention and Water Quality

Future development of Parcel 2 shall provide stormwater quality and detention facilities in accordance with MLDC Section 10.481 and 10.729.

The proposed drywell will require Department of Environmental Quality (DEQ) approval prior to submitting plans for building permit(s).

It appears that a portion of this development is on soils classified as belonging to the Type B hydrologic soil group as mapped by the Soil Survey of Jackson County, and on a slope of 5% or less. As such, the project will need to implement Low Impact Development techniques as listed in the Rogue Valley Stormwater Quality Design Manual. The Applicant may elect to test the soil to determine classification, and if so, testing must be conducted by a licensed Geotechnical Engineer in the state of Oregon.

4. Mains and Laterals

With future development of Parcel 2, all roof drains and foundation drains shall be connected directly to a storm drain system.

Easements shall be shown on the Final Plat for storm drain laterals crossing property other than the one being served by the lateral. If a private storm drain system is being used to drain this site, the applicant shall provide a joint use maintenance agreement.

5. Erosion Prevention and Sediment Control

All development that disturbs 5,000 square feet or greater shall require an Erosion Prevention and Sediment Control Plan. Developments that disturb one acre and greater shall require a 1200C permit from the DEQ. Erosion Prevention and Sediment Control Plans shall be submitted to the Building Department with the project plans for development. All disturbed areas shall be covered with vegetation or properly stabilized prior to certificate of occupancy.

D. SURVEY MONUMENTATION

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

E. GENERAL CONDITIONS

1. Construction and Inspection

The Developer or Developer's contractor shall obtain appropriate right-of-way permits from the Department of Public Works prior to commencing any work within the public right-of-way that is not included within the scope of work described within approved public improvement plans.

Pre-qualification is required of all contractors prior to application for any permit to work in the public right-of-way.

2. Permits

Building Permit applications 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.

3. System Development Charges (SDC)

Future buildings in this development are subject to street, sanitary sewer collection and treatment, and stormdrain SDCs. All SDC fees shall be paid at the time individual building permits are issued.

Prepared by: Doug Burroughs

SUMMARY CONDITIONS OF APPROVAL

Land Partition – 2180 Poplar Drive - Weatherly Inn Medford, LLC

LDP-17-027

A. Streets

1. Street Dedications to the Public:

- **Poplar Drive** - Dedicate additional right-of-way.
- Dedicate 10-foot Public Utility Easements (PUE) along frontage of both parcels.

2. Improvements:

a. Public Streets

- **Poplar Drive** - No additional improvements are required.

b. Lighting and Signing

- No additional street lights are required.

c. Other

- There is a pavement moratorium currently in effect on Poplar Drive.

3. Access

- Provide cross access easements.

B. Sanitary Sewer

- Ensure or construct separate individual sanitary sewer connection with future development on Parcel 2.

C. Storm Drainage

- Provide an investigative drainage report, with future development on Parcel 2.
- Provide a comprehensive grading plan, with future development on Parcel 2.
- DEQ approval of proposed drywell, with future development on Parcel 2.
- Implement Low Impact Development techniques or conduct testing, with future development on Parcel 2.
- Provide Erosion Control plans as required.
- Provide storm drain laterals to each tax lot, with future development on Parcel 2.

D. Survey Monumentation

- Provide all survey monumentation.

E. General Conditions

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

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



Continuous Improvement Customer Service

CITY OF MEDFORD

LD Date: 3/22/2017
File Number: ZC-17-017

PUBLIC WORKS DEPARTMENT STAFF REPORT **Zone Change – 2180 Poplar Drive** **Weatherly Inn Medford, LLC**

- Project:** Consideration of a request for a change of zone from MFR-20 (Multiple-Family, 20 dwelling units per gross acre) to MFR-30 (Multiple-Family, 30 dwelling units per gross acre).
- Location:** The subject site is located at 2180 Poplar Drive (371W18C TL 1362).
- Applicant:** Applicant, Weatherly Inn Medford, LLC; Agent, RJ Development, LLC.; Planner, Dustin Severs.

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. The proposed zoning to MFR-30 has the potential to increase flows to the sanitary sewer system. The downstream sanitary sewer system currently has a **number of capacity constraints**, and based on this information the Public Works Department recommends this zone change be denied, or the applicant stipulate to only develop so the total sewer flows do not exceed current zoning limitations, or the Developer make improvements to the downstream sanitary sewer system to alleviate the capacity constraints.

II. Storm Drainage Facilities

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

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PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

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CITY OF MEDFORD
EXHIBIT # 1

File # LDP-17-027 / ZC-17-017

stormwater quality and detention at time of development in accordance with MLDC, Section 10.729 and/or 10.486.

III. Transportation System

Public Works received a Traffic Impact Analysis (TIA) from Southern Oregon Transportation Engineering LLC, dated January 27, 2017, titled "MFR-20 to MFR-30 Zone Change" for parcel 371W18C1362 consisting of 4.52 acres (4.82 ac gross). The trip generation for the full potential zone change can be supported by the transportation system without mitigation.

Traffic Engineering recommends approval without further conditions from traffic engineering.

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

Prepared by: Doug Burroughs

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



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: ZC-17-017 & LDP-17-027

PARCEL ID: 371W18C TL 1362

PROJECT: Consideration of a request for a change of zone from MFR-20 (Multiple-Family, 20 dwelling units per gross acre) to MFR-30 (Multiple-Family, 30 dwelling units per gross acre) and a partition to create two lots on approximately 4.5 acres located at 2180 Poplar Drive (371W18C TL 1362); Applicant, Weatherly Inn Medford, LLC; Agent, RJ Development, LLC.; Planner, Dustin Severs.

DATE: March 22, 2017

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 meters located along the east side street frontage of this parcel are required to be protected in place.
4. Installation of a new domestic water meter is required for the proposed building.
5. Installation of an Oregon Health Authority approved backflow device is required for all commercial, industrial, municipal, and multi-family developments. New backflow devices shall be tested by an Oregon certified backflow assembly tester. See MWC website for list of certified testers at the following web link
<http://www.medfordwater.org/Page.asp?NavID=35> .
6. Dedication of a 10 foot wide (minimum) access and maintenance easement to MWC over all water facilities located outside of public right-of-way is required. Easement shall be submitted to MWC for review and recordation prior to construction.
7. If Medford Fire Department requires the installation of a new fire hydrant for this proposed development, then a civil engineer licensed in the state of Oregon shall submit a plan and profile of proposed fire hydrant to MWC engineering department for review and approval.

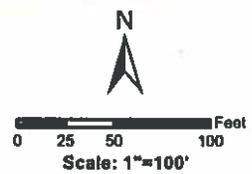
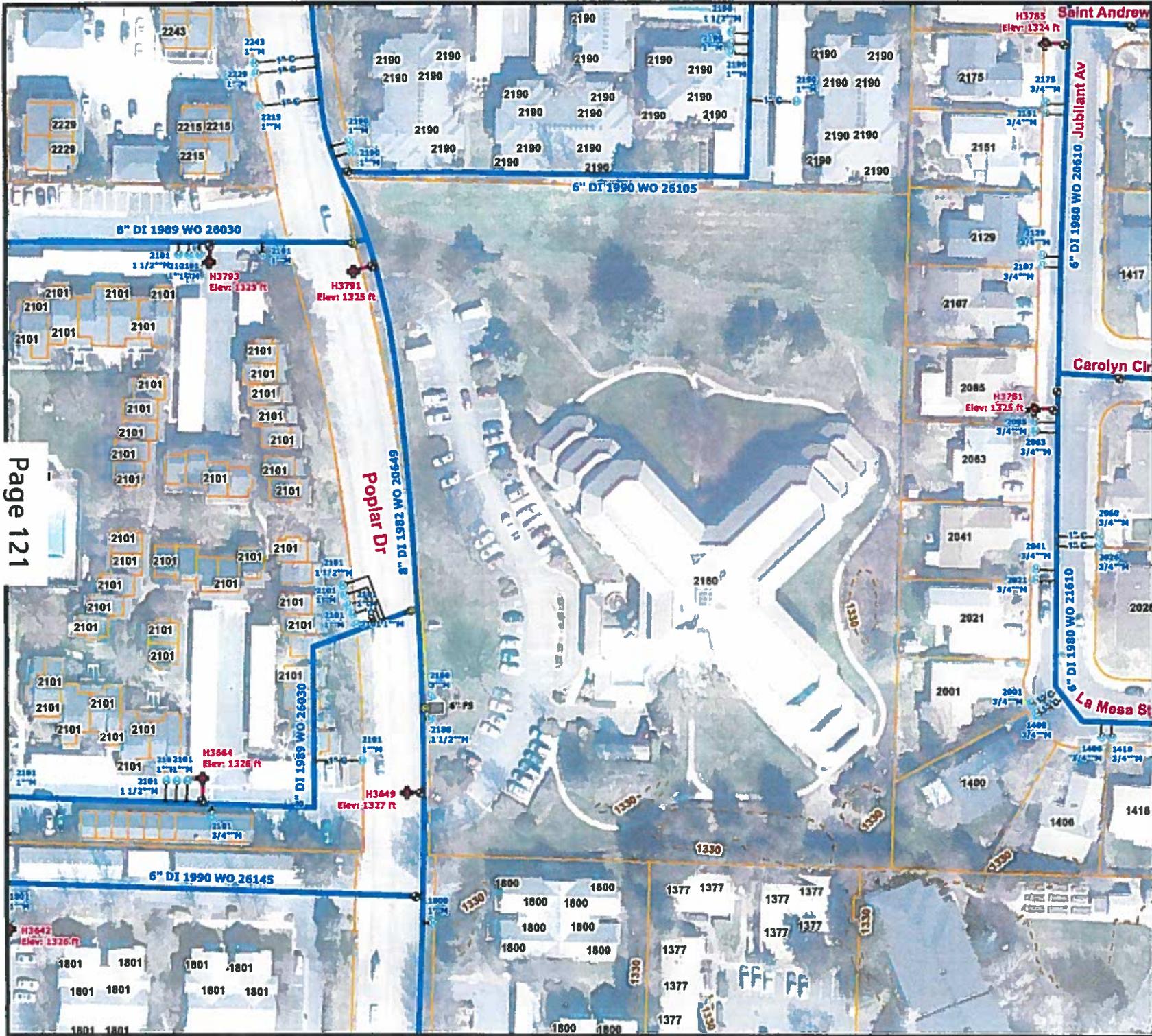
Continued to Next Page



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 this area is approximately 77 psi.
4. MWC-metered water service does exist to this property. There is an existing 3-inch domestic water meter, and a 1.0-inch landscape irrigation water meter that's serves this existing development. (See Condition 3 above)
5. Access to MWC water lines is available. There is an existing 8-inch water line in Poplar Drive, and a 6-inch water line just north of this parcel located within an existing 10-foot wide easement per JCR 90-12617.



**Water Facility Map
for
ZC-17-017 &
LDP-17-027**

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 orthophoto provided by Medford. These measurements are a variety of sources. Medford Water Commission does not warrant the accuracy, completeness, or timeliness of the information. Medford Water Commission is not responsible for any errors or omissions in this map.



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LAND DEVELOPMENT REPORT - PLANNING

To: Dustin Severs

LD Meeting Date: 03/22/2017

From: Greg Kleinberg

Report Prepared: 03/10/2017

Applicant: Applicant, Weatherly Inn Medford, LLC; Agent, RJ Development, LLC.

File #: LDP -17 - 27

Associated File #'s: ZC -17 - 17

Site Name/Description: Weatherly Inn

Consideration of a request for a change of zone from MFR-20 (Multiple-Family, 20 dwelling units per gross acre) to MFR-30 (Multiple-Family, 30 dwelling units per gross acre) and a partition to create two lots on approximately 4.5 acres located at 2180 Poplar Drive (371W18C TL 1362); Applicant, Weatherly Inn Medford, LLC; Agent, RJ Development, LLC.; Planner, Dustin Severs.

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

Requirement ADDRESS IDENTIFICATION

OFC 505.1

Building numbers shall be placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background.

Temporary signs shall be installed at each street intersection when construction of new roadways allows passage of vehicles.

Requirement FD ACCESS TO BUILDINGS AND FACILITIES

OFC 503.1.1

An alternate method of access/method of protection is required because the building does not meet the below stated fire department vehicle access requirements. A possible solution is to have an access agreement and a gate for the north driveway of the Ivy Club Apartments, a sidewalk around the building, a access road on the south side of the building (can be grasscrete) capable of supporting 60,000 lb., and a horizontal dry standpipe system with valves/hose connections at approved locations around the north, east, and south sides of the building.

Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 (See Appendix D).

Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exception: The fire code official is authorized to modify Sections 503.1 and 503.2 where any of the following applies:

1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
3. There are not more than two Group R-3 or Group U occupancies (OFC 503.1.1).



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File #: LDP - 17 - 27

Associated File #'s: ZC - 17 - 17

Site Name/Description: Weatherly Inn

Requirement HORIZONTAL STANDPIPE

MEDFORD HORIZ

In lieu of internal fire hydrants, a horizontal standpipe system is required for this project. Prior to construction the proposed standpipe system shall be approved by the Fire Marshal (See Medford Handout) and meet NFPA 14 requirements.

Requirement FD APPARATUS ACCESS ROAD DESIGN

OFC 503.2.1

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches. The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under section 503.2.1, shall be maintained at all times. The fire apparatus access road shall be constructed as asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 60,000 pounds.

(See also OFC 503.4; D102.1)

The turning radius on fire department access roads shall meet Medford Fire Department requirements (OFC 503.2.4).

Requirement PRIVATE FIRE DEPARTMENT ACCESS PARKING RESTRICTION

OFC 503.4

Parking shall be posted as prohibited along the fire lanes.

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).

Where parking is prohibited for fire department vehicle access purposes, NO PARKING-FIRE LANE 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's. The signs shall have red letters on a white background stating "NO PARKING-FIRE LANE" (See handout).

For privately owned properties, posting/marketing of fire lanes may be accomplished by any of the following alternatives to the above requirement (consult with the Fire Department for the best option):

Alternative #1:

Curbs shall be painted red along the entire distance of the fire department access. Minimum 4" white letters stating "NO PARKING-FIRE LANE" shall be stenciled on the curb at 25-foot intervals.

Alternative #2:

Asphalt shall be striped yellow or red along the entire distance of the fire department access. The stripes shall be at least 6" wide, be a minimum 24" apart, be placed at a minimum 30-60 degree angle to the perimeter stripes, and run parallel to each other. Letters stating "NO PARKING-FIRE LANE" shall be stenciled on the asphalt at 25-foot



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To: Dustin Severs

LD Meeting Date: 03/22/2017

From: Greg Kleinberg

Report Prepared: 03/10/2017

Applicant: Applicant, Weatherly Inn Medford, LLC; Agent, RJ Development, LLC.

File #: LDP - 17 - 27

Associated File #'s: ZC - 17 - 17

Site Name/Description: Weatherly Inn

intervals.

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).

This restriction shall be recorded on the property deed as a requirement for future construction.

A brochure is available on our website or you can pick up one at our headquarters.

Requirement FIRE HYDRANTS

OFC

508.5

Fire hydrants with reflectors will be required for this project.

Fire hydrant locations shall be as follows: One additional fire hydrant is required half-way between the existing H3791 and H3649 fire hydrants on Polplar.

Additional hydrants may be required to comply with the requirement of proximity to fire department connections (for fire sprinkler and standpipe systems, the fire department connection shall be located at an approved location away from the building and within 75' of a fire hydrant. The fire department connection shall be located on the same side as the fire department access route.).

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

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

Development shall comply with access and water supply requirements in accordance with the Fire Code in affect at the time of development submittal.

Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.

Specific fire protection systems may be required in accordance with the Oregon Fire Code.

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

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

Dustin J. Severs

From: Marcy Black <BlackMA@jacksoncounty.org>
Sent: Thursday, March 09, 2017 11:51 AM
To: Dustin J. Severs
Subject: File No. ZC-17-017/LDP-17-027 Project Name: Weatherly Court

Dustin:

The Airport requests an Avigation, Noise, and Hazard Easement be required as part of the rezoning process.

Thanks for the opportunity to comment.

Marcy Black
Deputy Director-Administration

Dustin J. Severs

From: CAINES Jeff <Jeff.CAINES@aviation.state.or.us>
Sent: Tuesday, March 14, 2017 2:48 PM
To: Dustin J. Severs
Subject: ZC-17-017 / LDP-17-027 - ODA Comments

Dustin:

Thank you for allowing ODA to comment on the proposed Zone Change and Land Use partition located at 2180 Poplar Drive (371W18C TL 1362). After further review ODA has the following comments. It appears that the site is already developed with a structure and there does not appear to be a request to add additional height to the existing structure.

If no additional height is being added to the structure ODA finds that the proposed development will not pose a hazard to air navigation. However, if the proposal is intending to add additional height to the structure to accommodate additional dwelling units ODA would request that a FAA form 7460-1 be filed with the Department in order to determine if there is a hazard to air navigation.

Thank you again for allowing ODA to comment.

If you or the applicant have any questions please feel free to contact me.

Jeff

Jeff Caines, AICP
Oregon Department of Aviation
Aviation Planner / SCIP Coordinator
3040 25th St. SE | Salem, OR 97302
Office: 503.378.2529
Cell / Text: 503.507.6965
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**PRELIMINARY DRAINAGE STUDY
FOR
WEATHERLY COURT
2180 POPLAR DR.
MEDFORD, OREGON 97504**

RECEIVED
FEB 21 2017
PLANNING DEPT.



December 6, 2016

Prepared By:


Shawn Hagstrom P.E.

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**WEATHERLY COURT
2180 POPLAR DR.
MEDFORD, OREGON 97504**

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December 6, 2016

Re: Weatherly Court Preliminary Site Drainage, Medford OR - Civil West Project #2710-009

To Whom It May Concern:

The following narrative describes the attached existing and proposed hydrologic conditions for the Weatherly Court Expansion site in Medford, Oregon. Specific equations, figures, tables, and procedures are outlined in the *Medford Storm Water Manual & Rogue Valley Storm Water Design Manual*, and are not repeated here. The information herein is based upon a "Soils Type B" whereas the pre-and post-conditions for storm water events are adequate to clean and allow infiltration back into the existing terrain. Based on direction given from Roger Thom, City Utilities Engineer for Medford, the attached flow and best management practices utilizing the underground injection control methods were completed based on a 10-year storm event. At this time no official soils report has been completed to aid in this preliminary drainage report. Thus the proposed drainage improvements are subjected to change once report has been provided.

The Peak Flow ("Q"), or maximum runoff, from the drainage area in question was estimated using the Rational Method, as outlined in the Santa Barbara Urban Hydrograph Method for the undeveloped portion of the project site. Calculations were completed to assess the drainage impact of the proposed improvements relative to the existing site drainage conditions encompassing the proposed undeveloped area known hereafter as "The undeveloped site". In these calculations, the undeveloped site is characterized as "Sparse Trees & Ground Cover" with an average slope of 1.00% and a resultant Runoff Coefficient ("C") of 0.15. The developed site will be adorned with several different pervious and impervious materials, which requires the use of a weighted, composite Runoff Coefficient.

Given these values for "C", the undeveloped maximum runoff was determined to be 0.115 cfs utilizing the Santa Barbara Urban Hydrograph Method, and the proposed developed site will utilize design criteria set forth by the Rogue Valley Storm Water Design Manual, Low Impact Development, to allow runoff to flow into areas designed to accommodate the post development flows. Because the flow for the developed site will exceed the pre-construction flows, the peak flow of the undeveloped site will utilize a detention facility (storm water method to be determined once official soils report has been conducted), to dampen the expected surplus runoff.

Based on these calculations, the Weatherly Court Expansion site will require a detention volume capacity of 700 cf, with an orifice discharge design to reduce discharge flows to predevelopment levels. Calculations for the orifice diameter were not conducted at this time, all calculations are subject to change once an official soils report is conducted.

Respectfully,
Civil West Engineering Services, Inc.

Prepared By: Shawn G. Hagstrom, PE

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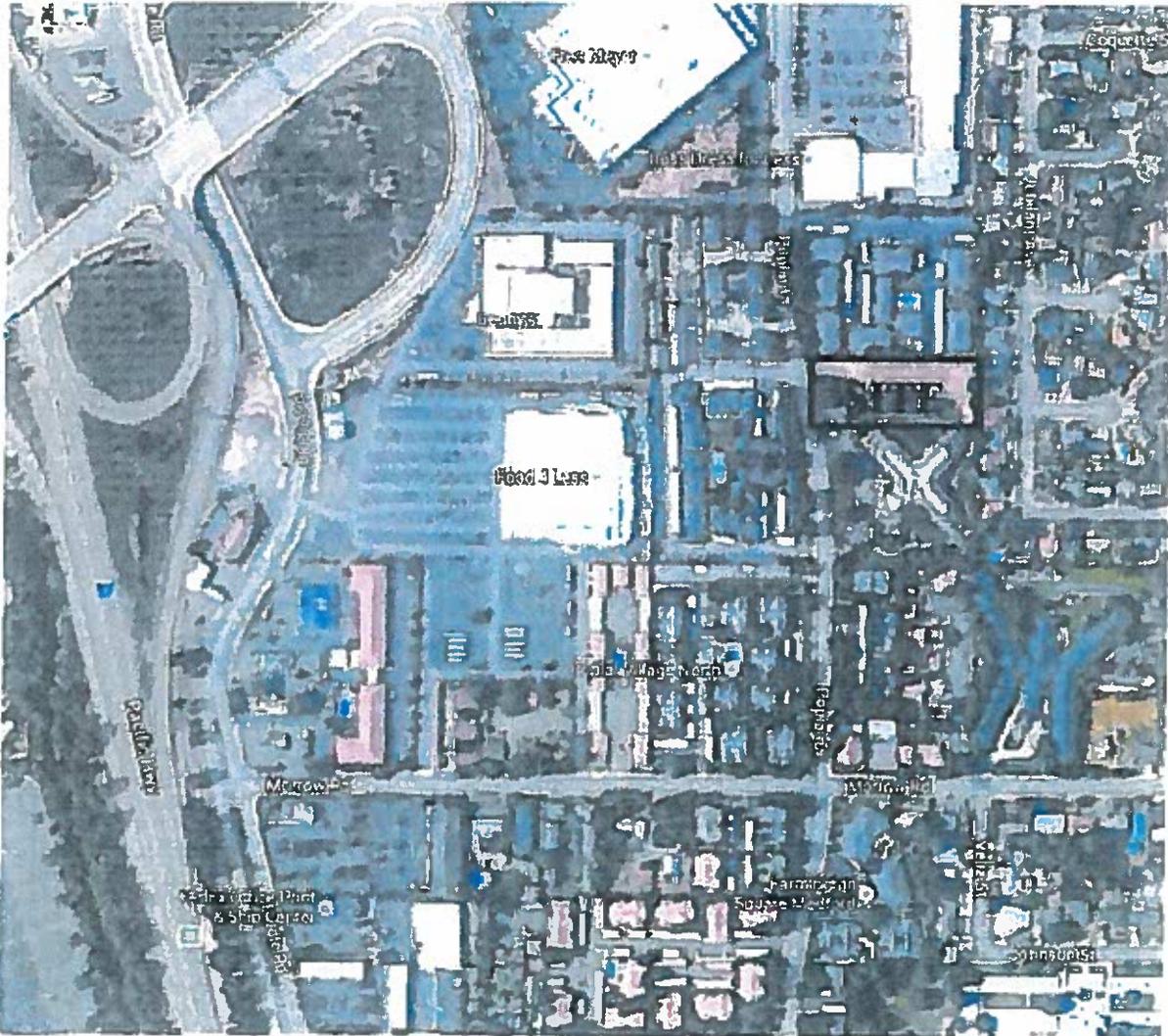
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**VICINITY MAP
FOR
WEATHERLY COURT
2180 POPLAR DR.
MEDFORD, OREGON 97504**



SOURCE: GOOGLE EARTH

DIAGRAM IS FOR GENERAL LOCATION ONLY, AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES

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**PRELIMINARY DRAINAGE STUDY
FOR
WEATHERLY COURT
2180 POPLAR DR.
MEDFORD, OREGON 97504**

I. Introduction

The site is approximately 1.65-acres of undeveloped land located at 2180 Poplar Drive in Medford, Oregon. The 1.65-acres being the northern portion of a 4.5-acre parcel of land (Parcel ID: 1-070702-0) where an existing Senior Living Community currently resides. The site is predominantly an undeveloped grass field that is partially improved with landscaping and asphalt paved parking in the southwest corner and a storm drain line along the eastern boundary. The site is owned and maintained by Weatherly Inn Medford, LLC. The site is near the intersection of Poplar Drive and Meadow Wood Apartments. The site occupies the southwest corner of Section 18, Township 37 South, Range 1 West, W.M. The existing City of Medford General Land Use Plan Map use for the project site is Urban High Density Residential and the zoning is MFR-20 – Multiple-Family Dwelling, 20 units/acres. Located in the central northwestern part of Medford, the site's elevation ranges from 1,324-ft to 1,325-ft.

II. Objective

The objective of this preliminary drainage study is to conduct a hydrologic and hydraulic analysis of the project site and the proposed improvements. With those elements defined, a preliminary storm drainage collection system that will adequately serve the Weatherly Court Site is provided herein for evaluation. This criterion for the study is based upon the City of Medford Storm Water Management Plan at the Low Impact Development Level utilizing the Rogue Valley Storm Water Quality Design Manual (RVSWDM).

III. Site Hydrology and Climatology

The current proposed site has sheet flow characteristics running in the Northwesterly direction across low grass lined areas. The natural slope of the land is a gradual 1% slope with a variety of tree canopy covering the site. The adjacent and connecting Royal Oaks Retirement Residence has underground storm water collection system that will not be used, however some of the soils information will be a part of this study. The proposed hydrologic soils group associated with the project site is Group B (See Appendix A). This may change once a proper soils investigation is conducted. Group B—Soils with a moderate infiltration rate when thoroughly wet. These consist chiefly of



moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission. According to Environmental Database Resources, Jackson County, Oregon, classifies the major soil association on the Property primarily as Medford silty clay loam soil with moderate infiltration rates. According to information obtained from the Ground Water Atlas of the United States, Segment 7, Oregon, et al, Hydrologic Investigations Atlas 730-H, 1994, by the U.S. Geologic Survey, the property is situated within an area characterized by aquifers in pre-Miocene rocks. These aquifers consist of differentiated volcanic rocks, undifferentiated consolidated sedimentary rocks, and undifferentiated igneous and metamorphic rocks that are distributed throughout the area, principally in the mountainous regions. No official soils report has been done yet.

The project site located in Zone X, areas of minimal flooding, areas determined to be outside 0.2% annual chance floodplain, as determined by the Federal Emergency Management Agency (FEMA). The FEMA Federal Insurance Rate Map (FIRM) for Panel 1976F, effective May 3, 2011, shows the project site within the Zone X flood boundary. (See Appendix B)

The climate of the project location is characterized as considerably warmer, both in summer and winter, with hot summers and mild winters. Per Oregon State University, Average Annual Precipitation (1981-2010) Map, (See Appendix C), the mean annual precipitation for the region is 15-20 inches. The rainfall totals for the 2-year and 100-year return periods for the project site were estimated using the City of Medford Storm Water Management Plan, Table 2-1 (Appendix D)

IV. Proposed Drainage Improvements

An overview of the proposed drainage system is shown on attached Appendix E, Sheet C-2, Preliminary Drainage & Grading Plan. This overview identifies the boundaries of the tributary areas as well as indicating the location of all storm drain pipes, inlets and outlets. The site will retain a few trees used for canopy cover, these trees are identified in Sheet C-2. The proposed impervious drainage areas will be managed by their own methods for treating and infiltration back into the ground. The site uses several underground injection control methods described by the RVSWDM to manage the runoff for the Weatherly Court Site.

The on-site drainage facilities were designed for a 10-year storm event per the City of Medford standards (Rouge Valley Storm Water Design Manual, Low Impact Development). The parking lot area encompasses approx. 5,500sf of impervious asphalt concrete which flows to the north end of the parking lot, these flows will be treated by "Filter Strips, See Chapter 4.5.3 RVSWDM" located just beyond the curbing to the north end of the parking lot area, area based upon (55sf of impervious area)/lf of

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filter strip. The landscaped areas will treat the same storm water infiltration rate flows both pre-and post-development. Impervious roof area will drain into a collection system located on-site and allowed to percolate/infiltrate back into the property via a dry well or equivalent underground injection system. Any nuisance water will drain into the local collection systems as prior to construction. All areas will drain away from the building and any adjacent structures or property lines.

V. Conclusion

The proposed onsite storm drain storage system will be designed for an average recurrence interval of 10-years per the City of Medford, Rogue Valley Storm Water Design Manual and allow for the 25-year capture event. Other discharge methods were computed using the methods outlined in Rogue Valley Storm Water Design Manual for Low Impact Development, see Chapter 4. Undeveloped area of flow from rainfall was computed using the Santa Barbara Urban Hydrograph (SBUH) Method, California. These computations can be found in Appendix D.

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References

1. City of Medford, Rogue Valley Storm Water Design Manual. Medford, Oregon, Revised April 2016.
2. Federal Highway Administration. Hydraulic Engineering Circular No. 22, Second Edition, Urban Drainage Design Manual. August 2001.
3. Santa Barbara Urban Hydrograph Method, Santa Barbara County Flood Control and Water Conservation District, California, 2011

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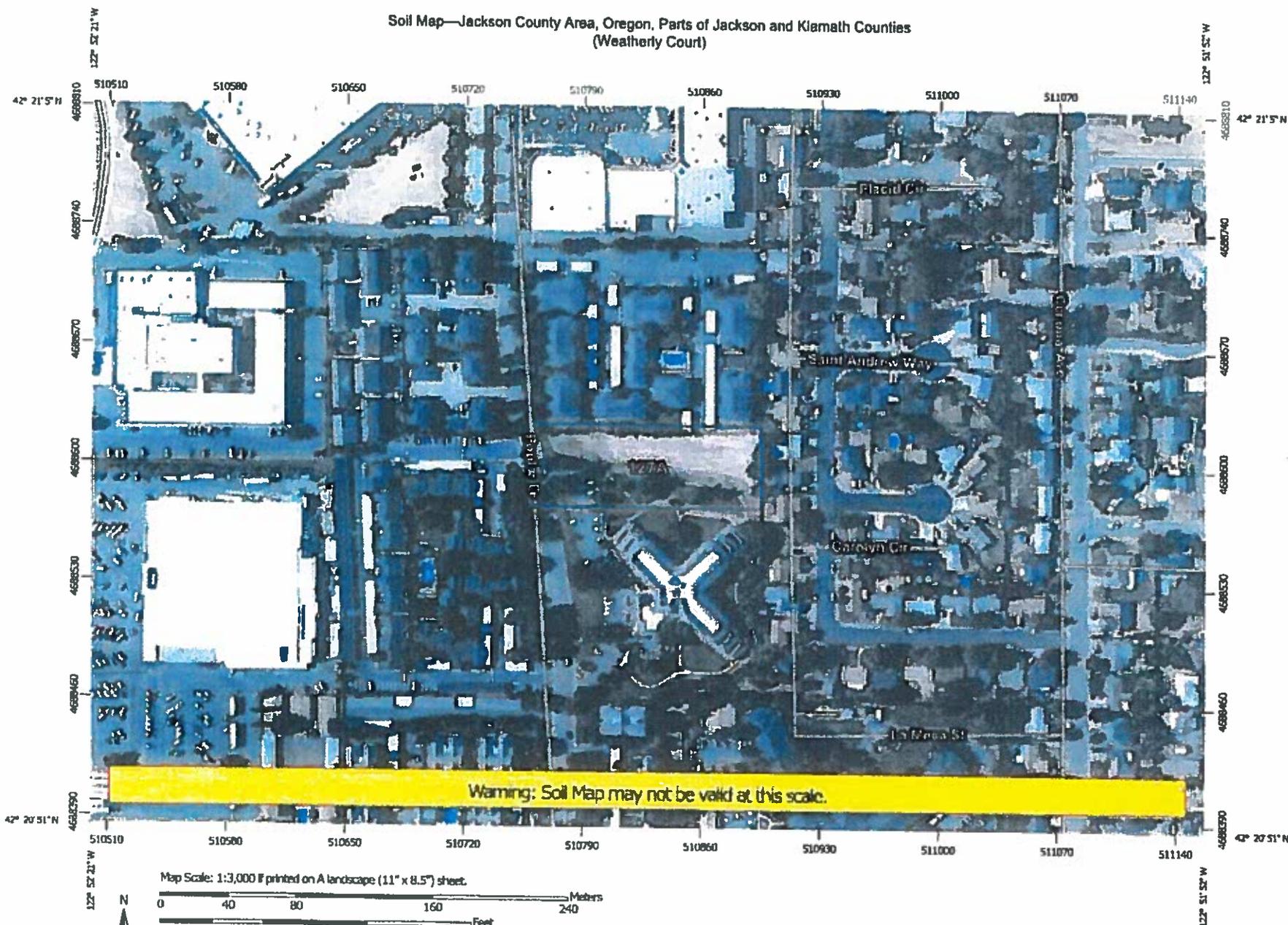
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Appendix A

Soil Map—Jackson County Area, Oregon, Parts of Jackson and Klamath Counties
(Weatherly Court)



Page 136

Map Scale: 1:3,000 if printed on A landscape (11" x 8.5") sheet.

0 40 80 160 240 Meters

0 100 200 400 600 Feet

Map projection: Web Mercator Converter coordinates: WGS84 Edge UTM: UTM Zone 10N WGS84

Soil Map—Jackson County Area, Oregon, Parts of Jackson and Klamath Counties
(Weatherly Court)

MAP LEGEND

Area of Interest (AOI)	Spoil Area
Soils	Stony Spot
Soil Map Unit Polygons	Very Stony Spot
Soil Map Unit Lines	Wet Spot
Soil Map Unit Points	Other
Special Point Features	Special Line Features
Blowout	Water Features
Borrow Pit	Streams and Canals
Clay Spot	Transportation
Closed Depression	Rails
Gravel Pit	Interstate Highways
Gravelly Spot	US Routes
Landfill	Major Roads
Lava Flow	Local Roads
Marsh or swamp	Background
Mine or Quarry	Aerial Photography
Miscellaneous Water	
Perennial Water	
Rock Outcrop	
Saline Spot	
Sandy Spot	
Severely Eroded Spot	
Sinkhole	
Slide or Slip	
Sodic Spot	

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.
 Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Jackson County Area, Oregon, Parts of Jackson and Klamath Counties
 Survey Area Date: Version 13, Sep 16, 2016

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 28, 2010—Jul 17, 2010

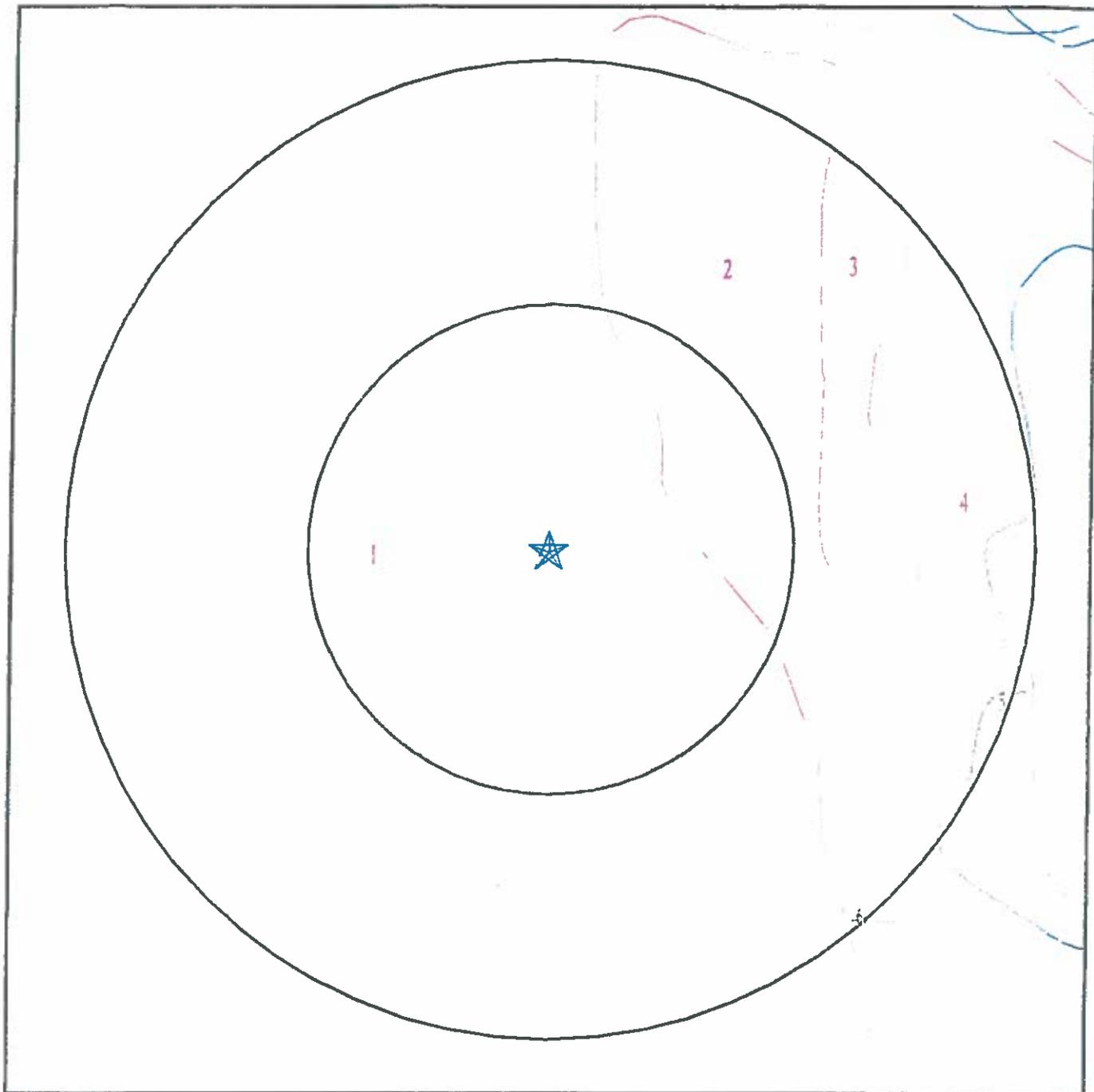
The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Page 137

Map Unit Legend

Jackson County Area, Oregon, Parts of Jackson and Klamath Counties (OR632)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
127A	Medford silty clay loam, 0 to 3 percent slopes	1.6	100.0%
Totals for Area of Interest		1.6	100.0%

SSURGO SOIL MAP - 4165649.2s



★ Target Property
- - - SSURGO Soil
Water



7/14

SITE NAME: Royal Oak Retirement Residence ADDRESS: 2180 Poplar Drive Medford OR 97504 LAT/LONG: 42.3491 / 122.8683	CLIENT: Gablon Real Estate Advisors CONTACT: Travis Littlefield INQUIRY #: 4165649.2s DATE: December 19, 2014 12:07 pm
--	---

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GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

DOMINANT SOIL COMPOSITION IN GENERAL AREA OF TARGET PROPERTY

The U.S. Department of Agriculture's (USDA) Soil Conservation Service (SCS) leads the National Cooperative Soil Survey (NCSS) and is responsible for collecting, storing, maintaining and distributing soil survey information for privately owned lands in the United States. A soil map in a soil survey is a representation of soil patterns in a landscape. The following information is based on Soil Conservation Service SSURGO data.

Soil Map ID: 1

Soil Component Name: Medford

Soil Surface Texture: silty clay loam

Hydrologic Group: Class B - Moderate infiltration rates. Deep and moderately deep, moderately well and well drained soils with moderately coarse textures.

Soil Drainage Class: Moderately well drained

Hydric Status: Not hydric

Corrosion Potential - Uncoated Steel: Moderate

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 153 inches

Soil Layer Information							
Layer	Boundary		Soil Texture Class	Classification		Saturated hydraulic conductivity micro m/sec	Soil Reaction (pH)
	Upper	Lower		AASHTO Group	Unified Soil		
1	0 inches	11 inches	silty clay loam	Silt-Clay Materials (more than 35 pct. passing No. 200). Clayey Soils.	FINE-GRAINED SOILS, Silts and Clays (liquid limit less than 50%), Lean Clay	Max: 4 Min: 1.4	Max: 7.3 Min: 5.6
2	11 inches	22 inches	silty clay	Silt-Clay Materials (more than 35 pct. passing No. 200). Clayey Soils.	FINE-GRAINED SOILS, Silts and Clays (liquid limit less than 50%), Lean Clay	Max: 4 Min: 1.4	Max: 7.3 Min: 5.6
3	22 inches	53 inches	silty clay loam	Silt-Clay Materials (more than 35 pct. passing No. 200). Clayey Soils.	FINE-GRAINED SOILS, Silts and Clays (liquid limit less than 50%), Lean Clay	Max: 4 Min: 1.4	Max: 7.3 Min: 5.6

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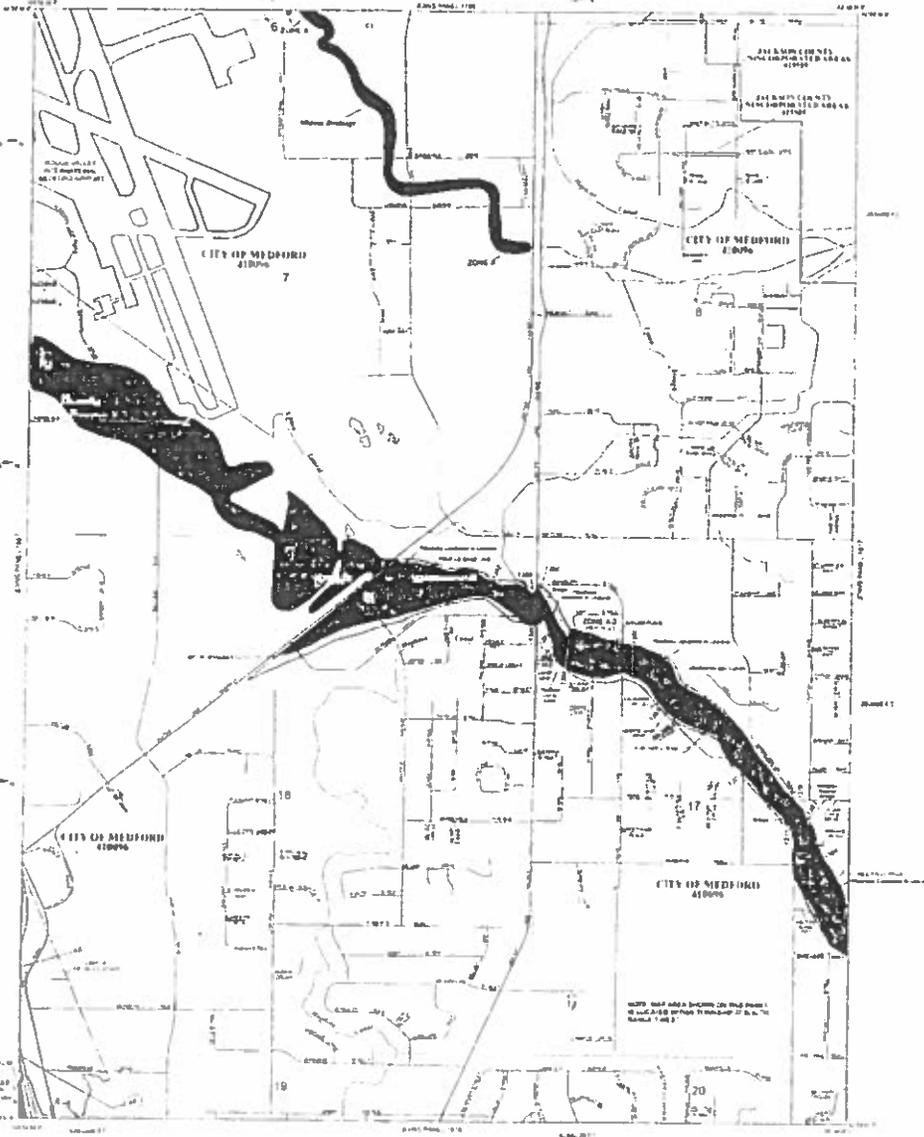
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541-264-7040

Appendix B

NOTES TO USERS

The map is for use in determining the hazard flood insurance rating... The map is for use in determining the hazard flood insurance rating... The map is for use in determining the hazard flood insurance rating...



LEGEND
FIRM FLOOD INSURANCE RATE MAP
JACKSON COUNTY, OREGON
ANNOVA ENGINEERING CONSULTANTS
PANEL 1978P
FIRM FLOOD INSURANCE RATE MAP
JACKSON COUNTY, OREGON
ANNOVA ENGINEERING CONSULTANTS
PANEL 1978P

PANEL 1978P
FIRM FLOOD INSURANCE RATE MAP
JACKSON COUNTY, OREGON
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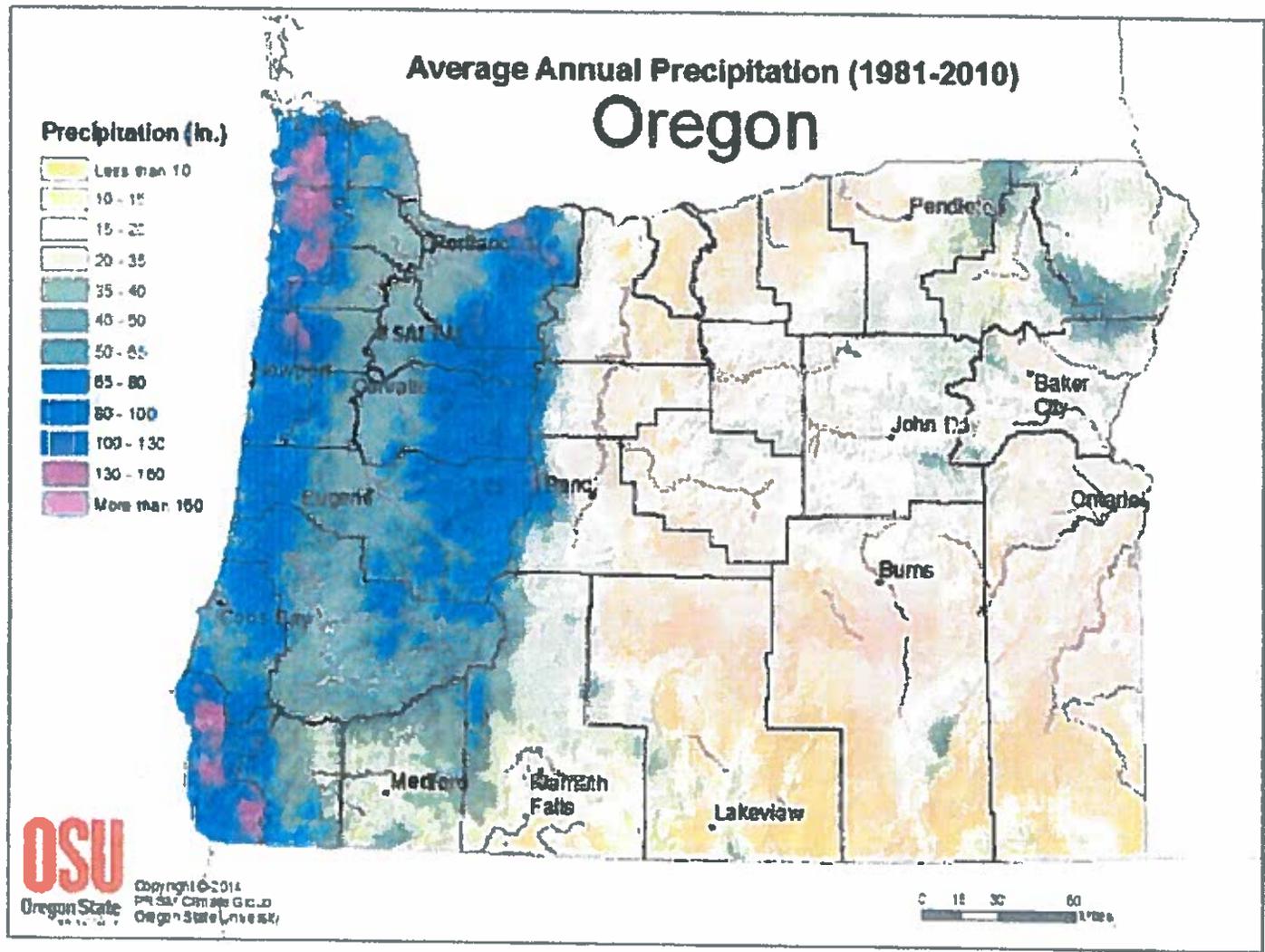
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Appendix C



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Appendix D

**TABLE 2-1.
STUDY AREA RAINFALL DATA**

Return Frequency	Rainfall Depth (in)	
	6-Hour	24-Hour
2-Year	1.0	2.0
5-Year	1.3	2.5
10-Year	1.5	3.0
25-Year	1.7	3.25
50-Year	1.8	3.5
100-Year	2.0	4.0

Source: *Precipitation—Frequency Atlas of the Western United States, Volume X—Oregon.* National Oceanic and Atmospheric Administration.

Current and Future Land Use

The 13 land use designations in the City of Medford General Land Use Plan include several residential, commercial and industrial categories, along with parks and schools, greenway, city center, airport and limited service area. Residential density generally ranges from high-density multi-family development to urban residential.

Water quality analyses in this report evaluate existing and future (buildout) development conditions. Land use for estimating buildout conditions was taken from the General Land Use Plan. Existing development was estimated from aerial photography.

**TABLE 2-2.
LAND USE DESIGNATIONS SUMMARY BY BASIN**

	Area (acres)		Land Use Within UGB (%)		
	Within UGB	Total	Residential	Commercial/Industrial	Developed
Bear Creek East	2,444	2,444	68%	23%	92%
Bear Creek South	983	2,491	30%	64%	63%
Bear Creek West	1,399	1,399	51%	44%	91%
Crooked Creek	1,402	2,795	74%	20%	86%
Elk Creek	2,572	3,618	58%	39%	86%
Larson Creek	1,752	2,684	92%	7%	43%
Lazy Creek	2,127	2,577	93%	4%	39%
Lone Pine	1,772	1,953	68%	29%	77%
Midway Drainage	2,710	5,056	36%	63%	85%

Pre-Construction Flow Control Calculations, Design Storm is a 10 yr event as defined by ODOT Zone 6 Rainfall IDF curve
 Enter data into yellow highlighted cells

Total Area 1.37 acres
 Rainfall P 1 inches (water quality storm)
 dT 6 minutes
 Tc 6 Time of Concentration
 w 0.333333 routing constant

Pervious Area	
Area	1.37 acres
Curve No.	92
S	0.8696
0.2S	0.1739

Impervious Area	
Area	0 acres
Curve No.	95
S	0.2041
0.2S	0.0408

Peak Flow 0.115 cfs
 Total Runoff 1,994 cf
 Extended Detention Outflow 0.015389464 cfs
 Ext Detention Area 997.2372761 sq ft
 24 hours

(1) Time Increment	(2) Time (minutes)	(3) Rainfall Dist. (fraction)	(4) Incremental Rainfall (inches)	(5) Accumulated Rainfall (Inches)	(6) PERVIOUS Accumulated Runoff (inches)	(7) Incremental Runoff (inches)	(8) Accumulated Runoff (inches)	(9) IMPERVIOUS Incremental Runoff (inches)	(10) Total Runoff (inches)	(11) Instant Flowrate (cfs)	(12) Design Flowrate (cfs)	Total Runoff (cf)	Outflow Limit	Outflow	Storage
0	0												0.35		
1	6	0.002200	0.002	0.002									0.35		
2	12	0.002100	0.002	0.004									0.35		
3	18	0.002000	0.002	0.006									0.35		
4	24	0.001900	0.002	0.008									0.35		
5	30	0.001800	0.002	0.010									0.35		
6	36	0.001800	0.002	0.012									0.35		
7	42	0.001900	0.002	0.014									0.35		
8	48	0.002000	0.002	0.016									0.35		
9	54	0.002100	0.002	0.018									0.35		
10	60	0.002200	0.002	0.020									0.35		
11	66	0.002600	0.003	0.023									0.35		
12	72	0.002900	0.003	0.026									0.35		
13	78	0.003000	0.003	0.029									0.35		
14	84	0.003100	0.003	0.032									0.35		
15	90	0.003200	0.003	0.035									0.35		
16	96	0.003000	0.003	0.038									0.35		
17	102	0.003000	0.003	0.041			0.000	0.000					0.35		
18	108	0.002900	0.003	0.044			0.000	0.000					0.35		
19	114	0.003100	0.003	0.047			0.000	0.000					0.35		
20	120	0.003000	0.003	0.050			0.000	0.000					0.35		
21	126	0.003100	0.003	0.053			0.001	0.000					0.35		
22	132	0.003200	0.003	0.056			0.001	0.000					0.35		
23	138	0.003200	0.003	0.060			0.002	0.000					0.35		
24	144	0.003300	0.003	0.063			0.002	0.001					0.35		
25	150	0.003200	0.003	0.066			0.003	0.001					0.35		
26	156	0.003200	0.003	0.069			0.003	0.001					0.35		
27	162	0.003200	0.003	0.072			0.004	0.001					0.35		
28	168	0.003200	0.003	0.076			0.005	0.001					0.35		
29	174	0.003200	0.003	0.079			0.006	0.001					0.35		
30	180	0.003200	0.003	0.082			0.007	0.001					0.35		
31	186	0.003100	0.003	0.085			0.008	0.001					0.35		
32	192	0.003200	0.003	0.088			0.009	0.001					0.35		
33	198	0.003200	0.003	0.092			0.010	0.001					0.35		
34	204	0.003200	0.003	0.095			0.011	0.001					0.35		
35	210	0.003300	0.003	0.098			0.013	0.001					0.35		
36	216	0.003500	0.004	0.102			0.014	0.001					0.35		
37	222	0.003500	0.003	0.105			0.015	0.001					0.35		
38	228	0.003600	0.004	0.109			0.017	0.002					0.35		
39	234	0.003700	0.004	0.112			0.019	0.002					0.35		
40	240	0.003700	0.004	0.116			0.020	0.002					0.35		
41	246	0.003700	0.004	0.120			0.022	0.002					0.35		

Post-Construction Flow Control Calculations, Design Storm is a 10 yr event as defined by ODOT Zone 6 Rainfall IDF curve
 (Enter data into yellow highlight cells.)

Total Area 1.37 acres
 Rainfall P 3 inches (10-yr, 24 hr event)
 dT 8 minutes
 Tc 15 Time of Concentration
 w 0.166887 routing constant

Pervious Area	
Area	0.27 acres
Curve No.	27
S	1.235955
0.2S	0.247191

Impervious Area	
Area	1.10 acres
Curve No.	25
S	0.204081633
0.2S	0.040816327

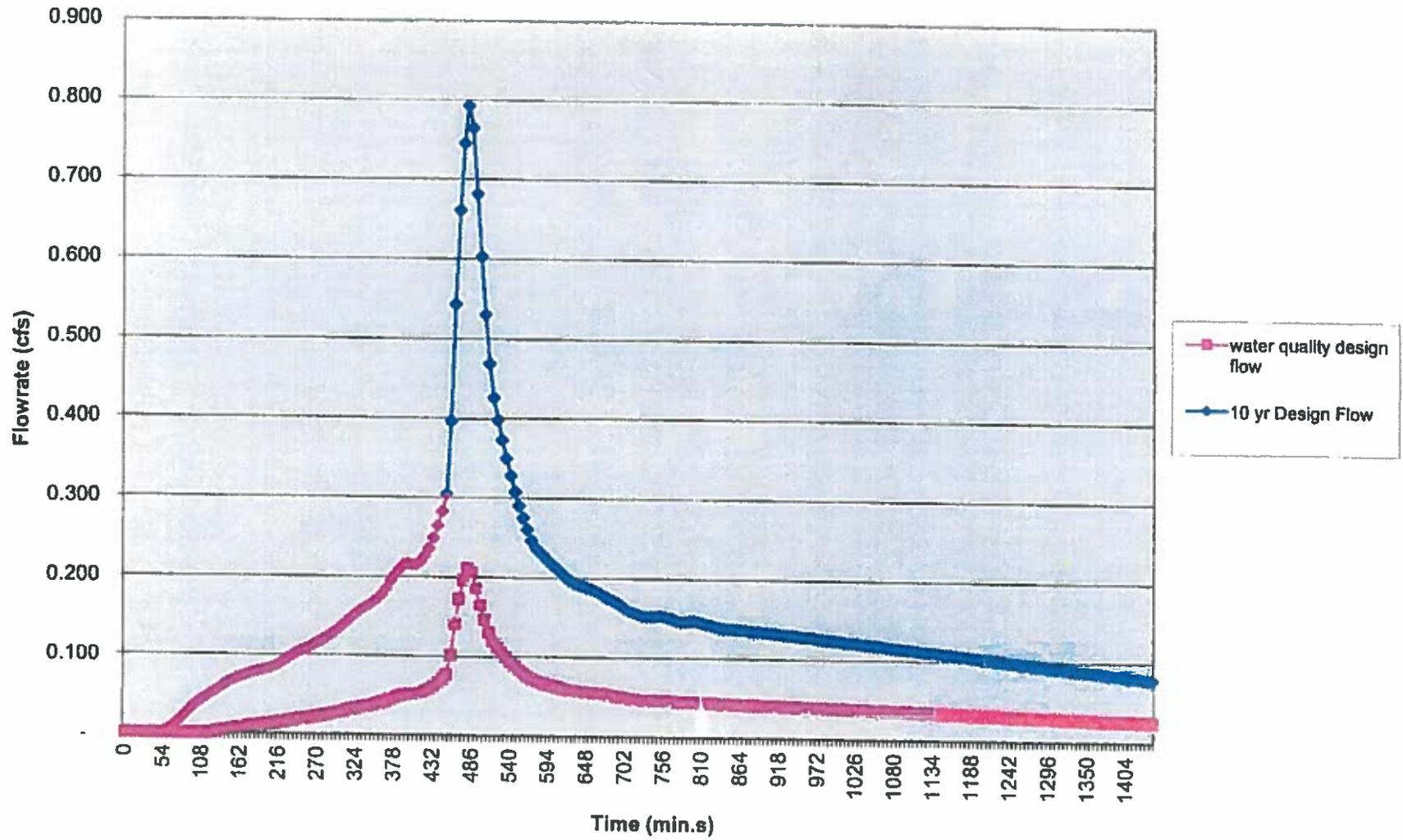
Peak Flow 0.692 cfs
 24 Hour Runoff 11,309 cf
 Storage Needed 897 cf

calc outflow limit for extended det pond
 for 12 hrs of detention multiply 24 hr runoff by 1/(12*80*60)*2/3
 for 24 hrs of detention multiply 24 hr runoff by 1/(24*80*60)*.5

0.17
 0.07

(1) Time Increment	(2) Time (minutes)	(3) Rainfall Dist. (fraction)	(4) Incremental Rainfall (inches)	(5) Accumulated Rainfall (inches)	(6) PERVIOUS Accumulated Runoff (inches)	(7) Incremental Runoff (inches)	(8) IMPERVIOUS Accumulated Runoff (inches)	(9) Incremental Runoff (inches)	(10) Total Runoff (inches)	(11) Instant Flowrate (cfs)	(12) Design Flowrate (cfs)	Total Runoff (cf)	Outflow Limit	Outflow	Storage
0	0														
1	6	0.0022	0.007	0.007									0.35		
2	12	0.0021	0.006	0.013									0.35		
3	18	0.0020	0.006	0.019									0.35		
4	24	0.0019	0.006	0.025									0.35		
5	30	0.0018	0.005	0.030									0.35		
6	36	0.0018	0.005	0.035									0.35		
7	42	0.0019	0.006	0.041									0.35		
8	48	0.0020	0.006	0.047			0.000	0.000	0.000	0.00	0.000	0	0.35	0.00	
9	54	0.0021	0.006	0.053			0.000	0.000	0.000	0.00	0.000	0	0.35	0.00	
10	60	0.0022	0.007	0.060			0.001	0.001	0.001	0.01	0.001	1	0.35	0.00	
11	66	0.0028	0.008	0.068			0.002	0.001	0.001	0.01	0.003	2	0.35	0.00	
12	72	0.0029	0.009	0.077			0.003	0.002	0.001	0.02	0.006	4	0.35	0.01	
13	78	0.0030	0.009	0.086			0.005	0.002	0.002	0.02	0.010	8	0.35	0.01	
14	84	0.0031	0.009	0.095			0.008	0.003	0.002	0.03	0.015	13	0.35	0.01	
15	90	0.0032	0.010	0.105			0.012	0.003	0.002	0.03	0.020	20	0.35	0.02	
16	96	0.0030	0.009	0.114			0.015	0.004	0.003	0.04	0.025	29	0.35	0.02	
17	102	0.0030	0.009	0.123			0.019	0.004	0.003	0.04	0.029	40	0.35	0.03	
18	108	0.0029	0.009	0.132			0.024	0.004	0.003	0.04	0.033	51	0.35	0.03	
19	114	0.0031	0.009	0.141			0.028	0.004	0.003	0.04	0.036	64	0.35	0.04	
20	120	0.0030	0.009	0.150			0.033	0.005	0.003	0.05	0.039	78	0.35	0.04	
21	126	0.0031	0.009	0.159			0.038	0.005	0.004	0.05	0.042	93	0.35	0.04	
22	132	0.0032	0.010	0.169			0.044	0.005	0.004	0.05	0.045	110	0.35	0.05	
23	138	0.0032	0.010	0.179			0.049	0.006	0.004	0.06	0.048	127	0.35	0.05	
24	144	0.0033	0.010	0.188			0.055	0.006	0.004	0.06	0.052	146	0.35	0.05	
25	150	0.0032	0.010	0.198			0.062	0.008	0.005	0.06	0.055	165	0.35	0.05	
26	156	0.0032	0.010	0.208			0.068	0.008	0.005	0.06	0.057	186	0.35	0.06	
27	162	0.0032	0.010	0.217			0.075	0.007	0.005	0.06	0.059	207	0.35	0.06	
28	168	0.0032	0.010	0.227			0.082	0.007	0.005	0.07	0.061	229	0.35	0.06	
29	174	0.0032	0.010	0.236			0.089	0.007	0.005	0.07	0.063	252	0.35	0.06	
30	180	0.0032	0.010	0.246			0.096	0.007	0.005	0.07	0.064	275	0.35	0.06	
31	186	0.0031	0.009	0.255	0.000	0.000	0.103	0.007	0.005	0.07	0.066	299	0.35	0.07	
32	192	0.0032	0.010	0.265	0.000	0.000	0.110	0.007	0.005	0.07	0.067	323	0.35	0.07	
33	198	0.0032	0.010	0.275	0.001	0.000	0.117	0.007	0.005	0.07	0.068	347	0.35	0.07	
34	204	0.0032	0.010	0.284	0.001	0.000	0.125	0.007	0.005	0.07	0.069	372	0.35	0.07	
35	210	0.0033	0.010	0.294	0.002	0.001	0.132	0.008	0.005	0.07	0.071	398	0.35	0.07	
36	216	0.0035	0.011	0.305	0.003	0.001	0.140	0.008	0.006	0.08	0.073	424	0.35	0.07	
37	222	0.0035	0.011	0.315	0.004	0.001	0.149	0.008	0.006	0.08	0.075	451	0.35	0.08	
38	228	0.0036	0.011	0.326	0.005	0.001	0.157	0.009	0.006	0.09	0.078	479	0.35	0.08	
39	234	0.0037	0.011	0.337	0.006	0.001	0.166	0.009	0.006	0.09	0.081	508	0.35	0.08	
40	240	0.0037	0.011	0.348	0.008	0.002	0.175	0.009	0.007	0.09	0.084	539	0.35	0.08	
41	246	0.0037	0.011	0.359	0.008	0.002	0.185	0.009	0.007	0.09	0.087	570	0.35	0.09	
42	252	0.0037	0.011	0.370	0.011	0.002	0.194	0.009	0.007	0.09	0.090	603	0.35	0.09	
43	258	0.0038	0.011	0.382	0.013	0.002	0.203	0.009	0.007	0.10	0.092	638	0.35	0.09	
44	264	0.0039	0.012	0.393	0.015	0.002	0.213	0.010	0.007	0.10	0.094	689	0.35	0.09	
45	270	0.0039	0.012	0.405	0.018	0.002	0.223	0.010	0.007	0.10	0.096	704	0.35	0.10	
46	276	0.0040	0.012	0.417	0.021	0.003	0.233	0.010	0.008	0.10	0.099	740	0.35	0.10	
							0.244	0.010	0.008	0.11	0.101	776	0.35	0.10	

SBUH Hydrograph



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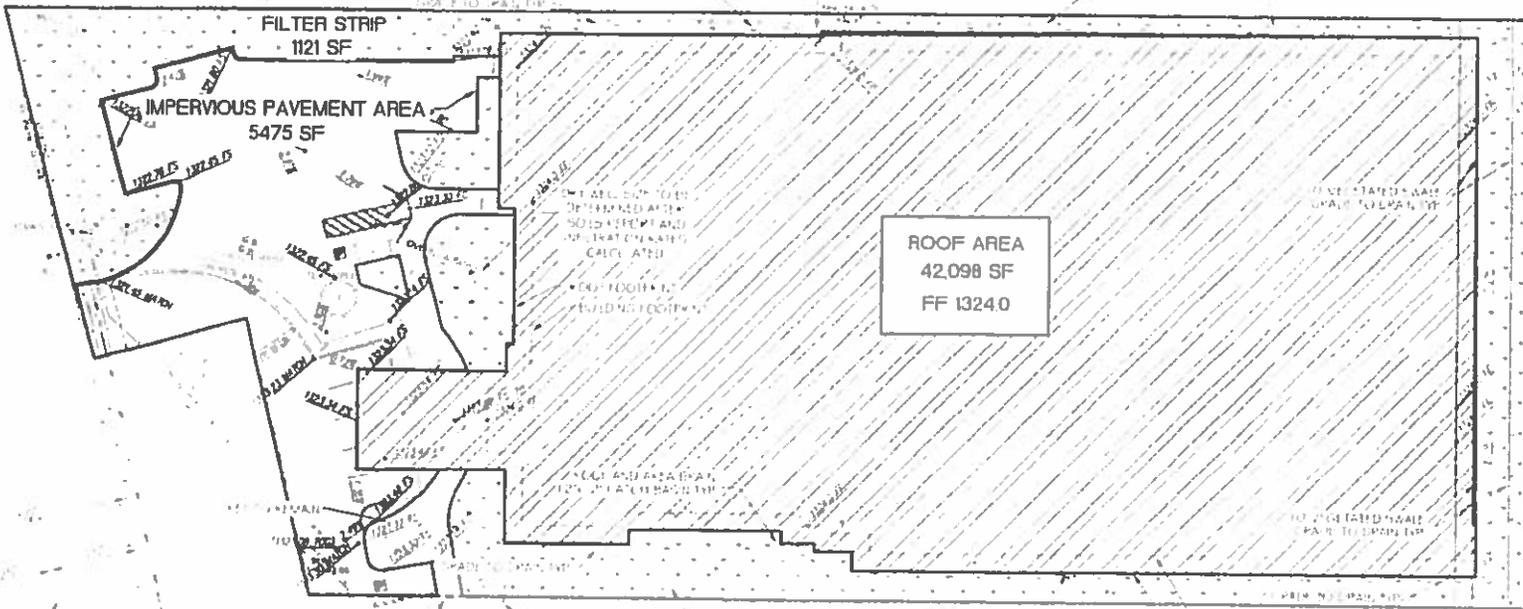
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Appendix E



028 AC PERVIOUS LANDSCAPING AREA

DRAINAGE NOTES

- 1. ALL DRAINAGE AREAS SHALL BE DESIGNED TO DRAIN TO THE PERVIOUS LANDSCAPING AREA.
- 2. THE PERVIOUS LANDSCAPING AREA SHALL BE MAINTAINED AS SUCH AND NOT COVERED OR PAVED.
- 3. THE FILTER STRIP SHALL BE MAINTAINED AS SUCH AND NOT COVERED OR PAVED.
- 4. THE IMPERVIOUS PAVEMENT AREA SHALL BE MAINTAINED AS SUCH AND NOT COVERED OR PAVED.
- 5. THE ROOF AREA SHALL BE MAINTAINED AS SUCH AND NOT COVERED OR PAVED.
- 6. THE PERVIOUS LANDSCAPING AREA SHALL BE MAINTAINED AS SUCH AND NOT COVERED OR PAVED.
- 7. THE FILTER STRIP SHALL BE MAINTAINED AS SUCH AND NOT COVERED OR PAVED.
- 8. THE IMPERVIOUS PAVEMENT AREA SHALL BE MAINTAINED AS SUCH AND NOT COVERED OR PAVED.
- 9. THE ROOF AREA SHALL BE MAINTAINED AS SUCH AND NOT COVERED OR PAVED.
- 10. THE PERVIOUS LANDSCAPING AREA SHALL BE MAINTAINED AS SUCH AND NOT COVERED OR PAVED.

PROPOSED SITE AREA IS 165 ACRES

RECORD DRAWING



AS ENGINEER
 HEADQUARTERS
 PRELIMINARY DRAINAGE + GRADING PLAN

PRELIMINARY

MFR-20 to MFR-30 Zone Change

Traffic Impact Analysis

January 27, 2017

Prepared By:

SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC



I. EXECUTIVE SUMMARY

Summary

Southern Oregon Transportation Engineering, LLC prepared a traffic impact analysis for a proposed zone change from multi-family residential (MFR-20) to multi-family residential (MFR-30) in Medford, Oregon. The development is located along the east side of Poplar Drive north of Morrow Road on 4.52 acres at Township 37S Range 1W Section 18C, tax lot 1362.

Access to the site is provided from Poplar Drive through two existing driveways. Proposed MFR-30 zoning will allow up to 144 units, which is estimated to generate 958 average daily trips (ADT), with 89 trips occurring during the p.m. peak hour. The site currently has a retirement community residing on it (Royal Oaks), which generates 41 p.m. peak hour trips. Distribution of the remaining 48 net new trips to the transportation system is shown to impact one intersection (Morrow Road & Poplar Drive) involving collectors and arterials with 25 or more peak hour trips.

Study area intersections and development driveways were evaluated under existing year 2017 and design year 2019 no-build and build conditions to determine what impacts the proposed zone change will have on the transportation system.

Conclusions

The findings of the traffic impact analysis conclude that the proposed zone change from MFR-20 to MFR-30 on 4.52 acres at Township 37S Range 1W Section 18C, tax lot 1362 in Medford, Oregon can be accommodated on the existing transportation system without creating adverse impacts. Intersection operations and safety was evaluated to address development impacts to the surrounding area. Results of the analysis show the following:

1. All study area intersections operate acceptably under existing year 2017 and design year 2019 no-build and build conditions during the p.m. peak hour.
2. There were no safety concerns as a result of 95th percentile queue lengths or crash histories.
3. Sight distance is shown to be adequate from existing development driveways.
4. Left and right turn lane criterion is not shown to be met on Poplar Drive at either development driveway.

The proposed zone change is in compliance with the Medford Comprehensive Plan pursuant to Medford Land Development Code 10.227(1) and Goal No. 3, Policy 1 of the Public Facilities Element. Streets that serve the subject property will accommodate projected p.m. peak hour traffic volumes within acceptable levels of service.



City of Medford

PUBLIC WORKS - ENGINEERING & DEVELOPMENT

MEMORANDUM

Date: February 8, 2017

To: Doug Burroughs, Development Services Manager
Kim Parducci, Southern Oregon Transportation Engineering

From: Peter Mackprang, Associate Traffic Engineer

Subject: MFR20 to MFR30 Zone Change 271W18C1362 4.52 Acre Poplar Dr

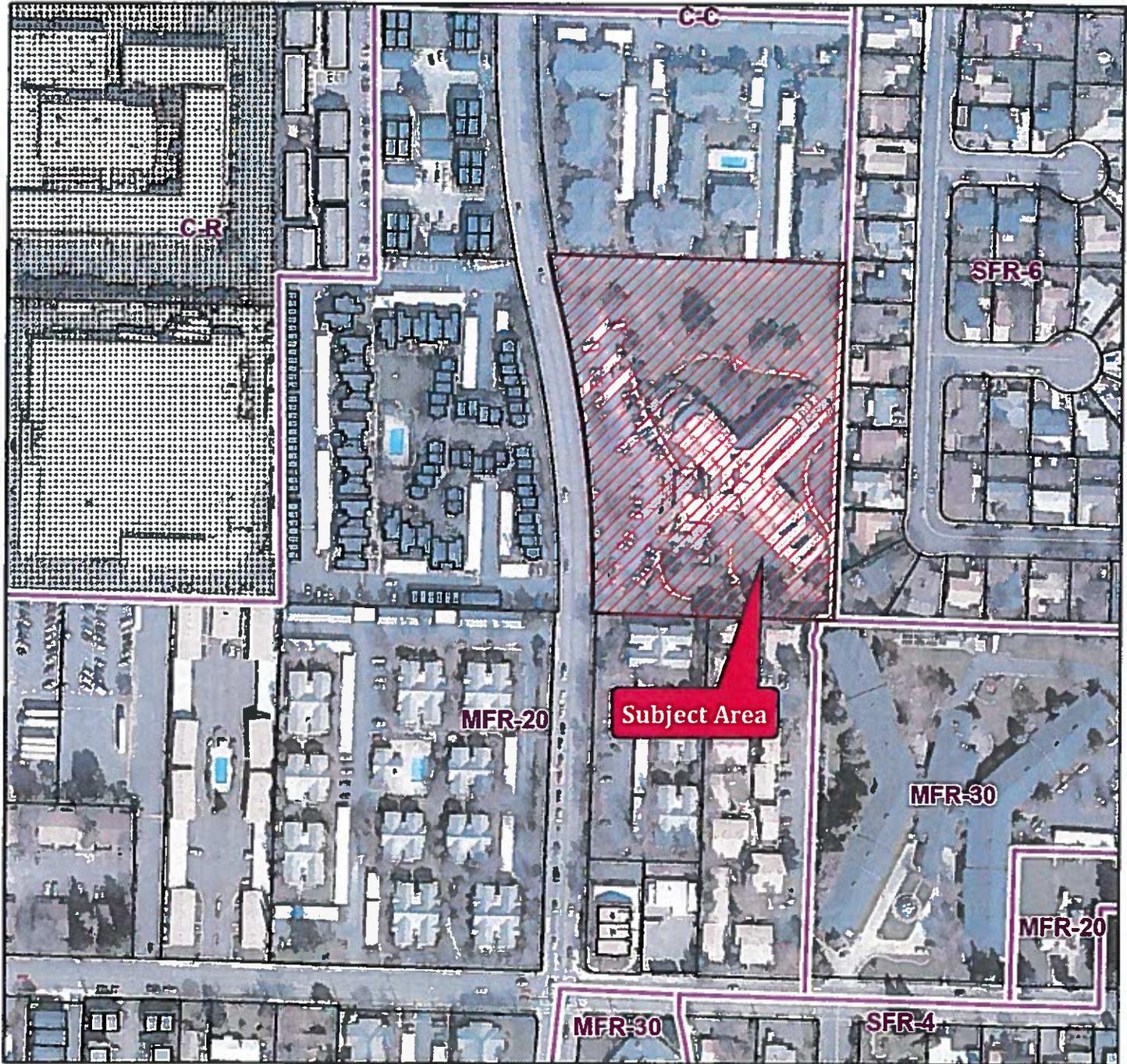
RECEIVED

FEB 08 2017

PLANNING DEPT.

Public Works received a Traffic Impact Report from Southern Oregon Transportation Engineering LLC, dated January 27, 2017, titled "MFR-20 to MFR-30 Zone Change" for parcel 371W18C1362 consisting of 4.52 acres (4.82 ac gross). The trip generation for the full potential zone change can be supported by the transportation system without mitigation.

Traffic Engineering recommends approval without further conditions from traffic engineering.



Project Name:

Weatherly Inn Medford, LLC

Map/Taxlot:

371W18C TL 1362



03/06/2017

Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots

