

PLANNING COMMISSION AGENDA APRIL 28, 2016



Commission Members

Tim D'Alessandro
David Culbertson
Joe Foley
Bill Mansfield
David McFadden
Mark McKechnie
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 28, 2016

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-16-004 Final Order for a request of tentative plat approval for Rancho McMillan Subdivision, a four lot residential subdivision on a 0.95 acre parcel located on the north side of Lone Pine Road, approximately 1,100 feet west of North Foothill Road, within the SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district. (Michael McMillan, Applicant; Scott Sinner Consulting, Inc., Agent)
- 20.2 CUP-16-007 Final Order for a request of a Conditional Use Permit to allow the further development of a parking lot, playground, picnic shelter, internal path system, path lighting, a multi-use field, a site drainage system, landscaping, irrigation, other park amenities and two new tax lots for Kennedy Park, situated on five parcels totaling approximately 8.49 acres located at the southwest corner of the intersection of Delta Waters Road and Springbrook Road, within a SFR-4 (Single Family Residential – 4 dwelling units per acre) zoning district. (City of Medford, Parks and Recreation Department, Pete Young, Applicant/Agent)
30. Minutes
- 30.1 Consideration for approval of minutes from the April 14, 2016, hearing.
40. Oral and Written Requests and Communications
50. Public Hearings – Old Business
- 50.1 DCA-16-019 Consideration of a Class “A” legislative code amendment to amend Chapter 10 of the Municipal Code revising the site development standards (i.e. front and side yards, lot coverage, and exceptions to yard requirements) for single family residences and duplexes. (City of Medford, Applicant)
- Public Hearings – New Business
- 50.2 LDP-16-012 / E-16-034 Consideration of a request to create three lots on a 0.74 acre parcel, and an exception request for the elimination of sidewalk, curb, gutter and street paving improvements. The parcel is located south of the intersection of East Main Street, Fair Oaks Drive and White Oak Drive, within the SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district. (Adderson Builders Inc., Applicant; Polaris Land Surveying, LLC, Agent)
- 50.3 PUD-05-025 Consideration of a request for a revision to Bella Vista Planned Unit Development to allow a six-foot cedar fence to be located adjacent to East

McAndrews Road along Lots 11-17 of Phase 2, located between Palermo Street and East McAndrews Road. (Pahlisch Homes, Inc., Applicant/Agent)

- 50.4 **PUD-00-116 / CUP-04-109 / LDS-16-045** / Consideration of a request for a revision to Stonegate Estates Planned Unit Development to 1) amend the exterior boundary of the PUD, 2) revise the Conditional Use Permit to allow riparian encroachments for a multi-use path, street, bridge, public storm water facilities, and utilities and 3) tentative plat review of Phases 2B, 2C, and 2D. The project is located on the east side of North Phoenix Road, north of Coal Mine Road. (Louie & Charles Mahar, Applicants; Richard Stevens & Associates, Clark Stevens, 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 TENTATIVE PLAT APPROVAL FOR)
)
RANCHO MCMILLAN SUBDIVISION [LDS-16-004]) ORDER

ORDER granting approval of a request for tentative plat approval for Rancho McMillan Subdivision.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.265 through 10.267; and
2. The Medford Planning Commission has duly held a public hearing on the request for consideration of tentative plat approval for Rancho McMillan Subdivision, a four lot residential subdivision on a 0.95 acre parcel located on the north side of Lone Pine Road, approximately 1,100 feet west of North Foothill Road, within the SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district, with the public hearing a matter of record of the Planning Commission on April 14, 2016.
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat approval and directed staff to prepare a final order with all conditions and findings set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for Rancho McMillan Subdivision stands approved per the Planning Commission Report dated April 14, 2016, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Planning Commission Report dated April 14, 2016.

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

Accepted and approved this 28th day of April, 2016.

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 Rancho McMillan Subdivision
Applicant: Michael McMillan; Agent: Scott Sinner Consulting, Inc.
FILE NO. LDS-16-004
DATE April 14, 2016

BACKGROUND

Proposal

Request for tentative plat approval for Rancho McMillan Subdivision, a four lot residential subdivision on a 0.95 acre parcel located on the north side of Lone Pine Road, approximately 1,100 feet west of North Foothill Road, within the SFR-4 (Single Family Residential – 4 dwelling units per gross acre) zoning district.

Subject Site Characteristics

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

Surrounding Site Characteristics

North

Zoning: SFR-4
Use: Single Family homes

South

Zoning: SFR-4
Use: Single Family Homes

East

Zoning: SFR-4
Use: Single Family Homes

West

Zoning: SFR-4
Use: Single Family Homes

Related Projects

A-76-081 Annexation (Ordinance # 82-4650)

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

Project Summary

The tentative plat submitted consists of a single phase development with four lots (Exhibit B). Lot 1 contains an existing single family home that is proposed to remain. All of the lots are proposed for single family development.

All proposed lots conform to the standards of the Medford Land Development Code for length, width, square footage, and lot frontage.

Density

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

Minimum Access Easement / Circulation

The subject property fronts upon Lone Pine Road. The tentative plat does not include the creation of new streets, as only a minimum access easement is proposed. Lot One has frontage from Lone Pine Road, while the remaining lots will front upon and take access from the minimum access easement.

Driveways off of higher order streets have to be minimized per Medford Land Development Code Section 10.550. However, since the beginning of the minimum access easement is proposed within the existing driveway for Lot One, the driveway will be allowed to remain since shared driveways are permissible.

Medford Land Development Code Section 10.450 states minimum access easements shall only be permitted when the approving authority finds that any of the following conditions exist: excess slope, presence of a wetland or other body of water which cannot be bridged or crossed, existing development on adjacent property, or the presence of a freeway or railroad. It also allows the approving authority to allow minimum access easements when it is not possible to create a street pattern which meets the design requirements for streets. In this case, the creation of a new street does not seem practical due to existing development to the north. In addition, the applicant submitted a conceptual circulation plan (Exhibit K). When the property to the west further develops, the existing portion of Thrasher Lane to the south would align directly with that property. The plan shows a potential extension of Thrasher Lane on the property to the west extending to Inglewood Drive to the north.

Turnaround

Minimum access easements are required to have a turnaround consistent with Medford Land Development Code Section 10.746(11). Although the tentative plat does not show a turnaround, one will be required on Lot Four as part of the development of that parcel in conjunction with a building permit for a single family home.

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

Staff has reviewed the Applicant's Findings and recommends the Commission adopt the findings as presented.

ACTION TAKEN

Directed staff to prepare a Final Order of Approval per the Planning Commission Report dated April 14, 2016, including Exhibits A through M.

EXHIBITS

- A Conditions of Approval dated April 7, 2016
- B Tentative Plat received March 11, 2016
- C Conceptual Grading & Utility Plan received March 11, 2016
- D Applicant's Findings of Fact received January 11, 2016
- E Applicant's Findings of Facts (Additional) received February 18, 2016
- F Public Works Report received April 6, 2016
- G Medford Fire Department Report received March 23, 2016
- H Medford Building Department memo received March 23, 2016
- I Medford Water Commission memo received March 23, 2016
- J Medford Irrigation District letter received March 11, 2016
- K Circulation Concept Plan received January 11, 2016
- L Jackson County Assessor's Map received January 11, 2016
- M Letter from Cheryl Grijalva received April 7, 2016
Vicinity map

MEDFORD PLANNING COMMISSION

Patrick Miranda, Chair

PLANNING COMMISSION AGENDA:

APRIL 14, 2016
APRIL 28, 2016

To: City of Medford Planning Department

SENT VIA EMAIL and USPS
RECEIVED

FR: Cheryl Grijalva, 3414 Lone Pine Road

APR 07 2016

Re: Response to Notice of Public Hearing File # LDS 16-004

PLANNING DEPT.

I live directly across from the proposed 4 Lot Subdivision. I have lived in my home for 23 years. I am a single woman who holds title to the home and have planned to retire here at my residence. With that said, I do not wish to have my property devalued in any way. I have many concerns regarding this proposal.

According to the proposal, the acreage is to be divided into 4 plots. This will allow for the building of 3 additional sites. At this point in time I am unaware if these houses will be **rentals** or **residential homes for sale**. According to Exhibit B... there is an access driveway on the east Side of the property. It does not appear that a **fire truck could access** these properties with the t turn that is proposed on the driveway. **The driveway appears very narrow.** Who will maintain this road?

Or will it become a "private driveway" Will this become county Maintained?

I do not see a provision for **Utilities and an easement** as such. How will utilities be obtained to sites, not under the road!

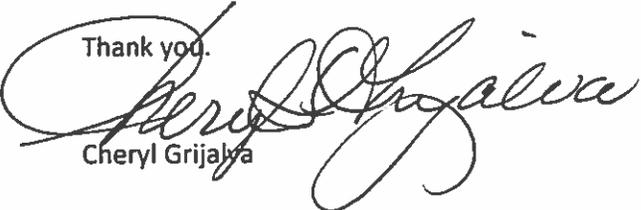
The new "street" will cause an **intersection** to appear and where egress and ingress will affect my front yard and home. Lone Pine is a main arterial street and another "intersection" is not in the best interests at this location.

Lone Pine is a two lane road. There is **NO parking** on the north (proposed) side of Lone Pine And there are **NO sidewalks**. This will directly impact my home, because there is no provision for **additional or overflow parking at the sites**. If the homes become rentals, 90% of the rentals are people who do not use the garages. Driveways are full and street parking is required. **Where are they going to park?**

Lastly, this will directly impact my home and property value in a negative way.

I am opposed to plan.

Thank you.


Cheryl Grijalva

CITY OF MEDFORD
EXHIBIT # M
File # LDS-16-004

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

IN THE MATTER OF PLANNING COMMISSION FILE CUP-16-007)
APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY) **ORDER**
CITY OF MEDFORD PARKS & RECREATION (PETE YOUNG))

ORDER granting approval of a request for a Conditional Use Permit to allow the further development of a parking lot, playground, picnic shelter, internal path system, path lighting, a multi-use field, a site drainage system, landscaping, irrigation, other park amenities and two new tax lots for Kennedy Park, situated on five parcels totaling approximately 8.49 acres located at the southwest corner of the intersection of Delta Waters Road and Springbrook Road, within a SFR-4 (Single Family Residential – 4 dwelling units per acre) zoning district, as provided for in the City of Medford's Land Development Code.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.246 and 10.247; and,
2. The Medford Planning Commission has duly held a public hearing on the matter of an application for a Conditional Use Permit to allow the further development of a parking lot, playground, picnic shelter, internal path system, path lighting, a multi-use field, a site drainage system, landscaping, irrigation, other park amenities and two new tax lots for Kennedy Park, situated on five parcels totaling approximately 8.49 acres located at the southwest corner of the intersection of Delta Waters Road and Springbrook Road, within a SFR-4 (Single Family Residential – 4 dwelling units per acre) zoning district, with a public hearing a matter of record of the Planning Commission on April 14, 2016.
3. At the public hearing on said application, evidence and recommendations were received and presented by the applicant's representative and Planning Department staff; and,
4. At the conclusion of said public hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded, granted a conditional use permit to allow the further development of a parking lot, playground, picnic shelter, internal path system, path lighting, a multi-use field, a site drainage system, landscaping, irrigation, other park amenities and two new tax lots for Kennedy Park, situated on five parcels totaling approximately 8.49 acres located at the southwest corner of the intersection of Delta Waters Road and Springbrook Road, within a SFR-4 (Single Family Residential – 4 dwelling units per acre) zoning district, and directed staff to prepare a final order with all conditions and findings set forth for the granting of a conditional use permit.

THEREFORE LET IT BE HEREBY ORDERED that the application of City of Medford Parks & Recreation (Pete Young) stands approved in accordance per the Planning Commission Report dated April 14, 2016.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for a Conditional Use Permit to allow the further development of a parking lot, playground, picnic shelter, internal path system, path lighting, a multi-use field, a site drainage system, landscaping, irrigation, other park amenities and two new tax lots for Kennedy Park, situated on five parcels totaling approximately 8.49 acres located at the southwest corner of the intersection of Delta Waters Road and Springbrook Road, within a SFR-4 (Single Family Residential – 4 dwelling units per acre) zoning district, is hereafter supported by the findings referenced in the Planning Commission Report dated April 14, 2016.

Accepted and approved this 24th day of April, 2016.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



PLANNING COMMISSION REPORT

for a Type-C quasi-judicial decision: Conditional Use Permit

PROJECT Kennedy Park – Conditional Use Permit
 Applicant: City of Medford Parks & Recreation
 Agent: Pete Young

FILE NO. CUP-16-007

DATE April 14, 2016

BACKGROUND

Proposal

Consideration of a request for a Conditional Use Permit to allow the further development of a parking lot, playground, picnic shelter, internal path system, path lighting, a multi-use field, a site drainage system, landscaping, irrigation and park amenities for Kennedy Park, situated on five parcels totaling approximately 8.49 acres located at the southwest corner of the intersection of Delta Waters Road and Springbrook Road, within a SFR-4 zoning district.

Subject Site Characteristics

Zoning SFR-4 (Single-Family Residential – 4 dwelling units per gross acre)
 GLUP PS (Parks and Schools) and UR (Urban Residential)
 Use Existing neighborhood park

Surrounding Site Characteristics

North	SFR-4	Single family homes
East	SFR-4	Single family homes
South	MFR-20	Multi-family homes (Ivanko Gardens Apartments)
West	SFR-4	Kennedy Elementary School

Related Projects

CUP-91-15 Kennedy School Park Master Plan

Applicable Criteria

CONDITIONAL USE PERMIT APPROVAL CRITERIA – MEDFORD LAND DEVELOPMENT CODE SECTION 10.248 & 10.249

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

- (1) The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.
- (2) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.

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

- (1) Limit the manner in which the use is conducted, including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- (2) Establish a special yard or other open space or lot area or dimension requirement.
- (3) Limit the height, size, or location of a building or other structure.
- (4) Designate the size, number, location, or nature of vehicle access points.
- (5) Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.
- (6) Designate the size, location, screening, drainage, surfacing, or other improvement of parking or truck loading area.
- (7) Limit or otherwise designate the number, size, location, height, or lighting of signs.
- (8) Limit the location and intensity of outdoor lighting, or require its shielding.
- (9) Require screening, landscaping, or other facilities to protect adjacent or nearby property, and designate standards for installation or maintenance thereof.
- (10) Designate the size, height, location, or materials for a fence.
- (11) Protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.

Development requiring the mitigation of impacts under Section 10.248(2), Conditional Use Permit Criteria, must do one (1) of the following:

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

ISSUES AND ANALYSIS

Background

The applicant's findings of fact provide a detailed account of the history associated with Kennedy Park (Exhibit B). The original Conditional Use Permit for Kennedy Park was approved in January of 1992, and the first phase of park construction was completed in 1994. Between 1998 and 1999, the City Council approved the realignment of Springbrook Road with Delta Waters Road, resulting in a loss of parkland. The realignment of Springbrook Road and the addition of two tax lots altered the original Conditional Use Permit and the Kennedy School Master Plan, and have prompted the need for this Conditional Use Permit.

Site Plan

As indicated on the assessors map, Kennedy Park consists of five tax lots totaling approximately 8.4 acres (Exhibit H). The southerly portion, consisting of tax lots 2600, 2900 and 3300, contains existing amenities such as a path system circling a soccer field and landscaped beds along the perimeter (Exhibit F). New proposals include extending the path to the north, surrounding a new multi-use field, and new connections to the proposed parking lot (consisting of 31 spaces) and the apartment complex to the south. The applicant also seeks to add a playground, picnic shelter, additional landscaping, park furnishings, storm drainage system, and path and parking lot lighting (Exhibit B).

Parking and Vehicle Trips

As mentioned above, a parking lot is included in this development proposal. Springbrook Road is classified as a Major Collector Street and does not provide on street parking. According to the Parks and Recreation Department's (PRD) Leisure Services Plan (LSP), a minimum of three parking spaces are required per acre of usable active park area. The Findings of Fact stipulate to 7.39 acres of usable active park area, giving a minimum requirement of 22 parking spaces. The proposed parking lot, located along the properties northeastern boundary, will have 31 spaces, 9 more than the minimum required. In addition, two four-bicycle parking stands will be provided.

The applicant has also demonstrated via average daily trips, that the proposed amount of parking spaces will be sufficient for this development. Expected average daily trips (ADT) for a city park are roughly 1.89 trips per acre. Exhibit "C" in the applicants findings

quantifies the total amount of acreage classified as usable active park area as 7.39 acres. Usable acres (7.39) multiplied by average daily trips for parks (1.89) gives the site the potential to generate approximately 14 vehicle trips per day, which is significantly lower than potential ADT at its existing single family residential zoning (SFR-4), and suggests that the 31 proposed parking spaces will adequately serve the anticipated 14 vehicle trips per day.

Streets

Street dedications and improvements were not identified as a requirement by the applicant. Springbrook Road was recently realigned and the northern portion adjacent to this development meets the City of Medford standards for a Major Collector Street. However, to the south, tax lots 2600 and 2900 front on Springbrook Road and will require dedications. Dedications will include approximately 5.5 feet of additional public right-of-way on Springbrook Road, and a 10-foot Public Utility Easement (PUE) along all frontages. No public improvements are required with this development (Exhibit C). A condition of approval has been included to comply with the Public Works Staff Report.

Storm Drainage

The report from the Public Works Department states that storm water quality and detention facilities shall be required in accordance with MLDC Sections 10.481 and 10.729. Also, a comprehensive grading and drainage plan shall be submitted with the building permit application for approval (Exhibit C).

Wetlands

A small portion of the new development has been identified by the applicant as jurisdictional emergent wetlands. A Wetland Delineation Report was prepared for the Kennedy Park project by Terra Science, Inc., and submitted to the Department of State Lands (DSL). The applicant has stipulated to acquire permits from the Department of State Lands and the United States Army Corps of Engineers (USACE) for wetland mitigation prior to issuance of City of Medford building permits (Exhibit B).

Landscaping and Buffering

The trees and landscaping in the existing park facility will be preserved following the instructions detailed in the City of Medford Tree Protection Plan. New landscape beds will be developed in and around the parking lot and along most of the park boundary. Existing fencing surrounds most of the property and will remain. The only portion of the new development that will not be fenced is the frontage of the proposed parking area along Springbrook Road.

Structures

The only structure proposed is a single story picnic shelter on tax lot 3300 near the existing pathway. The height of the structure is to be similar to those of adjacent residential structures. Exhibit (L) of the applicants Findings of Fact provides an illustration of what the non-enclosed picnic shelter will resemble.

Signage and Lighting

One non-illuminated ground sign is proposed by the applicant, not to exceed 24 square feet, with a maximum height of 10 feet (Exhibit B). In a residential zone, Medford Land Development Code allows institutional uses one ground sign per street frontage. The sign is not to exceed 20 square feet, and can be a maximum of 5 feet in height. The Conditional Use Criteria, MLDC Section 10.248(7) does allow the Planning Commission to limit or otherwise designate the number, size, location, height, or lighting of signs. Similar sized signs have been permitted in other parks in Medford (Liberty Park, CUP-13-040), and staff has no objections with the sign as proposed by the applicant.

New lighting is proposed for both the walking path and the new parking area. A lighting detail was not included in the application for a Conditional Use Permit, but will be required when building permits are applied for. It was mentioned that new lighting will likely be consistent with that of other City of Medford Parks and Recreation neighborhood park projects and will meet the requirements of MLDC Section 10.764, for "Glare".

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

The applicant has sufficiently addressed criterion number 2 of the MLDC Section 10.248 which states, *"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 has reviewed the applicant's findings and conclusions (Exhibit B) and recommends the Commission adopt the findings as presented.

ACTION TAKEN

Adopt the findings as recommended by staff and directed staff to prepare a Final Order for approval of CUP-16-007 per the Planning Commission Report dated April 14, 2016, including Exhibits A through J.

EXHIBITS

- A Conditions of Approval
- B Applicant's Findings of Fact received January 29, 2016
- C Public Works Department Staff Report received March 30, 2016
- D Medford Fire Department Land Development Report received March 8, 2016
- E Medford Water Commission memo received March 14, 2016
- F Site Plan received January 29, 2016
- G Conceptual Stormwater Facility Plan received January 29, 2016
- H Jackson County Assessor Map received January 29, 2016
- I **ODOT email received April 7, 2016**
- J **Parks and Recreation pictures received April 14, 2016**
Vicinity map

MEDFORD PLANNING COMMISSION

Patrick Miranda, Chair

PLANNING COMMISSION AGENDA:

APRIL 14, 2016
APRIL 28, 2016

Tracy R. Carter

From: MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>
Sent: Thursday, April 07, 2016 2:48 PM
To: Tracy R. Carter
Subject: CUP-16-007

RECEIVED

APR 07 2016

PLANNING DEPT.

Tracy,

Thank you for sending agency notice of a consideration of a request for a Conditional Use Permit to allow the further development of a parking lot, playground, picnic shelter, internal path system, path lighting, a multi-use field, a site drainage system, landscaping, irrigation and park amenities for Kennedy Park, situated on five parcels totaling approximately 8.49 acres, located at the southwest corner of the intersection of Delta Waters Road and Springbrook Road, within a SFR-4 (Single Family Residential – 4 dwelling units per acre) zoning district. We reviewed this and determined that it would not significantly affect state transportation facilities under the State Transportation Planning Rule (OAR 660-012-0060) or State Access Management Rule (OAR 734-051-000). We have no further comments at this time.

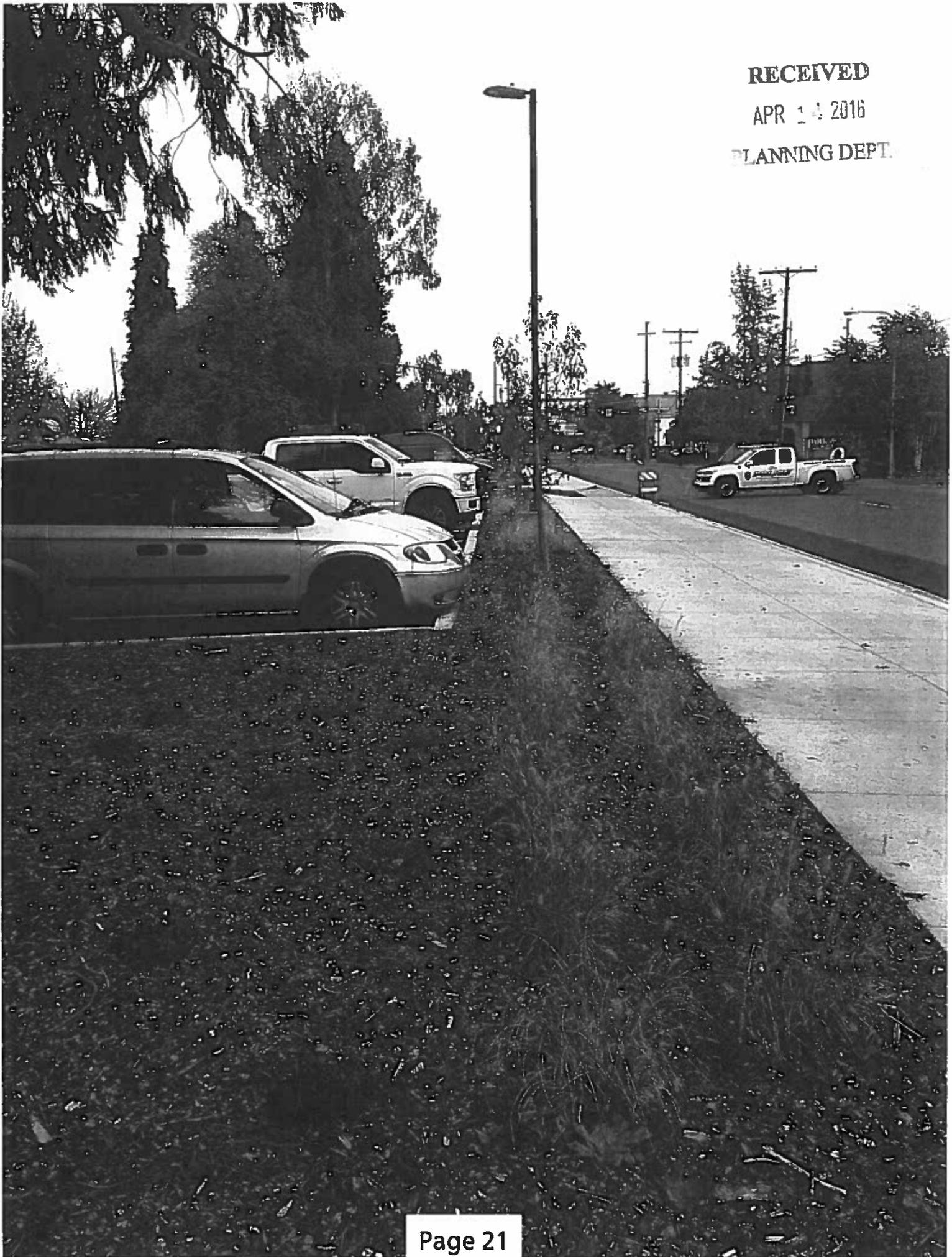
Don Morehouse
Senior Transportation Planner
ODOT Region 3, District 8 (Rogue Valley Tech Center)
Ph: (541) 774-6399
Fax: (541) 774-6349
Donald.Morehouse@odot.state.or.us

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APR 14 2016
PLANNING DEPT.

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CITY OF MEDFORD
EXHIBIT # J-2
File # CUP-16-007

RECEIVED
APR 14 2016
PLANNING DEPT.



2 of 2



Planning Commission

Minutes

From Public Hearing on **April 14, 2016**

The regular meeting of the Planning Commission was called to order at 5:33 PM in the City Hall Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Patrick Miranda, Chair
David McFadden, Vice Chair
Tim D'Alessandro
David Culbertson
Joe Foley
Bill Mansfield
Mark McKechnie
Jared Pulver

Staff Present

Jim Huber, Planning Director
Kelly Akin, Principal Planner
Eric Mitton, Senior Assistant City Attorney
Alex Georgevitch, City Engineer
Greg Kleinberg, Fire Marshal
Pete Young, Parks Planner
Terri Rozzana, Recording Secretary
Sarah Sousa, Planner IV
Tracy Carter, Planner II

10. Roll Call

20. Consent Calendar/Written Communications.

20.1 ZC-16-006 Final Order of a request for a change of zone from I-G (General Industrial) to C-H (Heavy Commercial) on approximately 2.36 acres located on the east side of Crater Lake Avenue approximately 700 feet south of Hollyhock Drive. (Blu Dutch LLC, Applicant; Richard Stevens & Associates, Inc., Agent)

20.2 LDS-15-044 Final Order of a request for approval of a 176-lot residential subdivision tentative plat revision, approved under application number LDS-15-044, for the purpose of modifying phase boundaries and amending underlying reserve lots. The subject 116.58 acre property is located entirely on the south side of Cedar Links Drive, approximately 1,000 feet west of North Foothill Drive within an SFR-4 zone district. (Cedar Investment Group LLC, Applicant; CSA Planning Ltd., Agent)

20.3 LDS-15-120 Final Order of a request for approval of a subdivision replat for Sky Lakes Village at Cedar Landing Phase 7A, in order to comport with requested modifications in the phase boundaries of the subdivision. The subject 116.58 acre property is located entirely on the south side of Cedar Links Drive, approximately 1,000 feet west of North Foothill Drive within an SFR-4 zone district. (Cedar Investment Group LLC, Applicant; CSA Planning Ltd.,/Craig Stone, Agent)

20.4 LDS -16-002 / E -16-003 Final Order of a request for tentative plat approval for Kasey Court Subdivision, a two phase, 6-lot residential subdivision with an exception to right of way dedication, on a 1.21 acre parcel located on the north side of Orchard

Home Court, approximately 375 feet east of Orchard Home Drive within a SFR-6 (Single-Family Residential – 6 units per acre) zoning district. (Suncrest Homes LLC, Applicant; Scott Sinner Consulting, Inc., Agent)

Motion: Adopt the consent calendar as submitted.

Moved by: Vice Chair McFadden

Seconded by: There was no second

Voice Vote: Motion passed, 8–0.

30. Minutes

30.1. The minutes for March 24, 2016, 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 – Continuance Request

50.1 DCA-16-019 Consideration of a Class “A” legislative code amendment to amend Chapter 10 of the Municipal Code revising the site development standards (i.e. front and side yards, lot coverage, and exceptions to yard requirements) for single family residences and duplexes. (City of Medford, Applicant). **Request to continue to April 28, 2016.**

Chair Miranda stated if there were members in the audience that have come to testify on this agenda item and cannot attend the Thursday, April 28, 2016, Planning Commission hearing, please come forward and the Planning Commission will hear their testimony at this time. Please keep in mind that it is possible that their questions may be answered when staff presents their staff report on Thursday, April 28, 2016. There will be no decisions made this evening on this agenda item.

Chair Miranda inquired whether staff had any comments. There were none.

The public hearing was opened and there being no testimony the public hearing was closed.

Motion: The Planning Commission at staff’s request continues DCA-16-019 to the Thursday, April 28, 2016, Planning Commission meeting, to finalize the proposal.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Voice Vote: Motion passed, 8-0.

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

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner McKechnie reported that Mr. Sinner is his neighbor but it would not affect his decision on this application.

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

Sarah Sousa, Planner IV, read the land division criteria and gave a staff report.

Commissioner McKechnie asked if a minimum access easement is allowed to access three lots? Ms. Sousa replied that is correct. Commissioner McKechnie stated that it looks like four lots on the plan are accessing. Ms. Sousa replied that Public Works viewed this as a shared driveway. Lot 1 will not have to eliminate their existing driveway. There will be a portion of the driveway that is shared with the minimum access. Commissioner McKechnie reported that it is his opinion that it does not look like it meets the criteria. Ms. Sousa stated that the applicant's agent can address Commissioner McKechnie's concern.

The public hearing was opened.

a. Scott Sinner, Scott Sinner Consulting, Inc., P. O. Box 4368, Medford, Oregon, 97504-9343. Mr. Sinner reported that the applicant agrees with the staff report and meets the approval criteria. Mr. Sinner addressed Commissioner McKechnie's question stating that there is a conflict in Code because Lone Pine is a higher order street; it is a collector. They have access management constraints. There is an existing driveway approach that is approximately 34 feet wide. The applicant believes they can accommodate the 20 foot minimum access easement in this approach and still have the 12 feet for the single family dwelling meeting the access requirements.

Mr. Sinner addressed the concerns from the neighbor that submitted the letter stating that there are no criteria that restricts or controls rental versus homeowner occupied in any zoning district.

Regarding fire truck access the City of Medford Fire Department provided comments what will happen with the access. They had a requirement of a 25 or 30 foot radius coming in the minimum access. The plat may show 20 or 25 feet. The applicant is stipulating to comply with the Fire Department's request. That will allow fire service down to the first two lots. The rear lots will be protected by residential fire sprinklers.

The driveway is very narrow. It is a 20 foot wide minimum access easement that is the Code requirement. There is no maintenance responsibility for the City. It is maintained by the private owners.

There will be sidewalks. Two of the lots are larger than the lot that the neighbor is concerned about.

Chair Miranda stated that Mr. Sinner addressed each of the items except parking. Mr. Sinner reported that the applicant is providing parking on the lots.

b. Dean Weitman, 3228 Eucalyptus, Medford, Oregon, 97504. Mr. Weitman stated that he has concerns of where the rain water will go.

Vice Chair McFadden asked Alex Georgevitch, City Engineer, to address the drainage issue. Mr. Georgevitch stated that at this point the applicant has provided a conceptual drainage plan. The Public Works staff report requires a comprehensive drainage plan. The applicant has shown there will be a pond on the north side of Lot 4. The site will be designed to capture the 10 year storm water.

Mr. Sinner added to Mr. Georgevitch's comments. The applicant is required by Code to have detention and treatment of storm water. Those will be designed and reviewed. They will have a trench system to contain and control the release of the water before it leaves the site.

The public hearing was closed.

Motion: The Planning Commission directs staff to prepare a Final Order for approval of LDS-16-004 per the staff report dated April 7, 2016, including Exhibits A through M.

Moved by: Vice Chair McFadden Seconded by: Commissioner D'Alessandro

Commissioner Mansfield congratulated the applicant for bringing this project in. It helps the density requirements.

Voice Vote: Motion passed, 8-0.

50.3 CUP-16-007 Consideration of a request for a Conditional Use Permit to allow the further development of a parking lot, playground, picnic shelter, internal path system, path lighting, a multi-use field, a site drainage system, landscaping, irrigation, other park amenities and two new tax lots for Kennedy Park, situated on five parcels totaling approximately 8.49 acres located at the southwest corner of the intersection of Delta Waters Road and Springbrook Road, within a SFR-4 (Single Family Residential – 4 dwelling units per acre) zoning district. (City of Medford, Parks and Recreation Department, Pete Young, Applicant/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.

Tracy Carter, Planner II, read the conditional use permit criteria and gave a staff report.

Vice Chair McFadden asked what were the hours of operation for the park? Mr. Carter reported that the hours of operation for the park are 6:00 a.m. to 10:30 p.m.

Commissioner McKechnie asked where were the wetlands located? Mr. Carter stated they are located in the northern portion. It was .24 acres that is not considered locally significant.

The public hearing was opened.

a. Pete Young, City of Medford Parks and Recreation, Parks Planner, 721 Columbus, Medford, Oregon, 97501. Mr. Young presented a color rendering of what their intentions are for the landscaping of the Park. The parking lot will be fully landscaped with shrubs and trees as required in the Code. The Park will have a multi-purpose field area. At the northern portion of the Park there will be a buffer as well as a storm water infrastructure that they can pull surface water off the field. There used to be a spring in the northern portion of the Park that has plagued the Parks and Recreation Department and neighbors for years. Water will be pulled to the eastern water detention facility. There is a concrete form that will be utilized for swings and another little feature. There will also be a shelter for people gathering. Grant money will be used for the installation of lighting for the Park.

Commissioner D'Alessandro asked if consideration was given of the distance between the abutting fenced properties and the height of the trees for their security? Mr. Young reported that from the ground to the bottom branches is where the risk is. That is a problem but Parks raises the canopies.

Commissioner D'Alessandro asked if the Park was opened to the school grounds? Mr. Young stated that they do not fence anyone out. If anyone wants to put a gate to their park lands Parks is certainly open to that. There is a gate and it is up to the school district as to whether they will keep that gate opened or locked. He believes that currently it is unlocked.

b. Steven Kelly, 2330 Delta Waters Road, Medford, Oregon, 97504. Mr. Kelly goes through two pumps a year. He has 2 and 5 inches of water underneath his home all year. The City came out three years ago and ran a ditch to run off some of the surface water. It did help somewhat. Mr. Kelly has concerns with the maintenance between the fences of the property owners and the fence for the Park. Who will be responsible

for the maintenance? Another concern of his is the Park lighting shining into his master bedroom. Are the trees going to be far enough from the fence line that he will not have all the leaves in his backyard?

c. Van Castleman, 2379 Bell Court, Medford, Oregon, 97504. Mr. Castleman reported that the fence to the west is the property of Kennedy School. The gates that access the park are locked only in the off hours. Mr. Castleman is in favor of the Park but with that said he is concerned with the state of the Park that it currently is in and the inability of the Parks Department to maintain the infrastructure that is already there. This year the grass had gone to seed before they mowed it. The mowing they are able to do with the rotary mowers leaves the grass lying on top of the grass to rot. The current path that goes around the Park when individuals come to pick up the refuse has the inability to stay on the path. The sprinkler system is not set. They run a large period of time during the evening and cause some of the flooding. The parking lot is a good idea. His main concern is the maintenance.

Mr. Young reported that the Mr. Castleman is correct about the school installing the fence on the west side. The Parks Department is accustomed to the variation of the fence type around their parks and is hoping they will not be asked to improve the fence that is already there. It seemed to him in good condition. Mr. Young has never seen the lawn area get so tall that it looks like a pasture. The irrigation of the site is challenging when there is a hard pan right below the soil. It is his opinion that by address the storm drainage it will make it easier for the water manager. The irrigation is run on a controller. He apologized to the neighbors if there have been errors. He would love to work with the neighbors for the selection and placement of the trees and landscaping. They will not create added maintenance for the neighbors. The path is long past its lifespan. They plan to make the path wider.

Chair Miranda stated there was a comment earlier about lighting. What lights are going to be used and the height standard? Mr. Young reported they are 12 feet tall that directs light downward. They are illuminated but there is no brightness to the illumination.

Commissioner Pulver asked if the lighting was synchronized with the Park hours? Mr. Young reported that typically they leave the lights on all night for vandalism and park security.

Commissioner McKechnie asked if the lighting has the option that would provide a shield on the backside to limit the backwash if it turned out to be an issue with the neighbors? Mr. Young stated that he did not know. They are willing to do that if the technology is out there.

Commissioner McKechnie asked if it was fair to say that the Parks Department does not fence their Parks? That whatever fence is there belongs to someone else? Mr. Young reported that the only fence that he remembers putting in is when they want to keep

children from running out into the street at the end of the soccer field at Fichtner-Mainwaring and Liberty Park. Typically they do not build a fence around park property.

Commissioner McKechnie asked if a fence needs to be replaced does the Parks Department share with the neighbors to fix it? Mr. Young reported they would work as good neighbors.

The public hearing was closed.

Motion: The Planning Commission has determined that this development complies with Criterion 2 of the Conditional Use Permit plan and that it is in the public interest. Although the development may cause some adverse impacts the Planning Commission believes the conditions have been posed to produce a balance between the conflicting interests. The Planning Commission adopts the findings presented as recommended by staff and directs staff to prepare a Final Order for approval of CUP-16-007 per the staff report dated April 7, 2016, including Exhibits A through I.

Vice Chair McFadden stated that he encourages all parties meet to deal with landscaping and plant selection. It is his opinion that the neighbors will find that the Parks Department is responsive to input and are willing to help. If there have been lapses in maintenance in the past, he hopes with extended development of this Park, maintenance will become easier for the City.

Moved by: Vice Chair McFadden Seconded by: Commissioner McKechnie

Voice Vote: Motion passed, 8-0.

60. Reports

60.1 Site Plan and Architectural Commission.

Commissioner D'Alessandro reported that the Site Plan and Architectural Commission met on Friday, April 1, 2016, considering plans for a 9,181 square foot Discount Tire Store on a 1.22 acre lot located on the north side of Crater Lake Highway at the Delta Center. The application was approved.

60.2 Report of the Joint Transportation Subcommittee. None.

60.3 Planning Department

Kelly Akin, Principal Planner, stated that Commissioner Fincher has resigned. If anyone knows of someone interested in applying to the Planning Commission please refer them to the City's website or the City Manager's Office.

The Planning Commission's next study session is scheduled for Monday, April 25, 2016. There is no business at this time but staff will keep the Commission informed.

There is business scheduled for the Planning Commission on Thursday, April 28, 2016, Thursday, May 12, 2016, and Thursday, May 26, 2016.

Last week there was no business from the Planning Department to City Council.

On Thursday, April 21, 2016, the City Council will hear a right-of-way vacation that the Planning Commission recommended on Second Street between the Railroad tracks and Front Street.

70. Messages and Papers from the Chair.

70.1 Chair Miranda stated that Commissioner Fincher was one of three Planning Commission liaisons to the Joint Transportation Subcommittee. His resignation leaves a vacancy that needs to be filled. If any Commissioner is interested in filling that position please let him, Terri or Kelly know before the next Planning Commission hearing and he will make the appointment at that meeting.

80. Remarks from the City Attorney. None.

90. Propositions and Remarks from the Commission. None.

100. Adjournment

The meeting was adjourned at 6:54 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 28, 2016



STAFF REPORT

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

Project Residential Site Development Standard changes for Detached Single-family & Duplexes

File no. DCA-16-019

To Planning Commission *for 04/28/2016 hearing*

From Carla Angeli Paladino, Planner IV

Reviewer John Adam, AICP, Principal Planner

Date April 21, 2016

BACKGROUND

Proposal

A legislative amendment to modify how side-yard setbacks are calculated for detached single-family residences and duplexes. In addition, the proposal amends the development standards related to lot coverage, front yard building setback, rear yard setback, and exceptions for mechanical equipment. The changes occur in Sections 10.705, 10.707, 10.710, and 10.713 (see Exhibit A).

History

The original proposal to amend the side-yard setback calculation was identified as a housekeeping amendment in 2015. Staff discussed two staff options and an option submitted by CSA Planning during a study session with the Planning Commission on September 14, 2015. The concept to change the code and simplify the process was supported by the Planning Commission but it was suggested staff discuss the issue with the building community to find a workable solution.

A small working group of community representatives was established to work on the topic and draft code language. The members of the group included Jay Harland, Jeff Mayfield, Eric Peterson, and John Chmelir along with Medford planning staff. The group met over the course of four meetings and came up with an agreeable proposal.

On January 25, 2016, the revised draft was presented to the Planning Commission (see Exhibit B). Some minor changes were suggested that have been incorporated into the proposal, as well as updated illustrations.

The amendment was then provided to all applicable City and outside agencies for comments in March. Medford Fire voiced concerns regarding the proposed reduction in setbacks to the side and rear yards (See Exhibit C, dated March 14, 2016). Planning and Fire staff met to discuss alternative options and a modified version was agreed upon (Option 2).

These changes raised questions among the members of the working group so a subsequent meeting was held with all parties. A compromise was made that would provide a voluntary allowance for a reduction to the eight-foot setback if additional protections are provided to the reduced-setback side of the structure (Option 3).

Planning forwarded the updated language to the Building Department seeking assistance in using the appropriate terminology and materials to allow this reduction and seek assistance in regulating this provision at the time of plan review and inspection. Because the proposed code provisions would require more than the Building Code requires, Planning, Fire, and Building staff met to discuss the implications of the proposed language. At the same time an opinion from the State Building Codes Division was sought and one opinion was received. (See Exhibit D, e-mail dated April 15, 2016). Subsequent changes requested from the Fire Department were also received (See Exhibit E, dated April 15, 2016).

The three departments met again to go over the Building Code Division's comments and discuss how to proceed. It was decided that the allowance to reduce the eight-foot setback would be removed from the proposal and final changes from the Fire Department would be incorporated (Option 4).

It should be noted that other issues regarding setbacks for homes in steep slope areas have been raised and discussed with the Fire Department. This amendment does not address modifying setbacks for properties in steep slope areas. A subsequent amendment would need to be initiated to address these concerns specifically.

The proposed text reflects Option 4. The evolution of the setback portion of the proposal is provided in the table below.

Building Height	Existing Setback in Feet (4 ft. + ½ ft. over 15 ft.)	Proposed Setback in Feet (6=SFR-00, SFR-2, SFR-4) (5= SFR-6, SFR-10) Working Group & Planning Staff Option 1	Proposed Setback in Feet (6=SFR-00, SFR-2, SFR-4) (5= SFR-6, SFR-10) Planning & Fire Staff Option 2	Proposed Setback in Feet (6=SFR-00, SFR-2, SFR-4) (5= SFR-6, SFR-10) Working Group, Planning & Fire Option 3	Fire, Building, and Planning Option 4
15	4	4	4	4	4
16	4.5	4	4	4	4
17	5	5 or 6	5 or 6	5 or 6	4
18	5.5	5 or 6	5 or 6	5 or 6	4
19	6	5 or 6	5 or 6	5 or 6	6
20	6.5	5 or 6	5 or 6	5 or 6	6
21	7	5 or 6	5 or 6	5 or 6	6
22	7.5	5 or 6	5 or 6	5 or 6	6
23	8	5 or 6	8	8**	8
24	8.5	5 or 6	8	8**	8
25	9	5 or 6	8	8**	8
26	9.5	8	8	8**	8
27	10	8	10	10	10
28	10.5	8	10	10	10
29	11	8	10	10	10
30	11.5	8	10	10	10
31	12	8	12	12	12
32	12.5	8	12	12	12
33	13	8	12	12	12
34	13.5	8	12	12	12
35	14	8	12	12	12

**This setback may be reduced to six (6) feet if the structure is protected by a home fire sprinkler system or if all the following provisions are installed on the reduced setback side of the structure:

- 1) Non-combustible exterior wall covering material (such as Hardie Plank siding), material tested in accordance with NFPA 268, or other Fire Department approved alternate materials or methods
- 2) Metal roof gutters and downspouts
- 3) Non-combustible attic vents which resist building ignition of burning embers and flames through the ventilation opening.

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 core of this amendment is to modify and simplify how side-yard setbacks are calculated for detached single-family dwellings and duplexes. Currently, side and rear yard setbacks are determined by measuring the front wall of the building at its highest point (highest point is measured from ground level to the midpoint of the eave and peak of the roof). The base setback is four feet plus ½ foot for every foot over 15 feet in building height. A building height of 21 feet results in a side and rear yard setback of seven feet. This number however does not take into consideration varying elevation heights at the front wall of the building. For instance, a single-story garage attached to a two-story residence yields the same side-yard setbacks even though the garage height is shorter than the main structure. The amendment proposes to measure each side of the front wall of the building to account for such instances and more accurately reflect the setback measurement. In addition, it is proposed that an identified setback will be imposed for a set range of building heights rather than an individual calculation for each height measured. This also simplifies the calculation and makes the setback requirement uniform in different height ranges.

The working group discussed other changes in favor of making lots more buildable and requested standards already allowed in the Southeast Plan be carried forward for use in all parts of the City. Lot coverage maximums have been increased, front yard setbacks (with some exception to garage placement) have been reduced, and rear yards have been redefined providing more opportunity for better use of parcels and varying housing styles.

The final piece relates to the mechanical equipment and its placement along the exterior of the residence. The proposal would exempt the equipment from setbacks in residential zones with the caveat its placement still meets applicable building code requirements.

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 proposed changes are intended to benefit existing and new detached single-family and duplex dwelling construction. The changes increase the maximum lot coverage in specified zoning districts and decrease setbacks in all yards creating op-

opportunities for additions on existing dwellings and better design and layout of structures in new developments with varying lot sizes. The amendment clarifies how side-yard and rear setbacks are calculated for these housing types and the setback imposed is reduced in almost all cases.

Conclusions

The proposal serves to increase flexibility and use of parcels intended for single-family residences and duplexes. 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 goal noted below supports the topics covered with the proposed Development Code amendments.

Housing Element Goal: To provide for the housing needs of the citizens of Medford.

The proposed amendments support changes to the site development standards that relate to detached single-family dwellings and duplexes. The changes intend to clarify and standardize setback standards to provide better use of parcels and encourage a variety of housing styles (single story or multiple stories). Development standards already implemented in the Southeast Plan such as reduced front yard setbacks and increased lot coverage will be expanded to other areas of the City for use.

Conclusions

The proposed amendments address elements of the housing goals in the Comprehensive Plan. The revised development standards are intended to benefit detached single-family and duplex residences. This criterion is satisfied.

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

Findings

The proposal was provided to applicable referral agencies and departments identified in Section 10.146 of the Code as well as the Department of Land Conservation and Development. Meetings were held with the working group, Fire and Building Department staff to work out issues that arose during this process.

Final changes to the proposal were made based on these meetings and new information submitted.

Conclusions

The proposal was provided to applicable referral agencies and issues raised have been discussed and solutions identified. This criterion is satisfied.

3. *Public comments.*

Findings

The amendments are posted on the City's website for citizen review and comment. No formal comments have been received to date. Staff has mentioned these amendments to customers at the counter or those working on projects where the changes will provide a benefit to them. The responses have been favorable.

A working group made up of builders, developers, and consultants from the community along with planning staff was formed to draft and discuss these changes providing valuable input into the process.

The Planning Commission has also been informed about the changes and has provided feedback on the proposal.

Conclusions

The amendments have evolved since staff originally started working on the project. Input has been received from the development community and Planning Commissioners. This criterion is satisfied.

4. *Applicable governmental agreements.*

Findings

There are no governmental agreements that apply to the proposed code amendments.

Conclusions

This criterion is not applicable to this application.

RECOMMENDED ACTION

Based on the findings and conclusions that all of the approval criteria are either met or not applicable, initiate the amendment, and forward a favorable recommendation for adoption of DCA-16-019 to the City Council per the staff report dated April 21, 2016, including Exhibits A through E.

EXHIBITS

- A Proposed amendment
- B Planning Commission Study Session Minutes, January 25, 2016
- C Medford Fire Department comments dated March 14, 2016
- D E-mail from Sam Barnum regarding Building Code Division opinion dated April 15, 2016
- E E-mail from Fire Marshal Greg Kleinberg regarding changes to the proposed text dated April 15, 2016

PLANNING COMMISSION AGENDA: APRIL 28, 2016

Exhibit A

Proposed amendment

Deleted text is ~~struck through~~; added text is underlined

Key:

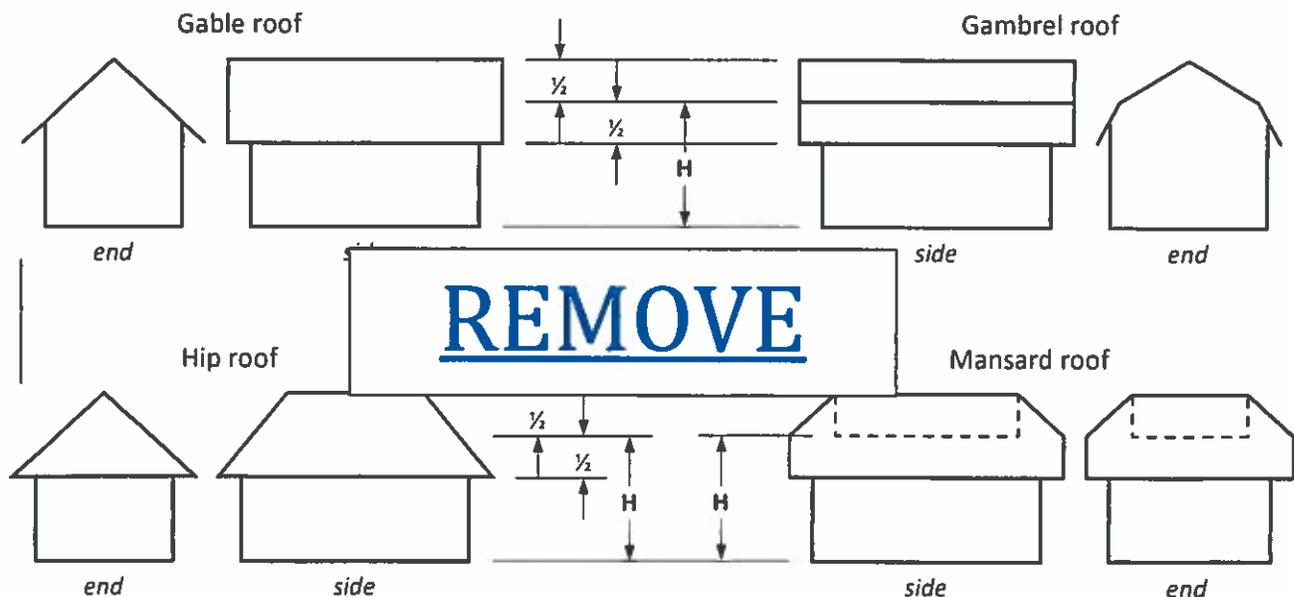
- Black Text = Existing Code Language
- ~~Red Text~~ = Existing Language to be removed
- Blue Text = New language

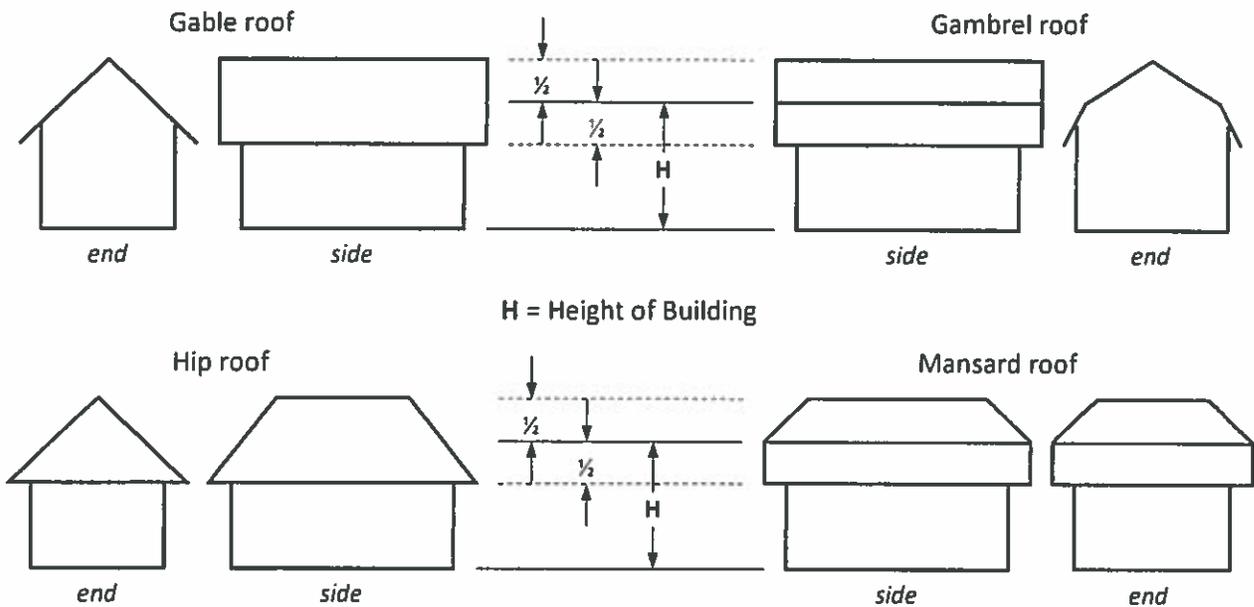
10.705 Building Height and Side-Yard Determination.

A. Calculation. Building height shall be determined by measuring the vertical distance from the average contact ground level at the front wall of the building to the highest point of the roof surface for flat roofs; ~~to the deck line of mansard roofs;~~ and to the average height between eaves and ridge for gable, hip, mansard, and gambrel roofs.

B. Exemptions - Building height limitations shall not apply to:

- (1) Chimneys, church spires, belfries, cupolas, flag poles, antennas, support structures and antennas for amateur radio operations (as per ORS 221.295), and other similar projections that are accessory to the permitted use.
- (2) Wireless communication transmission towers, which are subject to the Special Use Standards contained in Section 10.824.
- (3) Public utility service facilities, which are subject to the Special Use Standards contained in Section 10.830.





C. Determining Side-Yards for Detached Single-Family and Duplex Dwellings.

1) Side-yards are calculated using the building height measured at the adjacent contact ground level at the outside edges of the front wall of the building. The side-yard is measured from property line to the nearest vertical structural element (i.e. wall or post) of any area under roof cover.

2) The side-yard is based on the following building heights:

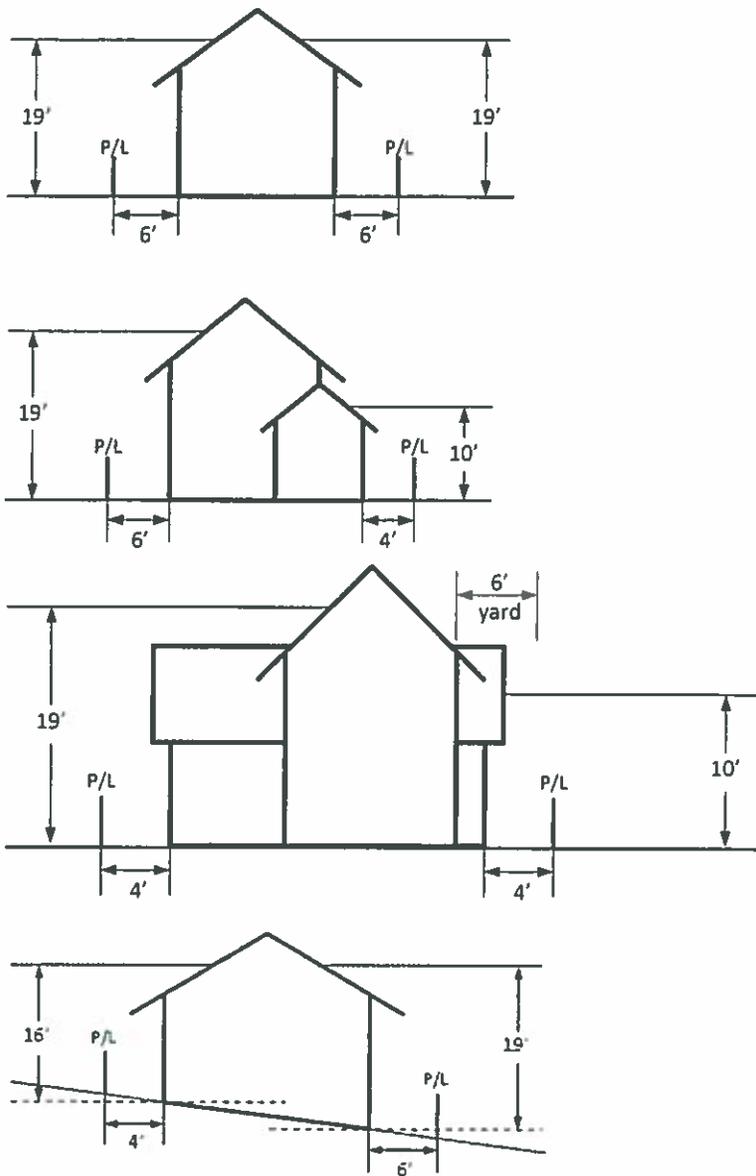
Table 10.705-1

<u>Building Height Range:</u>	<u>Required Yard:</u>
<u>0 – 18 feet</u>	<u>4 feet</u>
<u>19 – 22 feet</u>	<u>6 feet</u>
<u>23 – 26 feet</u>	<u>8 feet</u>
<u>27 – 30 feet</u>	<u>10 feet</u>
<u>31+ feet</u>	<u>12 feet</u>

Note: Height is rounded to the nearest whole number (up for numbers 0.5 and greater, and down for numbers less than 0.5)

Note: Minimum required yards allow for a maximum one-foot eave overhang. Required yards for buildings with an eave overhang greater than one foot shall be increased in direct correlation. (See Section 10.707).

Side-Yard Examples



[Amd. Sec. 1, Ord. No. 8207, Oct. 3, 1996; Amd. Sec. 1, Ord. No. 8349, May 1, 1997; Amd. Sec. 2, Ord. No. 1998-146, June 18, 1998; Amd. Sec. 9, Ord. No. 2012-137, Sept. 6, 2012; Amd. Sec. 3, Ord. No. 2013-30, Feb. 21, 2013.]

10.707 Exceptions to Yard Requirements.

A. **General Exceptions.** The following projections shall be permitted within the required yard area:

(1) Cornices, eaves, fireplaces, canopies, mechanical (heating and cooling equipment – not located in a residential zone), or other similar architectural features may extend a maximum of one foot into a required yard. In residential zones, mechanical (heating and cooling equipment) is exempt from the yard requirements but shall meet Building Code standards.

(2) Open uncovered accessory structures such as fire escapes, **patios**, porches, balconies, or outside stairways may extend a maximum of one foot into the required side and rear yard and a maximum of ~~six~~ **five** feet into a required front yard. Porches, decks or stoops which are open and uncovered and not exceeding 18 inches in height may be located within 18 inches of any lot line.

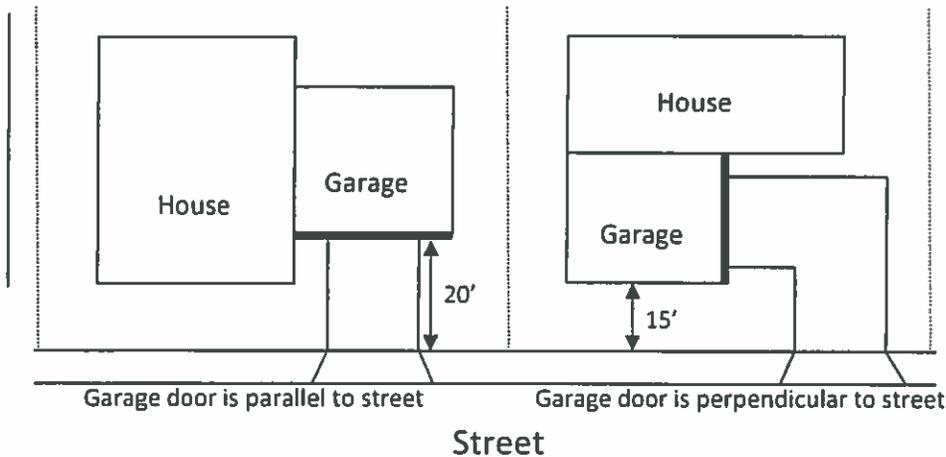
10.710 Detached Single-Family Dwellings.

The following standards apply to the development of detached single-family dwellings within the various residential districts. A manufactured home is considered a detached single-family dwelling only if the requirements of Article V, Section 10.900 are met. See Article III, Sections 10.308 through 10.312 for detailed descriptions of each residential zoning district and density factors, and Section 10.314 for conditional, special, and permitted uses.

DETACHED SINGLE-FAMILY DWELLINGS					
One detached dwelling unit per lot.					
DEVELOPMENT STANDARDS <u>Development Standards</u>	SFR-00	SFR-2	SFR-4	SFR-6	SFR-10
MINIMUM AND MAXIMUM DENSITY FACTOR RANGE (See <u>10.708</u>) <u>Minimum and Maximum Density Factor Range</u> (See <u>10.708</u>)	NA	0.8 to 2.0 dwelling units per gross acre	2.5 to 4.0 dwelling units per gross acre	4.0 to 6.0 dwelling units per gross acre	6.0 to 10.0 dwelling units per gross acre
LOT AREA RANGE (SQUARE FEET) <u>Lot Area Range (Square Feet)</u>	Land divisions not permitted in this zone	14,000 to 55,000	6,500 to 18,750	4,500 to 12,500	3,600 to 8,125
MAXIMUM COVERAGE FACTOR (See <u>10.706</u>) <u>Maximum Coverage Factor</u> (See <u>10.706</u>)	40%	35% of lot area	40 45 % of lot area can exceed 40 45 % when the building footprint is not more than 2,000 sq. ft.		50%
MINIMUM INTERIOR LOT WIDTH <u>Minimum Interior Lot Width</u>	NA	80 feet	60 feet	50 feet	40 feet
MINIMUM CORNER LOT WIDTH <u>Minimum Corner Lot Width</u>	NA	90 feet	70 feet	60 feet	50 feet
MINIMUM LOT DEPTH <u>Minimum Lot Depth</u>	NA	90 feet can count only half of an adjoining alley toward the lot depth			

DETACHED SINGLE-FAMILY DWELLINGS					
One detached dwelling unit per lot.					
DEVELOPMENT STANDARDS Development Standards	SFR-00	SFR-2	SFR-4	SFR-6	SFR-10
MINIMUM LOT FRONTAGE Minimum Lot Frontage	NA	30 feet EXCEPT Flag Lots which shall be 20 feet			
MINIMUM FRONT YARD BUILDING SETBACK Minimum Front Yard Building Setback	20-15 feet EXCEPT the garage shall be a minimum of 20 feet. 15 feet IF vehicular access to the garage is parallel to the street. If the garage door is perpendicular to the street then the minimum setback to the side wall of the garage is 15 feet. (See Garage Setback Diagram)				
MINIMUM STREET SIDE YARD BUILDING SETBACK Minimum Street Side-Yard Building Setback	10 feet EXCEPT 20 feet for vehicular entrances to garages or carports				
MINIMUM SIDE YARD BUILDING SETBACK Minimum Side-Yard Building Setback	4 feet PLUS ½ foot for each foot in building height over 15 feet 4 feet for 0–18 feet building height 6 feet for 19–22 feet building height 8 feet for 23–26 feet building height 10 feet for 27– 30 feet building height 12 feet for 31 feet or taller building height				
MINIMUM REAR YARD BUILDING SETBACK Minimum Rear Yard Building Setback	The rear yard is equal to the greater of the side yard setbacks calculated in §10.705(C), and not less than 4 feet, PLUS ½ foot for each foot in building height over 15 feet EXCEPT 10 feet IF the rear property line abuts a collector or arterial street EXCEPTION: If the rear property line abuts a collector or arterial street, or the parcel is a through lot, then the setback is a minimum of 10 feet				
MAXIMUM HEIGHT- Maximum Height (See 10.705)	35 feet				
BUFFER YARD SETBACK Bufferyard Setback	8 feet from bufferyard to any doors on a dwelling unit				
A detached single-family dwelling as a stand-alone use is permitted in the Multiple-Family Residential (MFR) zoning districts ONLY if the lot is nonconforming as to minimum lot area, width, or depth.					
<i>The terms used herein, such as lot width, lot depth, front yard, etc., are defined in Article I, Section 10.012.</i>					

Garage Setback Diagram:



[Amd. Sec. 3, Ord. No. 7037, Dec. 5, 1991; Amd. Sec. 1, Ord. No. 7428, July 15, 1993; Amd. Sec. 2, Ord. No. 7612, Apr. 7, 1994; Amd. Sec. 1, Ord. No. 7776, Dec. 1, 1994; Amd. Sec. 2, Ord. No. 7940, Aug. 3, 1995; Amd. Sec. 6, Ord. No. 8013, Jan. 4, 1996; Amd. Sec. 1, Ord. No. 8207, Oct. 3, 1996; Amd. Sec. 1, Ord. No. 98-56, March 19, 1998; Amd. Sec. 4, Ord. No. 2001-205, Oct. 18, 2001; Amd. Sec. 5, Ord. No. 2003-258, Sept. 18, 2003; Amd. Ord. No. 2006-65, Mar. 16, 2006; Amd. Sec. 23, Ord. No. 2009-207, Sept. 17, 2009.]

10.713 Duplex Dwellings.

The following standards apply to the development of duplex dwellings within the various residential districts. See Article III, Sections 10.308 through 10.312 for detailed descriptions of each residential zoning district and density factors, and Section 10.314 for conditional, special, and permitted uses.

DUPLEX DWELLINGS Two attached dwelling units on an individual lot or divided by a lot-line.						
DEVELOPMENT STANDARDS <i>Development Standards</i>	SFR-4	SFR-6	SFR-10	MFR-15	MFR-20	MFR-30
SPECIAL STANDARDS <i>Special Standards</i>	A duplex SHALL be divided by a lot-line AND be on a corner lot.	A duplex SHALL be divided by a lot-line.	A duplex need not be divided by a lot-line. A duplex is permitted on a lot if it meets the density calculation.	A duplex is permitted on lots between 5,000 and 12,500 square feet in size.		
MINIMUM AND MAXIMUM DENSITY FACTOR RANGE <i>Minimum and Maximum Density Factor Range</i> (See 10.708)	2.5 to 4.0 dwelling units per gross acre	4.0 to 6.0 dwelling units per gross acre	6.0 to 10.0 dwelling units per gross acre	10.0 to 15.0 dwelling units per gross acre	15.0 to 20.0 dwelling units per gross acre	20.0 to 30.0 dwelling units per gross acre
LOT AREA RANGE <i>(SQUARE FEET)</i> Lot Area Range <i>(Square Feet)</i>	8,500 to 18,750 each half	6,000 to 12,500 each half	6,000* to 12,500*	5,000* to 12,500*		

DUPLEX DWELLINGS						
Two attached dwelling units on an individual lot or divided by a lot-line.						
DEVELOPMENT STANDARDS <i>Development Standards</i>	SFR-4	SFR-6	SFR-10	MFR-15	MFR-20	MFR-30
MAXIMUM COVER-AGE FACTOR <i>Maximum Coverage Factor</i> (See 10.706)	40% 45%		50%			
MINIMUM INTERI-OR LOT WIDTH <i>Minimum Interior Lot Width</i>	75 feet each half	60 feet each half	50 feet*			
MINIMUM CORNER LOT WIDTH <i>Minimum Corner Lot Width</i>	75 feet each half	60 feet each half	60 feet*			
MINIMUM LOT DEPTH <i>Minimum Lot Depth</i>	90 feet					
MINIMUM LOT FRONTAGE <i>Minimum Lot Frontage</i>	15 feet each half			30 feet*		
MINIMUM FRONT YARD BUILDING SETBACK <i>Minimum Front Yard Building Setback</i>	20-15 feet EXCEPT the garage shall be a minimum of 20 feet, 15 feet IF vehicular access to the garage is parallel to the street <u>If the garage door is perpendicular to the street then the minimum setback to the side wall of the garage is 15 feet. (See Garage Setback Diagram above)</u>					
MINIMUM STREET SIDE YARD BUILDING SETBACK <i>Minimum Street Side Yard Building Setback</i>	10 feet EXCEPT 20 feet for vehicular entrances to garages or carports					
MINIMUM SIDE YARD BUILDING SETBACK <i>Minimum Side Yard Building Setback</i>	4 feet PLUS ½ foot for each foot in building height over 15 feet 4 feet for 0-18 feet building height 6 feet for 19-22 feet building height 8 feet for 23-26 feet building height 10 feet for 27-30 feet building height 12 feet for 31 feet or taller building height					
MINIMUM REAR YARD BUILDING SETBACK <i>Minimum Rear Yard Building Setback</i>	<u>The rear yard is equal to the greater of the side yard setbacks calculated in §10.705(C), and not less than 4 feet, PLUS ½ foot for each foot in building height over 15 feet EXCEPT 10 feet IF the rear property line abuts a collector or arterial street</u> EXCEPTION: <u>If the rear property line abuts a collector or arterial street, or the parcel is a through lot, then the setback is a minimum of 10 feet</u>					
MAXIMUM HEIGHT <i>Maximum Height</i> (See 10.705)	35 feet					
BUFFER YARD SETBACK <i>Bufferyard Setback</i>	8 feet from bufferyard to any doors on a dwelling unit					

DUPLEX DWELLINGS						
Two attached dwelling units on an individual lot or divided by a lot-line.						
DEVELOPMENT STANDARDS Development Standards	SFR-4	SFR-6	SFR-10	MFR-15	MFR-20	MFR-30
*Where the duplex is REQUIRED to be divided by a lot-line (SFR-4 and SFR-6), THEN the standards pertain to each half separately. For the other zoning districts, the * indicates standards that are divided in half IF the duplex is to be divided by a lot-line. Where the duplex is permitted without being divided by a lot-line, THEN two DETACHED dwelling units are permitted in lieu of the duplex.						
<i>The terms used herein, such as lot width, lot depth, front yard, etc., are defined in Article 1, Section 10.012.</i>						

[Amd. Sec. 21, Ord. No. 5820, March 19, 1987; Amd. Sec. 6, Ord. No. 5873, May 21, 1987; Amd. Sec. 6, Ord. No. 6231, Nov. 3, 1988; Amd. Sec. 5, Ord. No. 7612, April 7, 1994; Amd. Sec. 4, Ord. No. 7776, Dec. 1, 1994; Amd. Sec. 4, Ord. No. 7940, Aug. 3, 1995; Amd. Sec. 9, Ord. No. 8013, Jan. 4, 1996; Amd. Sec. 1, Ord. No. 8207, Oct. 3, 1996; Amd. Ord. No. 2003-149, June 5, 2003; Amd. Sec. 13, Ord. No. 2012-137, Sept. 6, 2012.]

Exhibit B

Planning Commission Minutes

Study Session, January 25, 2016

(Excerpt)

Carla Paladino, Planner IV, stated that last year as part of the Housekeeping Amendments, changes were proposed to how setbacks are calculated for single-family Residential dwellings. Several staff options and one option from CSA Planning were presented to the Planning Commission. From that discussion, the Commission was in favor of a change but there needed to be some input from the Development Community.

A working group was set up that reviewed the issue with the following members:

- Jay Harland, CSA Planning Ltd.
- John Chmelir, JCS Oregon, LLC
- Jeff Mayfield Cascade Design Studio
- Eric Peterson, Hayden Homes
- Planning Staff
 - Kelly Akin
 - Sarah Sousa
 - Tracy Carter

The group started off making changes to the setback requirements and added some additional modifications.

The draft proposal consists of:

- Modify side and rear yard setback requirements for single-family residential detached structures and duplexes.
- Increase maximum lot coverage
- Reduce front yard setback
- Exempt mechanical equipment from setbacks in residential zones

The current regulations are:

- Maximum height and setbacks determined off of front wall of building
- Base setback plus ½ foot for every 1 foot over 15 feet
- Same setback regardless of differing heights

The proposed amendment:

- Continue to measure using the front wall of the building
- Side yard setback based on height measured

<u>Height (in feet)</u>	<u>Yard (setback)</u>
0-16	4 foot
17-25	6 foot (SFR-00, 2, 4) or 5 foot (SFR-6, 10)
26+	8 foot

- Rear yard = 4 feet or greater of side yard setback; (10 feet if property abuts collector or arterial)
- Any height between 17-25 is either 5 feet or 6 feet depending on the zoning district.

Chair McFadden asked if the group discussed what to do when there is an alley? Ms. Paladino reported that the alley would be the same. It is a 4 foot setback.

Other proposed changes:

- Increase lot coverage
 - SFR-4 and SFR-6: 40% to 45% maximum lot coverage
 - SFR-10; MFRs: 40% to 50% maximum lot coverage
- Reduce front yard setback to 15 feet

Commissioner Foley stated that the front yard setback seemed short. Is that is a driveway leading up to the garage? Ms. Paladino stated that the garage would be a 20 foot setback. The 15 feet is basically the front door.

- Exempt mechanical equipment from setback
- Other general exceptions modified
- Thought: Change rear yard to 4 feet

Commissioner D'Alessandro asked if there was a consensus with the work group on what staff is presenting? Ms. Paladino reported that she likes it because it is easier. It may need some tweaking but they are getting there.

Kelly Akin, Principal Planner, stated that she discussed this with the current planners that use this the most. They agree it is much simpler. In the field it will be more practical and easier for the Building Department to manage.

Commissioner D'Alessandro stated that in the original discussion there was concern about the center of the house and not having a useable space on one side and maybe a walk-through on the other side in its current form. The general jest of that was so that

one could have a useable boat or RV parking on one side and have a narrower setback on the other side.

Commissioner Foley reported that one of the other issues was that with the current code one has to have a larger setback on both sides.

Commissioner McKechnie stated that he likes where this is headed. The diagrams are clear but he is not one hundred percent sure the language states what is being shown in the diagram. The second thing that disturbs him is that it does not deal with sloped lots. It is assuming that the lot is flat. Commissioner McKechnie suggested including sloped lots and how to calculate on the front to get a determination on how one is calculating it.

Ms. Akin asked Commissioner McKechnie how would one do that? Commissioner McKechnie reported that using the city to the south they take the middle point of the house in both directions.

John Adam, Principal Planner, stated that the current code measures along the front of the building and it takes the average of the front building height. Is Commissioner McKechnie saying they are also going in the perpendicular dimension in the back? One does not know if the height is exactly what it shows on paper.

Ms. Paladino asked if it was the consensus of the Planning Commission to see sloped lots language in the code? That language will shift things.

Jay Harland, CSA Planning Ltd., reported that there was a consensus about this represents significant improvement over the current code. There was a close consensus on the final language. This specific issue was discussed of the front yard versus where one measures it from. It is much simpler to use the front elevation.

Commissioner Mansfield stated that he likes it because it creates for more density. He would be interested in what Commissioner Pulver has to say. What does the building and real estate industry think about all this? Commissioner Pulver reported that he does not deal with that part. He deals with commercial buildings not residential. He assumes the home builders would be in agreement for simplicity and density reasons.

Commissioner Pulver asked where does the property line start with the setback on a garage and driveway? Ms. Paladino reported that it is measured from the property line. There could be instances where the sidewalk is an easement. It really depends on where the front property line is. Language can be added stating to maintain 20 feet from the right-of-way or something similar.

Commissioner Culbertson stated that the main aesthetics of the house is principally what people are buying. Secondly, they are going to be looking at the side yards and back yard. Do they have useable space? Do they have a small or big dog? Do they want no landscaping, do they have RV parking? There are lots of things they look at. Allowing the setbacks the way that they are doing now, he believes it is going to give the builder/developer more latitude to put a more functional floorplan on a piece of property.

Commissioner McKechnie asked if a 4 foot rear yard setback too close? Commissioner Culbertson stated there are a few but he believes they are 8 or 10 feet that are pretty narrow. Not too many people would want a four foot back yard unless they have no pets and no desire to have any outside interactions.

Ms. Paladino reported that the group looked at increasing the rear yard setback. At one point one, the drafts had it at 8 feet. There was something not right with calculating the front wall and applying the rear yard setback. It was changed back to 4 feet considering other structures in the back yard such as a shed, pool, etc. that will not have increased setback.

Commissioner McKechnie asked if there was something for accessory structures that allow it to be up against the wall? Ms. Akin replied no. Commissioner McKechnie suggested maybe there should be as long as staff is amending the language.

Chair McFadden has concerns with changing the Code to include additions to homes that were not originally built that way. A subdivision like Blossom Hills that unfortunately has a utility corridor running down the back property lines and you allow people to put sheds on top it will drive the utility companies crazy. It will drive the cost of repairs to sky rocket. Ms. Paladino commented that easements are a catch all.

Commissioner D'Alessandro asked if there was size exclusion? Ms. Paladino replied from building permits. The average is 200 square feet or less.

Ms. Paladino, again asked what the consensus was on the slopes? Does the Commission want to see what it looks like to address slopes on the sides? It will be a change to what there is now.

Vice Chair Miranda asked if that was addressed anywhere else? Ms. Paladino replied that it is not addressed anywhere else. All front walls are measured the same regardless of slope.

Ms. Akin reported that this came up in the Hillside Ordinance several years ago and the Hillside Ordinance was stripped of that language. The reason was too much control over the aesthetics of the single-family products that were being constructed.

Mr. Adam stated that this is not a setback issue but an aesthetics one.

Commissioner McKechnie commented that putting in several diagrams addressing the slopes would be helpful.

Ms. Paladino reiterated what she heard throughout the meeting:

- Clarify the language to match the diagrams
- Address sloped lots in diagrams but not necessarily change the setback
- Add language of the 15 foot yard and 20 foot garage – making sure it is measured outside of the right-of-way
- Change mansard roof to match the other diagrams to get half the eaves of the roof to the top of the wall

Commissioner Pulver asked if the working group discussed gross total of a setback? Ms. Paladino reported that at the first meeting there were four bullet points of items that she heard at a study session. One was discussing some sort of combined setback but it never took off.

Mr. Harland stated that it was discussed and another item discussed was getting graduated setbacks for different zones.

The consensus of the Planning Commission was to bring this to a public hearing.

Exhibit C

Medford Fire Department Comments, 3/14/2106



**MEDFORD FIRE-RESCUE
 FIRE & LIFE SAFETY DIVISION**

www.medfordfirerescue.org

200 S. Ivy St., Room #180
 Medford, OR 97501
 Telephone (541) 774 2300
 FAX (541) 774 2514

To: Carla Paladino, Planner

March 14, 2016

From: Greg Kleinberg, Deputy Chief/Fire Marshal

Re: DCA-16-019

To Whom It May Concern:

In reviewing the proposed code amendments for Medford Municipal Code sections 10.705, 10.707, 10.710, and 10.713 specifically for reduced rear and side yard building setbacks, it is the Fire Departments concern that moving taller structures closer together creates a property protection and safety issue both for homeowners and firefighters. House-to-house ignition can be an even more significant issue in hazardous wildfire areas. The existing code requires a side yard setback of 4' plus 1/2 foot for each foot in building height over 15' and the same rear yard setback (with the exception of a 10' rear yard setback if the rear property line abuts a collector or arterial street). The proposed changes would result in reduced setback and reduced building-to-building spacing as shown in the table below.

Building Height	Existing Setback in Feet (4' + 1/2' over 15' in Height)	Proposed Setback in Feet
15	4	4
20	7	6
25	9	6
30	12	8
35	14	8

The photos below show a fire we experienced on Village Circle in 2015 which spread from one single story structure to the adjacent single story structure. The walls of the structures were 10' apart. Fire blew out the window of one structure into the eave of the other structure, igniting the siding and spreading into the attic through the vents of the adjacent structure. The fire caused an estimated \$200k loss for the initial home and an estimated \$100k loss for the second structure.



Photo 1: Village Circle Fire



Photo 2: Exposure Damage



Photo 3: Exposure Damage

As structures increase in height they are more susceptible to exposure fires based on their exposure distance and become more challenging for firefighters to defend by limiting their access and the space have to perform suppression activities. The term "exposure" indicates that a fire was caused by another fire nearby. These fires may result from direct flame, radiant heat, or flying embers or brands. In the U.S., exposure fires cause an average of 11,600 reported home structure fires, 10 civilian fire deaths, 80 civilian fire injuries, and \$488 million in direct property damage per year. Exposure fires cause 3% of the home structure fires, 1% of the home fire deaths and injuries, and 7% of the direct property damage. Exposure fires ranked seventh among the leading causes in number of reported home fires, eighth in home fire deaths, ninth in injuries, and sixth in direct property damage.

Exposure fires resulting from unprotected combustible buildings in close proximity is inevitable. The following photos show examples of such fires.



Photo 4. Two Story Exposure Fire



Photo 5. House to House Ignition

Methods of protection that can prevent or lessen the severity of such exposure fires include fire protection and fire resistant construction. The following are options:

1. The best option to prevent the spread of fire is with early automatic fire suppression. Home fire sprinklers are designed to prevent full room involvement (flashover) within the living areas of a structure. This controls the fire which prevents the fire from growing and blowing out of a window. Home fire sprinklers save lives and reduce property damage by 69%.
2. The second best option which will lessen the severity of damage prior to fire department arrival is ignition resistant construction. Some methods include:
 - Class A or B rated roof with metal flashing at roof edge
 - Use non-combustible exterior wall finish/materials
 - Limit and protect openings on exposed walls and eaves
 - Box eaves with non-combustible materials
 - Use non-combustible gutters and downspouts
 - Use Firewise landscaping

It is our recommendation that either the separation distances are not reduced or alternative methods of protection are used to prevent such exposure fires.

Exhibit D

E-mail from Sam Barnum, Building Director

April 15, 2016

Carla G. Paladino

From: Sam D. Barnum
Sent: Friday, April 15, 2016 8:34 AM
To: Carla G. Paladino
Cc: Greg G. Kenberg
Subject: FW: Reduced set backs

Follow Up Flag: Follow up
Flag Status: Flagged

Carla
Here is his response. I will let you know what the others might respond with.
Thank you,

Samual D. Barnum
City of Medford
Building Safety Director

-----Original Message-----

From: TURNER Rex L * DCBS [<mailto:Rex.L.Turner@oregon.gov>]
Sent: Friday, April 15, 2016 8:30 AM
To: Sam D. Barnum
Cc: PHILLIPS Thomas J * DCBS; ROCCO Anthony J * DCBS; ROGERS Richard * DCBS; SALMON Brett D * DCBS
Subject: RE: Reduced set backs

Hello Sam,

Sorry for the delayed response, I've been out ill for a couple of days. My first impression is that you would be overreaching your authority as building official if you were to lay on this additional requirements beyond the 3' setback. As you say, you have no cite-it path.

Further, I believe that the state law preempts local government from imposing building construction requirements that are under the authority of the state building code. I had a similar issue back in my days in Klamath whereby the City wanted to require "sound proof" windows in homes near the air field. They were told that they were not able to impose that requirement outright. There may be a process for getting a local alternate method approved by the Division by a formal ask, but that would ramp up to involvement also by our policy folks and others.

I'm including other folks on this response if they want to weigh-in.

Respectfully,

Rex Turner
Structural Program Chief
Oregon Building Codes Division
503-373-7755

-----Original Message-----

From: Sam D. Barnum [<mailto:Sam.Barnum@cityofmedford.org>]
Sent: Wednesday, April 13, 2016 3:35 PM
To: Rex.L.Turner@state.or.us
Subject: Reduced set backs

Rex:

Planning wants to allow an option to reduce setbacks on a two story SFR, from 8' to 6' and wants Building opinion on how to enforce and what type of materials should we allow. The attachment shows what the Fire Department has proposed. My issue is that code allows for any materials beyond the 3' setback and have no way to Cite it and write this up except possible R102.2. Their response is we enforce their setbacks and this would be just the same. I believe this is something they would need to enforce but would like your opinion on the matter, maybe I'm make this harder than it needs to be.

Let me know your thoughts.

Thank you,

Samual D. Barnum
City of Medford
Building Safety Director

Exhibit E

E-mail from Greg Kleinberg, Fire Marshal

April 15, 2016

Carla G. Paladino

From: Greg G. Kleinberg
Sent: Friday, April 15, 2016 7:12 AM
To: Carla G. Paladino
Cc: Brian E. Figh
Subject: Re: Height Setback Amendment updates

Carla,

Fire wants the final version to contain the option of home fire sprinklers. The reason is, whether a fire sprinkler system is voluntarily installed or is installed for any other code requirement or trade off purpose (inadequate access, >30 homes served by only one access, etc.), the homeowner/homebuilder should not have to do both requirements to take advantage of the reduced setback. Here is the final version of language we would propose:

- * This setback may be reduced to six (6) feet if the structure is protected by a home fire sprinkler system or if all the following provisions are installed on the reduced setback side of the structure:
1. Non-combustible exterior wall covering material (such as Hardie Plank siding) material tested in accordance with NFPA 208, or other Fire Department approved alternate materials or methods;
 2. Metal roof gutters and downspouts;
 3. Non-combustible attic vents which resist building ignition of burning embers and flames through the ventilation opening.

In addition, we would like to see all of the setbacks uniform on the chart regardless of the zoning as it would be easier to enforce. Suggestion compromise: 1-18' at 4'; 19'-22' at 6'; 23-26' at 8''; 27-30' at 10'; 31-35' at 12'.

Thank you for your patience in this process!

Greg Kleinberg
Fire Marshal
Medford Fire-Rescue

On Apr 14, 2016, at 3:09 PM, Carla G. Paladino <Carla.Paladino@cityofmedford.org> wrote:

Hello,

Attached is the latest draft (Draft #11) regarding the height setback amendment. The language on pages 5 and 8 has been revised (see blue boxes).

I have met with Building and Fire staff to discuss the proposed changes and discuss how we might be able to implement the reduction provisions (setback reduction from 8 to 6 feet and the addition of provisions to reduce the spread of fire). Building likes the ideas presented but has asked for the State Building Codes Division to comment on their ability to enforce these provisions. We are waiting for a response. Depending on what the State says we will need to work out among the departments who will be reviewing and inspecting these provisions and if we have the ability to review and inspect. If Building cannot assist.

I will keep you updated as I know more. For now, we are still scheduled for hearing on April 29th (the PC is being asked to continue the matter to that date tonight).



Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT

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

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

FILE NO. LDP-16-012 / E-16-034

TO Planning Commission *for April 28, 2016 hearing*

FROM Tracy Carter, Planner II

REVIEWER Kelly Akin, Principal Planner *ka*

DATE April 21, 2016

BACKGROUND

Proposal

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

Subject Site Characteristics

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

Surrounding Site Characteristics

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

Applicable Criteria

Medford Land Development Code §10.270, Land Division Criteria

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

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

Medford Land Development Code §10.253, Exception Criteria

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

the terms of this code shall be sparingly exercised. Findings must indicate that:

- (1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The Planning Commission/Site Plan and Architectural Commission shall have the authority to impose conditions to assure that this criterion is met.
- (2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.
- (3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.
- (4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

ISSUES AND ANALYSIS

Project Summary

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

Code Compliance

Density

The standard density calculation for the SFR-4 zone is between two and a half and four dwelling units per gross acre. The permitted density range for the subject subdivision is between three to four dwelling units. The applicant is proposing three lots (and three

dwelling units), which meets the minimum and does not exceed the maximum number of dwelling units (Exhibit J).

Street Dedications

An Exception request to eliminate standard street improvements for this development has been filed concurrently with the Land Division request. If approved, no public improvements would be provided for this development, but Public Works has requested that should this occur, the developer be required to enter into a Deferred Improvement Agreement (DIA) for the frontage improvements to White Oak Drive/East Main Street. However, if the Exception request does not get approved, standard street improvements will be required as described below.

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

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

Street Improvements

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

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

Storm Drainage

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

Sanitary Sewer

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

Water Facilities

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

Fire Safety

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

Exception

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

record a signed document agreeing to participate in a Local Improvement District in the future.

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

FINDINGS AND CONCLUSIONS

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

Amended findings for MLDC 10.253(3):

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

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

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of LDP-16-012 / E-16-034 per the staff report dated April 21, 2016, including Exhibits A through O.

EXHIBITS

- A Conditions of Approval dated April 21, 2016
- B Tentative Plat received March 16, 2016
- C Conceptual Grading & Drainage Plan received February 16, 2016
- D Applicant's Findings of Fact (Land Division) received March 11, 2016
- E Applicant's Findings of Fact (Exception) received March 16, 2016
- F Public Works Staff Report received April 20, 2016
- G Medford Water Commission memo received April 6, 2016
- H Medford Fire Department Report received March 28, 2016
- I Medford Building Department memo received April 6, 2016
- J Density Calculation Spreadsheet created April 13, 2016
- K Site photos from the applicant received March 16, 2016
- L Copy of assessors map received February 16, 2016
- M Zoning map received February 16, 2016
- N Medford Street Functional Classification Plan received February 16, 2016
- O Aerial photo received February 16, 2016
Vicinity map

PLANNING COMMISSION AGENDA:

APRIL 28, 2016

EXHIBIT A

2 White Oak Partition & Exception
LDP-16-012 / E-16-034
Conditions of Approval
April 21, 2016

CODE CONDITIONS

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

**TENTATIVE MAP
LAND PARTITION**

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

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

37 1W 284A
T.L. 8900
LOMBARD

37 1W 284A
T.L. 4800
SUE

37 1W 284A
T.L. 7100
ARNOLD

37 1W 284A
T.L. 4800
PRIDE/DKAFUL

37 1W 284A
T.L. 4300
MEYER

37 1W 284A
T.L. 4700
FISHER

37 1W 284A
T.L. 8900
LONDON

37 1W 284A
T.L. 8900
SYKES

37 1W 284A
T.L. 9000
CONWAY

37 1W 284D
T.L. 3500
CURTIS

37 1W 284D
T.L. 3400
COSTANT

37 1W 284D
T.L. 2300
HARRIS

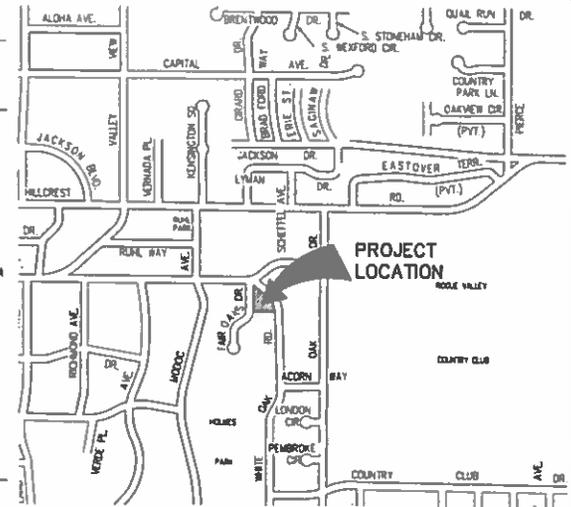
37 1W 284D
T.L. 2100
MURRAY

37 1W 284A
T.L. 4301
DIXON

37 1W 284A
T.L. 8400
HARRIS

37 1W 284A
T.L. 4500
THOMPSON

37 1W 284D
T.L. 1200
TER BEST



VICINITY MAP

(NOT TO SCALE)



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

REGISTERED
PROFESSIONAL
LAND SURVEYOR

SL
OREGON
JULY 14, 1988
SHAWN KAMPMANN
9803 LB

RENEWAL DATE: 8/30/2017

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

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

Assessor's Map No. 37 1W 29 AA, Tax Lot 4620

RECEIVED
March 16, 2016
PLANNING DEPARTMENT

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

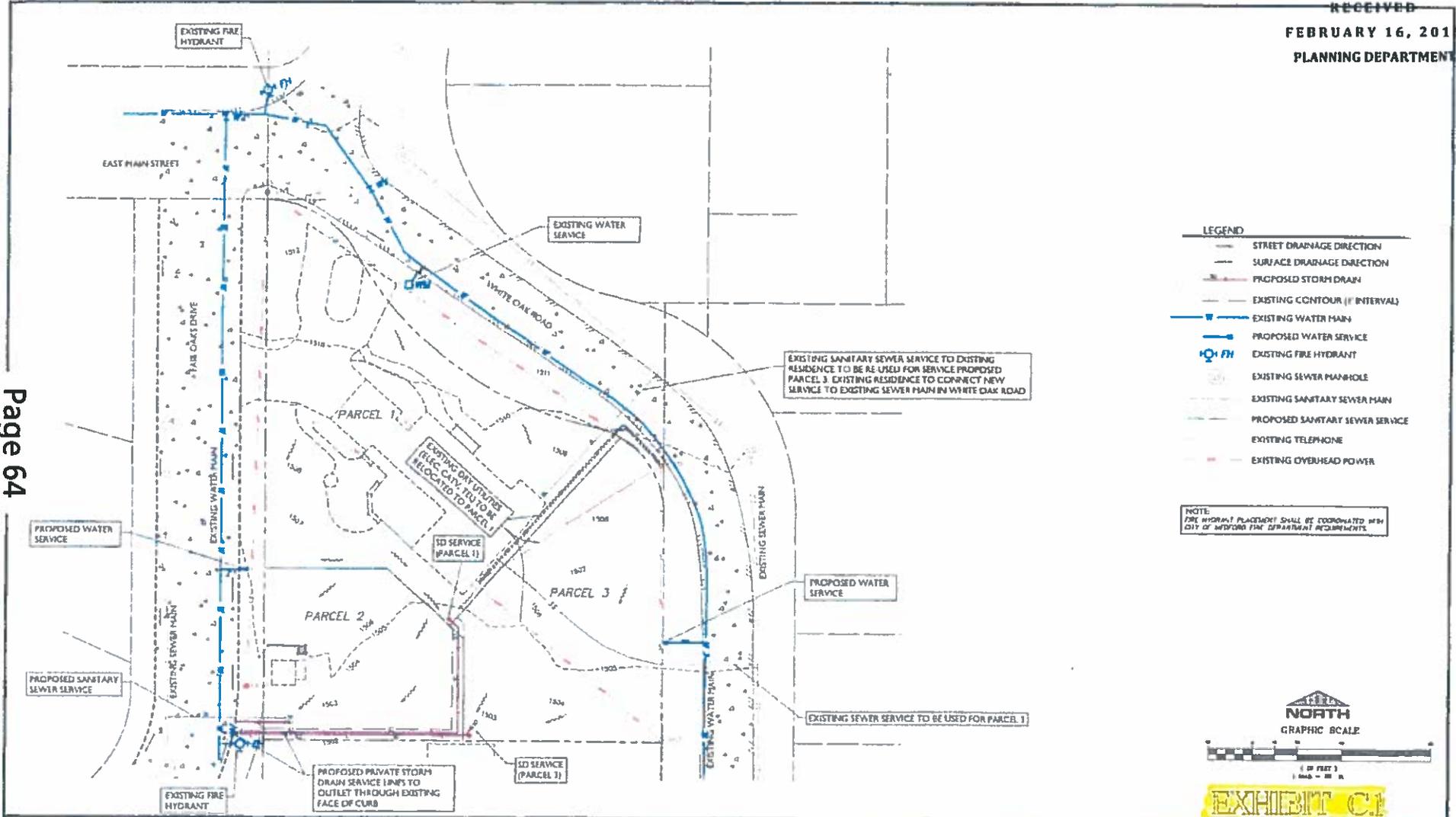
APPLICANT: ADDERSON BUILDERS, INC.
234 VISTA STREET
ASHLAND, OREGON 97520

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

NOTES:
- ZONING DISTRICT: SFR-4
- TOTAL GROSS AREA = 91,999 SQ. FT. (2.1 ACRES)
- TOTAL NET AREA = 32,220 SQ. FT. (0.74 ACRES)
- MEDFORD SCHOOL DISTRICT 5
- MEDFORD FIRE DISTRICT
- MEDFORD BRIGADION DISTRICT
- ROGUE VALLEY SEWER SERVICE
- PARCEL 1 LOT COVERAGE
- EASEMENTS EXISTING & PROPOSED ARE INDICATED
HEREON AND ON ATTACHED CONCEPTUAL UTILITY
PLAN BY CEC ENGINEERING DATED JANUARY, 2016

RECEIVED
 FEBRUARY 16, 2016
 PLANNING DEPARTMENT

Page 64



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

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



EXHIBIT C1

CONSTRUCTION ENGINEERING CONSULTANTS, INC.
 P.O. BOX 1734 - MEDFORD, OREGON 97501
 PH. (541) 779-8296 - FAX (541) 779-3159

DESIGNED BY	MHW	DATE	02/16
CHECKED BY	MHC, AMB	DATE	01/15
		DATE	

NO.	FE. #/REV.	DATE	BY



CONSTRUCTION ENGINEERING CONSULTANTS, INC.
 ADDRESS: PART OF CITY OF MEDFORD
 (CONCEPTUAL EXHIBIT #)
 GRADING & DRAINAGE AND UTILITY PLAN
 File # LDP-16-012

DATE: 02/16/16 DRAWN BY: MHW

CITY OF MEDFORD
EXHIBIT # C
File # LDP-16-012 / E-16-034

RECEIVED

MAR 11 2016

PLANNING DEPT.

FINDINGS OF FACT

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

APPLICANT: Adderson Builders, Inc.

OWNER: Adderson Builders, Inc.

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

BACKGROUND INFORMATION

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

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

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

PROJECT OVERVIEW

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

SUBMITTALS

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

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

APPROVAL CRITERIA

MEDFORD LAND DEVELOPMENT CODE

LAND DIVISION CRITERIA – SECTION 10.270

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

FINDINGS OF FACT

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

MEDFORD LAND DEVELOPMENT CODE - SECTION 10.270

LAND DIVISION CRITERIA

CRITERION NO. 1

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

FINDINGS OF FACT

Comprehensive Plan

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

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

Neighborhood Circulation Plan

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

Local Wetland and Riparian Inventory

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

Slope

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

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

Design Standards

Lot Size Standards

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

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

Street Dedication and Improvements

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

CONCLUSION OF LAW

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

CRITERION NO. 2

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

FINDINGS OF FACT

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

CONCLUSION OF LAW

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

CRITERION NO. 3

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

FINDINGS OF FACT

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

CONCLUSION OF LAW

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

CRITERION NO. 4

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

FINDINGS OF FACT

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

CONCLUSION OF LAW

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

CRITERION NO. 5

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

FINDINGS OF FACT

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

CONCLUSION OF LAW

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

CRITERION NO. 6

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

FINDINGS OF FACT

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

CONCLUSION OF LAW

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

CRITERION NO. 7

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

FINDINGS OF FACT

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

CONCLUSION OF LAW

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

CONCLUSION

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

Respectively Submitted,

Shawn Kampmann PLS, Agent

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

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

FINDINGS OF FACT

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

APPLICANT/OWNER: Adderson Builders, Inc.

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

BACKGROUND INFORMATION & NARRATIVE

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

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

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

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

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

SUBMITTALS

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

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

MEDFORD LAND DEVELOPMENT CODE

LAND DIVISION CRITERIA – SECTION 10.270

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

FINDINGS OF FACT

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

MEDFORD LAND DEVELOPMENT CODE - SECTION 10.251

APPLICATION EXCEPTION

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

APPROVAL CRITERIA

SECTION 10.253, CRITERIA for an EXCEPTION.

CRITERION NO. 1

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

FINDINGS OF FACT

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

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

CONCLUSION OF LAW

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

CRITERION NO. 2

- 2. The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.*

FINDINGS OF FACT

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

CONCLUSION OF LAW

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

CRITERION NO. 3

- 3. There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in a peculiar, exceptional, and undue hardship on the owner;*

FINDINGS OF FACT

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

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

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

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

CONCLUSION OF LAW

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

CRITERION NO. 4

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

FINDINGS OF FACT

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

CONCLUSION OF LAW

The Planning Commission concludes that the need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchased the land or building with or without knowledge of the standards of this code. It is the result from the application of this chapter, and suffered directly by the property in question.

CONCLUSION

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

Respectively Submitted,



Shawn Kampmann PLS, Agent

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

Date: March 15, 2016



Continuous Improvement Customer Service

CITY OF MEDFORD

RECEIVED
APR 20 2016
PLANNING DEPT.

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

PUBLIC WORKS DEPARTMENT STAFF REPORT
White Oak Land Partition

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

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

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

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

A. STREETS

1. Dedications

White Oak Drive/East Main Street is classified as a Standard Residential Street, and in accordance with Medford Land Development Code (MLDC) Section 10.430, it requires a total right-of-way width of 63 feet. The developer shall dedicate for public right-of-way, sufficient width of land along the frontage of this development to comply with the half width of right-of-way, which is 31.5 feet. The existing right-of-way west of the centerline appears to be around 30 feet. **The amount of additional right-of-way needed appears to be 1.5-feet (MLDC 10.421). The Developer’s surveyor shall verify the amount of additional right-of-way required.**

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

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

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

2. Public Improvements

a. Public Streets

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

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

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

b. Street Lighting and Signage

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

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

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

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

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

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

c. Pavement Moratoriums

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

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

d. Soils Report

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

e. Easements

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

3. MLDC Section 10.668 Analysis

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

10.668 Limitation of Exactions

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

(1) the record shows that there is an essential nexus between the exaction and a legitimate government purpose and that there is a rough proportionality between the burden of the exaction on the developer and the burden of the

development on public facilities and services so that the exaction will not result in a taking of private property for public use, or

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

Nexus to a legitimate government purpose

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

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

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

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

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

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

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

Local street right-of-way construction requirements identified by the Public Works Department and required by the City are the minimum required to protect the public interest and are necessary for additional or densification of development in the City without detracting from the common good enjoyed by existing properties. Developments are required to provide half-street improvements to abutting streets, including associated right-of-way dedications, to ensure that new development and density intensification provides the current level of urban services and adequate street circulation is maintained.

The benefits of the public right-of-way improvements include: providing access and transportation connections at urban level of service standards, on street parking, improved connectivity reducing all modes of trips generated, decreased emergency response times, benefits from using right-of-way to provide public utility services, the additional traffic that is being generated by this proposed land division and the necessity to provide connections for all modes of trips generated.

White Oak Drive and East Main Street:

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

B. SANITARY SEWERS

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

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

C. STORM DRAINAGE

1. Hydrology

This site lies within the Lazy Creek drainage basin.

2. Stormwater Detention and Water Quality Treatment

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

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

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

3. Mains and Laterals

All roof drains and foundation drains shall be connected directly to a storm drain system.

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

D. SURVEY MONUMENTATION

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

E. GENERAL CONDITIONS

1. Design Requirements and Construction Drawings

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

2. Construction Plans

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

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

3. Construction and Inspection

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

4. System Development Charges

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

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

Prepared by: Doug Burroughs

SUMMARY CONDITIONS OF APPROVAL

White Oak Land Partition

LDP-16-012/E-16-034

A. Streets

1. Street Dedications to the Public:

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

2. Improvements:

a. Public Streets

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

b. Lighting and Signing

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

c. Other

- Provide pavement moratorium letters.
- Provide soils report.

B. Sanitary Sewer

- Provide a private lateral to each lot.

C. Storm Drainage

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

D. Survey Monumentation

- Provide all survey monumentation.

E. General Conditions

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

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



BOARD OF WATER COMMISSIONERS

Staff Memo

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

RECEIVED

APR 06 2016

PLANNING DEPT.

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

DATE: April 6, 2016

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

CONDITIONS

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

COMMENTS

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

Continued to Next page



Staff Memo

Continued from previous page

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



BUILDING SAFETY DEPARTMENT
ROOM 277

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

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

Policy on Installation of Pressure Reducing Valves

August 5, 2014

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

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

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

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

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

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

Sam Barnum

Building Safety Director



Medford Fire Department

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

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MAR 28 2016

PLANNING DEPT.

LAND DEVELOPMENT REPORT - PLANNING

To: Tracy Carter

LD Meeting Date: 04/06/2016

From: Greg Kleinberg

Report Prepared: 03/28/2016

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

File #: LDP - 16 - 12

Associated File #'s: E - 16 - 34

Site Name/Description:

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

DESCRIPTION OF CORRECTIONS	REFERENCE
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Requirement FIRE HYDRANTS

OFC

508.5

Fire hydrants with reflectors will be required for this project.

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

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

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

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

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

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

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

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



RECEIVED

APR 06 2016

PLANNING DEPT.

Memo

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

Building Department:

Please Note: This is not a plan review. These are general notes based on general information provided. Plans need to be submitted and will be reviewed by a residential plans examiner to determine if there are any other requirements for this occupancy type. Please contact the front counter for fees.

1. Applicable Building Codes are 2014 ORSC with additional Oregon amendments to the 2011 ORSC; 2014 OPSC; and 2014 OMSC. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.
3. Site Excavation permit required to develop, install utilities.
4. Demo Permit is required for any buildings being demolished..

DENSITY CALCULATION FORM

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

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

GROSS ACREAGE

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

SUBTRACTED ACREAGE

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

DENSITY RANGE

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

Page 92

EXISTING R-O-W CALCULATION

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

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

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ACORN

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

CITY OF MEDFORD
EXHIBIT #
File # LDP-10-012 / E-16-034

1 of 13

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

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

3 of 13

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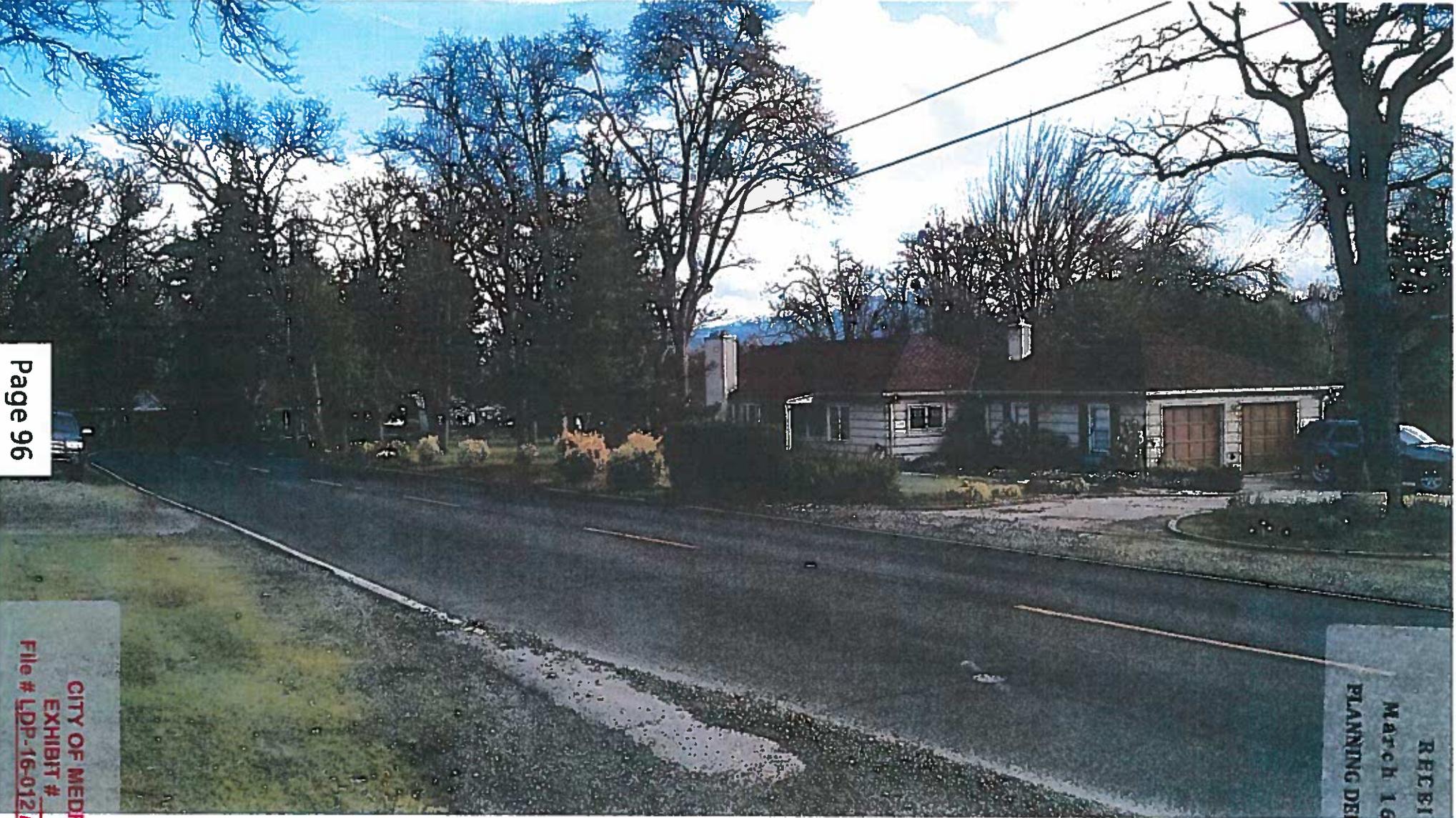


EXHIBIT "D"
2 White Oak Road Existing Residence
Easterly View

4 of 13

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

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

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

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

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

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

Page 100

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

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

Page 101

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

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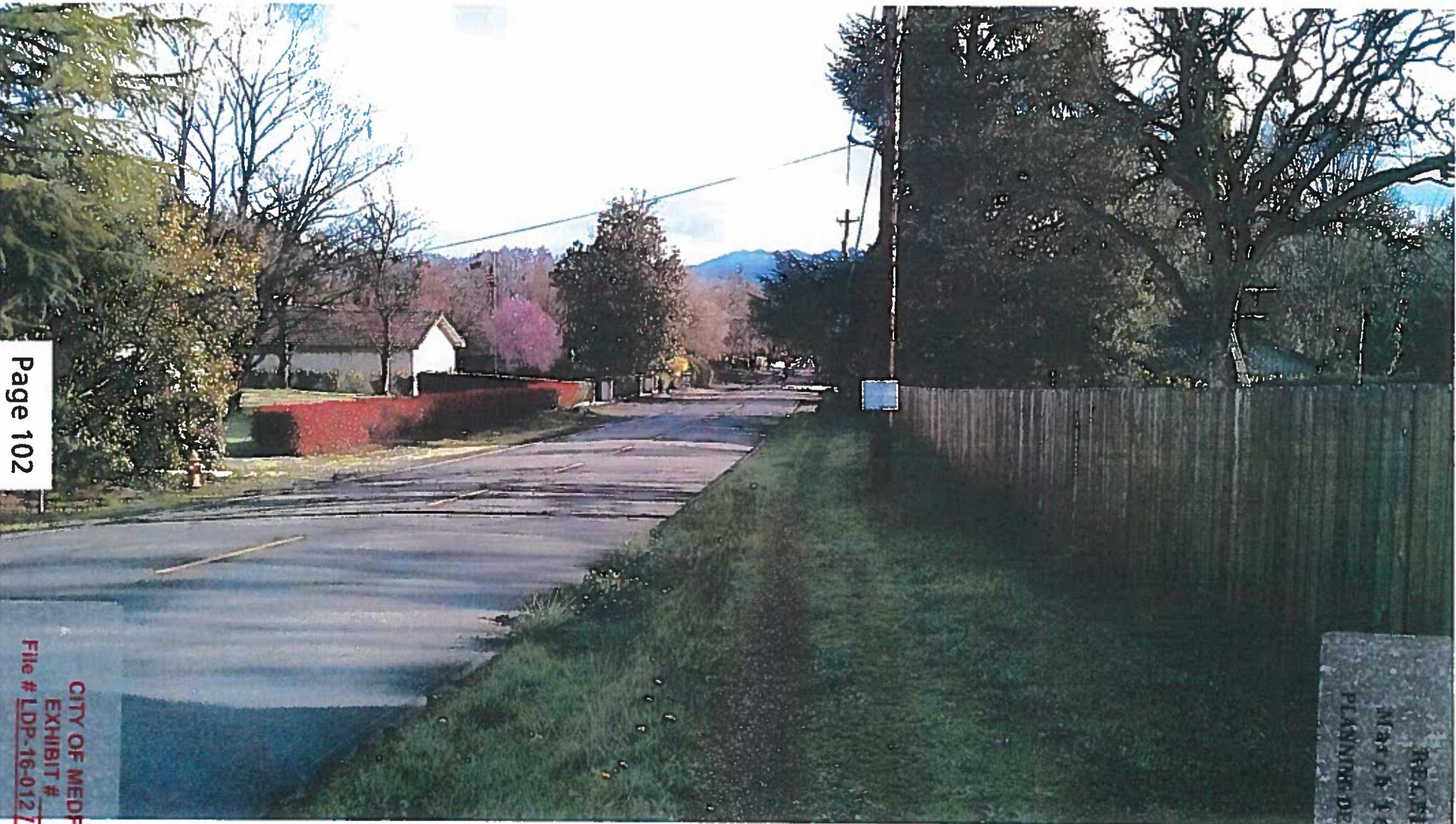


EXHIBIT "J"
Black Oak Drive at East Main Street
Southerly View

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

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

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

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

12 of 13

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

13 of 13



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1142

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

15

MEDFORD CITY ZONES

Residential

-  Multi-Family - 30 Units/Acre (MFR-30)
-  Multi Family - 20 Units/Acre (MFR-20)
-  Multi-Family - 15 Units/Acre (MFR-15)
-  Single Family - 10 Units/Acre (SFR-10)

-  Single Family - 6 Units/Acre (SFR-6)
-  Single Family - 4 Units/Acre (SFR-4)
-  Single Family - 2 Units/Acre (SFR-2)
-  Single Family - 1 Unit/Lot (SFR-00)

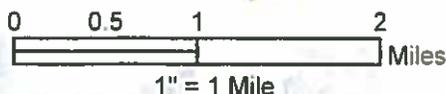
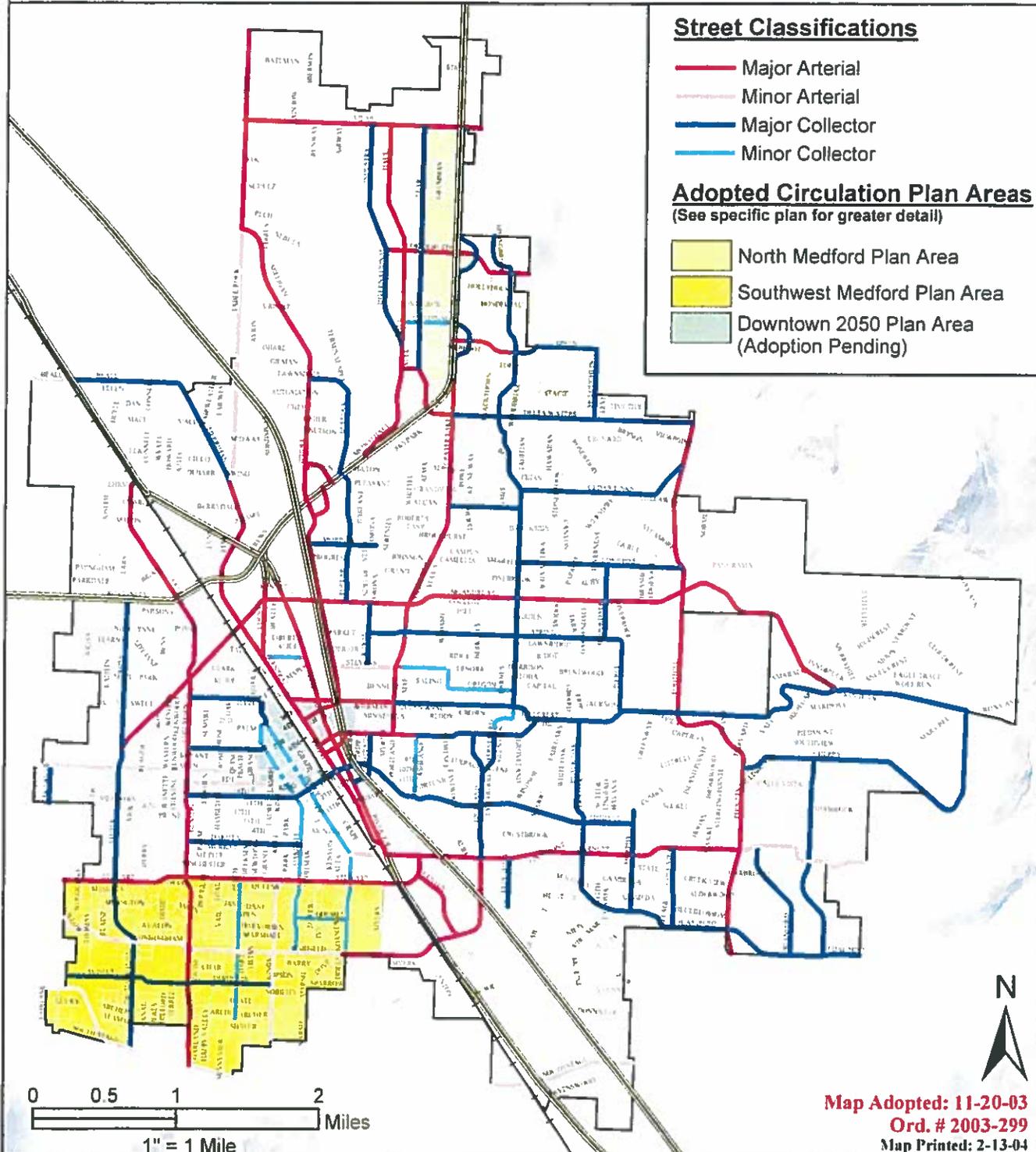
Commercial

-  Heavy (C-H)
-  Regional (C-R)
-  Community (C-C)
-  Neighborhood (C-N)
-  Service/Professional (C-S/P)

Industrial

-  Heavy (I-H)
-  General (I-G)
-  Light (I-L)

Figure 1-2: Medford Street Functional Classification Plan



Other Streets
 Highway UGB
 Railroad



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

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

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

16



City of Medford
Planning Department

Vicinity
 Map

File Number:
LDP 16-012
E 16-034



Project Name:

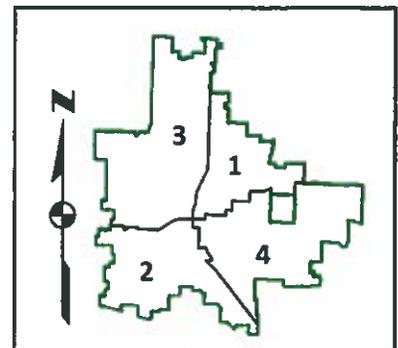
**White Oak
 Land Partition**

Map/Taxlot:

371W29AA TL 4600

Legend

-  Subject Area
-  Tax Lots
-  Streets



02/17/16



STAFF REPORT

for a type-C quasi-judicial decision: Planned Unit Development Revision

PROJECT Bella Vista PUD Revision
Applicant: Pahlisch Homes, Inc.

FILE NO. PUD-05-025

TO Planning Commission for April 28, 2016 hearing

FROM Sarah Sousa, Planner IV

REVIEWER Kelly Akin, Principal Planner *ka*

DATE April 21, 2016

BACKGROUND

Proposal

Revision to Bella Vista Planned Unit Development to allow a six-foot cedar fence to be located adjacent to East McAndrews Road along Lots 11-17 of Phase Two, located between Palermo Street and East McAndrews Road.

Subject Site Characteristics

Zoning Single Family Residential – 4 dwelling units per gross acre
Overlay Planned Development
GLUP Urban Residential
Use Single Family Homes / Vacant Land

Surrounding Site Characteristics

North

Zoning: SFR-4
Use: Vacant Lots

South

Zoning: SFR-4
Use: Vacant Lots

East

Zoning: SFR-4
Use: Vacant Lots

West

Zoning: SFR-4
Use: Vacant Lots

Applicable Criteria

Medford Municipal Code §10.235(D), Approval Criteria for Preliminary PUD Plan

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 thereunder:
 - 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.

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

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.

ISSUES AND ANALYSIS

Background

The Bella Vista PUD is a 46.9 acre project located on the north and south sides of East McAndrews Road, east of the intersection with North Foothill Road. The Planning Commission adopted the final order for approval of the project on July 28, 2005.

The approval of the Preliminary PUD Plan included a mixed-use development of 111 single family residential lots, a commercial area, and a small park within three phases (Exhibit A). The residential lots make up Phases One and Phase Two, both of which have final plan and final plat approval. Phase Three (the commercial portion) has yet to be developed.

Scope of Project

The subject of this review includes a revision to the PUD, specifically to the arterial separation feature along Lots 11-17 in Phase Two, abutting East McAndrews Road. The PUD revision criteria state that the review shall be strictly limited to the specific nature and magnitude of the proposed revision. This means the review is generally limited to the changes and does not warrant a new review of the PUD as a whole.

Street Classifications

There is a street classification system for all streets within the City of Medford that determines the right-of-way improvement design standards. The higher order streets are the major thoroughfares within the city that have the greatest traffic volumes. The portion of East McAndrews Road that abuts the project is classified as a Major Arterial street, which has the highest classification.

Arterial Separation Feature

Medford Land Development Code Section 10.797 requires a vertical separation feature for properties with houses that do not face an arterial street. The vertical separation feature is intended to act as a barrier between the busiest streets in Medford and the adjoining residential properties. The separation feature must create an eight foot high solid visual screen. It can be accomplished with a fence, wall, and landscaping or a combination. Examples include: 1) an 8-foot concrete masonry wall, 2) an 8-foot wood fence, or 3) a 4-foot masonry wall with a 4-foot wrought iron fence on top with a fast-growing hedge (such as a Photinia) placed behind the fence. In some instances, a solid landscape wall can also provide the necessary screen.

Approved Arterial Separation Feature

As part of the Preliminary PUD approval, the applicant provided details for an arterial street frontage plan along the McAndrews Road frontage (Exhibit F). It was comprised of a 4-foot split faced concrete block wall topped by a 4-foot ornamental wrought iron fence and backed by a Photinia hedge to achieve the 8-foot separation feature.

A request was made to revise the Preliminary PUD Plan in 2006. One of the revision requests related to changing the arterial street separation feature due to topographic constraints. The revised plan shows landscaping, a rock retaining wall, hedge, and a tan metal fence abutting Lots 23-39 on the south side of East McAndrews (Exhibit G). This has since been installed. On the north side of East McAndrews along the subject lots (Lots 10-18), large evergreen trees were approved for the arterial separation feature. These too have been planted and have grown to well over 8 feet in height.

Fence Request

The applicant of this request is a builder who has been constructing homes in the Phase Two portion of the project. In order to provide privacy for the future homeowners along Lots 11-18, the applicant installed a 6-foot cedar fence adjacent to the sidewalk on East McAndrews Road (Exhibit D). The applicant submitted a letter explaining the reason for the location of the fence (built on the south side of the trees) is due to the extreme slope on the north side of the trees (Exhibit B). It also states the trees are planted 10 to 12 feet apart, which does not provide enough privacy for those lots.

Analysis

It is clear from the photographs submitted and from going out to the site that the large evergreen trees have not provided a solid screen for the purposes of meeting the arterial separation feature requirement (Exhibits D & E). In the approved diagram, it shows landscaping to be installed by future homeowners behind the evergreen trees (Exhibit G). If additional landscaping was installed, it may provide a solid landscape screen. However, it isn't specific to types of shrubs or trees and most of the lots are currently vacant.

The project fronts upon a significant portion along both sides of East McAndrews Road. This section of East McAndrews Road has a high volume of vehicle travel as well as a high volume of foot traffic along the path on the north side. The segment of East McAndrews Road the project fronts upon (on the south side) has a natural looking rock wall and trees and shrubs that is in keeping with the natural environment and consistent with the approved arterial separation feature. At the entry of the PUD, on the north side at East McAndrews Road and Sorrento Drive, there is a landscape berm with trees, shrubs, and a rock wall. The installed fence is in direct contrast with this natural look.

However, there are factors that may help the Commission to allow for the fence to remain. First, the existing evergreen trees have not created a solid screen consistent with what is required for an arterial separation feature on the north side of Lots 11-18. The fence helps to provide a solid barrier between the street and the residential properties. In addition, the applicant has begun to stain the fence a darker brown color, which significantly helps the fence blend into the natural environment. Lastly, from a practical standpoint, future property owners of Lots 11-18 will want privacy from the street and pedestrians walking by but the steep slope in that area makes it difficult to locate the fence behind the trees.

FINDINGS AND CONCLUSIONS

The decision that the Commission must make is whether or not the installed fence is acceptable fulfilling the arterial separation feature requirement while also balancing the question as to whether or not it is consistent and compatible with the overall PUD. Staff has provided two options for the Commission to consider.

Staff Findings

Option #1

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

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.*

The request does not meet the burden of proof for a revision to the PUD. The submitted information does not specifically address the applicable PUD Criteria listed in Medford Land Development Code Section 10.235(D). The information provided and relied upon for the approval of the PUD (as revised in 2006), provided a separation feature in keeping with the natural environment of the area. The proposed fence is not in keeping with the arterial separation feature on the south side of East McAndrews Road. Therefore, the fence is not compatible with the existing developed portions of the whole PUD.

Suggested Motion – Denial of the Revision to the PUD

Move to adopt Staff Findings #1 and direct staff to prepare a final order for denial of the revision to PUD-05-025 per the staff report dated April 21, 2016.

OR

Option #2

The existing evergreen trees have not created a solid screen as is required for an arterial separation feature on the north side of Lots 11-18. The fence helps to provide a solid barrier between the street and the residential properties consistent with the required arterial separation feature. The darker brown stain to be applied to the fence will help blend it into the natural environment. Relocating the fence behind the trees (to the north side of the trees) would be impractical due to the steep topography. Therefore, the fence along Lots 11-18 of Phase Two is an allowable revision to the PUD.

Suggested Motion - Approval

Move to adopt Staff Findings #2 and direct staff to prepare a final order for approval of the revision to PUD-05-025 per the staff report dated April 21, 2016, including Exhibits A through M.

EXHIBITS

- A Preliminary PUD Plan for Bella Vista PUD
- B Applicant's Request received March 14, 2016
- C Site Map identifying location of fence received January 19, 2016
- D Photograph of fence received January 19, 2016
- E Photograph of stained portion of fence received January 19, 2016
- F Originally approved Arterial Separation Feature
- G Revised approved Arterial Separation Feature
- H Approved Landscape Plan
- I Public Works Memo received April 6, 2016
- J Fire Department Memo received April 6, 2016
- K Building Department Memo received April 6, 2016
- L Medford Water Commission Memo received April 6, 2016
- M Letter from Dana and Judy Henderson received April 20, 2016
Vicinity map

PLANNING COMMISSION AGENDA:

APRIL 28, 2016

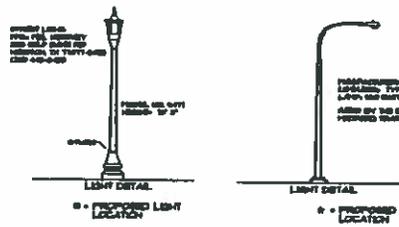
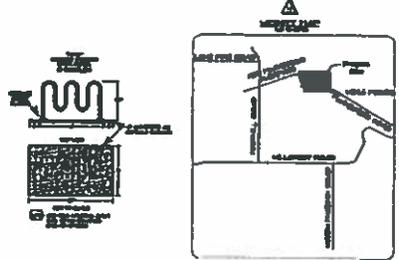
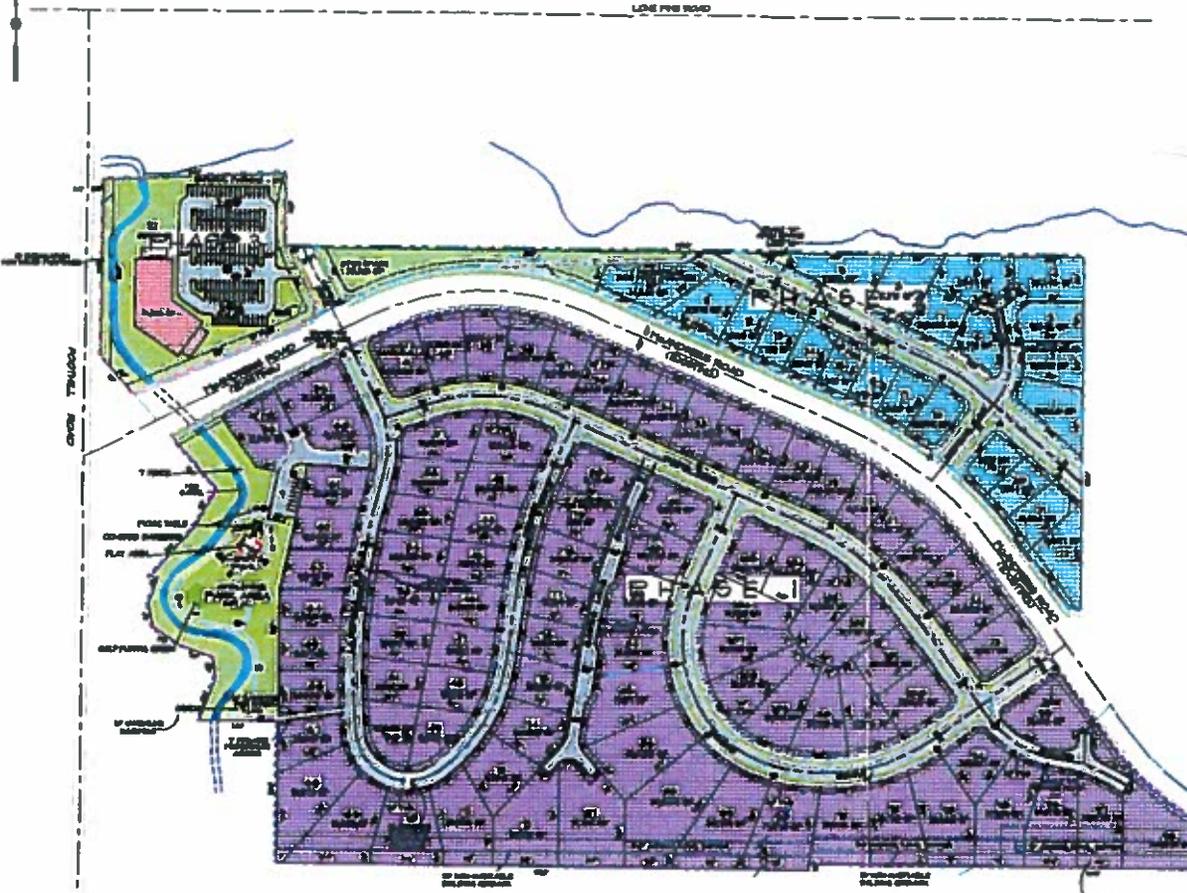
**BELLAVISTA HEIGHTS SUBDIVISION
PHASES 1, 2 & 3
PRELIMINARY PUD PLAN**

FOR
PACIFIC INTERNATIONAL ENTERPRISES

Located in
Lots 2, 3 and 4 Portion of Lot 1
of Block 1, Pacific Subdivision
in the Northwest 1/4 of Section 21, and
the Northwest 1/4 of Section 22,
Township 37 South, Range 1 West, EPT,
Jackson County, Oregon
Tax Lots 7952 & 10250

GENERAL CONTRACTOR
PACIFIC INTERNATIONAL ENTERPRISES
500 S. RIVERVIEW, SUITE 1
MEDFORD, OREGON 97504
(541) 776-3766

AGENT
ADVISORS & ASSOCIATES, INC.
4000 S. OREGON STREET, SUITE 201
MEDFORD, OREGON 97504
(541) 776-4641



RECEIVED
MAR 20 2005
PLANNING DEPT.

CITY OF MEDFORD
EXHIBIT # _____
File # PUD-05-25

PROFESSIONAL
LAND SURVEYOR

- NOTES**
1. ALL DIMENSIONS SHOWN ON THIS PLAN ARE TO FACE UNLESS OTHERWISE NOTED.
 2. ALL UTILITIES SHOWN ON THIS PLAN ARE TO BE DELETED OR ADJUSTED AS NECESSARY TO ACCOMMODATE THE PROPOSED DEVELOPMENT.
 3. PROPERTY LINES SHALL BE SET BY SURVEY TO BE REVIEWED BY THE CITY OF MEDFORD.



Disclaimer:
This drawing is a Preliminary PUD Plan by nature
& is not intended for any other use.

HOFFBURG
A DIVISION OF
CITY OF MEDFORD

DATE	PROJECT #



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MAR 24 2016
PLANNING DEPT.

Pahlisch Homes
Shane MacLauchlan
210 SW Wilson Ave
Bend, OR 97702

3/8/2016

City of Medford
200 South Ivy Street
Medford, OR 97501

To Whom It May Concern,

We decided to install a fence along the back of lots 11-18 to provide privacy to the homeowners. This was to provide privacy to the homes from all the foot traffic along McAndrew's Road. The fence has been placed on the south side of the trees due to the extreme slope of the hill on the north side of the trees. We did not feel the trees provided enough privacy due to the fact they were placed 10 to 12 feet apart from each other.

Sincerely,

Shane MacLauchlan
Pahlisch Homes

Pahlisch Homes, Inc. | 210 SW Wilson Ave. Suite 100 Bend, OR 97702
o: 541.385.6762 | f: 541.385.6742 | PahlischHome
OR cc# 12067 WA lic#pahlhb91513 AZ lic# 275119

CITY OF MEDFORD
EXHIBIT # B
File # PUD-05-025
Revision

JANUARY 19, 2016

PLANNING DEPARTMENT
Pahlisch Homes

PLAT MAP

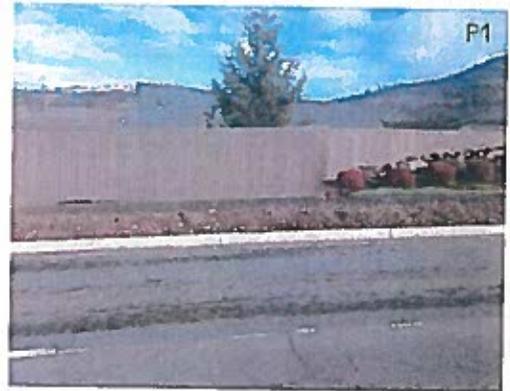
Bella Vista Heights



BELLA VISTA HEIGHTS
a pahlisch homes community



6' tall stained cedar privacy fence (see photos)



For more information visit us at www.pahlischhomes.com

Renderings and floorplans are artists' conceptions and are not intended to be an actual depiction of the building, fencing, walkway, driveway or landscaping. P1, one elevation to another. Square footages are approximate. Pahlisch Homes is an award winning homebuilder with locations in Central Washington, South Southern Oregon and Western Arizona. In the interest of continuous improvements Pahlisch Homes, Inc. reserves the right to change plan design, pricing and CCB-42067(OR) LIC#PAHLBH915J3(WA) LIC#275419(AZ)

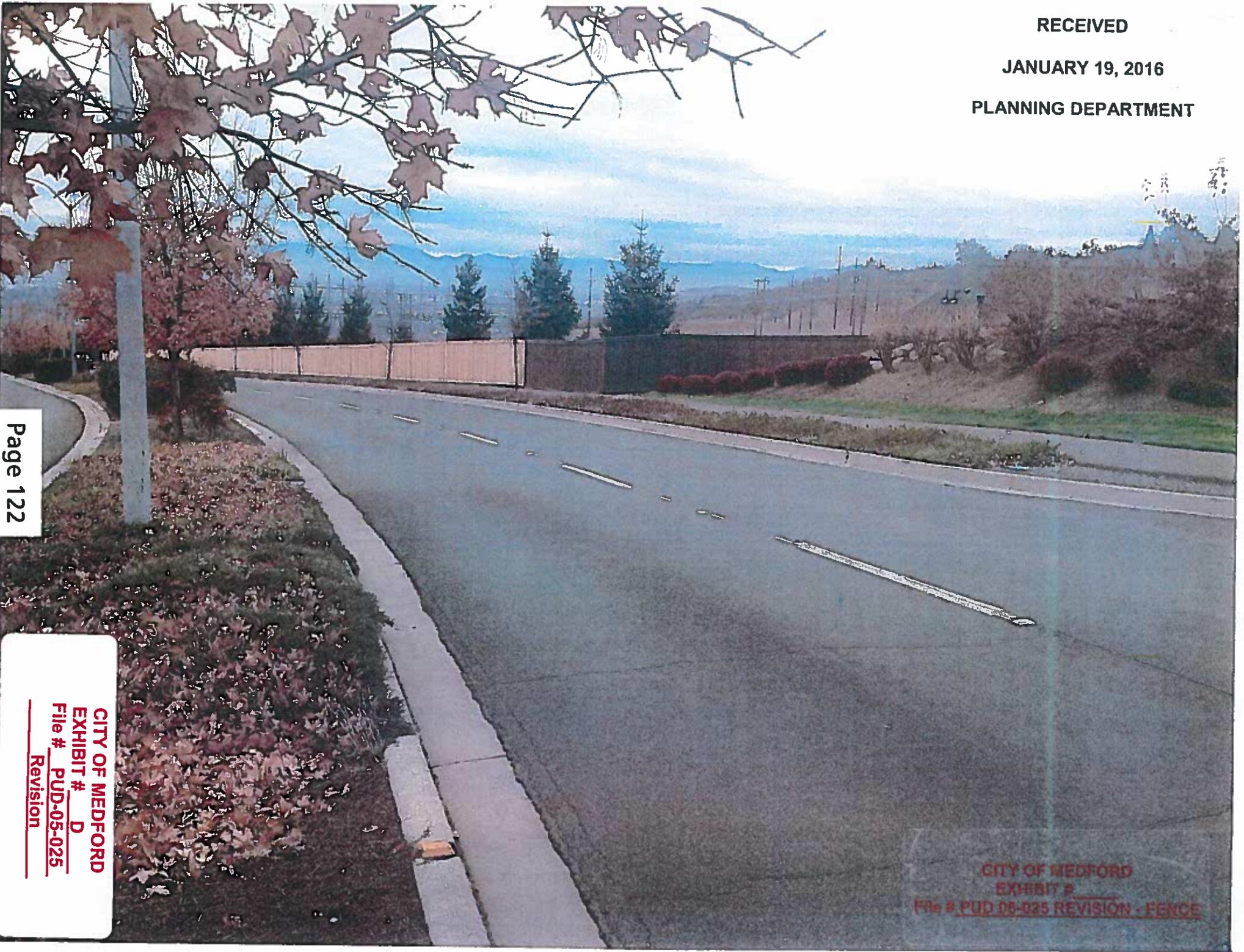
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EXHIBIT # C
File # PUD-05-025
Revision

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JANUARY 19, 2016

PLANNING DEPARTMENT



Page 122

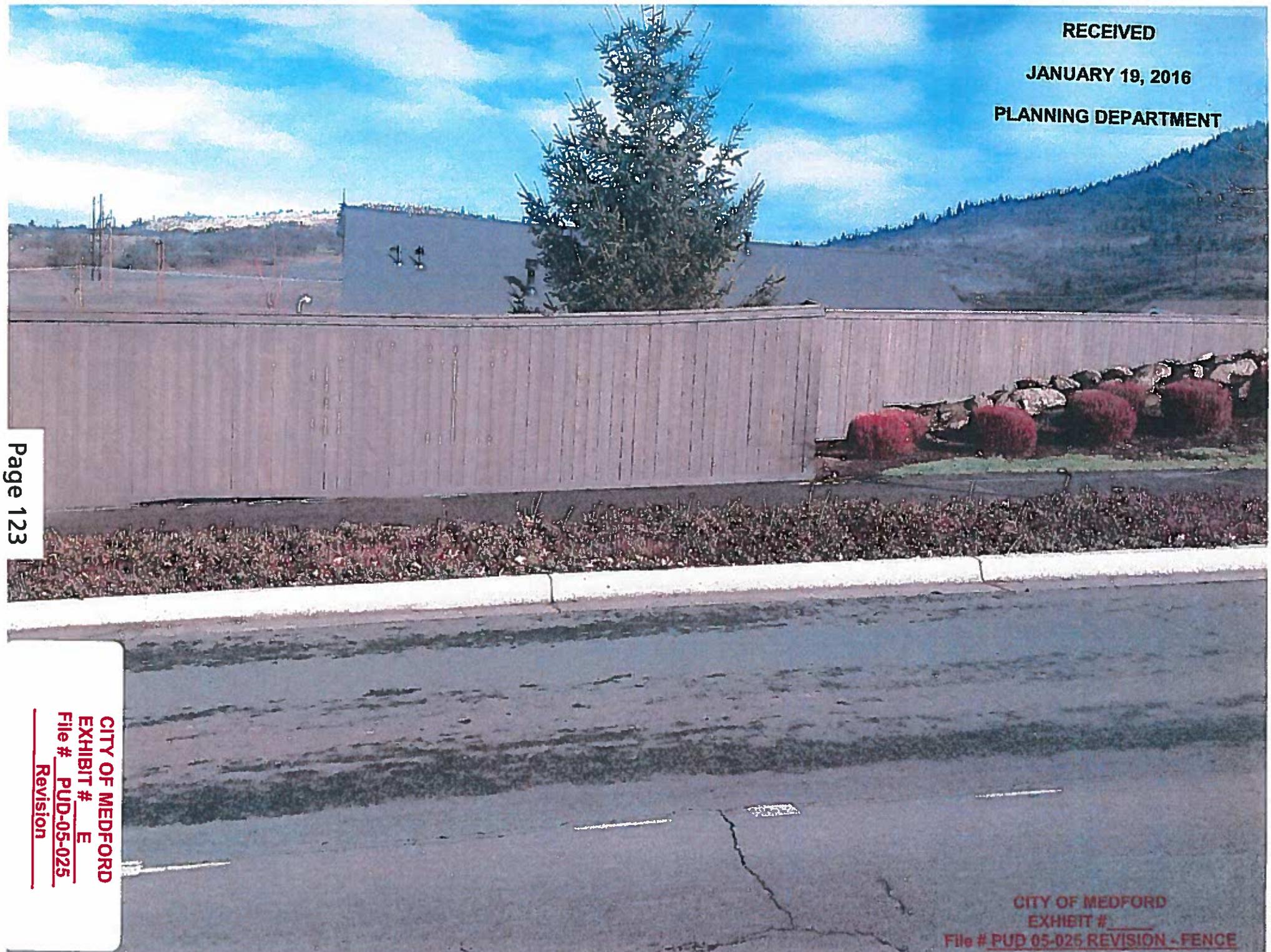
CITY OF MEDFORD
EXHIBIT # D
File # PUD-05-025
Revision

CITY OF MEDFORD
EXHIBIT #
File # PUD 06-025 REVISION - FENCE

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JANUARY 19, 2016

PLANNING DEPARTMENT



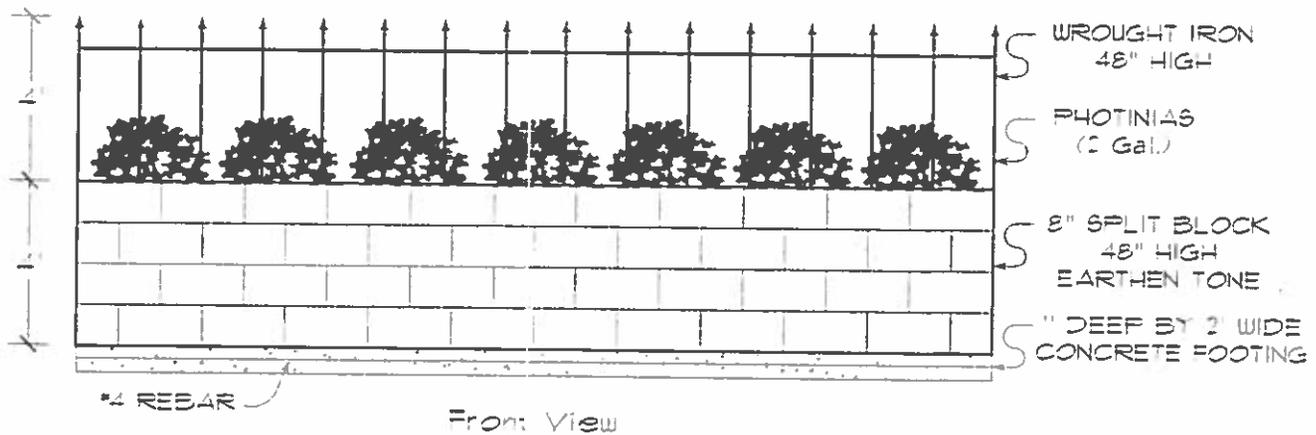
Page 123

CITY OF MEDFORD
EXHIBIT # E
File # PUD-05-025
Revision

CITY OF MEDFORD
EXHIBIT #
File # PUD 05-025 REVISION - FENCE

BELLAVISTA HEIGHTS
SUBDIVISION

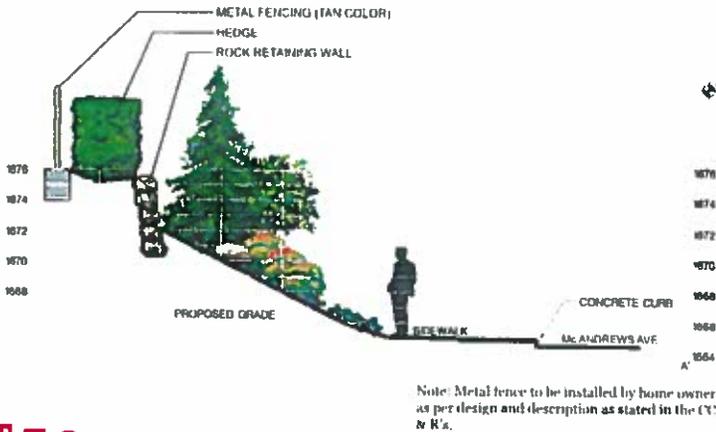
Vertical Separation Feature
(Utilized Where Applicable)



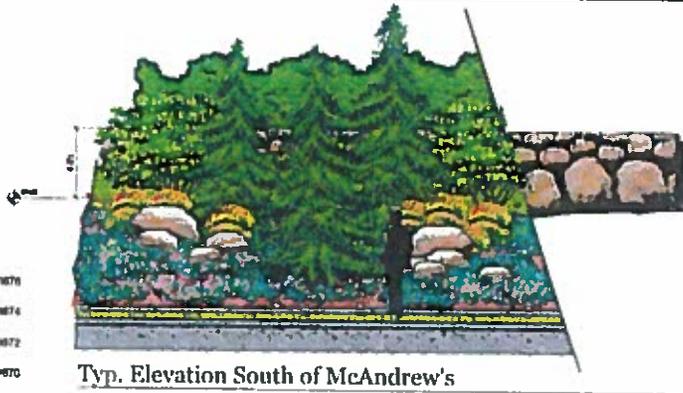
CITY OF MEDFORD
EXHIBIT # "D"
File # PUD-05-25



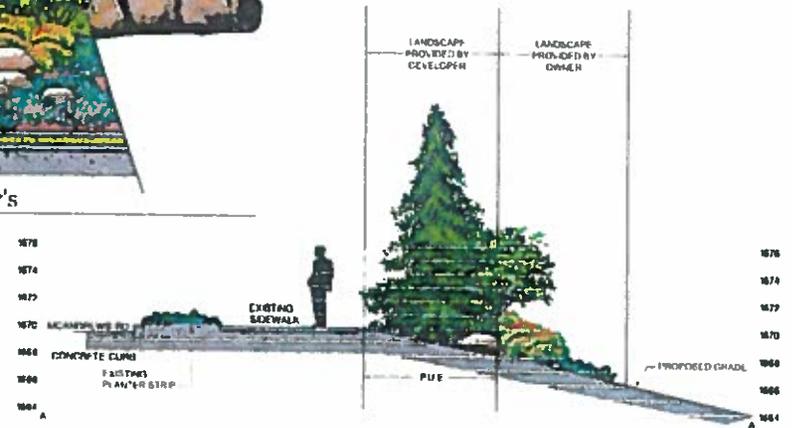
Entry at McAndrews and Sorrento



Typ. Section and Elevation South of McAndrews
Section A-A



Typ. Elevation South of McAndrew's



Typ. Landscape Buffering North of McAndrew's Lots 10-18
Section B-B

W R G
DESIGN INC

Hilla Vista Heights

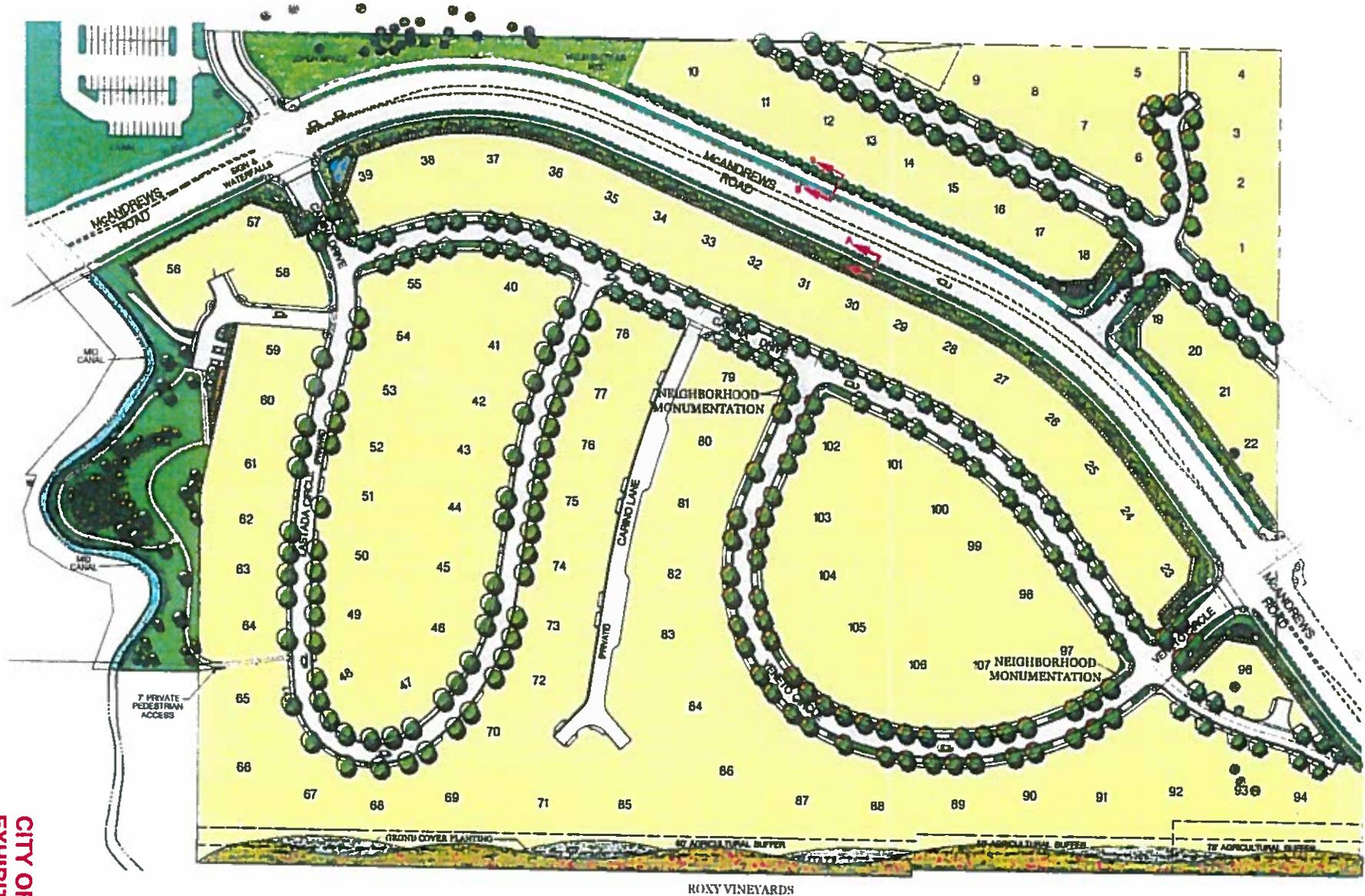
Charter Companies Development

Schematic Entry Perspective and Typical Section and Elevation

APPLICANT'S
EXHIBIT

" 9 "

CITY OF MEDFORD
EXHIBIT # G
File # PUD-05-025
Revision



CITY OF MEDFORD
 EXHIBIT # H
 File # PUD-05-025
 Revision

Vista Heights

Charter Companies Development

APPLICANT'S
 EXHIBIT
 " 4 "



Preliminary Landscape Plan



Continuous Improvement Customer Service

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APR 06 2016

PLANNING DEPT.

CITY OF MEDFORD

LD Date: 4/6/2016

File Number: PUD-05-025 (revision)

PUBLIC WORKS DEPARTMENT STAFF REPORT
Bella Vista PUD Minor Revision

- Project:** Revision to Bella Vista Planned Unit Development to allow a six-foot cedar fence.
- Location:** Located adjacent to East McAndrews Road along Lots 11-17 of Phase 2, located between Palermo Street and East McAndrews Road.
- Applicant:** Shane Maclauchlan, Applicant (Pahlisch Homes, Inc., Agent). Sarah Sousa, Planner.
- Applicability:** The adopted conditions from PUD-05-025 shall remain in full force as originally adopted except as amended below.

Public Works has no additional comment on the proposed revision.

Prepared by: Doug Burroughs

P:\Staff Reports\PUD\2005\PUD-05-025 (revision) Bella Vista\PUD-05-025 (revision) - 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

CITY OF MEDFORD
EXHIBIT # I
File # PUD-05-025
Revision



Medford Fire Department

200 S. Ivy Street, Room #180
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
E-mail www.fire@ci.medford.or.us

LAND DEVELOPMENT REPORT - PLANNING

To: Sarah Sousa

LD Meeting Date: 04/06/2016

From: Fire Marshal Kleinberg

Report Prepared: 03/28/2016

File #: PUD - 05 - 25

Site Name/Description: Bella Vista Planned Unit Development

Revision to Bella Vista Planned Unit Development to allow a six-foot cedar fence to be located adjacent to East McAndrews Road along Lots 11-17 of Phase 2, located between Palermo Street and East McAndrews Road; Shane Maclauchlan, Applicant (Pahlisch Homes, Inc., Agent). Sarah Sousa, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE
<u>Approved as Submitted</u> Meets Requirement: No Additional Requirements	

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.



Memo

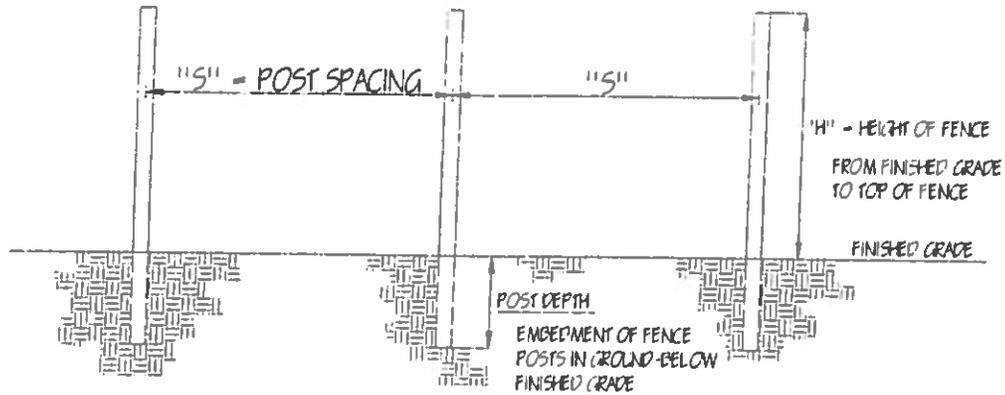
To: Sarah Sousa, Planning Department
From: Mary Montague, Building Department
CC: Shane Maclauchlan
Date: 04/06/2016
Re: PUD-05-025; Bella Vista Minor Revision

Building Department:

Please Note: This is not a plan review. These are general notes based on general information provided. Plans need to be submitted and will be reviewed by a residential plans examiner to determine if there are any other requirements for this occupancy type. Please contact the front counter for fees.

1. Applicable Building Codes are 2014 ORSC with additional Oregon amendments to the 2011 ORSC; 2014 OPSC; and 2014 OMSC. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.
3. A building permit is required for fences over 7 feet in height. Reference Residential Fence Design (attached) for post size, spacing and minimum post depths.

RESIDENTIAL FENCE CONSTRUCTION TABLE FOR WIND LOADING



FENCE HEIGHT "H" =		3' 0"	4' 0"	6' 0"	8' 0"
POST SPACING "5" = 8' 0"	MINIMUM POST SIZE	4" X 4" WOOD OR 2" DIA. STEEL			
	MINIMUM POST DEPTH	1' 4"	1' 9"	2' 8"	3' 0"
POST SPACING "5" = 10' 0"	MINIMUM POST SIZE	SAME	SAME	SAME	SAME
	MINIMUM POST DEPTH	1' 6"	2' 0"	3' 0"	3' 3"

RESIDENTIAL FENCE DESIGN

DESIGNED BY GLM

DATE 4-21-08



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: PUD-05-025 (Revised)

PARCEL ID: 371W21AA TL's 217, 218, 219, 220, 221, 222, 223

PROJECT: Revision to Bella Vista Planned Unit Development to allow a six-foot cedar fence to be located adjacent to East McAndrews Road along Lots 11-17 of Phase 2, located between Palermo Street and East McAndrews Road; Shane MacIauchlan, Applicant (Pahlisch Homes, Inc., Agent). Sarah Sousa, Planner.

DATE: April 6, 2016

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

CONDITIONS

1. No Conditions.

COMMENTS

1. No Comments.

April 20, 2016
re: File No PUD-05-025
Revision of PUD Plan, Bella Vista Heights Subdivision

RECEIVED

APR 20 2016

Planning Commission

PLANNING DEPT.

In regard to a fence constructed along E. McAndrews Road abutting the asphalt sidewalk and Lots 10 - 17 We would like to make the following comments:

1) Referring to the Schematic submitted to the Planning Dept. Aug. 23, 2006 there was no intent to place a fence at it's present location. The design shows trees to be planted as a "buffer" to the lots along the properties. It also indicates a P.U.E. 10' easement on each lot parallel to the existing sidewalk where the trees were planted. It further states the homeowner will provide the landscaping for the property from that point.

Landscaping includes structural elements. A fence would be considered landscaping.

The fence now under review by the Commission has been built at the edge of the asphalt, on the P.U.E.

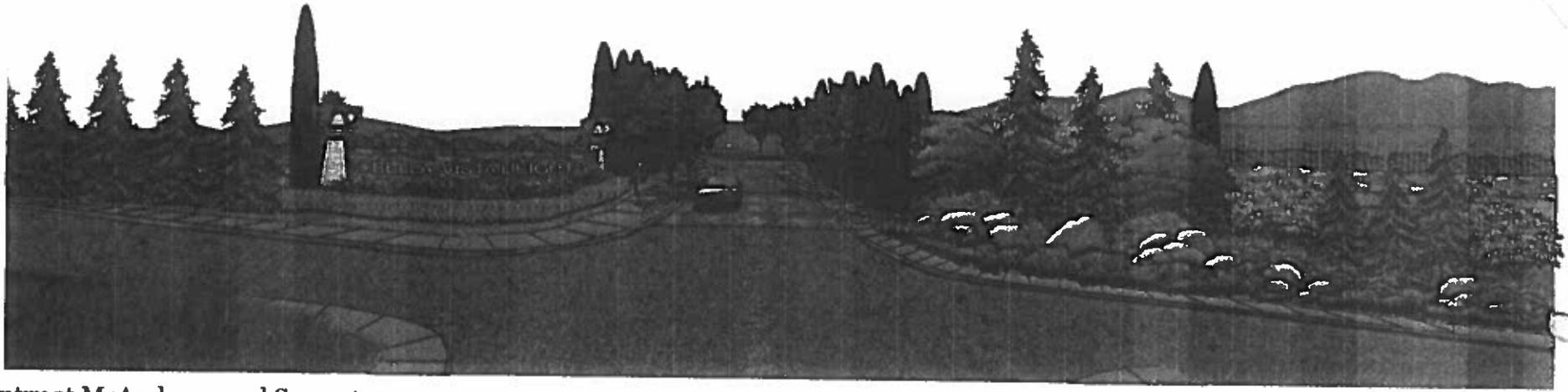
2) There are no other structures of a similar construction for 3/4 of a mile in either direction of this newly constructed fence. All other properties along E. McAndrew allow for a landscape buffer before structural elements are added.

3) The materials used for the fence construction are steel posts and #2 grade cedar. Pieces are already splitting and warping. Staples are pulling out. The same construction style has been used within the subdivision and 2 sections have blown down, along with warping, splitting and boards pulled away. It will become less attractive with time as the many walkers pass by daily.

We would like the Commissioners to consider the quality of the work, the location where it has been constructed, and the intent of the original design to allow the trees to act as a landscape buffer. In addition, a drawing is submitted with this letter suggesting an alternative fence placement that would accomplish the original plan and offer privacy to the homeowners of the affected lots. Most of the materials would be reuseable and of course the new fence would be stained to match all the other fences in the subdivision.

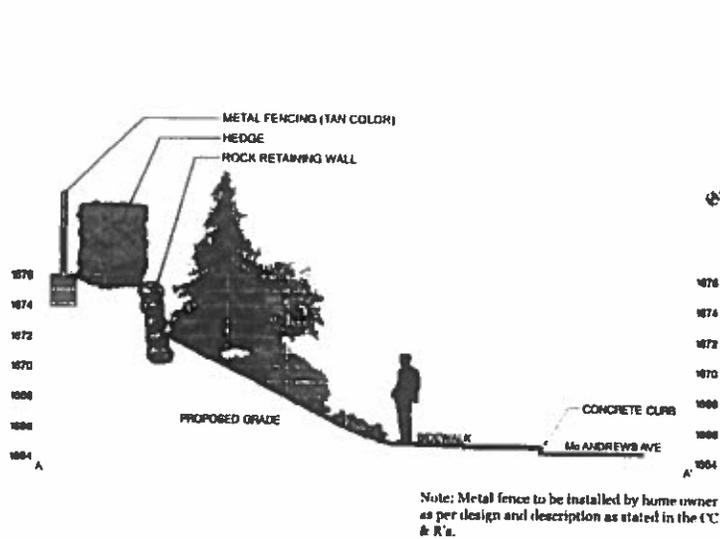
Sincerely,
Dana and Judy Henderson
429 W. Veneto Circle
Medford, Or 97504



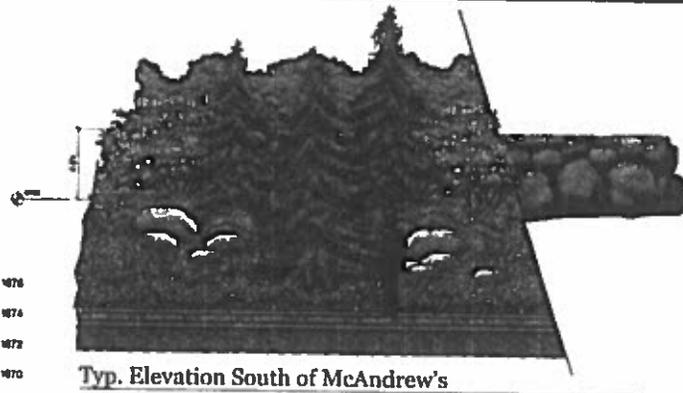


Entry at McAndrews and Sorrento

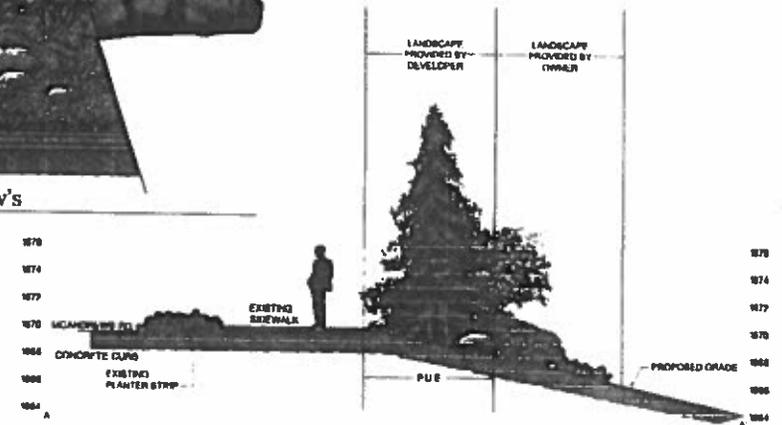
Page 133



Typ. Native Rock Wall with Ornamental Fence/Lots 23 - 39
Section A-A



Typ. Elevation South of McAndrew's



Typ. Landscape Buffering North of McAndrew's Lots 10-18
Section B-B

Bella Vista Heights

A First Charter Companies Development

RECEIVED

AUG 23 2006

Planning Dept.

Schematic Entry Perspective and Typical Section and Elevation
CITY OF MEDFORD

EXHIBIT #

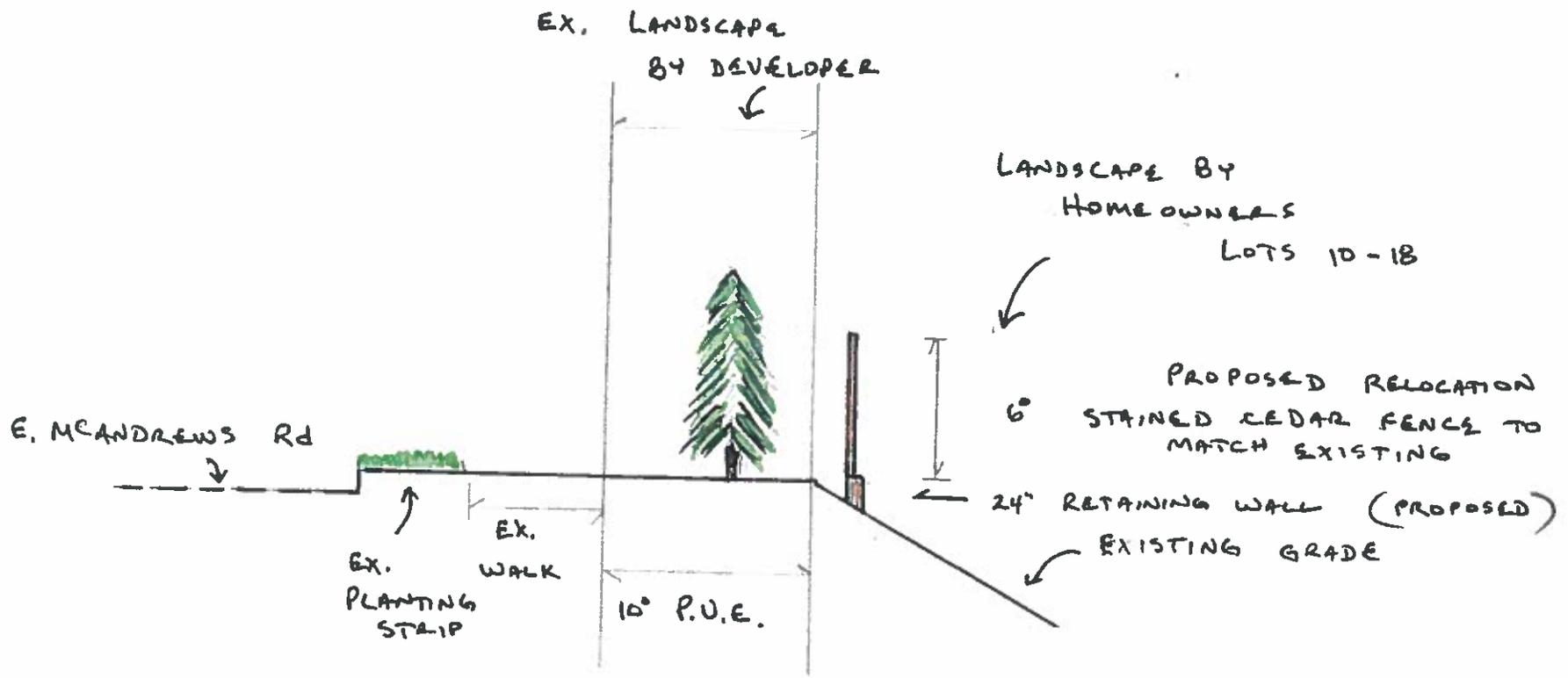
File # PUD-05-25

4/30/2006
W R G
DESIGN INC.

APPLICANT'S
EXHIBIT

" 9 "

7.22



PROPOSED FENCE RELOCATION
NORTH OF MCANDREWS LOTS 10-18

BELLA VISTA HEIGHTS
SUBDIVISION

4/20/2016

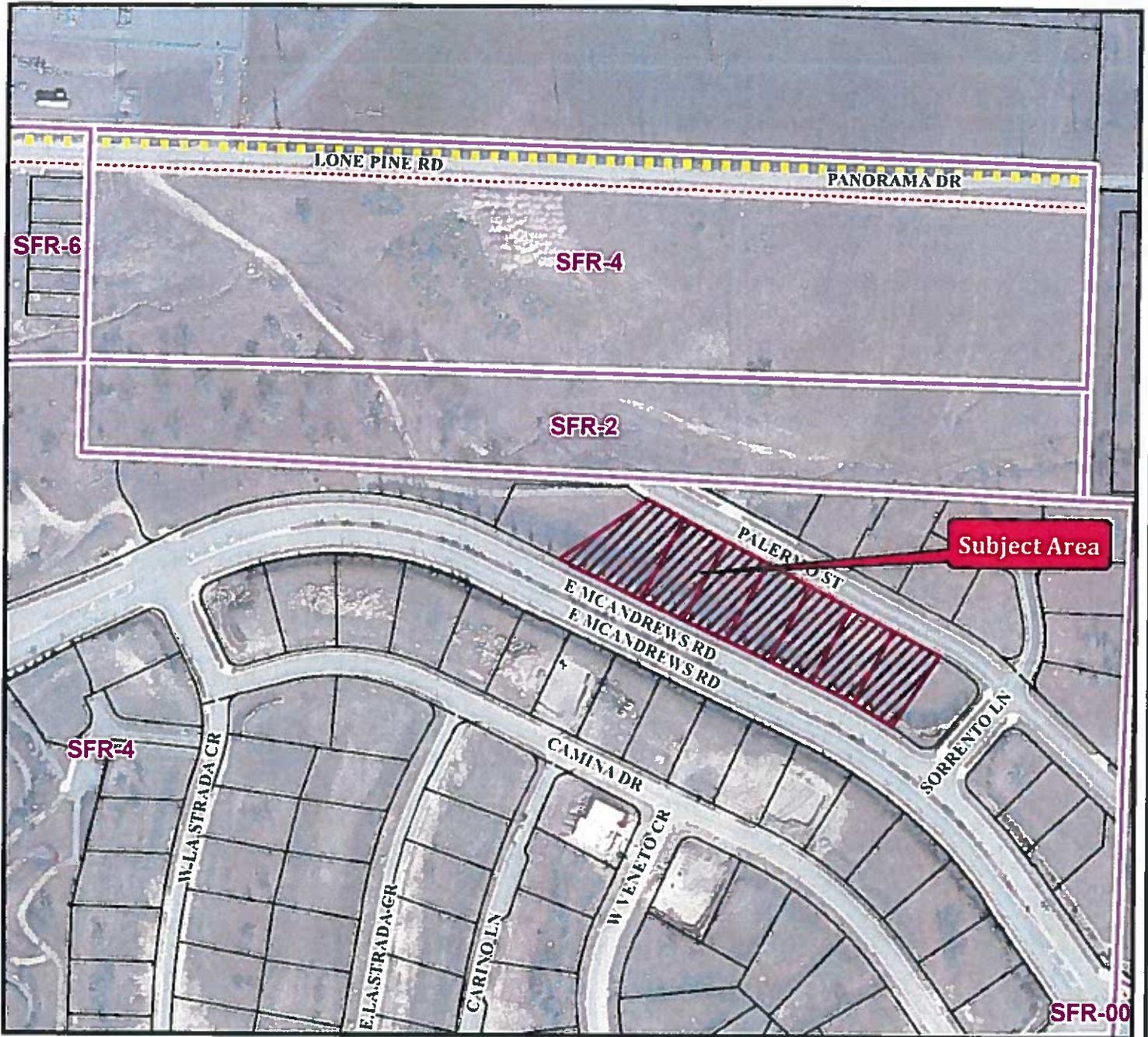


City of Medford
Planning Department

Vicinity
 Map

File Number:

PD 05-025



Project Name:

**PUD 05-25 Bella Vista
 Minor Revision**

Map/Taxlot:

371W21AA

TL 217, 218, 219, 220, 221, 222, 223



Subject Area



Medford Zoning



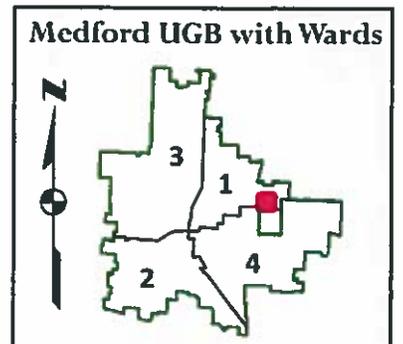
UGB



Tax Lots



PUD



01/20/2016



Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT

for a type-C quasi-judicial decision: PUD Revision/CUP Revision/Land Division

PROJECT Stonegate Estates PUD Revision
Applicant: Mahar Brothers Holdings, LLC
Agent: Richard Stevens & Associates

FILE NO. PUD-00-116/CUP-04-109/LDS-16-045

TO Planning Commission for April 28, 2016 hearing

FROM Sarah Sousa, Planner IV

REVIEWER Kelly Akin, Principal Planner 

DATE April 21, 2016

BACKGROUND

Proposal

Revision to Stonegate Estates Planned Unit Development to 1) amend the exterior boundary of the PUD, 2) revise the Conditional Use Permit to allow riparian encroachments for a multi-use path, street, bridge, public storm water facilities, and utilities and 3) tentative plat review of Phases 2B, 2C, and 2D. The project is located on the east side of North Phoenix Road, north of Coal Mine Road.

Subject Site Characteristics

Zoning Single Family Residential – 4 dwelling units per gross acre
Single Family Residential – 10 dwelling units per gross acre

Overlays Planned Development
Southeast (Area 15 – Small Lot / Area 17 Standard Lot)

GLUP Urban Residential

Use Condominiums / Single Family Homes / Vacant Land

Surrounding Site Characteristics

North

Zoning: Single Family Residential – 10 dwelling units per gross acre
Single Family Residential – 1 unit per lot

Use: Single Family Homes / Vacant Land

South

Zoning: Single Family Residential – 1 unit per lot
Exclusive Farm Use
Use: Single Family Homes / Vacant Land

East

Zoning: Single Family Residential – 10 dwelling units per gross acre
Single Family Residential – 1 unit per lot
Use: Single Family Homes / Vacant Land

West

Zoning: Single Family Residential – 4 dwelling units per gross acre
Use: Single Family Homes

Related Projects

PUD-00-116 Stonegate Estates PUD (Preliminary PUD Plan)
PUD-00-116 Stonegate Estates PUD (termination of Phase 3)
LDS-02-083 Stonegate Estates Phase 1 (tentative plat)
LDS-03-254 Stonegate Estates Phase 1 (condition revision)
CUP-04-109 Stonegate Estates PUD (CUP for riparian encroachments)
AC-06-147 Stonegate Estates Phase 4 (condominiums)
AC-06-248 Stonegate Estates Phase 5 (condominiums / townhomes)
LDS-13-137 Stonegate Estates Phase 2 (tentative plat)

Applicable Criteria

Medford Land Development Code §10.235(D), Criteria for Preliminary PUD Plan

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 thereunder:
- 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.

Medford Land Development Code § 10.245(A)(3), Revision or Termination of a PUD

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.

Medford Land Development Code § 10.248, Conditional Use Permit Criteria

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

- (1) The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.
- (2) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.

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

- (1) Limit the manner in which the use is conducted, including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- (2) Establish a special yard or other open space or lot area or dimension requirement.

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

Medford Land Development Code Section 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.

Corporate Names

The State of Oregon Business Registry lists Louis Mahar as the registered agent for the Mahar Brothers Holdings, LLC.

ISSUES AND ANALYSIS

Project History

On January 10, 2002, the Planning Commission approved Stonegate Estates Planned Unit Development, a master plan for the development of a 67.2-acre site with a mixture of residential housing types. It also includes approximately 12 acres that will eventually be dedicated to the city for open space with bike and pedestrian paths and viewing areas within the riparian areas along Larson Creek. Below is the current status of the project.

Phase	Type of Development	Status
Phase 1	Single Family Lots	Final Plat & Plan Approved
Phase 2A	Single Family Lots	Final Plat & Plan Approved
Phase 2B, 2C, 2D	Single Family Lots	Subject of Tentative Plat Review
Phase 3	Single Family Lots	Terminated October of 2010
Phase 4	Condominiums	Final Plan / Built
Phase 5	Condominiums/ Town-homes	Final Plan / Not built

Scope of Project

The subject of this review includes a PUD Revision, CUP Revision, and a Land Division. The PUD revision consists of amending the boundary, adding a modification to lot depth for one lot, and increasing the number of lots. The need for a CUP revision is in part due to the boundary adjustment. This additional area to be added to the project is located within the riparian area of Larson Creek. A crossing at this location is requested within the riparian area, which is subject to a CUP review. In addition, detailed riparian planting plans have been submitted for areas along Larson Creek within Phases 2 and 5. Finally, the land division includes a tentative plat for a 63-lot residential subdivision for Phases 2B, 2C, and 2D.

PUD Revision

Limited Review

The PUD revision criteria state that the review shall be strictly limited to the specific nature and magnitude of the proposed revision. This means the review is generally limited to the changes and does not warrant a new review of the PUD as a whole.

Boundary

The City approved a property line adjustment along the northeast section of the PUD in 2006 (PLA-06-236). At the time of final plan approval, the Planning Director may approve minor boundary adjustments which are slight and result from the resolution of boundary errors or inconsistencies discovered during the survey of the property. In this instance, the property line adjustment was done to purposely add an acre of land. As a result, this additional land to be added is required to be approved as a revision to the PUD.

The applicant's findings explain that this acquired land within Phase 2B is located in the northeast quadrant of the PUD where Stanford Avenue crosses the middle fork of Larson Creek (Exhibit O). This adjustment allows for the lots within that area to have the lot depth necessary to meet the code requirement. It also requires a bridge for public street purposes for Stanford Avenue. This additional acre of land is approximately 1.55 percent of the entire project area.

Modification

The PUD process allows for modifications from the strict application of the code. Medford Land Development Code Section 10.230(D) lists the types of modifications that can be requested. As described in the applicant's findings, three modifications were

approved with the Preliminary PUD approval (Exhibit O). They related to allowing some oversized lots in Phase 1, granting more signage than typically allowed for PUDs, and permitting a housing type not normally allowed in the single family zones (condominiums). The applicant's findings explain that the additional signage allowance was not used.

An additional modification is being requested with this review. The applicant requests a modification for lot depth of Lot 166. The applicant submitted supplemental findings addressing this specific modification request (Exhibit P). The Code requires that newly created lots in the SFR-4 zoning district have a minimum lot depth of 90 feet. Lot 166 is shown on the tentative plat with 88 feet along the eastern boundary and 78 feet along the western boundary and measures approximately 83 feet in depth overall (Exhibit D). The applicant's findings explain that the physical constraints, associated with the riparian corridor of Larson Creek, inhibit the optimum design and layout of lots. The subject lot is shown as a wider, but shorter lot. It is shown at 100 feet wide (40 feet wider than required). The lot meets all other site development standards. Staff recommends the Commission allow the modification due to site constraints and as it is less than an 8 percent deviation in length.

Vehicle Trips

The PUD approval for Stonegate Estates included two conditions related to a trip cap for the project. The conditions required a restrictive covenant to be recorded on the subject land limiting the number of vehicular trips for the project. The limitation was based upon two factors: 1) the needed street facility improvements and 2) the limited scope of the traffic study submitted and analyzed with the project. The approval of the PUD included a restriction for a total vehicle trip cap of 1,300 average daily trips for the project until the signalization of the intersection of North Phoenix Road and Cherry Lane and the improvements of the Fern Valley Interchange.

Since both of the necessary street improvements are either completed or under construction, the applicant requested to have the trip cap re-evaluated via the administrative process listed in Medford Land Development Code Section 10.228 in 2015. The result was that the total vehicle trip cap was increased. Due to the limited scope of the traffic study submitted with the original zone change, the project is still limited to 2,366 average daily trips.

Land Division

Tentative Plat

The scope of the land division review includes the tentative plat of Phase 2B, 2C, and 2D of Stonegate Estates PUD. The applicant proposes to create 63 single family residential lots.

Previous Approval

In 2013, the Commission approved the tentative plat for Phase 2 (LDS-13-137). At that time the proposal included sub-phasing it into 2A, 2B, and 2C. Since then, the Planning Director approved a de minimis revision to the PUD to allow for the sub-phasing of Phase 2. Also, the final plat was approved for Phase 2A. It is now the applicant's intent to get new tentative plat approval for Phases 2B, 2C, and 2D. This will allow for a new approval and expiration period.

Revisions

Changes that must be authorized by the Planning Commission for this land division review include the additional sub-phase of Phase 2D and the increase of four lots within Phases 2B and 2C.

The additional sub-phase of Phase 2D is located at the southern end of the project along Coal Mine Road. Additional sub-phasing of a project of this size is often necessary in order to allow development in stages. This also provides time for final PUD plan and final plat approvals incrementally.

In regards to the four additional lots, they are located within Phases 2B and 2C. One additional lot is shown on the northern side of Arizona Drive in Phase 2B within Lots 124-131. Three additional lots are shown on the south side of Utah Drive within Lots 163-166. The Preliminary PUD Plan showed one oversize lot in the area south of Utah Drive. In the area south of Utah Drive it is preferable to have four conforming lots instead of one oversize lot.

To summarize the land division review of Phases 2B, 2C, and 2D, it is consistent with the Preliminary PUD Plan. The layout is generally the same. All proposed lots conform to the standards of the Medford Land Development Code for length, width, square footage, frontage, and access (other than Lot 166). Lastly, the density for the overall project is still within the allowable range.

Conditional Use Permit

Previous Approval

With the Preliminary PUD Plan approval, a condition was included requiring a CUP review for the improvements within the riparian corridor of Larson Creek. A conditional use permit was reviewed and approved in 2004 for such encroachments. The applicant received approval of the greenway path, pedestrian bridges, vehicular bridges, and storm drainage facilities for the entire project.

Revisions

As described on page 2 of the applicant's findings, the purpose of the revision to the CUP is to include the extension of a new pedestrian/bike path and an additional new bridge for motor vehicles within the riparian area (Exhibit Q). The extension of the pathway and the bridge are shown in the area on the northeast section of the project that is part of the PUD boundary adjustment request.

Medford Land Development Code Section 10.925 lists the conditional uses allowed within riparian corridors. Streets, roads, bridges, and multi-use paths are all allowable via the approval of a CUP. The applicant's findings address the CUP approval criterion #2 in that the proposal is in the public interest and although it may cause some adverse impacts, mitigation is proposed. Specifically, riparian planting plans have been submitted as a mitigation measure.

Riparian Planting Plans

As described above, the applicant submitted riparian planting plans for areas along Larson Creek within Phases 2 and 5. The Oregon Department of Fish & Wildlife (ODF&W), as well as the Medford Parks & Recreation Department, has reviewed the plans. ODF&W has submitted a letter with a list of items that need to be addressed (Exhibit BB). The concerns brought up relate to a lack of information related to: 1) existing vegetation to be removed, 2) planting and irrigation timeline, 3) ongoing maintenance plan, and 4) details about the road crossings placed in the stream channels. A condition has been included requiring the applicant to comply with the conditions and requirements from ODF&W prior to final plat approval. The Medford Parks & Recreation Department submitted a memo listing conditions of approval related the paths and riparian planting plans (Exhibit CC).

FINDINGS AND CONCLUSIONS

Staff has reviewed the Applicant's Findings and recommends the Commission adopt the findings as presented.

RECOMMENDED ACTION

Direct staff to prepare a Final Order of Approval per the staff report dated April 21, 2016, including Exhibits A through EE.

EXHIBITS

- A Conditions of Approval
- B Approved Preliminary PUD Plan for Stonegate Estates PUD
- C Revised PUD Plan for Stonegate Estates PUD received February 19, 2016
- D Tentative Plat for Stonegate Estates Phases 2B, 2C, & 2D received February 19, 2016
- E Conceptual Water and Sewer Plan received February 19, 2016
- F Conceptual Storm Drain Plan received February 19, 2016
- G Riparian/Greenway Planned Improvement Map received February 19, 2016
- H Street Tree Master Plan received March 9, 2016
- I Riparian Tree Inventory received February 19, 2016
- J Storm Water Pond Plan (Open Space F) received March 9, 2016
- K Riparian Planting Plan (Open Space A, D, F, & G) received March 9, 2016
- L Riparian Planting Plan (Phase 2D) received March 9, 2016
- M Riparian Planting Plan (Phase 5) received March 9, 2016
- N Applicant's Narrative received February 19, 2016
- O Applicant's Findings of Fact (PUD Revision/Land Division) received February 19, 2016
- P Applicant's Supplemental Findings of Fact (PUD Revision) received April 19, 2016
- Q Applicant's Findings of Fact (CUP Revision) received February 19, 2016
- R Public Works Staff Report (PUD Revision) received April 6, 2016
- S Public Works Staff Report (Land Division) received April 15, 2016
- T Public Works Staff Report (CUP Revision) received April 6, 2016
- U Medford Fire Department Report (PUD Revision/Land Division) received April 6, 2016
- V Medford Fire Department Report (CUP Revision) received April 6, 2016
- W Medford Building Department Memo (PUD Revision/Land Division) received April 6, 2016
- X Medford Building Department Memo (CUP Revision) received April 6, 2016
- Y Address Technician Memo received April 6, 2016
- Z Medford Water Commission Memo (PUD Revision) received April 6, 2016
- AA Medford Water Commission Memo (CUP Revision) received April 6, 2016

- BB Oregon Department of Fish & Wildlife Letter received April 18, 2016
- CC Medford Parks & Recreation Department Memo received April 20, 2016
- DD Medford Parks & Recreation Department Memo (regarding street trees) received April 20, 2016
- EE Jackson County Assessor's Map received February 19, 2016
Vicinity map

PLANNING COMMISSION AGENDA:

APRIL 28, 2016

EXHIBIT A

Stonegate Estates
PUD Revision/CUP Revision/Land Division
PUD-00-116/CUP-04-109/LDS-16-045
Conditions of Approval
April 21, 2016

All conditions of the Preliminary PUD plan approval (PUD-00-116) and original CUP approval (CUP-04-109) are still in effect, other than those modified by this revision request.

CODE CONDITIONS

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

1. Receive final PUD plan approval;
2. Comply with the Public Works Staff Report received April 15, 2016 (Exhibit S);
3. Comply with the Medford Fire Department Report received April 6, 2016 (Exhibit U);
4. Comply with the Address Technician Memorandum received April 6, 2016 (Exhibit Y) regarding Phase 2C;
5. Comply with the Oregon Department of Fish & Wildlife letter received April 18, 2016 (Exhibit BB).
6. Comply with the Medford Parks & Recreation Department memos received April 20, 2016 (Exhibit CC & Exhibit DD).

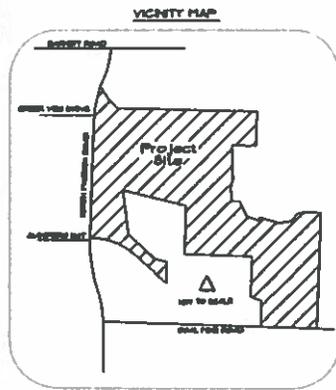
PRELIMINARY PUD PLAN AMMENDMENT
 FOR
STONEGATE ESTATES
 LOCATED IN:
 THE NW 1/4 & THE SW 1/4 OF SECTION 34, T.31N, R.11W, W.M.
 CITY OF MEDFORD,
 JACKSON COUNTY, OREGON

OWNER/CLIENT:
 MAHAR BROTHERS CONST.
 4833 SOUTHVIEW TERRACE
 MEDFORD, OREGON 97504
 (541) 848-3288

AGENT:
 RICHARD STEVENSON & ASSOC., INC.
 100 E. MAIN ST.
 MEDFORD, OREGON 97504
 (541) 773-2646

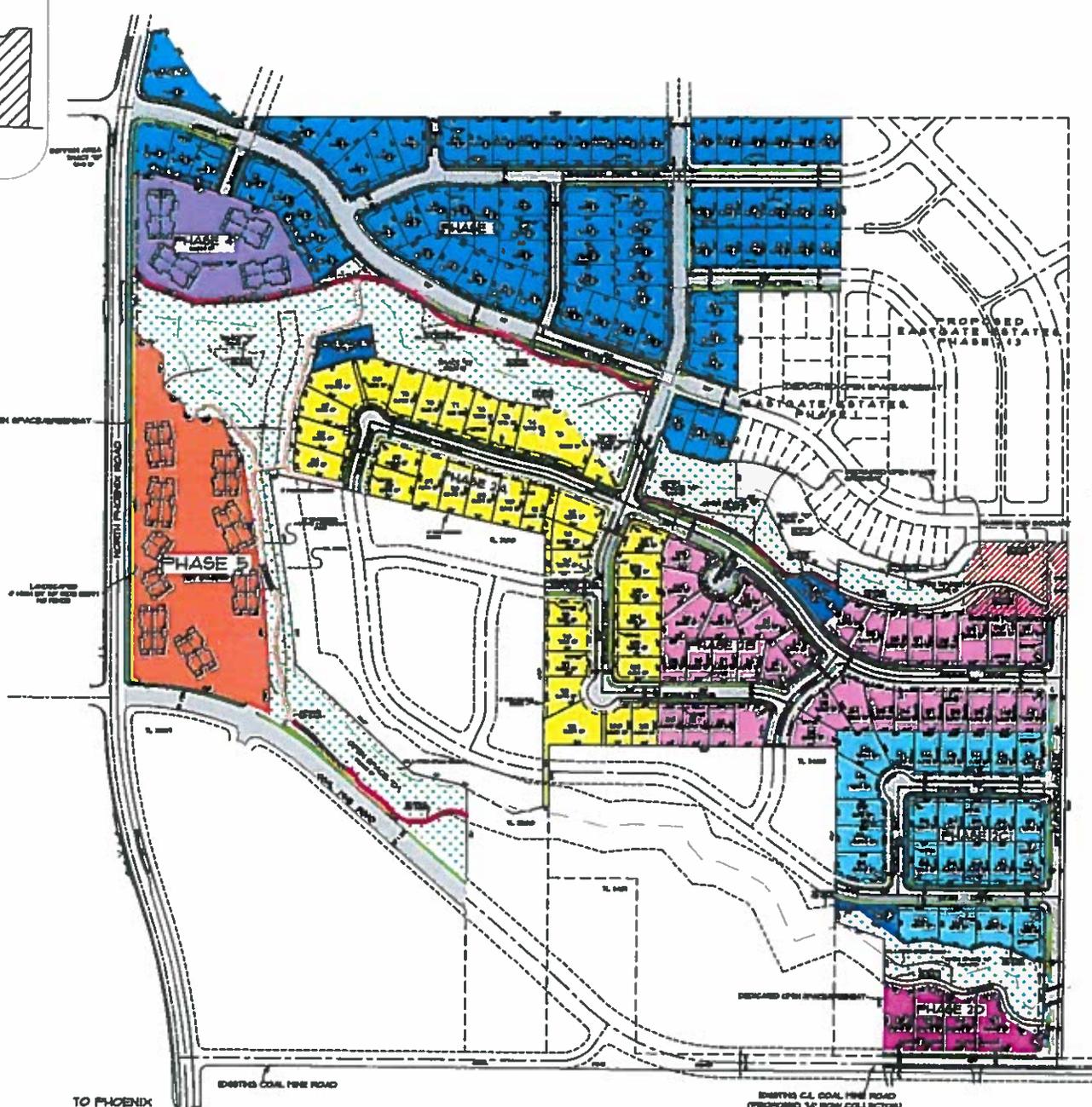
ENGINEERING:
 CSC ENGINEERING
 132 W. MAIN ST., STE. 201
 MEDFORD, OREGON 97504
 (541) 778-8288

REVIEWING:
 HOFFELMAN & ASSOC., INC.
 880 GOLF VIEW DR., STE. 201
 MEDFORD, OREGON 97504
 (541) 778-4641
 FEBRUARY 17, 2016



Page 150

CITY OF MEDFORD
 EXHIBIT #
 File #PUD-00-116 Revision
 CUP-04-109 Revision
 LDS-16-045



- PHASE 1
- PHASE 2A
- PHASE 2B
- PHASE 2C
- PHASE 2D
- PHASE 3
- PHASE 4
- PHASE 5
- AREA ADDED TO PUD AND ALL
- VEHICULAR DRIVE IN SPACES
- PERFORMING SPACE IN PERFORMING
- 10-FOOT PERFORMING PARK
- 5-FOOT PERFORMING PARK



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FEBRUARY 19, 2016
PLANNING DEPARTMENT

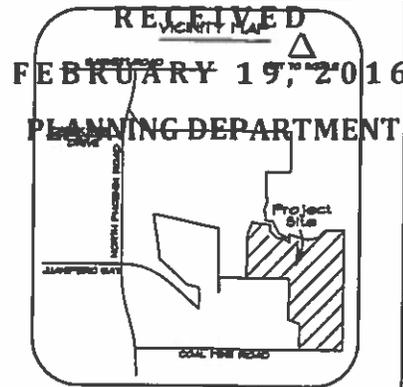


Handwritten mark or signature.

OWNER/APPLICANT
 MAHAR BROTHERS CONST.
 4102 SOUTHVIEW TERRACE
 MEDFORD, OREGON 97504
 (541) 608-9288



TENTATIVE PLAT
 FOR
STONEGATE ESTATES PHASES 2B, 2C & 2D
 SITUATED IN
 THE NORTHWEST QUARTER & SOUTHWEST QUARTER OF
 SECTION 34, TOWNSHIP 37 SOUTH, RANGE 1 WEST,
 WILLAMETTE MERIDIAN,
 CITY OF MEDFORD, JACKSON COUNTY OREGON



AGENT
 RICHARD STEVENS & ASSOC., INC.
 100 E. MAIN ST.
 MEDFORD, OREGON 97501
 (541) 713-2646

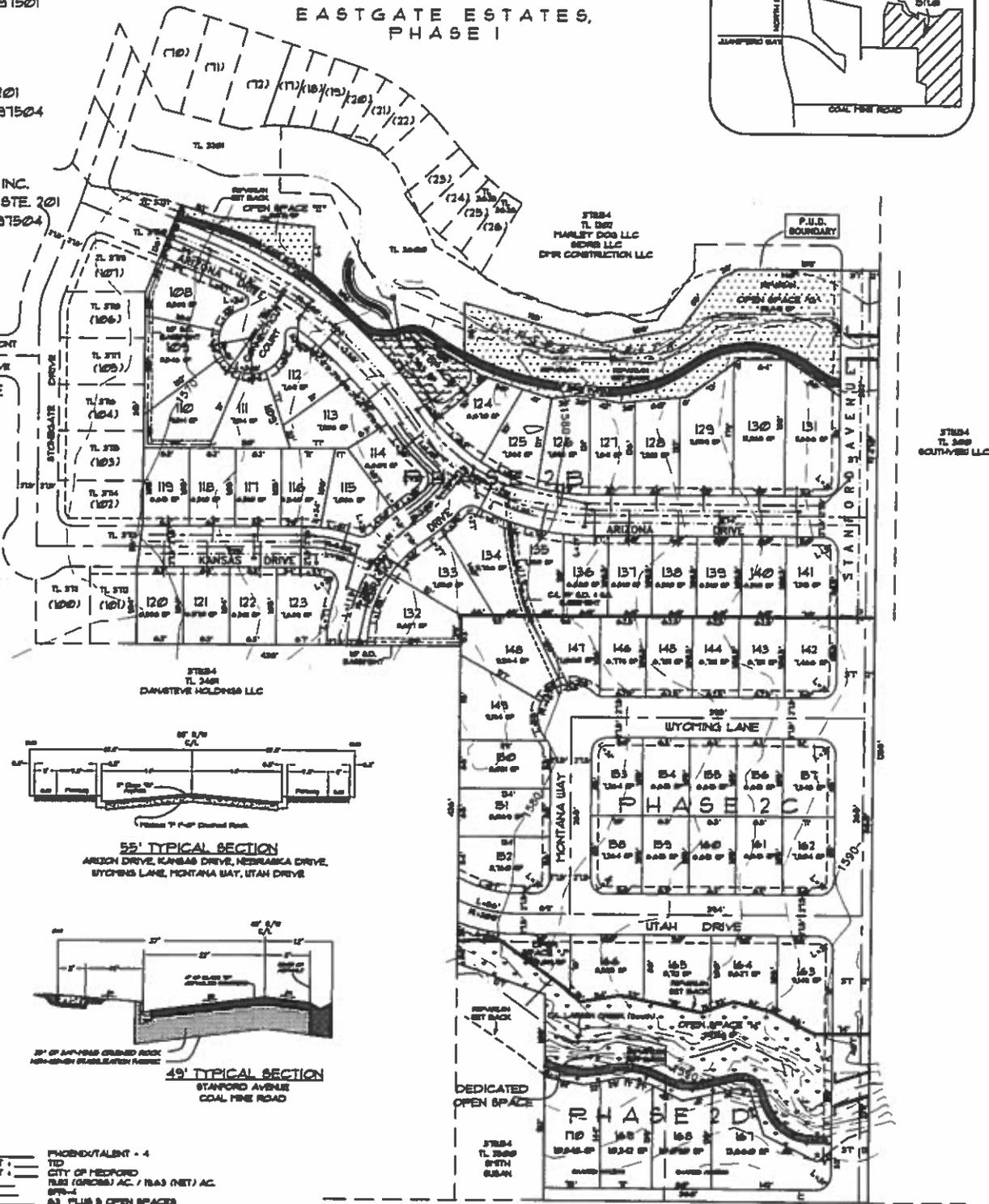
ENGINEERING
 CEC ENGINEERING
 132 W. MAIN ST. STE. 201
 MEDFORD, OREGON 97504
 (541) 719-9268

SURVEYING
 HOFFBUHR & ASSOC., INC.
 880 GOLF VIEW DR. STE. 201
 MEDFORD, OREGON 97504
 (541) 719-4641

FEBRUARY 12, 2016

**EASTGATE ESTATES,
 PHASE I**

**STONEGATE
 ESTATES,
 PHASE 2A**





CARL H. HAYS
REGISTERED PROFESSIONAL ENGINEER
LICENSE NO. 14101
STATE OF OREGON

DATE	1/27/16	
BY	CH	
PROJECT	STONEGATE ESTATES PHASES 2A, 2B, 2C & 2D	
SCALE	AS SHOWN	
REVISIONS		
NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

STAFF SCALE
1" = 100'



LEGEND

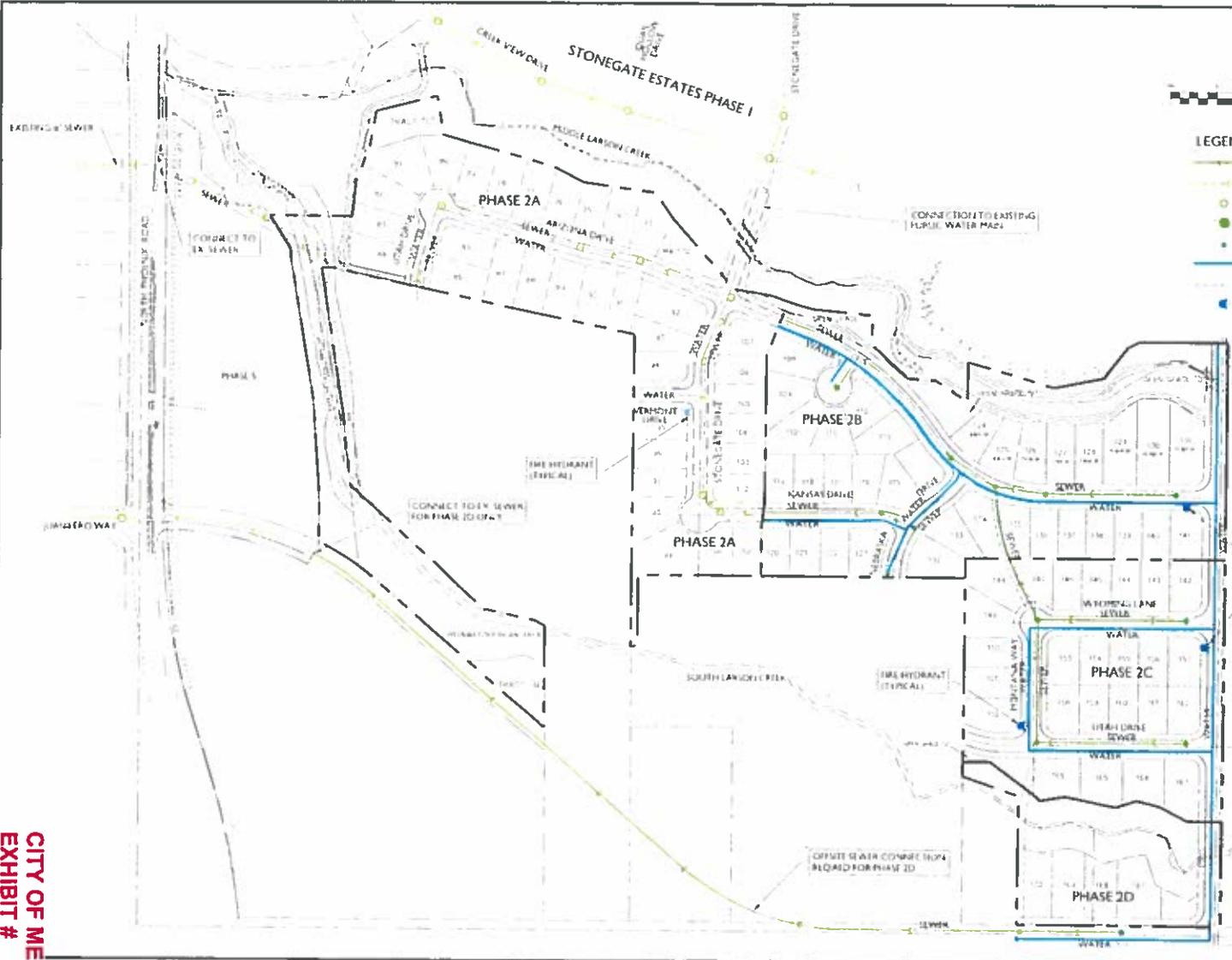
- PROPOSED SS
- EXISTING SS
- EXISTING SS PPH
- PROPOSED SS PPH
- PROPOSED SS C/A/C/B
- PROPOSED WATER
- EXISTING WATER
- PROPOSED FIRE HYDRANT

TYPICAL FIRE HYDRANT
PLACEMENT TO BE APPROVED
BY FIRE DEPARTMENT

FIRE HYDRANT
(TYPICAL)

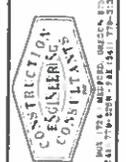
FIRE HYDRANT
(TYPICAL)

CITY OF MEDFORD
STONEGATE ESTATES
PHASES 2A, 2B, 2C & 2D
CONCEPTUAL
WATER AND SEWER PLAN



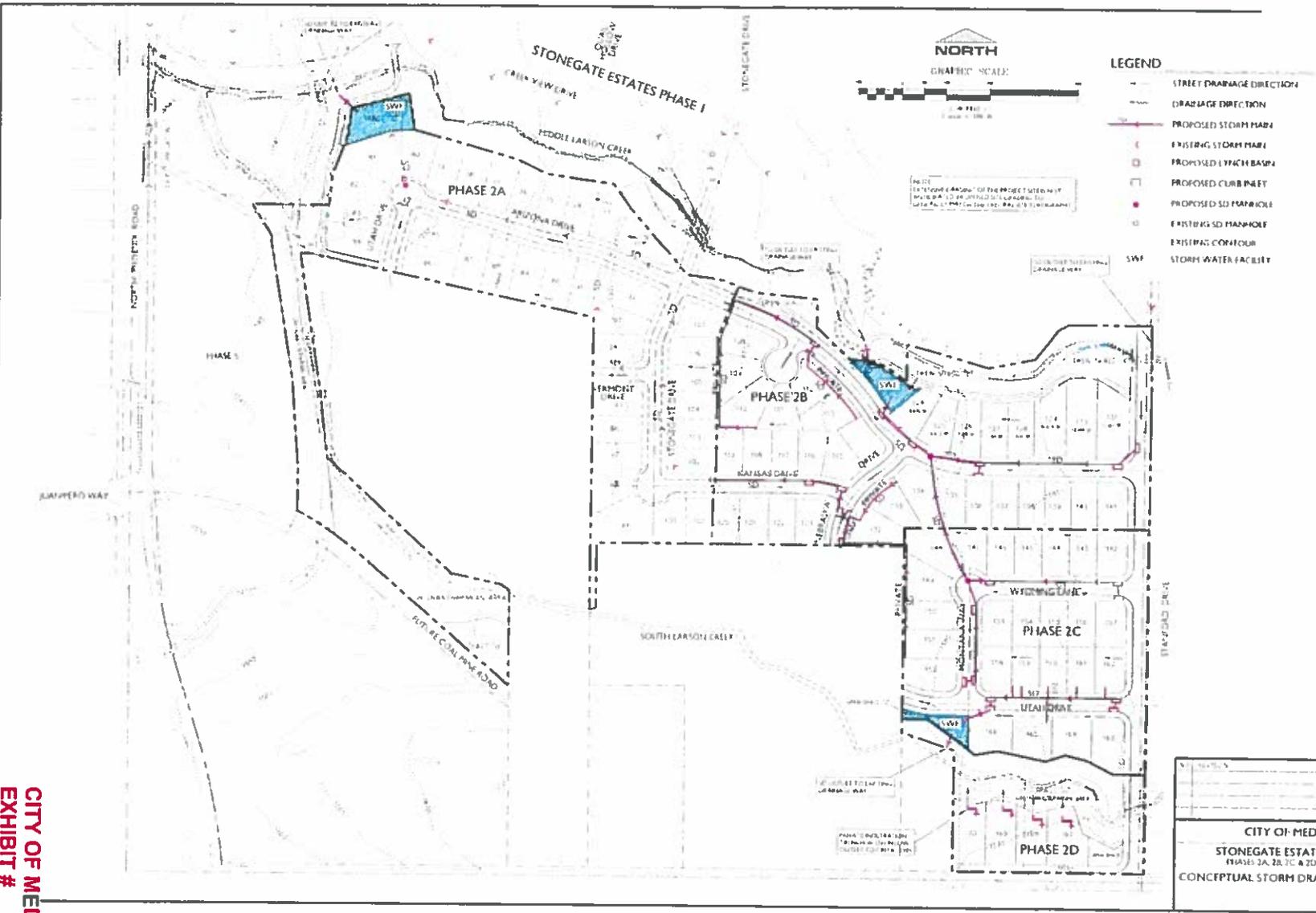
RECEIVED
FEB 19 2016
PLANNING DEPT.

CITY OF MEDFORD
EXHIBIT # E
File #PUD-00-116 Revision
CUP-04-109 Revision
LDS-16-045


 CALL OR E-MAIL: 503-251-1111
 1000 NE Oregon Street, Suite 200, Portland, OR 97232

 PROJECT NO. 15-001
 SHEET NO. 02
 DATE: 02/11/2016
 SCALE: AS SHOWN

 CITY OF MEDFORD
 STONEGATE ESTATES
 PHASES 2A, 2B, 2C & 2D
 CONCEPTUAL STORM DRAIN PLAN
 DATE: 02/11/2016
 SHEET NO. 02

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CITY OF MEDFORD
EXHIBIT # F
File #PUD-00-116 Revision
CUP-04-109 Revision
LDS-16-045

RIPARIAN/GREENWAY PLANNED IMPROVEMENT MAP

For

STONEGATE ESTATES

Located in

THE NW/4 & THE SW/4 OF SECTION 34, T31N, R31E, W1E

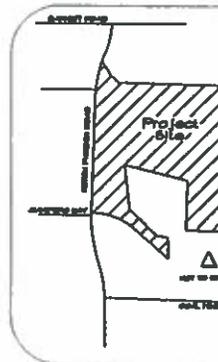
CITY OF MEDFORD,

JACKSON COUNTY, OREGON

TAX LOT 020, 2000 & 2000 (31M34)

OWNER/APPLICANT
HAMAR BROTHERS CONST.
4802 SOUTHVIEW TERRACE
MEDFORD, OREGON 97504
(541) 636-1200

VICINITY MAP

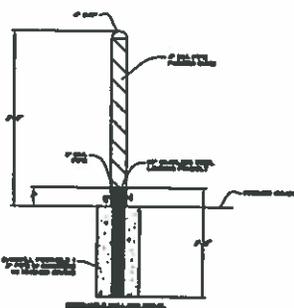


RIPARIAN EQUIVALENT CALCULATION

- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 0 = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 1 = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 2A = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 2B = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 2C = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 2D = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 2E = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 2F = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 2G = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 2H = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 2I = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 2J = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 2K = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 2L = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 2M = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 2N = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 2O = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 2P = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 2Q = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 2R = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 2S = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 2T = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 2U = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 2V = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 2W = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 2X = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 2Y = 0.00 OF
- IF FIELD USE PARALLEL WITH OPEN SPACE USE, PHASE 2Z = 0.00 OF

LEGEND

- IMPROVED RIPARIAN AREA WITH CHANNELS AND BANKS
- IMPROVED FIELD USE PARALLEL WITH OPEN SPACE USE
- IMPROVED FIELD USE PARALLEL WITH OPEN SPACE USE
- IMPROVED FIELD USE PARALLEL WITH OPEN SPACE USE
- IMPROVED FIELD USE PARALLEL WITH OPEN SPACE USE
- IMPROVED FIELD USE PARALLEL WITH OPEN SPACE USE
- IMPROVED FIELD USE PARALLEL WITH OPEN SPACE USE
- IMPROVED FIELD USE PARALLEL WITH OPEN SPACE USE
- IMPROVED FIELD USE PARALLEL WITH OPEN SPACE USE
- IMPROVED FIELD USE PARALLEL WITH OPEN SPACE USE
- SETBACK BELLOID
- SPECIAL DESIGN LINES



Page 154

CITY OF MEDFORD
EXHIBIT # G
File #PUD-00-116 Revision
CUP-04-109 Revision
LDS-16-045

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TREE INVENTORY
 For
STONEGATE ESTATES
 (IN AREAS OF IMPACT BY IMPROVEMENTS)

Located in
 THE NW 1/4 & THE SW 1/4 OF SECTION 34, T.31N. R.11W. W.1.
 CITY OF MEDFORD,
 JACKSON COUNTY, OREGON
 TAX LOT 020, 2000 & 2000 (311134)

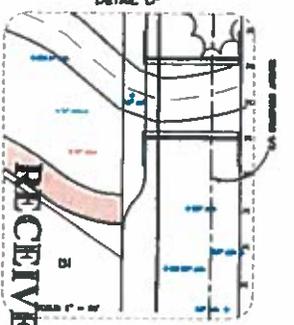
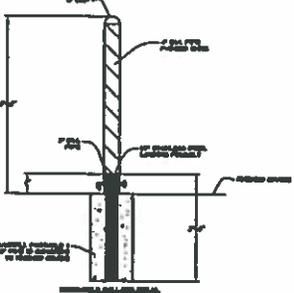
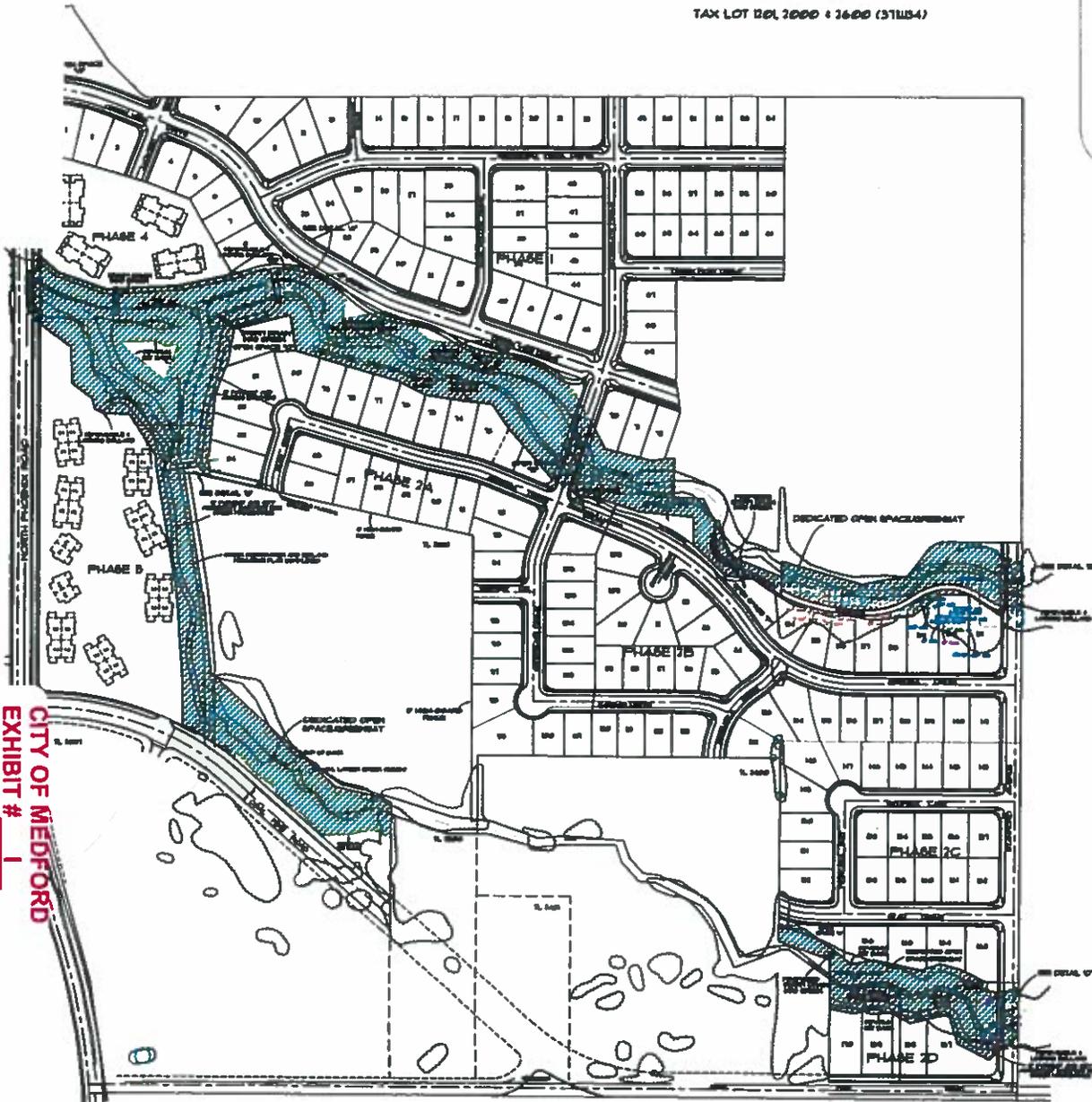


GENERAL APPLICANT
 MAHAR BROTHERS I
 4523 SOUTHVIEW TER
 MEDFORD, OREGON
 (541) 686-1238



- LANDSCAPING NOTES:**
1. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MEDFORD PLANTING MANUAL.
 2. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MEDFORD PLANTING MANUAL.
 3. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MEDFORD PLANTING MANUAL.
 4. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MEDFORD PLANTING MANUAL.

- CLEARING LIMIT NOTES:**
1. ALL CLEARING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MEDFORD PLANTING MANUAL.
 2. ALL CLEARING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MEDFORD PLANTING MANUAL.



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PLANNING DEPT.

CITY OF MEDFORD
EXHIBIT # 1
File #PUD-00-116 Revision
CUP-04-109 Revision
LDS-16-045

PLANT LIST

Quantity	Common Name	Botanical Name	Size
5	Amor Red Cedar	Juniperus	1 1/2"
5	Castor Ironwood	Castanopsis	6"
10	Orange Red Clover	Coronilla	3"
18	Orange Hebe	Hebe	2"
11	Red Hebe	Hebe	2"
11	Shrub Cloud Holly	Phoradendron	2"

PLANTING

- Plant material to be installed in accordance with landscape plans and quantities indicated herein. Substitutions to be made with the approval of landscape architect.
- No planting to proceed until irrigation system is fully functioning in the area to be planted.
- All plant holes to be dug 2 times the volume of their root ball size. Backfill with amount of 1/2 organic matter, 3/4 native soil, maximum depth and 15-18 1/2 inches as follows:
 - 1" to 2" Top Soil
 - 2" to 4" Top Soil
 - 4" to 6" Top Soil
- Plant upright and back to give best access to air and water to plants, structures and treatment during winter. Trees and shrubs to be planted so as to be brought up and down without the assistance of shovels. Shovels to be used for support against adjacent holes.
- Remove and remove loose soil and backfill from around top of each root ball. Secure soil with plastic mulch or soil board material, being careful not to damage the root ball directly. Shovel and soil board immediately after tree work.
- Plant and establish healthy soil moisture conditions to avoid injury to roots, and 1/2" of water when trees are 2/3" from soil surface and other water to soak away at least two times or more, as necessary to encourage water absorption.
- Quarantine plant material and avoid re-planting of material, including other or other materials of work, for one year.
- Remove plant material not surviving or at poor condition during guarantee period.
- Perform all replacement work in accordance with original specifications or as compared to the same.
- Damage or loss of plant material due to vandalism, flooding or acts of nature by others is exempt from Contractor's responsibility.

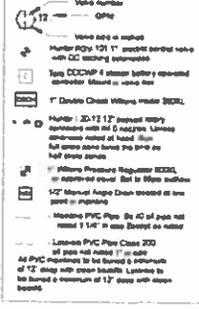
GENERAL CONSTRUCTION NOTES

- General preparation of site to include:
 - Excavation of areas through the finished elevation of sidewalks, allowing adequate time for set.
 - Removal of top soil of all existing surface work in planting beds.
 - Drainage Collection System preparation:
 - Gravel bedding and preparation to be per (See Engineering Specifications).
 - Flow to take to existing drainage system to an open, smooth grass receiving head or soft cover that might impede drainage or cause flooding. See (See Notes) for additional soil preparation information.
 - Drainage under existing concrete to be hydro-voided with:
 - Gravel (see note above)
 - 100 lbs per 1000 sq ft
 - 4000 lbs per 1000 sq ft
 - 1 1/2" per 1000 sq ft
 - 1200 lbs per 1000 sq ft
 Per Manufacturer Specifications.
- See Notes Detail for foundation and base.
- See Notes Detail for Stone Butcher planting.
- Plant in containers and measurements against lot equipment on-site. Any changes to the responsibility of the plant order to be discussed with the owner's representative.
- INCLUDE THE CARES OF LANDSCAPE (C/L) from the day of construction including but not limited to:
 - Watering planting area or a healthy weed free condition through a minimum of weekly visits.
 - Remove any irregular growing signs of weeds.
 - Include program for correct timing.
 - Protect owner site complete list of indications for distributed care of the end of the maintenance period.

GRADING

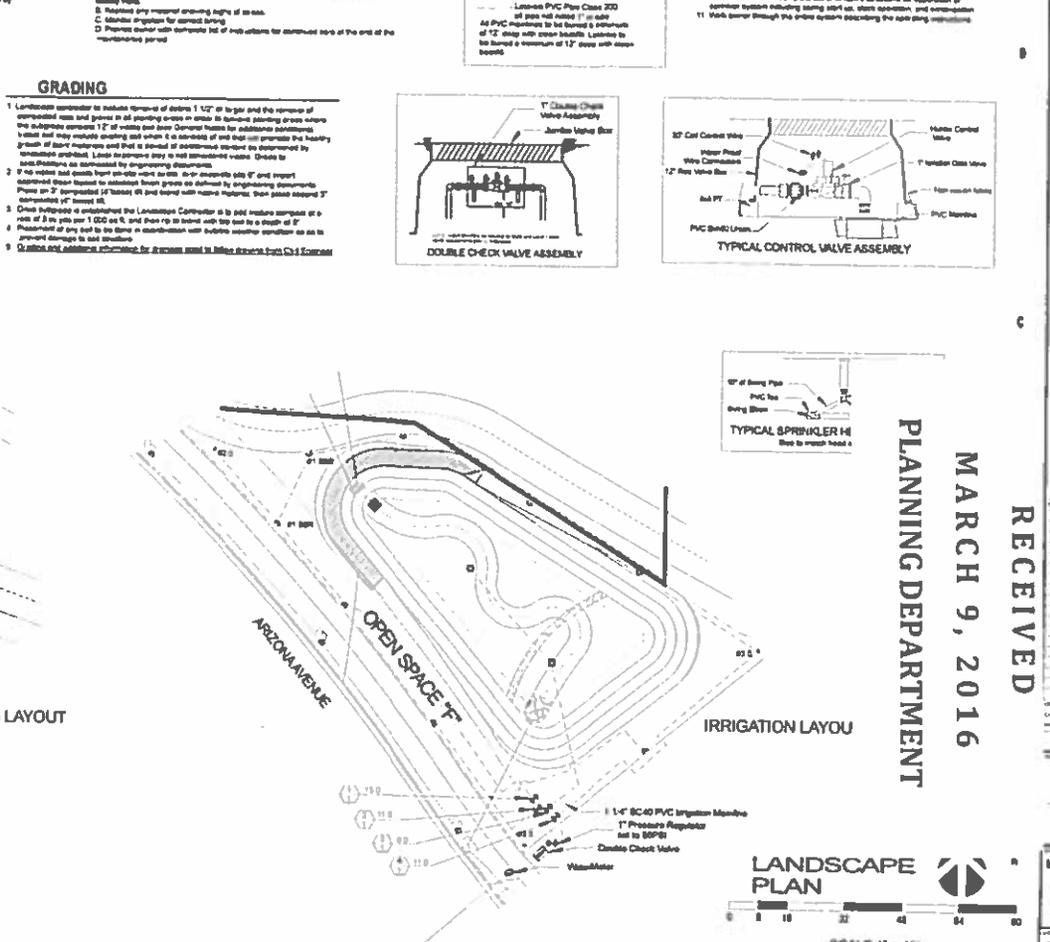
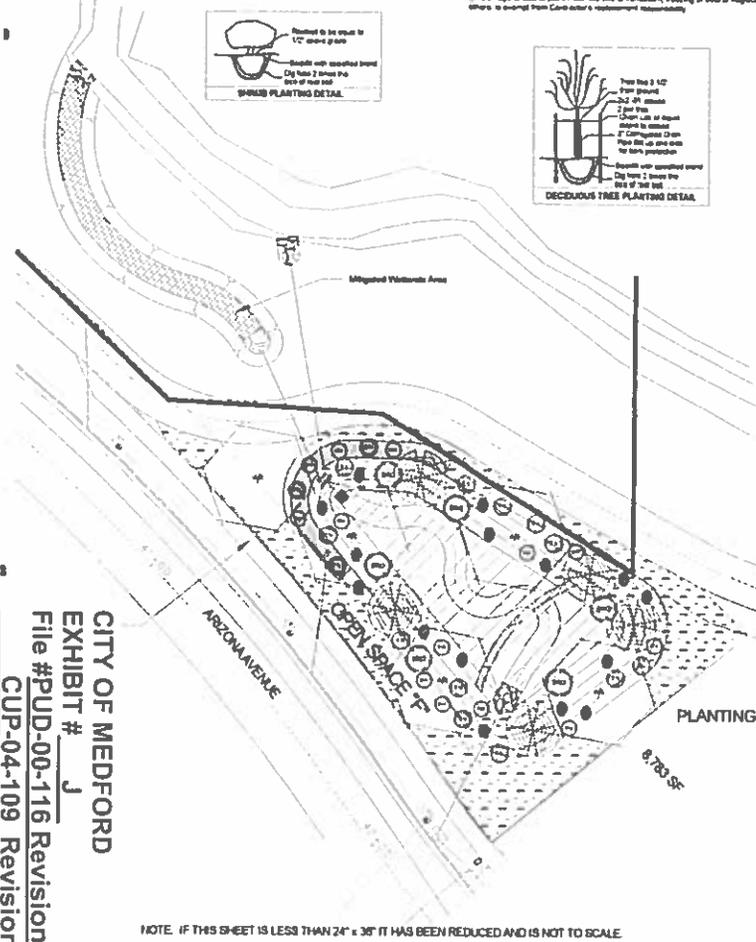
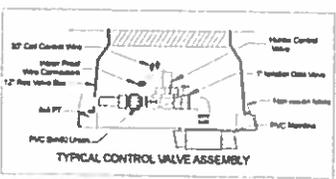
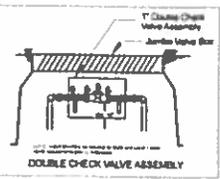
- Landscape architect to include removal of debris 1 1/2" or larger and the removal of compressed soil and gravel in all planting areas in order to provide planting areas where the subgrade is within 1/2" of existing soil level. General notes for additional information:
 - 1. All soil to be replaced with topsoil and shall be a minimum of 12" deep. The existing ground of all planting areas and that is located in adjacent areas to be determined by landscape architect. Landscape architect to be notified of any such conditions. Details to be determined by engineering department.
 - 2. If no water table exists, then soil to be 12" or more above 1/2" and import compressed soil to maintain firm ground as defined by engineering department, compacted 95% minimum.
 - 3. Once subgrade is established the Landscape Architect is to add mature compost or a mix of 3 in. per 1000 sq ft, and then to be done with topsoil to a depth of 1/2".
 - 4. Removal of topsoil to be done in accordance with suitable weather conditions so as to prevent damage to soil structure.
 - 5. All areas and additional information for drainage shall be in accordance with C/L Engineer.

IRRIGATION LEGEND

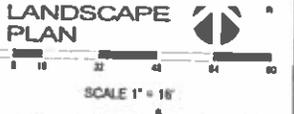


IRRIGATION NOTES

- Minimum amount to be installed in area with head control with surrounding utility. Minimum location on plan for ease of installation.
- Layout of irrigation heads to be set to be based on a head to head coverage configuration starting from the perimeter and working towards the interior of the system to be installed.
- Number 1/2" double check valve to be installed to be required to achieve backflow prevention and to be installed in an adjacent utility, piping and structure. Zone with full circle heads to be set to be based on a head to head coverage.
- Double check valve and ground of area, made to prevent water from 1/2" to 1/2" diameter.
- Plant material shall not be installed in the area in respect to the irrigation system. 1/2" minimum to be installed in the area in respect to the irrigation system.
- Control valves to be installed in the area in respect to the irrigation system. Any work to be done to be based on a minimum of 6" head to head coverage.
- Control valves to be installed in the area in respect to the irrigation system. Any work to be done to be based on a minimum of 6" head to head coverage.
- Control valves to be installed in the area in respect to the irrigation system. Any work to be done to be based on a minimum of 6" head to head coverage.
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- Control valves to be installed in the area in respect to the irrigation system. Any work to be done to be based on a minimum of 6" head to head coverage.



RECEIVED
MARCH 9, 2016
PLANNING DEPARTMENT



NOTE: IF THIS SHEET IS LESS THAN 24" x 36" IT HAS BEEN REDUCED AND IS NOT TO SCALE



Madara Design Inc
Landscape Architecture, Design & Construction
2804 Walk Forge Rd
Central Point, OR 97502
541-686-7055
madaradesign@proton.com

STONEGATE PHS 2B
STORMWATER POND
OPEN SPACE 'F'
MEDFORD, OREGON

DATE	03/09/2016
BY	ASD
PROJECT	STONEGATE PHS 2B
CLIENT	CITY OF MEDFORD
SCALE	AS SHOWN

STONEGATE PHS 2B
MAHAR BROTHERS
1100 S. HAZEL PLACE
MEDFORD, OREGON 97504

LANDSCAPE PLAN

L-101B

CITY OF MEDFORD
EXHIBIT # J
File #PUD-00-116 Revision
CUP-04-109 Revision
LDS-16-045

NARRATIVE:

The development of this site, as proposed for Stonegate Estates Planned Unit Development, is to establish various types of residential development, which includes detached single family dwellings and multifamily units. The project area consists of 64.21 net acres that has SFR-4 and SFR-10 zoning. The purpose of this amendment application is to expand the PUD boundary to include the bridge/culvert crossing along Stanford Ave and Larson Creek. The land use designations for the entire ownership/project have been reviewed with the Planned Unit Development standards and approved by the City of Medford. The attached Stonegate Estates Preliminary PUD Amendment site plan describes the approved and proposed urban uses for the property. The current ownership of the remaining vacant land within Stonegate Estates PUD is held by the applicants, Mahar Brothers Holdings, Louis Mahar II and Charles Mahar.

The request by the applicants, is to establish a mixture of residential land uses to serve the residential needs for the City of Medford, while protecting the natural aspects and spatial open space features of the site. Within the "Greenway" open space areas are provided with the proposed pathways that will be a feature to the project. These Greenway features are required by the City of Medford with the South East Medford Plan and have been incorporated into the PUD development plan as an open space feature for the neighborhood and the City as whole.

The approved modifications for Stonegate Estates, PUD are: Lot sizes exceeding the SFR-10 zoning standards north of the Middle Fork Larson Creek; and the relocation of land uses within the project (Phase 5). The modifications for the attached dwelling units, and their locations allows the applicant to create desired lot dimensions, consistent with the SFR-4 zoning standards for the single family development areas, Phases 1 and 2.

Phase 2 has been broken into 4 different sub-phases for the project (2A, 2B, 2C & 2D). This was done so that each sub-phase will have a separate creek crossing to be constructed for the public streets that are required within the PUD boundary.

Due to the identified riparian corridors and the goal by the applicants on reducing the impacts (bridges and roads) on these Greenways, road orientation and lot configuration is hindered. The design and layout of Stonegate Estates, PUD has provided for protection, setbacks and improvements of the Greenway/riparian corridors to the greatest extent possible.

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

IN THE MATTER OF AN APPLICATION FOR)
AN AMENDMENT/REVISION FOR STONE-)
GATE PLANNED UNIT DEVELOPMENT ON)
PROPERTY LOCATED EAST OF NORTH) AMENDMENT
PHOENIX ROAD AND NORTH OF COAL-) FINDINGS OF FACT
MINE ROAD; PROPERTY IS DESCRIBED) PUD-00-116
AS ASSESSOR'S MAP NO., T37S-R1W-)
S.34, TAX LOTS 1201, 1205, 3500 AND 2600)
MAHAR BROTHERS HOLDINGS, OWNER/)
APPLICANTS; RICHARD STEVENS &)
ASSOCIATES, INC. AGENTS)

RECITALS:

Property Owner/
Applicants- Louie Mahar II
Mahar Brothers Holdings, LLC
4102 Southview Terrace
Medford, OR 97504

Agents- Richard Stevens & Associates, Inc.
PO Box 4368
Medford, OR 97504

Surveyors- Hoffbuhr and Associates, Inc.
880 Golf View Drive #201
Medford, OR 97504

Property
Description- 37-1W-34, tax lots 1201, 1205, 2600 & 3500

Acreage- 65.21 gross acres
Approximately 53.66 acres of developable lands
(Minus 11.55+- acres, riparian corridors)

Zoning- SFR-4 and SFR-10

Land Uses- Single Family Residential
Multiple Family Residential, Condominiums

CITY OF MEDFORD
EXHIBIT # 0
File # PUD-00-116 Revision
CUP-04-109 Revision
LDS-16-045

✍

INTRODUCTION:

The purpose of this application is to amend the exterior boundary of Stonegate Estates, PUD, which acquired additional land within Phase 2B, after the original approval of PUD-00-116, by a property line adjustment, which was approved by the City of Medford. This inclusion area is located in the northeast quadrant of the PUD where Stanford Avenue crosses the middle fork of Larson Creek, where conforming lots can now be approved along with the ability to build another bridge for public street purposes. This amendment and supporting findings is consistent with Section 10.245(A) Medford Land Development Code (MLDC). Section 10.245(A)(1) in part states:

***“Applicant for Revision; Filing Materials; Procedures:** An application to revise an approved PUD Plan shall be on forms supplied by the City. The application form shall bear the signature of the owner(s) who control a majority interest in more than fifty percent (50%) of the vacant land covered by the approved PUD and who are also the owner(s) of land and improvements within the PUD which constitute more than fifty percent (50%) of the total assessed value of vacant portion of the PUD... PUD revisions shall follow the same procedures used for initial approval of a Preliminary PUD Plan.”* (emphasis added)

The applicant requests that the City of Medford keep in mind that this amendment application cites and addresses the standards and criteria that were in effect in the year 2000, MLDC. The City needs to be conscious that the Code citations now differ than those in effect with the original review for Stonegate Estates. The Findings below reflect the original approval criteria that were approved with the Preliminary Planned Unit Development Plan. In addition, the applicant did advertise/notice a neighborhood meeting for the adjacent residents on November 18, 2015, as prescribed within Section 10.235(A), which is found in the current Code.

The applicants will also need to amend the Conditional Use Permit (File No. CUP-04-109), which addresses the impacts of bridges and pathways on the riparian corridor, along with the proposed mitigation. The amended CUP is submitted concurrently with this application for review.

The applicants, Mahar Brothers Holdings, LLC., currently own all, greater than 50%, of the vacant lands within Stonegate Estates, PUD that has not received Final PUD Plan and is not under construction. The land uses for Stonegate Estates, PUD have been approved by the City and there are no changes to these uses. The site is a residentially zoned area as provided in the Medford Land Development Code, consistent with the Medford Comprehensive Plan and the Southeast Plan Map. The attached Preliminary Master Site Plan Amendment for Stonegate Estates Planned Unit Development, adequately defines the urban residential uses for the property and the inclusion area.

The subject site contains wetlands and identified Greenways within its boundary and is required to mitigate and enhance any impacted wetlands consistent with the Division of State Lands requirements. The Greenways, once completed with improvements, will be gifted/transferred to the City of Medford for city park purposes. The acreage of the transfer consists of approximately 12 acres that will be used for open space, bike/pedestrian paths with viewing/resting areas within the Riparian Corridors. The resulting acreage available for residential development consists of approximately 67.20 gross acres. The acreage used for calculating density does not include the Riparian Habitat/Greenway Corridor areas.

The completed phases within Stonegate Estates PUD are: Phases 1, 2A, 4 with Phase 5 under construction that have acquired Final PUD Plan approvals. Phase 3 of the PUD was terminated from the project boundaries in 2010 for the Phoenix/Talent School District acquisition of the site for public school purposes and is no longer a part of Stonegate Estates PUD. This amendment application also includes a tentative plat for the land division for the remaining vacant land within Phase 2, to include sub-phases for reasonable development schedules and improvements.

SOUTHEAST OVERLAY DISTRICT, SECTION 10.370-10.377:

SECTIONS 10.370-10.373:

Section 10.370 MLDC establishes the special standards and criteria with lands within the Southeast Overlay District. The subject properties are identified within this district and have addressed the development controls as prescribed within the MLDC.

Section 10.371 MLDC establishes the scope of review for lands within the Southeast Overlay District. Compliance with these criteria and the other applicable regulations are addressed below.

Section 10.372 MLDC establishes that the proposed residential densities and zone changes shall be consistent with the Medford Comprehensive Plan, General Land Use Plan Map and the Southeast Plan Map. The proposed Stonegate PUD does comply and is consistent with these documents.

Stonegate Estates, PUD boundaries are located within "Area 15" and "Area 17" on the Southeast Plan Map. These areas are designated as Urban Residential with their respective SFR-4 and SFR-10 zoning districts that have been approved by the City of Medford. This application is requesting the expansion of the exterior boundary within Area 17 to be within the boundaries of the project.

SECTION 10.373:

10.373(A) defines that all residential development consisting of four or more housing units, or which occupies more than two acres within the Southeast Overlay District shall proceed as PUD. Stonegate Estates PUD does contain more than 2 acres in size and was approved for having over four dwelling units. The applicable criteria for a PUD are addressed below.

10.373(B) provides for Zone Changes within the Southeast Overlay District, in compliance with Sections 10.225-10.227 MLDC and to be consistent with Southeast Plan Map and Section 10.372, shall be granted upon approval of a Preliminary PUD Plan, provided that:

“(2) Public Facility Adequacy; Multiple Phase PUD. For PUD’s having multiple phases, compliance with Subsection 10.373(B)(1) shall be required for only the first phase. For each successive phase, compliance shall be established prior to or concurrent with approval of a Final PUD Plan. An applicant shall be entitled to seek compliance with Subsection 10.373(B)(1) for PUD phases as a matter separate from the approval of a Final PUD Plan.”

Discussion:

Stonegate Estates PUD received the appropriate Medford zoning that was conditionally approved due to street capacity concerns at that time. The zoning condition was for the entire Stonegate PUD with the stipulation of generating no more than 135 PM peak hour trips or 1275 ADTs (133 single family dwellings). The traffic study submitted by Hardy Engineering has demonstrated that the addition of 135 PM peak hour trips or 1275 ADTs will not have a significant impact on the street system to warrant offsite improvements.

An additional trip cap threshold was established for the construction of additional dwelling units above the 135 PM peak hour trips that will warrant a signal to be constructed at the intersection of North Phoenix Road and the realigned Cherry Lane (Mike Mahar Homes). This signal facility has been constructed for sufficient street capacity to warrant full build out of the project in its entirety.

FINDING:

The City of Medford finds that this PUD application is in compliance with Subsection 10.373(B) in that the Category “A” public facilities have sufficient capacity and distribution to adequately serve Stonegate Estates, PUD, to serve the entire site.

SECTION 10.374:

Section 10.374 provides for special design and development standards within the Southeast Overlay District for Greenways.

Discussion:

Section 10.374(A) defines the extent of minimum setbacks for the Greenway designations. The proposed Stonegate PUD meets the minimum 50 foot setbacks required along the Middle Fork and South Fork of Larson Creek. Additionally, the 50 foot setback from the centerline of the drainage way that bisects the site north to south, has also been satisfied.

These Greenways will contain pedestrian/bike paths which will be incorporated as part of the Medford Parks and Recreation master park plan for Larson Creek.

The Medford Comprehensive Plan, General Land Use Plan, Greenway Designation states:

"A new General Land Use Plan designation of "Greenway" has been created to **apply to stream corridors and waterways in the SE area**, and to other location in the City as they are identified in the future..." (Emphasis added)

Section 10.374(B) defines the permitted uses within identified Greenways. The site plan for Stonegate Estates PUD includes crossings/bridges with roads over the Greenways. There are three locations proposed for crossing the identified Greenways for public road purposes. Two are located on the Middle Fork of Larson Creek and the other is located on the South Fork Larson Creek, consistent with the Southeast Plan Map. These are located and designed to minimize the impacts on the riparian habitat and Greenway characteristics to the greatest extent possible, consistent with Subsection 10.374(B)(1).

The pedestrian/bike paths are also permitted uses as prescribed with Subsection 10.374(B)(1). These paths will be designed to minimize the intrusion into the riparian habitat and provide for alternative modes of transportation in the vicinity with recreational and viewing opportunities. The City of Medford Parks Department will be responsible for the improvements on the balance of the Greenway corridors, consistent with the Larson Creek Master Bike Path Plan.

These permitted uses however, have been superseded by Section 10.922, Riparian Corridors Applicability, which states in part:

"...Where riparian corridors are located within the Southeast (SE) overlay zoning district, the provisions of Section 10.920 through 10.928, Riparian Corridors, shall take precedence..."

With this applicability statement, the proposed bridges, pedestrian/bike paths, etc. are now required to be Conditional Uses, as noted in Section 10.925 MLDC. With this determination all proposed development and improvements within the "Riparian Corridors" will address the Conditional Use Permit Criteria, Section 10.248 MLDC under separate cover (amended CUP-04-109).

CONCLUSION:

The City of Medford concludes that the amended Stonegate Estates PUD site plan meets the setback requirements along the identified Greenways within the confines of the project. Additionally, the proposed bridge crossings, for roads and pedestrian/bike path, within the Greenways are the minimum necessary to functionally use the site, while preserving the open space/ riparian corridors to the greatest extent possible. The standards found in Section 10.922 MLDC will be addressed under separate cover as an amendment Conditional Use Permit application.

FINDING:

The City of Medford finds that the amended Preliminary PUD Plan for Stonegate Estates PUD meets the setback requirements along the identified Greenways within the confines of the project. The City of Medford also finds that the bridge crossings for the public roads and pedestrian/bike paths are located to minimize impacts on riparian habitat areas. This application is in compliance with Section 10.374 MLDC.

CRITERIA. SECTION 10.235:

The application procedures and Criteria for a planned unit development are listed in Section 10.235, Medford Land Development Code. The criteria are:

Section 10.235(A) The following items shall be required to constitute a complete application for a Preliminary PUD Plan:

(A)1. Current assessor map with the proposed PUD identified.

(A)2. 21 copies of the Preliminary PUD Plan.

A reduced copy suitable for photocopying.

A tentative Plat if a land division is proposed concurrently with the Preliminary PUD Plan.

A narrative description of the PUD.

Written findings of facts and conclusions of law.

Names and mailing addresses of the owners of land located within 200 feet of the boundary of the whole PUD.

The applicants are not proposing any private or non-city street lighting within Stonegate PUD. Phases 4 and 5 have submitted the architectural plans for the multi-family structures and were approved by the Site Plan Architecture Commission. The footprint of each structure is identified on the Stonegate PUD site plan, Phases 4 and 5. These phases have been approved with Final PUD Plans also approved.

Section 10.235(A)(3) Narrative:

(3)(a). The nature and planned uses of Stonegate Estates PUD is to provide for various types of residential development, which includes detached single family dwellings and multifamily condominium units. The Southeast Plan Map identifies Area 15 for SFR- 10 development north of the Middle Fork Larson Creek and Area 17 for SFR-4 development south of the Middle Fork Larson Creek.

The Preliminary Site Plan for Stonegate PUD however, has expanded the SFR-10 zoning district, Area 15, to include Phase 5 of the project, south of the Middle Fork of Larson Creek, between North Phoenix Road and South Fork Larson Creek.

This proposal was made to meet the minimum density requirements for the SFR-10 zoning district. The buildable land area north of Middle Fork Larson Creek (21.65 acres) would require approximately 130 DU to meet the minimum density. This would require approximately 25 additional single family lots to be developed to meet the minimum density standard. This was not practical for the project with the physical constraints on the site.

These existing physical features are inhibitive to achieve the desired results with the intended SFR-10 small lot designation, north of the Middle Fork Larson Creek. The condominiums were proposed to provide for owner occupied dwelling units that is similar with the single family type of development within the project.

Due to the limited area of useable land for Phase 5 with identified Greenways along the eastern and northern boundaries and an arterial street along the western boundary the SFR-4 detached single family dwellings/development is not practical. The development of Phase 5 with detached single family dwellings may actually separate this neighborhood from the balance of the project and the vicinity. The SFR-4 development would be developed with a cul-de-sac from Coalmine Road that would be aligned parallel with N. Phoenix Road. This is neither practical nor good planning. This would not be consistent with policy of the City for providing a street system that connects and provides connectivity of the neighborhoods.

Due to the identified riparian corridors and the goal by the applicants on reducing the impacts (bridges and roads) on these Greenways, road orientation and lot configuration is hindered. The meandering waterways bisecting the site at various angles in several locations inhibits the traditional site development intended with gridded streets and lot layout for the Southeast Medford Overlay. Creek View Drive is proposed to remain north of Middle Fork Larson Creek to provide for better street connectivity and reduced impacts on the wetlands and riparian corridor. Creek View Drive has been designed to follow the Greenway to the greatest extent possible, allowing for public viewing and access. The design and layout of Stonegate Estates, PUD has provided for protection, setbacks and improvements of the Greenway/riparian corridors to the greatest extent possible.

The current ownership of the remaining vacant land within Stonegate Estates PUD is held by the applicants, Mahar Brothers Holdings, Louie Mahar II and Charles Mahar. The maintenance of the identified common areas will be the responsibility by owners of the property (subdivision lots) and the costs will be accrued with the CC&R's that will run with the PUD. The CC&R's will be submitted concurrent with the applicable Final PUD Plan.

(3)(b). There were three deviations (*modifications*) from the MLDC proposed within Stonegate Estates PUD. The first proposed deviation as provided in Section 10.230(D)(1) relates to lot size for the SFR-10 zoning district detached single family dwellings, Section 10.710; the second deviation as provided in Section 10.230(D)(4) relates to the number of signs within a PUD from Section 10.1200(3); and the last deviation requested as provided in Section 10.230(D)(10) relates to Southeast Plan land use category as outlined in Section 10.372. Stonegate Estates PUD meets or exceeds the minimum standards of the remaining applicable criteria and development standards found in the Medford Land Development Code.

Section 10.230(D)(1) Lots and Parcels states:

“Limitations, restrictions and design standards pertaining to the size, dimension, location, position and coverage of lots, and restriction related to through lots.”

There are lot sizes within Phase 1 that exceed the maximum lot area standard for the SFR-10 zoning district found in Section 10.710 MLDC. These lots are identified as Lot Nos. 3, 8, 9, 10, 11, 12, 13, 28, 34, 36, 37, 40, 55, 68, 69 and 70. The physical constraints on the site, Larson Creek, with the required street connections and alignment of Creek View Drive, inhibit the optimum street grid design and layout of lots. The angles of roadways and Middle Fork Larson Creek create odd areas and larger lots than desired. Due to these physical constraints these larger lots breaks up the traditional concept of identical “cookie cutter” lot sizes and similar/traditional style of dwelling units within a defined area.

The presence of the riparian corridor with the design guideline to provide streets that are “collinear” and adjacent to them for public viewing and access has been incorporated within the Preliminary Master Site Plan. This area north of Middle Fork Larson Creek has been revised numerous times for the best development possible. In all other drawings the lot area standards have been exceeded in greater numbers. This proposal was carefully and thoughtfully planned to provide for a mixture or residential uses while minimizing the impacts on the riparian corridors.

Section 10.230(D)(4) Frontage, Access, Landscaping and Signs states:

“Limitations, restrictions and design standards pertaining to lot frontage, access, required landscaping, signs and buffer yards.”

The applicants originally proposed to place 3 signs at the various entrances into the project. Section 10.1200(3) MLDC allows for 2 PUD signs that are permitted. However, the applicants now have reduced the number of sign location to one; therefore, this deviation/*modification* is no longer needed. The existing sign location is within Tract “A” in Phase 1 of the project.

Section 10.230(D)(10) Mixed Land Uses states:

“Unless otherwise prohibited, PUDs that have more than one General Land Use Plan designation or Southeast Plan land use category shall have the flexibility to mix or relocate such designations within the boundaries of the PUD in any manner and/or location as may be approved by the Planning Commission.”

To achieve the same development effect and to meet the minimum density standards as well, the applicants proposed to include the lands within Phase 5 into Area 15 (SFR- 10 zoning district). This proposal is due to the standards in the existing Area 15 that limits the design for small lot detached single family dwelling units to meet the minimum density standards for the SFR-10 zoning district. The goal of the applicants was to meet the

minimum density standards for Area 15. The proposal is to develop Phase 5 as a multifamily development (condominiums) similar to Phase 4. The condominiums are proposed to provide for owner occupied units to be similar in nature to the single family development. These multiple family developments are not intended to be rental apartment types of development. These condominium developments are similar in character with the small lot single family neighborhood (Housing Element Implementation 1-A(2)).

The physical features surrounding Phase 5 lends this area to be generally unsuitable for detached single family dwellings. The single family development would be accessed by a cul-de-sac street from Coalmine Road creating its own neighborhood. This would create additional privacy fencing that may create a walled effect along Coalmine Road (Southeast Plan Implementation 1-A(4)).

As provided by Section 10.230(D)(10), the relocation of Southeast Plan land use designations boundaries are allowed within the subject PUD. This proposal was carefully and thoughtfully planned to provide for a mixture of residential uses to meet the density standards of the code, while providing for owner occupied units and minimizing the impacts on the riparian corridors and enhancing the street circulation pattern to the greatest extent possible. This proposal is consistent with the GLUP map and various goals and policies of the Comprehensive Plan including, Housing Element Policy 5-C; Southeast Plan Implementation 2-B(1).

(3)(c). A deviation was proposed for the number of signs for this project. This amendment application is to now only provide one project sign for Stonegate Estates, PUD, which is located in Phase 1. There are no deviations in regards to size or dimensions.

(3)(d). Phases 1, 2A and 4 are already developed and existing. Phase 5 is currently under construction. The proposed development schedule is to construct Phase 2B as detached single family residential units as soon as the infrastructure, public facilities, are in place for the development. Phase 2C is contemplated to be the next area of development, which are also detached single family homes, with Phase 2D the last project area, due to existing public facilities located off site. No sequential order of development due to the phasing numbers is proposed for the development of Stonegate Estates PUD.

The phase lines are keyed and identified on the preliminary PUD site plan.

(3)(e). The buildable acreage for the SFR-10 development (Phases 1, 4 and 5) is approximately 27.61 acres. The buildable acreage for Phases 4 and 5, Multiple Family Development, consists of 8.43 acres. The buildable area for the SFR-4 zoning district is approximately 39.59 acres (Phase 2). These land areas have excluded the Greenway acreage that will be gifted to the City of Medford Parks Department.

The condominiums will be a multiple family type of development, two story 4-plexes and 8-plexes. The open space areas consist of approximately 11.55 acres for "Greenway" facilities and approximately 2.21 acres for private open space areas. The site plan for Stonegate PUD identifies the various uses and the footprint for the multi-family structures.

Section 10.235(C.) Approval Criteria for Preliminary PUD Plan:

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

- (1) The PUD complies with the applicable requirements of this Code, except those for which a deviation has been approved under Subsection 10.230(D).***

Discussion:

Based on the following conclusions and findings the Stonegate Estates PUD complies with the applicable standards of the Medford Land Development Code (MLDC). The deviations from the MLDC are listed and discussed above in Subsection 10.235(A)(3)(b). The requested deviations are Section 10.710 for Lot Areas within the SFR-10 detached Single Family Dwelling and Section 10.372 for the Southeast Plan Map zoning designations.

CONCLUSION:

Based on the conclusions and findings found in this PUD application the City of Medford concludes that Stonegate Estates PUD is in compliance with the MLDC.

FINDING:

The City of Medford finds that this application for Stonegate Estates PUD is in compliance with the applicable requirements of the MLDC and is consistent with Section 10.235(C)(1).

- (2) The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria thereunder:***

- (a) Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.**

Discussion:

The City of Medford has not placed a Moratorium on Construction or Land Development in the vicinity of the subject property.

- (b) Public Facilities Strategy pursuant to ORS 197.758 as amended.***

Discussion:

The subject property is not located within a Public Facilities Strategy area.

- (c) Limited Service Area adopted as part of the Medford Comprehensive Plan.***

Discussion:

The subject property is not located within an area designated as Limited Service Area.

CONCLUSION:

The subject property is not subject to a Limited Service Area, Public Facilities Strategy or a Moratorium on Construction within the City of Medford.

FINDING:

The City of Medford finds that this application is consistent with Section 10.235(C)(2) MLDC.

(3) The PUD is consistent with goals and policies of the Comprehensive Plan, if any, which by their language or context were intended to function as approval criteria for planned unit developments.

Discussion:

There are no goals or policies which have been identified as specific approval criteria for Stonegate Estates, PUD. The Medford Comprehensive Plan is implemented by the Medford Land Development Code. Demonstrated compliance with the Medford Land Development Code demonstrates compliance with the Medford Comprehensive Plan. The goals and Policies of the Medford Comprehensive Plan are guides to assist with the decision making process. The following goals and policies are discussed:

Within Goal 1 of the Housing Element the Implementation 1-A(2) states:

"Require planned developments in undeveloped areas with unique physical settings to achieve development that is flexible and responsive to the site and surroundings."

With the designated wetlands within the riparian corridors bisecting the proposed PUD site and the requirement for mitigation and enhancement demonstrates that several riparian features exist on the site. These riparian corridors have been separated out of the PUD plan for wetlands mitigation, enhancement and storm drainage. The enhancement of these riparian corridors preserves the unique physical characteristic with open spaces and potential viewing areas provided. The wetlands mitigation and enhancement plan has been prepared and approved by the Oregon Department of Fish and Wildlife, Division of State Lands and the Army Corps of Engineers along the South Fork of Larson Creek. The Stonegate PUD is consistent with this policy by providing for a flexible and responsive development plan for the site, with mixed uses.

Policy 5-C of the Housing Element states:

"to provide greater flexibility and economy of land use, the City of Medford Land Development Code shall provide opportunities for alternative housing types and patterns, planned developments, mixed uses, and other innovations that reduce development costs and increase density."

Reviewing the preliminary PUD plan it can be concluded that this PUD application does provide for mixed uses (single family and multiple family lands), for the various needs of the residents within the City of Medford. The presence and locations of the riparian corridors (Greenways) dictates the design patterns and proposed mixed residential land uses for the proposed Stonegate PUD.

Within Goal 1 of the Southeast Plan Implementation 1-A(4) states:

"Discourage development site design along collector and arterial street from creating a 'walled' effect near the sidewalk."

A review of the Preliminary Master Site Plan describes the proposed Street Frontage Landscaping along North Phoenix Road, which is designated as an Arterial Street. The proposal is to place a 20 foot wide, 4 foot high berm with landscaping on top. This proposal is consistent with Implementation 1-A(4) in that there will be no wall or fence abutting the sidewalk on north Phoenix Road. There is a 6 foot fence proposed 20 feet from the road Right of Way for backyard privacy with the detached dwelling units. This 20 foot wide berm with landscaping and underground irrigation system will be maintained by the Homeowners Association to ensure the upkeep and aesthetics.

In addition, this street frontage landscaping proposed is in compliance with the requirements found in Section 10.797(1) MLDC which states in part:

"The separation feature shall include a wall or berm for a minimum of half the required height and either a fence, wall, berm, or landscaping to complete the total height required in order to buffer the lots from the adjoining street."

Within Goal 2 Southeast Plan Implementation 2-A(2) states:

"Accentuate drainage ways and stream corridors by locating street rights of -way collinear and adjacent to them in order to open them for public view and access. Such placement should be outside the Greenway, should not disturb the riparian area, and should be in conjunction with enhancement and/or restoration..."

The Preliminary Master Site Plan identifies the street right of ways adjacent to Middle Fork Larson Creek, Creek View Drive and a portion of Arizona Drive. These street alignments are located outside the minimum 50 foot setback and should not disturb the riparian corridor. The street layout, as proposed on the PUD Master Plan, provides for public access and viewing on at least on side of the Green way at all times. This street layout provides access and viewing opportunities to several neighborhoods. These proposed street alignments are consistent with this implementation strategy to the greatest extent possible. The alignment of

the Creek View Drive and Arizona Drive is consistent with the Southeast Plan in that it is located adjacent to the riparian corridor, while protecting the wetlands and vegetation present, to the greatest extent.

Within Goal 2 Southeast Plan Implementation 2-B(1) states:

"Encourage clustered development to avoid alteration of important natural features."

The condominiums within Phases 4 & 5 is consistent with this implementation by providing a higher density of dwelling units while maintaining the natural features, the identified wetlands and Greenway corridors and maintaining the minimum densities for the project as a whole.

Implementation 2-B(4) states:

"Require tree preservation plans indicating existing trees of more than six inches in diameter, in conjunction with development applications."

Attached to this application is a plot plan of the identified trees exceeding six inches in diameter. These trees are required to be preserved as part of the proposed development. The proposed street alignments and lot locations have been designed to preserve these identified trees.

CONCLUSION:

The applicable Goals and Policies of the Medford Comprehensive Plan are found in the Housing Element and the General Land Use Plan Element, Southeast Plan. Based on the above discussion the City of Medford concludes that this application for a PUD is consistent with the applicable Goals and Policies of the Medford Comprehensive Plan.

FINDING:

The City of Medford finds that this application for a PUD is consistent with the applicable Goals and Policies of the Medford Comprehensive Plan, in compliance with Section 10.235(C)(3).

(4) Deviations from the limitations, restrictions and design standards of this Code will not materially impair the functions, safety or efficiency of the circulation system or the development as a whole.

Discussion:

The amended Stonegate Estates, PUD site plan does not propose to have private streets. The proposed streets within the PUD will be public streets and will be designed and constructed to the City of Medford standards for collector and residential public streets.

Rutherford Lane was proposed to be a residential lane that contains sidewalks on both sides of the street to enhance neighborhood pedestrian connectivity.

The function and efficiency of the street circulation will not be adversely impacted within the Stonegate PUD and the vicinity. The proposed streets have been designed to be consistent with the Southeast Plan Map and will provide for connectivity of the street system in the vicinity to provide for safe and efficient traffic circulation. The connections of Juanipero Way with Coalmine Road and the connection of Creek View Drive provides for a safer, more functional, efficient street circulation system.

CONCLUSION:

Based on the Street Circulation Map in the vicinity North Phoenix Road and Stanford Avenue will provide the primary north/south public access streets. Juanipero Way/Coalmine Road and Creek View Drive will provide the east/west public access streets in the immediate area. The extension and construction of Juanipero Way and Creek View Drive will provide connectivity to the street circulation system within the area to provide for a safer and more efficient street system.

FINDING:

The City of Medford finds that there are no proposed deviations for the streets within the PUD that will adversely impact the efficiency of the street circulation in the immediate area. The deviation from the Code for the sign does not impair the safety or efficiency of the circulation system. This application is in compliance with Section 10.235(C)(4).

(5) The proposed PUD satisfies two or more of the purpose statements in Subsection 10.230(A)(1) through (8).

Discussion:

Purpose statement number 1:

"To promote more creative and imaginative urban development

Stonegate Estates PUD is an imaginative design promoted by the need to develop an urban residential land use pattern and incorporate into the design physical constraints such as Greenway corridors with wetlands and road alignments. These physical features have dictated a more creative urban development, particularly the inclusion of a higher density development (Phases 4 & 5, Condominiums) that is bound by Arterial streets and riparian corridors. This site plan has incorporated the preservation of wetlands/ Greenways with the inclusion of streets and pedestrian/bike paths to provide public access adjacent to these features. Additionally, these paths and roadways incorporate the various neighborhoods as a cohesive project with the physical features present.

This design provides access to the riparian corridors not only for the project but also for the future development of adjacent lands in the vicinity that are not a part of this project. The result of this proposal is an imaginative urban residential design, with future development in mind, consistent with the Medford Comprehensive Plan Goals and Policies.

Purpose statement number 2:

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

Stonegate Estates PUD utilizes the topography on site to promote the continuance of the Greenway corridors and to set aside wetland mitigation areas. These features are incorporated into the overall design accommodating the urban residential uses in harmony with the topographical features unique to the site. The integration of Phases 4 & 5 as condominiums with the provision of a pedestrian/bike path promotes the natural aspect of the area. Many families within these phases will have direct access towards the pathway incorporating these areas with adjacent neighborhoods and providing alternative access towards commercial and shopping areas.

Purpose statement number 3:

To preserve important natural features and scenic qualities of the land."

Natural features within Stonegate Estates PUD are the Greenway corridors of Larson Creek. The wetlands and Greenways have been separated out of the PUD plan with the intent to preserve these features as an open space area and as a scenic quality of the area. The total amount of lands to be gifted towards the City is approximately 11.55 acres that are to be used for open space and park uses. The proposed development has limited the number of bridge crossings over Larson Creek to be consistent with the Southeast Plan Map and to preserve the natural features to the greatest extent possible.

A tree inventory of the site has been incorporated into the Stonegate Estates PUD site plan. The street and lot layout is in response to the features on the site.

Purpose statement number 4:

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

Not Applicable.

Purpose statement number 5:

"To promote a more efficient use of urban land"

Not Applicable.

Purpose statement number 6:

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

A review of the intent of uses within the PUD demonstrates that there will be various housing types available. Phases 1 and 2 are dedicated for the development of detached single family residences. There will be approximately 7.19 acres designated for condominiums within Phases 4 and 5.

The condominium units are integrated within the project with the availability of the pedestrian/bike path that runs north and south. This pathway will be developed concurrently with the development of Phase 5. This pathway will eventually intersect with the east/west pathways proposed and developed in the future along the Middle Fork and South Fork Larson Creek, consistent with the Larson Creek Bike Path Plan designed by the Medford Parks Department. These planned pathways incorporates various neighborhoods from Creekview Drive to Coalmine Road by providing pedestrian access for visitations. The proposed use of Phases 4 & 5 as a multifamily development with the proposed pedestrian/bike paths, promotes differing housing types that are integrated into other neighborhoods for the project.

The proposed amended Preliminary PUD site plan demonstrates that the various land uses and various housing types have been incorporated with the wetlands, Greenways and pedestrian/bike paths that were thoughtfully planned and integrated into the project as a whole.

Purpose statement number 7:

"To permit in-fill development on parcels that are otherwise difficult or impossible to develop

Not applicable.

Purpose statement number 8:

To promote the development, utility and appropriate maintenance of open spaces and other elements intended for common use and ownership."

The development of Stonegate Estates PUD does promote the appropriate use of open space, consistent with the Southeast Medford Master Plan. A combination of public gifting of open space (Greenways) to the City of Medford, Parks Department and private common open space will be included within the confines of Stonegate PUD. The private common spaces provides for areas of storm water retention with open areas for viewing and recreational opportunities.

The private open space areas within the identified phases will be improved concurrently with each phase. This proposal ensures that the developments of the common use areas are provided for the residents of Stonegate Estates and for future developments.

The identified Greenways are a unique feature of the City that has been preserved and will be enhanced to the requirements of Oregon Department of Fish & Wildlife, Department of State Lands and to the City of Medford. The site plan for Stonegate Estates provides for collinear streets for access and additional private areas for viewing and recreational purposes.

CONCLUSION:

The City of Medford concludes that at a minimum there are two statements found in Section 10.230(A) that are applicable to this application for a Planned Unit Development. The wetlands and Greenways will be enhanced and preserved as an open space area and used as a scenic quality of the area. The proposed PUD plan does provide for a mixed use of housing types to be available for the future population of Medford. The proposed PUD demonstrates that the various residential uses are thoughtfully planned and integrated due to the physical constraints of the site.

FINDING:

The City of Medford finds that this application for a PUD is in compliance with at least two of the purpose statements found in Sections 10.230(A) MLDC.

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

Discussion:

The presence of the existing wetlands and the identified Greenway areas described on the Southeast Plan map dictates the location and character of these features. The size and shape of the wetlands area are dictated by the mitigation and enhancement according to Oregon Department of Fish and Wildlife, Division of State Lands and Army Corps of Engineers. The wetlands area and the identified Greenways are designed to be a natural feature and an Open Space area for the Southeast Overlay District and the City of Medford. These issues will be reviewed within the Conditional Use Permit application for development within riparian corridors, roads, bridges, etc.

The common areas within Stonegate Estates PUD Phases 4 & 5 are the driveways, parking areas and landscaped areas for the multiple family projects, condominiums. The location, size and character of these areas have been designed to provide the most efficient use of these areas.

The common areas identified within Phases 1-2 will be the landscaped open space features. These areas may be incorporated as viewing locations with benches that are adjacent to the Greenways and additional recreational opportunities. Additionally, the berms with landscaping are common areas that are appropriate with the design. These common areas are located appropriately for their intended use.

The identified common areas will be maintained by the Homeowners Association, CC&R's for the Stonegate PUD. The identified common areas within the Stonegate PUD are designed and planned to be appropriate for their intended use and function.

CONCLUSION:

Based on the discussion above, the various common areas are located and their characteristics are appropriate for their intended use and function for the Southeast Overlay District and the City of Medford. The size and shape of the wetlands areas and Greenways will be dictated by the mitigation and enhancement plan approved by ODFW, DSL and Corps of Army Engineers, through the Conditional Use Permit process. The location, size and shape of the private common areas are designed to provide the most efficient use for the PUD as whole. The Homeowners Association, CC&R's will ensure that the shape and character of these areas are preserved.

FINDING:

The City of Medford finds that the identified common areas within the Stonegate Estates PUD are designed to be appropriate for their intended use and function.

(7) If the Preliminary PUD plan Includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D)(9)(b), the applicant shall demonstrate that.. (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:

Discussion:

Stonegate Estates PUD is not proposing any uses that are not allowed within the underlying zone. Relocation of zoning boundaries within the PUD application is allowed within Section 10.230(D)(10) MLDC. Section 10.235(C)(7) is not applicable.

FINDING:

The City of Medford finds that Section 10.235(C)(7) is not applicable to this PUD application.

(9) If approval of the PUD application includes the division of land or the PUD application includes the 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.

Stonegate Estates PUD has already been approved for the change of zoning for the entire site (SFR-4 and SFR-10) with the original review by the Medford Planning Commission. This PUD amendment application is proposing a division of lands for the remaining vacant land within sub-phases 2B, 2C and 2D, with the preliminary review and approval of the amended Stonegate Estates PUD, master plan.

The approvable criteria in Article II is found in Section 10.270 MLDC, Land Division Criteria that is applicable for this amendment application.

COMPLIANCE WITH SECTION 10.270 LAND DIVISION

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

Section 10.270(1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, and all applicable design standards set forth in Article IV and V.

Discussion:

The subject property is designated on the Medford Comprehensive Plan, General Land Use Plan map and the Southeast Plan Map as Urban Residential (UR). The zoning for Phases 1, 4 and 5 of Stonegate Estates PUD is SFR-10. The zoning district within Phase 2 is SFR-4, which is in compliance with the UR designation on the Medford Comprehensive Plan and the Southeast Overlay District.

The alignment of streets Creek View Drive, Coalmine Road and Stanford Avenue are consistent with the Street Circulation Map, and the Southeast Plan Map which are adopted as a part of the Medford Comprehensive Plan.

Stonegate Estates PUD has been designed to meet the needs of the future residents for the City of Medford. This proposed land division meets the standards required in Articles IV and V, MLDC for public improvement standards and site development standards.

CONCLUSION:

The City of Medford concludes that this proposed land division is in compliance with standards for the SFR-4 and SFR-10 zoning districts and road alignments as implemented within the Comprehensive Plan.

The City can also conclude that the design of the site meets the standards for a land division as prescribed within Articles IV and V MLDC.

FINDING:

The City of Medford finds that this proposed land division is in compliance with the Comprehensive Plan and the standards found in Articles IV and V MLDC.

Section 10.270(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.

Discussion:

The design of Stonegate Estates PUD will not prevent the development of the remainder of the property under the same ownership. This PUD amendment application is for the remaining vacant land within the project site, that is currently within the Medford City Limit boundaries.

The proposed street layout provides for stubbed streets onto other abutting lands for access. The review and approval of Eastgate Estates PUD abutting to the north and east with Rockland Place PUD abutting to the north have extended these stubbed streets within their projects. Stonegate Estates PUD does not prevent access or development on adjacent lands.

Creek View Drive, Stanford Avenue and Coalmine Road/Juanipero Way provides access to the subject site. The development of these streets will in fact provide access to other properties in the vicinity for improved street circulation. This proposed Planned Unit Development will not prevent any future development or access to properties surrounding the subject site.

CONCLUSION:

The City of Medford concludes that the design and development of Stonegate Estates PUD, Phase 2 consists of the applicants ownership and will not prevent any development of property under the same ownership. The City of Medford can also conclude that the development of the subject property will not prevent access or appropriate development to adjoining properties. Access to adjoining properties will actually be improved with the development of the site and the construction of public streets, Coalmine Road, Stanford Avenue and Creek View Drive.

FINDING:

The City of Medford finds that the development of the site consists of the total vacant acreage and will not prevent development on the subject property or adjoining properties. The construction of public streets will improve access and development potential to adjoining properties, in compliance with Section 10. 270(2).

Section 10.270(3) Bears a name that has been approved by the approving authority...

Discussion:

The name of the PUD "Stonegate Estates Planned Unit Development" bears a name approved by Jackson County Surveyor's Office that meets the requirements.

CONCLUSION:

The City of Medford concludes that the name, Stonegate Estates Planned Unit Development, bears a name approved by the Jackson County Surveyor.

FINDING:

The City of Medford finds that the name for the site "Stonegate Planned Unit Development" meets the requirements of Section 10.270(3).

Section 10.270(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...

Discussion:

As identified on the amended PUD Plan for Stonegate Estates PUD the proposed street system conforms with the lands within the City of Medford. The City has adopted a street circulation plan for the Southeast Overlay District as designed by the Medford Engineering Department. This site plan and street layout conforms to the adopted street circulation plan map and the Southeast Medford Plan.

The street alignment and location of the residential lots are dictated by the street alignments as outlined by the adopted street circulation plan and the existing Greenways on the subject site. The lands within Stonegate Estates PUD are gently sloping and with areas that are virtually flat; therefore, no shading due to slopes is contemplated.

This site plan also conforms to the connection of Creek View Drive and Juanipero Way to the west. These connections and development of Creek View Drive and Coalmine Road/Juanipero Way will improve street circulation in the vicinity.

CONCLUSION:

The City of Medford concludes the proposed street locations conforms to the adopted Southeast street circulation plan. The design and connection of Creek View Drive and Coalmine Road is also consistent with land divisions already approved adjacent to the subject site.

FINDING:

The City of Medford finds that the design and location Coalmine Road and Creek View Drive conforms to the Southeast Medford Plan and the street circulation plan as designed by the Medford Engineering Department.

Section 10.270(5) If it has streets or alleys that are proposed to be held for private use...

Discussion:

Not Applicable. There are no private streets proposed within Stonegate Estates PUD.

Section 10.270(6) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU zoning district.

Discussion:

Based on the Official Medford Zoning Map the PUD boundaries are not abutting any lands, with a common lot line, that are zoned EFU. The lands across Coalmine Road are zoned EFU; however, they located outside of the Medford UGB and City Limit boundaries. In addition, the Coalmine Road right of way separates these EFU lands from the project boundaries to not have a common boundary. Therefore, this standard is not applicable to this application.

CONCLUSION:

The City of Medford concludes that with the presence of Coalmine Road right of way, there are no common boundary lines with Stonegate Estates, PUD that are abutting any EFU zoned lands.

FINDING:

The City of Medford finds that the subject property does not adjoin any lands with a common boundary that are zoned EFU or EA. Sections 10.270(6) and 10.801 are not applicable to this application.

SUMMARY

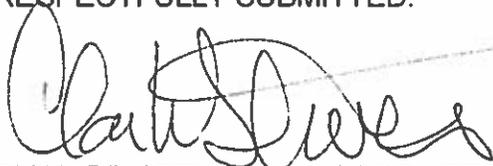
Based upon the above conclusions and findings regarding Section 10.270 and the tentative subdivision plat submitted for review, the City of Medford finds that Stonegate Estates PUD meets the minimum requirements and standards for a land division as part of this PUD amendment application.

**PLANNED UNIT DEVELOPMENT SUMMARY
AND CONCLUSIONS:**

The City of Medford concludes that this amendment application for Stonegate Estates Planned Unit Development has addressed the applicable criteria for a planned unit development in the Southeast Medford Overlay District as outlined in Sections 10.230-10.235 and 10.370- 10.377 MLDC. The City of Medford also concludes that this PUD amendment application meets the minimum, or exceeds the standards and requirements for a Planned Unit Development application. The City of Medford can also conclude that this application is in compliance with the Medford Land Development Code, Medford Comprehensive Plan, Southeast Overlay District and state law.

The applicants respectfully requests approval of this application for an amendment for Stonegate Estates, Planned Unit Development.

RESPECTFULLY SUBMITTED:

A handwritten signature in black ink, appearing to read "Richard Stevens", is written over a horizontal line. The signature is fluid and cursive.

RICHARD STEVENS & ASSOCIATES, INC.

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

RECEIVED
APR 19 2016
PLANNING DEPT.

IN THE MATTER OF AN APPLICATION FOR)
AN AMENDMENT/REVISION FOR STONE-)
GATE PLANNED UNIT DEVELOPMENT ON)
PROPERTY LOCATED EAST OF NORTH)
PHOENIX ROAD AND NORTH OF COAL-)
MINE ROAD; PROPERTY IS DESCRIBED)
AS ASSESSOR'S MAP NO., T37S-R1W-)
S.34, TAX LOTS 1201, 1205, 3500 AND 2600)
MAHAR BROTHERS HOLDINGS, OWNER/)
APPLICANTS; RICHARD STEVENS &)
ASSOCIATES, INC. AGENTS)

SUPPLEMENTAL
INFORMATION
FINDINGS FOR
PUD-00-116 AMENDMENT

Upon examination of the tentative plat submitted with this PUD amendment/revision it was discovered that Lot #166 does not meet the minimum depth standards for the SFR-4 zoning district. Therefore, the applicants are requesting a deviation/modification to the code for not meeting the minimum lot depth standard of 90-feet.

Section 10.235(A)(3), Narrative:

Subsection 10.235(A)(3)(b) relates to modifications/deviations from the Code that are proposed. It has been determined that Lot 166 contains 88-feet along the eastern boundary and 78-feet along the western boundary for lot depth. When calculating the meandering line of South Fork Larson Creek this lot does not meet lot depth standards, as prescribed in Section 10.710, MLDC. The proposed deviation/modification as provided in Section 10.230(D)(1) relates to lot size.

Section 10.230(D)(1) Lots and Parcels states:

"Limitations, restrictions and design standards pertaining to the size, dimension, location, position and coverage of lots, and restriction related to through lots."

The physical constraints on the site, Larson Creek with the associated riparian corridor, inhibit the optimum design and layout of lots. The angles of roadways with the presence of both the South Fork and Middle Fork of Larson Creek creates odd areas to configure conforming SFR-4 lots. This proposal was carefully and thoughtfully planned to provide for residential uses while minimizing the impacts on the riparian corridors.

SUMMARY

Based upon the above narrative provisions for deviations/modifications as allowed within Section 10.235(A), MLDC, the applicants request that the City of Medford approve this deviation within this Preliminary PUD amendment for Lot #166 lot depth standards. City of Medford finds that Stonegate Estates PUD meets the other requirements and standards for the SFR-4 zoning district as part of this PUD amendment application.

The applicants respectfully requests approval of this modification request and the application for an amendment for Stonegate Estates, Planned Unit Development.

RESPECTFULLY SUBMITTED:

A handwritten signature in black ink that reads "Clark Stevens". The signature is written in a cursive style with a large, prominent "C" and "S".

RICHARD STEVENS & ASSOCIATES, INC.

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

NOW COMES BEFORE THE PLANNING)
COMMISSION A REQUEST FOR AN)
AMENDMENT TO A CONDITIONAL USE)
PERMIT FOR IMPROVEMENTS, TO THE)
STORM DRAINAGE FACILITIES, NEW)
PEDESTRIAN PATHS AND BRIDGES FOR)
THE LARSON CREEK GREENWAY WITHIN)
STONEGATE ESTATES PUD; MAHAR)
BROTHERS HOLDINGS, LLC, APPLICANT;)
RICHARD STEVENS & ASSOCIATES, INC.)
AGENTS)

CUP-04-109
AMENDMENT
FINDINGS OF FACT

RECITALS

Applicants: Louis Mahar II
Mahar Brothers Holdings, LLC
4102 Southview Terrace
Medford, OR 97504

Agents: Richard Stevens & Associates, Inc.
P.O. Box 4368
Medford, OR 97501
(541) 773-2646

Hoffbuhr & Associates, Inc.
3155 Alameda Street, Suite 201
Medford, OR 97504
(541) 779-4641

Review Agencies: Oregon Department of Fish and Wildlife
Division of State Lands
Army Corps of Engineers
Bureau of Reclamation
Oregon Watershed Enhancement Board

Legal Description: 37-1W-34, tax lots 1201, 1205, 2600 & 3500

CITY OF MEDFORD
EXHIBIT # Q
File # PUD-00-116 Revision
CUP-04-109 Revision
LDS-16-045



PROPOSAL:

With the original approval of File No. PUD-00-116, Stonegate Estates PUD, the City included a condition to the approval for the submission of a Conditional Use Permit (CUP) for the improvements located within the Riparian Corridor, prior to the final PUD plan. This amendment is needed due to the inclusion area identified within the Stonegate Estates PUD revision. The applicants are submitting this CUP amendment to include the riparian area that was transferred to the applicants and Stonegate Estates by an approved property line adjustment.

The purpose of this conditional use permit request is to include the extension of a new pedestrian/bike path with an additional new bridge for motor vehicles. The previous approved CUP identified two pedestrian bridges over Larson Creek with pedestrian/bike paths and the construction of two new bridges for motor vehicles over Larson Creek, along with the widening of the existing bridge on North Phoenix Road. Also included are several storm water facilities that are located within the Larson Creek Greenways. These impacted areas are described as Riparian Corridors/Greenways on the South East Plan Map and are identified on the site plans attached. The timing of these improvements are described with respective phase for the land division/subdivision.

The realignment of the irrigation canal (Siphon) has been determined to be a permitted use by Planning Staff. This use was acknowledged being permitted by Subsection 10.924(B)(5), consistent with Section 10.032 by reducing impacts to the stream channel.

The policy of the City is to provide for connectivity of the street system for better traffic circulation and incorporating neighborhoods. The proposed new roadway bridges are the minimum necessary to provide connectivity of the street system while reducing the impacts on the riparian corridors to the greatest extent possible. The street system and creek crossings are consistent with the SE Medford Circulation Plan.

The proposed pedestrian/bike paths with the associated bridges provides for alternative modes of transportation with a more convenient and scenic location along Larson Creek. These paths also provide for incorporation of the neighborhoods within Stonegate Estates and the adjacent lands. These pathways are also consistent with the transportation plan for SE Medford.

AUTHORITY:

Section 10.374 Medford Land Development Code (MLDC) describes the design and development standards for greenways within the SE Medford Plan. Subsection 10.374(A) MLDC describes the location for the greenway designation within the SE Medford Plan. The previous review of PUD-00-116 by the city has found that the identified riparian corridor is consistent with the code requirements by being described at a minimum of 50 feet from the top of the bank with the South Fork and Middle Fork of Larson Creek.



Subsection 10.374(B) MLDC describes the uses allowed within the Greenway designation, subject to other provisions of the code. The proposed uses identified within the CUP application and the approved PUD application are allowed as provided for within this subsection.

Subsection 10.374(C) MLDC describes the improvements allowed within the identified greenways. This application with the attached site plans defines the impact areas for the improvements and the mitigation and restoration measures proposed for the project. This subsection also identifies the timing for improvements, which is delineated on the attached phasing improvement plan.

Section 10.920 through 10.928 Medford Land Development Code provides for the Riparian Corridor standards for the City of Medford. The purpose of these standards are to:

- 1) *Implement the goals and policies of the "Environmental Element" and the "Greenway" GLUP designation of the Medford Comprehensive Plan and achieve their purposes.*
- 2) *Protect and restore Medford's waterways and associated riparian areas, thereby protecting and restoring the hydrologic, ecologic, and land conservation functions these areas provide for the community.*
- 3) *Protect fish and wildlife habitat, enhance water quality, control erosion and sedimentation, and reduce the effects of flooding.*
- 4) *Protect and restore the natural beauty and distinctive character of Medford's waterways as community assets.*
- 5) *Provide a means for coordinating the implementation of the Bear Creek Greenway and other greenways or creek restoration projects within the City of Medford.*
- 6) *Enhance the value of properties near waterways by utilizing the riparian corridor as a visual amenity.*
- 7) *Enhance coordination among local, state, and federal agencies regarding development activities near waterways.*

The following information, along with the attached maps and site plans, have incorporated these measures and demonstrates that the completed project will meet the intent of these purpose statements consistent with the Medford Comprehensive Plan for the greenways present on the subject site.



The proposed uses within the riparian corridor (multi use paths and crossings, streets and bridges, public facilities and utilities) are listed as conditional uses within the Medford Land Development Code. This application and attached site plans also identify the mitigation measures proposed for the impact on improvements of these facilities on the lands and vegetation within the riparian corridor.

Section 10.925 lists the conditional uses allowed within these identified corridors. Specifically, Subsections 10.925(2) Utilities or other public improvements; (3) streets, roads, or bridges where necessary for access or crossing; and (4) Multi-use paths, access ways, trails, picnic areas, or interpretive and education displays and overlooks, including benches and outdoor furniture; are applicable to this application. With these proposed uses identified as conditional uses, Section 10.248 MLDC is the appropriate criterion for review.

CRITERIA:

Conditional Use Permits are governed by the Medford Land Development Code (MLDC). The criteria for conditional use permits are found in Section 10.248(1) & (2), MLDC. The criteria are:

10.248 Conditional Use Permit Criteria

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

- 1) *The development proposal will cause no significant adverse impact on 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 the balance between the conflicting interests.*

Discussion:

The construction and/or expansion of transportation facilities are a policy of the city to be a needed public facility. Additionally, the water, sanitary sewer, and storm drainage facilities with the utilities and other required public improvements are needed facilities for development. The Medford Comprehensive Plan classifies transportation facilities, water, sanitary sewer and storm drainage as Category "A" public facilities. The construction of pedestrian/bike paths are a Category "B" park and recreation public facility, as described within the Medford Comprehensive Plan. The utilities and other public improvements (telephone, power, cable, etc.) are needed utilities in the public interests.



With the public facilities being proposed within the Larson Creek "Greenway", this application will be addressing Subsection 10.248(2) for being in the public interest. In the matter of improving Category "A" public facilities and utilities with additional recreational opportunities, these improvements are in the public interest for the residents of the area and city. The comprehensive planning of the SE Medford Overlay was to incorporate neighborhoods, while enhancing and providing for scenic corridors associated with the natural features of the land, such as Larson Creek. This was accomplished with the "Greenways" designation and the future planned recreational opportunities available to the communities. This concept has been discussed and planned thoroughly by the City and has been adopted within the Medford Comprehensive Plan.

In reviewing this CUP application, Section 10.248 allows the approving authority the discretion to impose conditions to mitigate any identified conflicts, if any, within the identified Greenways. The applicable reference is found in Subsection 10.248(11) which states:

"(11) Protect existing tree, vegetation, water resources, wildlife habitat, or other significant natural resources."

The applicants have completed a tree inventory on the subject site at the impacted areas, where removal of vegetation, trees and shrubs, will occur during construction. In the areas where no trees or shrubs are identified the only vegetation present that will be impacted are native grasses and weeds. The proposed street alignments and pathway alignments within Stonegate Estates have been slightly modified to preserve the greatest number of trees. The proposed roadway bridges and the pedestrian/bike path with bridges have been located as to not adversely impact the existing trees and vegetation to the greatest extent possible.

The impacts of development for these public facilities, within the riparian corridors, are required to be mitigated pursuant to OAR 635 division 415 "Fish and Wildlife Habitat Mitigation Policy". Upon numerous conferences with ODFW they came to a determination that the cumulative impacts for the pedestrian pathway outside of the restoration area were to be calculated for every 64 square feet of impact, one tree or shrub will be required to be planted.

The proposed mitigation for plantings are reflected in the landscape plan prepared by Tom Madara with Madara Design. An additional mitigation measure was also provided; being that there was additional land to be provided as part of the Greenway (outside of the riparian corridor boundary) that the trade for additional lands to not be developed will provide for suitable mitigation for the pathway impacts. (See attached pathway area map.)



The engineering required for these facilities will describe location, depths, materials, etc. that will be proposed. This information will be presented to the Medford Planning and Engineering Departments for consistency with the appropriate master plans. Once the engineering is approved by the city, those plans, along with a Fish and Wildlife Habitat Mitigation plan, will be forwarded to ODFW, DSL, and Army Corps of Engineers for review, applicable permits, comments and recommendations.

Conclusion:

For the purposes of applying criteria to the subject application, the City of Medford concludes that Section 10.248(2), MLDC applies. The Medford Planning Commission concludes that impacts may occur with the development of public facilities and utilities within the riparian corridor, however, by applying the proposed mitigation measures with the planting of additional native vegetation to reduce or mitigate any identified adverse impacts. The public interest for road connectivity with the need for Category "A" public facilities and other utilities with the proposed pedestrian/bike paths will be served for the future residents in the vicinity.

FINDING:

The city of Medford finds that the development of Category "A" facilities and utilities with the proposed pathways are in the public interest. The identified impacts, if any, will be mitigated in accordance with the Fish and Wildlife Habitat Mitigation Policy found in OAR 635-415.

Section 10.249, MLDC, Mitigation of Impacts, requires the following:

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

Discussion:

Section 10.249(1):

Based on discussions with the ODFW, any improvement within the riparian corridor is an impact to the habitat. Mitigation measures discussed and proposed are for improvements within the riparian corridor.

The "Greenways" are described as assets of interest to the community for open space, with fish and wildlife habitats. The pedestrian/bike path with pedestrian bridges allows for the community to view, exercise, and provides alternative routes and modes of



transportation. The location and development of this pathway will assure that open space and natural assets are preserved to the greatest extent possible. The location of these improvements considered the existing vegetation present and to locate the facilities with the least impact of the native vegetation. The location of the roads and pathways are consistent with the SE Medford Circulation Plan.

All of the impacted trees and shrubs are identified on the Tree Inventory site plan for the various improvements within the project area. Areas where no trees or shrubs are identified consist predominately of grasses and weeds. The greatest impact on the vegetation (willows, oaks and cottonwoods) is the public road crossing on the South Fork Larson creek for Stanford Avenue adjacent to Coalmine Road. This was dictated by the Medford Engineering Department for being a collector street and the location was dictated by the SE Medford Plan. Detail "C" of the Tree Inventory identifies the trees impacted by the bridge and the construction during development of Stanford Avenue.

All bridge crossing are designed to reduce the impacts within the banks and channel of the creeks. The bridge supports are located at the top of the banks and once constructed the bridge will be placed onto these supports by a crane with minimal disruption. Upon completion, the areas outside of the right of way will be planted primarily with under story vegetation having sporadic over story trees so that the tree canopy does not occupy more than 10% of the bridge areas for public safety and to ensure plant health.

As part of the original mitigation that has been completed, from the identified impacts, the restoration and construction of South Fork Larson Creek, along with a portion of the Middle Fork, where a previous MID diversion for irrigation water has impacted the stream channel. The irrigation canal area currently has no native riparian vegetation and is virtually barren due to soil disturbance and past herbicide applications. This restoration project was designed by Steve Mason with Water Shed Systems Consulting and Phil Scoles with Terra Science, Inc., in cooperation and review with Bureau of Reclamation, Oregon Watershed Enhancement Board, ODFW and DSL.

Wetland mitigation and establishment of native vegetation was completed within this area. A portion of the irrigation canal, between the two diversions located south of the middle fork approximately 250 feet in length, was graded in conformance with the approved wetland mitigation plan and vegetated with native grasses. These mitigation measures have been reviewed and approved by DSL and Army Corps of Engineers, with additional review by the Bureau of Reclamation and Oregon Watershed Enhancement Board. The plan was then submitted to ODFW for further review of the vegetation and fish habitat in compliance with the Code and state requirements.

The proposal was to reconfigure the canal and a portion of the creek channel to create a fish friendly channel suitable for spawning grounds, which will include vegetation for shading of the creek, and soil protection which enhances fish protection. The end result of the restoration portion of the creek was to create an area that will be suitable for fish habitat and small wildlife.



Section 10.249(2):

Category "A" and "B" public facilities and utilities identified above are needed facilities by applying criterion 2 of Section 10.248. The provision of public facilities is a priority in the consideration of conditional use permits within the city. The public facilities will be used by the project and can be used for adjacent developments upon completion of these facilities. The City of Medford has determined that adverse impacts may occur when public facilities are provided within the identified Greenways for the SE Medford Plan.

The improvement of public facilities within the greenways will have some impact within the riparian corridor. The attached tree inventory identifies the under story and over story vegetation that will be impacted with the development of these public facilities. The disturbance of soil for the pathways are designed and located to have a minimal impact on the riparian vegetation. The storm sewer drainage system will also have some impact within the riparian corridor, where typically grasses with shrubs are present. The vegetation impacted for the pathways are primarily native grasses and weeds. No other vegetation (over story trees) are impacted or identified.

The treatment upon completion of construction for the pathways will be to plant a mixture of native grasses by hydro seeding, see Parks Department recommendation for proposed grass seed mixture and the required number of trees/shrubs to be planted. The location and species of the vegetation as approved by ODFW will be provided to the Parks Department upon completion of the improvements.

Again, the mitigation for the impacted areas and vegetation is the enhancement of the irrigation canal to meet state and federal guidelines, with the enhancement of a portion of the creek channel. Additional mitigation approved by ODFW is the additional area provided for the Greenway within the riparian corridor locations. The enhancement of this area will have a greater benefit of the public interest than the impacts identified within this project. Additionally, wetlands mitigation was also included within this project area.

Section 10.249(3):

The development proposed by this particular conditional use permit is consistent with the overall community needs. The applicants have determined that a public need exists to provide these facilities as requested by this permit. The public need includes 1) storm water discharge into Larson Creek, which is part of the Stormwater Master Plan; 2) street connectivity, which is a policy of the city and consistent with the SE Medford circulation plan; 3) pedestrian/bike path, which is also part of the SE Medford circulation plan.



The overall community need is served by this particular permit to develop and enhance this portion of the "Greenway" system. The location of these facilities have been carefully thought out and planned to provide the least impact onto the riparian corridors and vegetation to the greatest extent possible.

Conclusion:

Based on the above discussion, the Planning Commission concludes that the requested conditional use permit meets at least one, if not all, of the requirements found in Section 10.249, MLDC. The mitigation measures for the project are the redevelopment and enhancement for the identified portion of South Fork Larson Creek with the additional planting of vegetation from the pathway impacts. This mitigation effort is of greater benefit to the community and city in comparison to the impacts of the riparian corridor with the construction of public facilities. Based on the application for public facilities and utilities within the riparian corridors of Larson Creek, Section 10.248(2) is the appropriate criterion for review.

FINDING:

The City of Medford finds that the proposed roadway alignments, location of the pedestrian/bike path with bridges and utilities needed for development are in the public interest. Locations of these facilities are the minimum necessary within the Greenways for the development of the project and the SE Medford Plan.

Minimal impacts have been identified by the applicants with the proposed alignments. The mitigation and restoration of a portion of South Fork Larson Creek has been completed, resulting in a far greater improvement to the community and city as a whole.

SUMMARY:

Based on the above and attached site plans, the Planning Commission, City of Medford, Oregon concludes that this application for an amendment to an approved Conditional Use Permit meets the requirements of the Medford Land Development Code and is consistent with Division of State Lands and Army Corps of Engineers standards. The application is for needed public facilities and is allowed by Section 10.248(2), MLDC, to have some adverse impacts in the immediate area. The Planning Commission further concludes that, where necessary, appropriate conditions and mitigation measures have been applied to the application to mitigate the impacts.

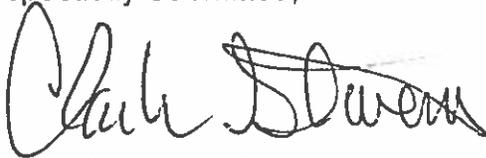
The Planning Commission can also conclude that the proposals for mitigation are consistent with the purposes for establishing the riparian corridors by being: 1) consistent with the goals and policies for the Greenway and Environmental Element of the Comprehensive Plan; 2) the proposals are designed to restore and protect Larson Creek and the associated riparian corridor; 3) enhances the water quality to protect the fish and wildlife habitat;



4) restores the natural beauty of Larson Creek; and 5) with completed project improvements the property values may be enhanced in the area as an amenity to the neighborhood and city.

With this information provided along with the exhibits attached, the applicants respectfully request approval of this amendment to an approved Conditional Use Permit, CUP-04-109 to complete the required engineering and submit a riparian landscape plan for review by Oregon Department of Fish and Wildlife, as required by OAR 635-415.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Richard Stevens". The signature is written in a cursive, flowing style.

Richard Stevens & Associates, Inc.





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CITY OF MEDFORD

RECEIVED
APR 06 2016
PLANNING DEPT.

LD Date: 4/6/2016
File Number: PUD-00-116 (revision)

PUBLIC WORKS DEPARTMENT STAFF REPORT
Revision of Stonegate Estates PUD

Project: Revision to Stonegate Estates Planned Unit Development to amend the exterior boundary of the PUD and for tentative plat review of Phases 2B, 2C, and 2D.

Location: The project is located on the east side of North Phoenix Road, north of Coal Mine Road.

Applicant: Mahar Brothers Holdings, LLC., Applicant (Richard Stevens & Associates, Inc., Agent). Sarah Sousa, Planner

Applicability:

The Medford Public Works Department's conditions of Preliminary Plan Approval for Stonegate Estates PUD were adopted by Order of the Medford Planning Commission on January 10, 2002 (PUD-00-116). A portion of the PUD (Phase 3) was terminated by the Planning Commission in 2010. The approval for Stonegate Estate CUP was adopted by Order of the Medford Planning Commission on November 11, 2004 (CUP-04-109). Medford Planning Commission granted approval of a request for tentative plat approval of Stonegate Estates Phases 2 (2A, 2B and 2C) on March 13, 2014 (LDS-13-137). **The adopted conditions by each of these actions shall remain in full force as originally adopted except as amended below.**

Public Works has no additional comments on the proposed revision.

Prepared by: Doug Burroughs



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APR 15 2016

PLANNING DEPT.

CITY OF MEDFORD

LD Date: 4/06/2016
File Numbers: LDS-16-045

PUBLIC WORKS DEPARTMENT STAFF REPORT
Stonegate Estates (Phase 2B, 2C & 2D)

Project: Request for tentative plat approval for Stonegate Estates, Phase 2B, 2C & 2D, consisting of 63 residential lots on a 19.82 acre parcel.

Location: Located on the north side of Coal Mine Road, and East of North Phoenix Road, within the SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district.

Applicant: Mahar Brothers Construction, Applicant (Richard Stevens & Assoc., Inc., Agent). Sarah Sousa, Planner.

NOTE: Items A - D Shall be Completed and Accepted Prior to Approval of the Final Plat, unless noted otherwise.

A. STREETS

1. Dedications

Stanford Avenue is classified as a Major Collector Street within the Medford Land Development Code (MLDC), Section 10.428(3). The developer shall dedicate for public right-of-way, sufficient width of land along the frontage of this proposed subdivision to comply with the half width of right-of-way, which is 37-feet plus 12 feet east of centerline. This is the same width and alignment for Stanford Avenue in Eastgate Estates, Phase 3 immediately north of this Development. In addition, this Development shall extend this same dedication to the north of the Subdivision boundary all the way to the southerly boundary of Eastgate Estates, Phase 3.

Coal Mine Road is classified as a Major Collector Street within the MLDC, Section 10.428(3). The developer shall dedicate for public right-of-way, sufficient width of land along the frontage of this proposed subdivision 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 S.S.D.C. (Street System Development Charge) credits for the public right-of-way dedication on Stanford Avenue and Coal Mine Road, per the methodology established by the MLDC 3.815. **Should the developer elect to have the value of the land be determined by an appraisal, a letter to that effect must be submitted to the City Engineer within sixty (60) calendar days of the date of the Final Order of the Planning Commission. The City will then select an appraiser, and a cash deposit will be required as stated in Section 3.815.**

Utah Drive (previously Brentwood Drive) in Phase 2C, Wyoming Lane (previously Caitlin Lane), Nebraska Drive (previously Colton Drive), Montana Way (previously Damian Way), Vermont Drive (previously Forest Grove Drive), Kansas Drive (previously Laurelhurst Drive) and Arizona Drive (previously Silvercreek Drive) are all proposed as Minor Residential Streets with a right-of-way width of 55-feet, consistent with the standard prescribed by MLDC 10.430(2).

Connecticut Court shown off of Arizona Drive shall be dedicated per MLDC 10.450 and have a minimum of a 45 foot radius, as shown on the tentative plat.

The dedication for Stanford Avenue Larson Creek crossing shall be 49 feet of right-of-way dedicated to the public and shall connect to Stanford Avenue on the north side of the Creek. This connection shall be provided in Phase 2B.

A 15-foot corner radius shall be provided at the right-of-way lines of all intersecting streets (MLDC 10.445).

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

Streets, as shown on the Tentative Plat, in which any portion terminates to a boundary line of the subdivision 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. Upon approved dedication of the extension of said streets, the one-foot reserve strip shall automatically be dedicated to the public use as part of said street without any further action by the City of Medford (MLDC 10.439).

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

Stanford Avenue shall be improved to Major Collector Street standards in accordance with MLDC 10.428. The developer shall improve the west half plus 8-foot east of centerline, complete with curbs and gutters, and 5-foot wide sidewalks. Stanford Avenue improvements shall be extended across Larson Creek along the northerly boundary of Phase 2B and connected with Stanford Avenue at the south boundary of Eastgate Estates, Phase 3 and complete the South Fork of Larson Creek crossing of Stanford Avenue with Phase 2C. The park-strip can be eliminated on the bridge crossings over Larson Creek.

Coal Mine Drive shall be improved to Major Collector Street standards with the final plat of Phase 2D, in accordance with MLDC 10.428. The developer shall improve the north half plus 12-foot south of centerline.

Utah Drive (Phase 2C), Wyoming Lane, Nebraska Drive, Montana Way, Vermont Drive, Kansas Drive and Arizona Drive shall all be improved to Minor Residential Street standards in accordance with MLDC 10.430(2).

Connecticut Court shall be constructed in accordance with MLDC 10.450. Improvements shall include paving, curb and gutters, sidewalks and street lights.

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

In accordance with Planning Commission Final Order concerning CUP-04-109, the paved meandering bike and pedestrian paths within the riparian corridor(s), that are not adjacent to public streets, shall be 12-foot wide with a minimum of 30-foot turning radii, and a structural section corresponding to a TI-3.5. The said paths are also to be used by Department of Public Works vehicles for access to maintain Larson Creek. If the bike and pedestrian paths are not on City owned property, the Developer shall provide an easement for them.

The bridge facilities associated with the bike and pedestrian paths within the riparian corridor(s) shall be constructed at least 12-foot wide and shall accommodate H-20 vehicle capacity.

c. Street Lights and Signing

The developer shall provide and install in compliance with Section 10.495 of the MMC. Based on the preliminary plan submitted, the following number of street lights will be required:

Street Lighting – Developer Provided & Installed

- A. 7 – 100W street lights
- B. 6 – 250W street lights
- C. 2 – 310 W street lights
- D. Pedestrian lighting in accordance with MLDC 10.380
- E. BMCs to accommodate all lighting

Numbers are subject to change if changes are made to the plans. All streetlights shall be installed per City standards and be shown on the public improvement plans. Public Works

will provide preliminary street light locations upon request.

Pedestrian street lights, including base mounted cabinets, shall be designed and constructed in accordance with the MLDC, Section 10.380. The pedestrian lights shall be designed by an engineer per City of Medford Standards and shall be submitted to the Engineering Division as part of the public improvement drawings described under Section E.1 and E.2 of this report.

A striping and lighting plan shall be prepared for Stanford Avenue and Coal Mine Road by the Developer's engineer, and shall be included with the public improvement plan set.

All street lights shall be operating and turned on at the time of the final "walk through" inspection by the Public Works Department.

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

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

d. Pavement Moratoriums

There is no pavement cutting moratorium currently in effect along this frontage.

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

e. Soils Report

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

f. Access and Circulation

At the time Stonegate PUD received its original approval, a trip cap of 2366 average

daily trips (ADT) was placed on the PUD based on a limited study. The trip cap was to remain until the intersection of North Phoenix Road and Cherry Lane was signaled, and the Fern Valley Interchange was improved. Both are either complete or under construction, which should remove the trip cap for this development.

Stanford Avenue is a Major Collector Street. Therefore, a note shall be placed on the Final Plat stating that Lots 131, 141, 142, 157, 162, Lot 163 and Lot 167 shall not have direct vehicular access to Stanford Avenue. Lots 167 through 170, which front on Coal Mine Road, shall be required to have shared access to Coal Mine Road. Shared Access Easements shall be recorded on the Final Plat.

Phase 2A when completed shall only have one access to this Phase of the Development, but when Phase 2B is completed the second access will be created. This is one of the reasons the connections indicated above are so important.

g. Easements

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

3. Section 10.668 Analysis

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

10.668 Limitation of Exactions

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

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

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

Nexus to a legitimate government purpose

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

a balanced transportation system addressing all modes of travel, including motor vehicles, transit, bicycles, emergency services and pedestrians. Further, these rights-of-way are used to provide essential services such as sanitary sewer, domestic water and storm drains to serve the developed parcels. It can be found that the listed right-of-way dedications and improvements have a nexus to these purposes and policies.

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

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

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

Stanford Avenue is classified as a Major Collector street per the adopted Southeast Area Neighborhood Circulation Plan. It is planned to be the primary connector between Barnett Road and Coal Mine Road. Likewise, **Coal Mine Road** is also classified as a Major Collector, and is planned to be the primary connector between North Phoenix Road and points east. Both Stanford Avenue and Coal Mine Road shall have one travel lane in each direction, a center-turn median, bike lanes in each direction, and sidewalks. Both streets shall provide safe travel for all modes of transportation. As higher order streets, they are eligible for street SDC credits for both the right-of-way and roadway improvements. SDC credits offset costs to the developer and as such provide the mechanism by which the City of Medford is able to fairly compensate the applicant for the excess burden of dedicating right-of-way, and for and constructing public improvements for higher order streets.

Public Streets: In determining rough proportionality, the City considers the impacts of this Development in the way of additional trips on the transportation system. The number of trips from the Development were computed and compared to the square footage of street dedication and road improvements by this proposed Development. The proposed development (phases 2A, 2B, 2C & 2D) has 97 Lots, which will generate 928 trips per the Trip Generation Manual. This Subdivision will dedicate approximately 248,297 square feet of right-of-way and improve approximately 160,284 square feet of roadway, which equates to 267 square feet of dedication per trip and 173 square feet of street improvements per trip.

To determine proportionality, the City looked at five other SFR-4 subdivisions on the east side of Medford, and averaged the same parameters to see how the exactions for this subdivision generally compared with other subdivisions. The five previously developed subdivisions ranged in size from 23 Lots to 72 Lots. The average street dedication per trip generated was 299 square feet, and the average area of street improvements per trip generated was 172 square feet.

As demonstrated above, the dedications and improvements recommended herein can be found to be roughly proportional to the impacts reasonably anticipated to be imposed by this

development.

Further benefits include:

- a. Dedication will ensure that new development and density intensification provides the current level of urban services. This development will create an additional 97 Lots within the City of Medford and increase vehicular traffic by approximately 928 average daily trips. The proposed street improvements will provide a safe environment of all modes of travel (vehicular, bicycles, & pedestrians) to and from this development.
- b. The proposed street dedication and street connections will ensure adequate street circulation is maintained as this area continues to develop in the future. The general street layout and connectivity in this development will provide alternate route choices for the residents that will live in this neighborhood. This will decrease emergency vehicle response times and will decrease overall vehicle miles traveled. As trip lengths are reduced, it increases the potential for other modes of travel including walking and cycling.
- c. Dedication of connecting streets will decrease emergency response times and provide emergency vehicles alternate choices in getting to an incident and reducing miles traveled.
- d. Dedication of PUE will benefit development by providing public utility services, which are out of the roadway and more readily available to each Lot being served.

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

B. SANITARY SEWERS

The proposed development is situated within the Medford Sewer service area. The Developer shall provide one service lateral to each platted lot prior to approval of the Final Plat. All public sanitary sewers shall be located in paved public streets or alleys, or within public sanitary sewer easements with paved access to manholes. All sanitary sewer manholes located within any stream drainage or riparian easement shall be fitted with water-tight locking lids.

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

All segments of sanitary sewer main crossing open waterways shall be ductile iron pipe, concrete-encased 0.75-foot thickness completely surrounding, and profiled to provide a minimum of 2.0-feet of natural cover as measured from the reposed elevation of the stream bottom.

C. STORM DRAINAGE

1. Hydrology

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

For the main channel of Larson Creek, a drainage and hydrology study must be prepared by a licensed civil engineer. The study must establish the 10, 25, and 100-year flood plain boundaries and the 100-year base flood elevations. No fill shall be allowed within the floodplain without a Flood Plain Permit from the Building Department. Water surface elevations for the 10 and 25 year events shall also be provided on the plans or separate report. Three streets are planned to cross streams within the 3 phases of this Development. The Applicant's Engineer shall provide a "no-rise study" for each of these crossings.

The main channel of Larson Creek and Middle Fork of Larson Creek are both designated as Riparian Corridors by Ordinance 2011-123. They are both also designated as Major Greenways (Type G-1), (see Appendix B of the City of Medford Neighborhood Element Southeast Plan, adopted by the Medford City Council on March 7, 2013). As such, they shall be provided with greenway easements granted to the City, and having their outer boundaries measured 50 feet out from the top of each bank. The Developer shall provide an asphalt paved pedestrian and maintenance access way in accordance with the said Appendix B typical greenway section.

2. Stormwater Detention and Water Quality Treatment

This site lies within the Larson Creek Drainage Basin. This development shall provide stormwater detention in accordance with MLDC, Section 10.486, and water quality treatment in accordance with the Rogue Valley Stormwater Quality Manual per MLDC, Section 10.481.

Since the Development is greater than 5 acres, the stormwater detention facilities shall be surface storage within open areas, which equate to a minimum of 2% of the gross area of this Development. The design of the detention facilities shall provide paved access to all elements of the facility so City can maintain them. The City maintenance of these facilities will not include maintenance of any landscaping elements.

In accordance with the previously mentioned CUP-04-109, the storm drainage outfalls entering Larson Creek from this development shall pass through stilling basins before they are directed into the creek. The Developer shall also obtain a Conditional Use Permit from the Planning Commission prior to constructing storm drains into the Riparian Corridor.

Each phase will be required to have its own stormwater detention and water quality treatment. If

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

Upon completion of the project, the developer's design engineer shall provide written certification to the Engineering Division that the construction of the stormwater detention and water quality 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. Grading

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

4. Mains and Laterals

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

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

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

All public storm drain mains shall be located in paved public streets or within easements and shall extend to the limits of the development where applicable to serve future development. All manholes shall be accessible by paved roads.

5. Wetlands

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

6. Erosion Control

Subdivisions of one acre and greater require a run-off and erosion control permit from DEQ. The

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

D. SURVEY MONUMENTATION

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

E. GENERAL CONDITIONS

1. Design Requirements and Construction Drawings

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

2. Construction Plans

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

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

3. Phasing

The Tentative Plat shows that this subdivision will be developed in three phases. Any public improvements needed to serve a particular phase shall be improved at the time each

corresponding phase is being developed. Public improvements not necessarily included within the boundaries of any given phase, but are needed to serve that phase shall be constructed at the same time. Construction drawings for public improvements shall be submitted only for the improvements to be constructed with each phase.

As previously stated in this report, right-of-way dedications and public improvement construction shall be provided by the Developer to complete the Middle Fork of Larson Creek crossing of Stanford Avenue with Phase 2B, and complete the South Fork of Larson Creek crossing of Stanford Avenue with Phase 2C.

4. Draft of Final Plat

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

5. Greenway Dedication

A minimum of 50-foot Greenway Dedication from the top of the bank for the Middle and South Forks of Larson Creek shall be shown on the Final Plat.

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

7. System Development Charges (SDCs)

Buildings in this development are subject to street, sewer treatment and sewer collection 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

8. Construction and Inspection

Contractors proposing to do work on public streets, sewers, or storm drains shall 'prequalify'

with the Engineering Division prior to starting work. Contractors shall work off a set of public improvement drawings that have been approved by the City of Medford Engineering Division. Any work within the County right-of-way shall require a separately issued permit 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.

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

Prepared by: Doug Burroughs

SUMMARY CONDITIONS OF APPROVAL

Stonegate Estates Phase 2B, 2C & 2D

LDS-16-045

A. Streets

1. Street Dedications to the Public:

- Dedicate half plus 8-feet on Stanford Avenue.
- Dedicate approximately 17-feet of right-of-way north of centerline on Coal Mine Road.
- Dedicate full width of right-of-way for Utah Drive (Phase 2C), Wyoming Lane, Nebraska Drive, Montana Way, Vermont Drive, Kansas Drive and Arizona Drive.
- Dedicate 10-foot public utility easements (PUE).

2. Improvements:

a. Public Improvements

- Construct Stanford Avenue and Coal Mine Road to Major Collector Street Standards.
- Construct Utah Drive (Phase 2C), Wyoming Lane, Nebraska Drive, Montana Way, Vermont Drive, Kansas Drive and Arizona Drive to Minor Residential Street standards.
- Connecticut Court shall be constructed per MLDC 10.450.

b. Lighting and Signing

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

c. Other

- Provide pavement moratorium letters.
- Provide soils report.

B. Sanitary Sewer

- Provide a private lateral to each lot.

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.

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

LD Date: 4/6/2016
File Number: CUP-04-109 (revision)

PUBLIC WORKS DEPARTMENT STAFF REPORT Revision of Stonegate Estates CUP

- Project:** Review of a Conditional Use Permit revision to Stonegate Estates PUD to allow riparian encroachments for a multi-use path, streets, bridges, public storm water facilities and utilities.
- Location:** The project is located on the east side of North Phoenix Road, north of Coal Mine Road.
- Applicant:** Mahar Brothers Holdings, LLC., Applicant (Richard Stevens & Associates, Inc., Agent). Sarah Sousa, Planner.

Applicability:

The Medford Public Works Department's conditions of Preliminary Plan Approval for Stonegate Estates PUD were adopted by Order of the Medford Planning Commission on January 10, 2002 (PUD-00-116). A portion of the PUD (Phase 3) was terminated by the Planning Commission in 2010. The approval for Stonegate Estate CUP was adopted by Order of the Medford Planning Commission on November 11, 2004 (CUP-04-109). Medford Planning Commission granted approval of a request for tentative plat approval of Stonegate Estates Phases 2 (2A, 2B and 2C) on March 13, 2014 (LDS-13-137). **The adopted conditions by each of these actions shall remain in full force as originally adopted except as amended below.**

Public Works has no additional comments on the proposed revision.

Prepared by: Doug Burroughs



Medford Fire Department

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

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PLANNING DEPT.

LAND DEVELOPMENT REPORT - PLANNING

To: Sarah Sousa

LD Meeting Date: 04/06/2016

From: Greg Kleinberg

Report Prepared: 03/28/2016

Applicant: Mahar Brothers Holdings, LLC., Applicant (Richard Stevens & Associates. Inc.,

File #: PUD - 00 - 116

Site Name/Description: Stonegate Estates Planned Unit Development

Revision to Stonegate Estates Planned Unit Development to amend the exterior boundary of the PUD and for tentative plat review of Phases 2B, 2C, and 2D. The project is located on the east side of North Phoenix Road, north of Coal Mine Road; Mahar Brothers Holdings, LLC., Applicant (Richard Stevens & Associates. Inc., Agent). Sarah Sousa, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE
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Requirement FIRE HYDRANTS

OFC

508.5

Fire hydrants with reflectors will be required for this project.

Fire hydrant locations shall be as follows:

Phase 2B: One on the corner of Connecticut Dr/Arizona Dr near lot #112; one on the corner of Arizona Dr/Nebraska Dr near lot #134; one on Arizona Dr near lots #137/138; one on the corner of Arizona Dr/Stanford Ave near lot #141; one on Kansas Dr near lots #101/120; one on the corner of Kansas Dr/Nebraska Dr near lot #123.

Phase 2C: One on the corner of Stanford Ave/Wyoming Lane near lot #157; one on the corner of Wyoming Lane/Montana Way near lot #153; one on the corner of Montana Way/Utah Dr near lot #152; one on the corner of Stanford Ave/Utah Dr near lot #163.

Phase 2D: One on the corner of Stanford Dr/Coal Mine Rd near lot #167; one on Coal Mine Rd near lot #170.

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).

Requirement MEDFORD CODE STREET DESIGN OPTIONS

MEDFORD

10.430

Section 10.430 of the Medford Code states the following:

In order to ensure that there is at least twenty (20) feet of unobstructed clearance for fire apparatus, the developer shall choose from one of the following design options:

(a) Clustered, offset (staggered) driveways (see example) (design approved by Fire Department), and fire hydrants

CITY OF MEDFORD

EXHIBIT # U

File #PUD-00-116 Revision

CUP-04-109 Revision

IDS-16-045



Medford Fire Department

200 S. Ivy Street, Room #180

Medford, OR 97501

Phone: 774-2300; Fax: 541-774-2514;

www.medfordfirerescue.org

LAND DEVELOPMENT REPORT - PLANNING

To: Sarah Sousa

LD Meeting Date: 04/06/2016

From: Greg Kleinberg

Report Prepared: 03/28/2016

Applicant: Mahar Brothers Holdings, LLC., Applicant (Richard Stevens & Associates, Inc.,

File #: PUD - 00 - 116

Site Name/Description: Stonegate Estates Planned Unit Development

located at intersections with the maximum fire hydrant spacing along the street of 250-feet.

(b) All dwellings that front and take access from minor residential streets to be equipped with a residential (NFPA 13D) fire sprinkler system, and fire hydrants located at intersection with the maximum fire hydrant spacing along the street of 500-feet.

(c) Total paved width of 33-feet with five-and-a-half (5 ½) foot planter strips.

The Oregon Fire Code requires: "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" (OFC 503.2.1). "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 in Section 503.2.1, shall be maintained at all times." (OFC 503.4).

When the clustered-offset driveway option is chosen, a note indicating driveway locations shall be included on the final plat. In areas where the clustered-offset option cannot be utilized because of lot layout, parking restrictions may apply in certain areas and No Parking - Fire Lane signs may be required.

Minor residential streets have a 28 foot paved surface. When vehicles are parked on both sides of the street there is 14 feet for fire department access, which is considerably less than the 20 foot requirement. Fire department pumpers are approximately 9 feet wide, this leaves approximately 2.5 feet on each side to remove equipment, drag hose, etc. We normally dispatch 3 fire engines and the ladder truck to all reported structure fires. The 14 feet becomes so congested that fire engines and or ambulances are required to back-up to leave the fire scene. Sometimes the on scene equipment is dispatched to another alarm. This backing up slows response times. The citizens of the City of Medford have certain expectations that when they require our assistance we will arrive in a timely manner. With a 20 foot clear and unobstructed width engines are able to pass on the side when necessary to respond to another incident or clear to return to their assigned area.

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)



Medford Fire Department

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

LAND DEVELOPMENT REPORT - PLANNING

To: Sarah Sousa

LD Meeting Date: 04/06/2016

From: Greg Kleinberg

Report Prepared: 03/28/2016

Applicant: Mahar Brothers Holdings, LLC., Applicant (Richard Stevens & Associates. Inc.,

File #: PUD - 00 - 116

Site Name/Description: Stonegate Estates Planned Unit Development

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

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.



Medford Fire Department

200 S. Ivy Street, Room #180
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
E-mail www.fire@ci.medford.or.us

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APR 06 2016

PLANNING DEPT.

LAND DEVELOPMENT REPORT - PLANNING

To: Sarah Sousa

LD Meeting Date: 04/06/2016

From: Fire Marshal Kleinberg

Report Prepared: 03/28/2016

File #: CUP - 04 - 109

Site Name/Description: Stonegate Estates PUD

Review of a Conditional Use Permit revision to Stonegate Estates PUD to allow riparian encroachments for a multi-use path, streets, bridges, public storm water facilities and utilities. The project is located on the east side of North Phoenix Road, north of Coal Mine Road; Mahar Brothers Holdings, LLC., Applicant (Richard Stevens & Associates. Inc., Agent). Sarah Sousa, Planner.

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

Approved as Submitted

Meets Requirement: No Additional Requirements

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

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Memo

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APR 06 2016

PLANNING DEPT.

To: Sarah Sousa, Planning Department
From: Mary Montague, Building Department
CC: Mahar Brothers Holdings, LLC
Date: 04/06/2016
Re: PUD-00-116; Revision of Stonegate Estates PUD and CUP

Building Department:

Please Note: This is not a plan review. These are general notes based on general information provided. Plans need to be submitted and will be reviewed by a residential plans examiner to determine if there are any other requirements for this occupancy type. Please contact the front counter for fees.

1. Applicable Building Codes are 2014 ORSC with additional Oregon amendments to the 2011 ORSC; 2014 OPSC; and 2014 OMSC. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.
3. Site Excavation permit required to develop, install utilities.
4. Demo Permit is required for any buildings being demolished.
5. Any properties located within the 100 year Flood Plain requires a permit. All buildings will require a flood elevation certificate.
6. A site specific soils geotech report is required by a Geotech Engineer prior to foundation inspections. The report must contain information on how you will prepare the lot for building and a report confirming the lot was prepared per their recommendations.



RECEIVED
APR 06 2016
PLANNING DEPT.

Memo

To: Sarah Sousa, Planning Department
From: Mary Montague, Building Department
CC: Mahar Brothers Holdings, LLC
Date: 04/06/2016
Re: CUP-04-109; Revision of Stonegate Estates PUD and CUP

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APR 06 2016

PLANNING DEPT.

STAFF MEMO

To: Sarah Sousa
From: Jennifer Ingram, Address Technician
Date: 4/5/2016
Subject: PUD-00-116 Revision

The proposed street labeled as *Utah Drive* on phase 2C should be *Colorado Drive*.

CITY OF MEDFORD
EXHIBIT # Y
File #PUD-00-116 Revision
CUP-04-109 Revision
LDS-16-045

From: darrell h <dlh@hoffbuhr.com>
To: Jennifer L Ingram <jennifer.ingram@cityofmedford.org>
Date Sent: Tuesday, July 01, 2014 10:47 PDT
Subject: RE: Colorado Dr & Connecticut Ct

Jennifer,
Very good, Thank you.

Darrell Huck

From: Jennifer L Ingram [mailto:jennifer.ingram@cityofmedford.org]
Sent: Tuesday, July 01, 2014 10:34 AM
To: darrell h
Subject: Colorado Dr & Connecticut Ct

Hi Darrell,

Both of the proposed street names above are acceptable. Just to clarify, the cul-de-sac off Arizona Dr will be named Connecticut Ct & the section formerly known as Utah Dr that intersects with Stanford Ave will be named Colorado Dr.

Please let me know if you have any questions.

Thank you,

Jennifer Ingram

Address/Database Tech

City of Medford

541-774-2069

jennifer.ingram@cityofmedford.org



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: PUD-00-116 (Revised)
PARCEL ID: 371W34 TL's 1201 & 2600
PROJECT: Revision to Stonegate Estates Planned Unit Development to amend the exterior boundary of the PUD and for tentative plat review of Phases 2B, 2C, and 2D. The project is located on the east side of North Phoenix Road, north of Coal Mine Road; Mahar Brothers Holdings, LLC., Applicant (Richard Stevens & Associates, Inc., Agent). Sarah Sousa, Planner.
DATE: April 6, 2016

RECEIVED
APR 06 2016
PLANNING DEPT.

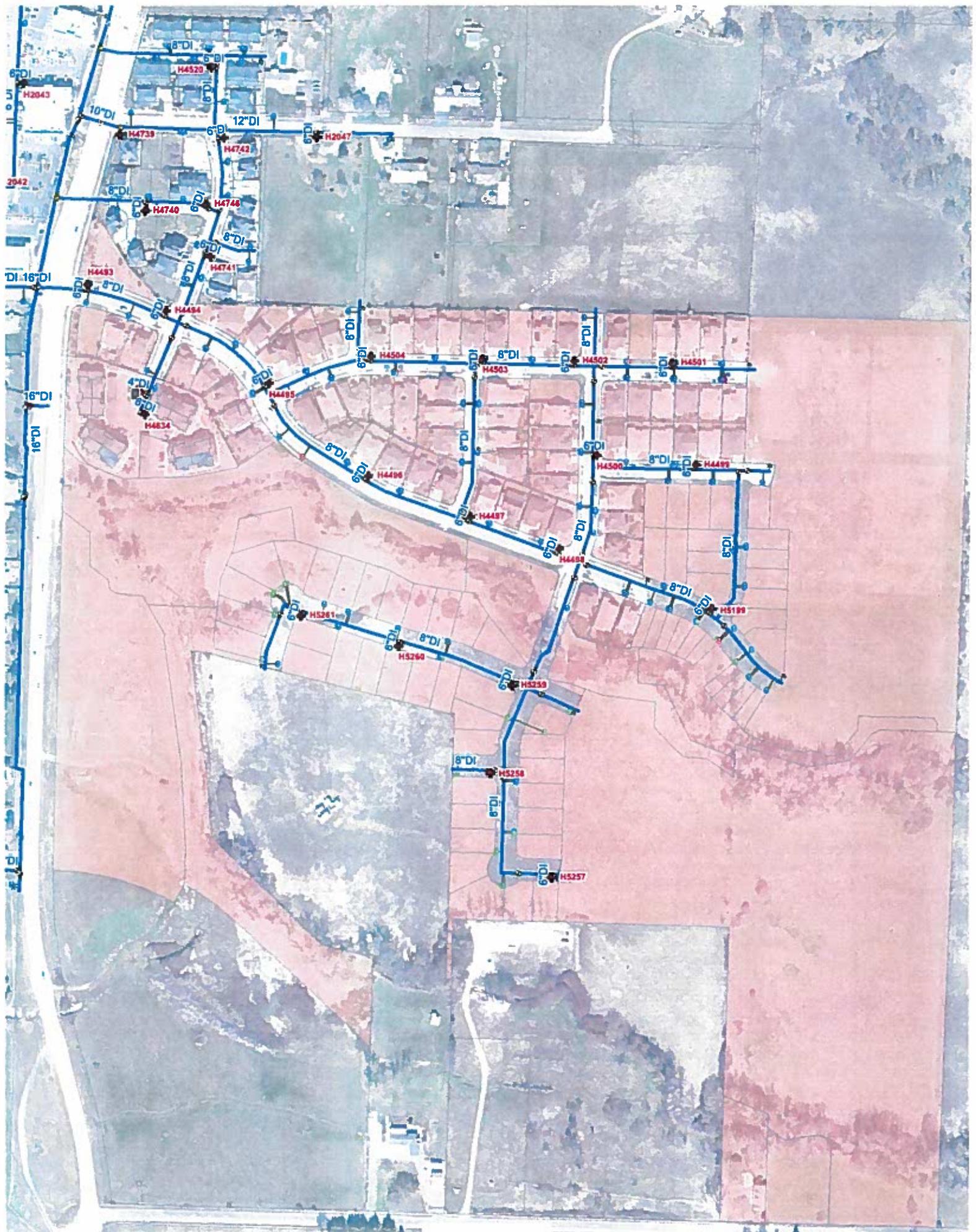
I have reviewed the above plan authorization application as requested. Conditions for approval and comments are as follows:

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.

COMMENTS

1. No Comments.





BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: CUP-04-109 (Revised)
PARCEL ID: 371W34 TL 1201 & 2600

RECEIVED

APR 06 2016

PLANNING DEPT.

PROJECT: Revision to Stonegate Estates Planned Unit Development to amend the exterior boundary of the PUD and for tentative plat review of Phases 2B, 2C, and 2D. The project is located on the east side of North Phoenix Road, north of Coal Mine Road; Mahar Brothers Holdings, LLC., Applicant (Richard Stevens & Associates, Inc., Agent). Sarah Sousa, Planner.

DATE: April 6, 2016

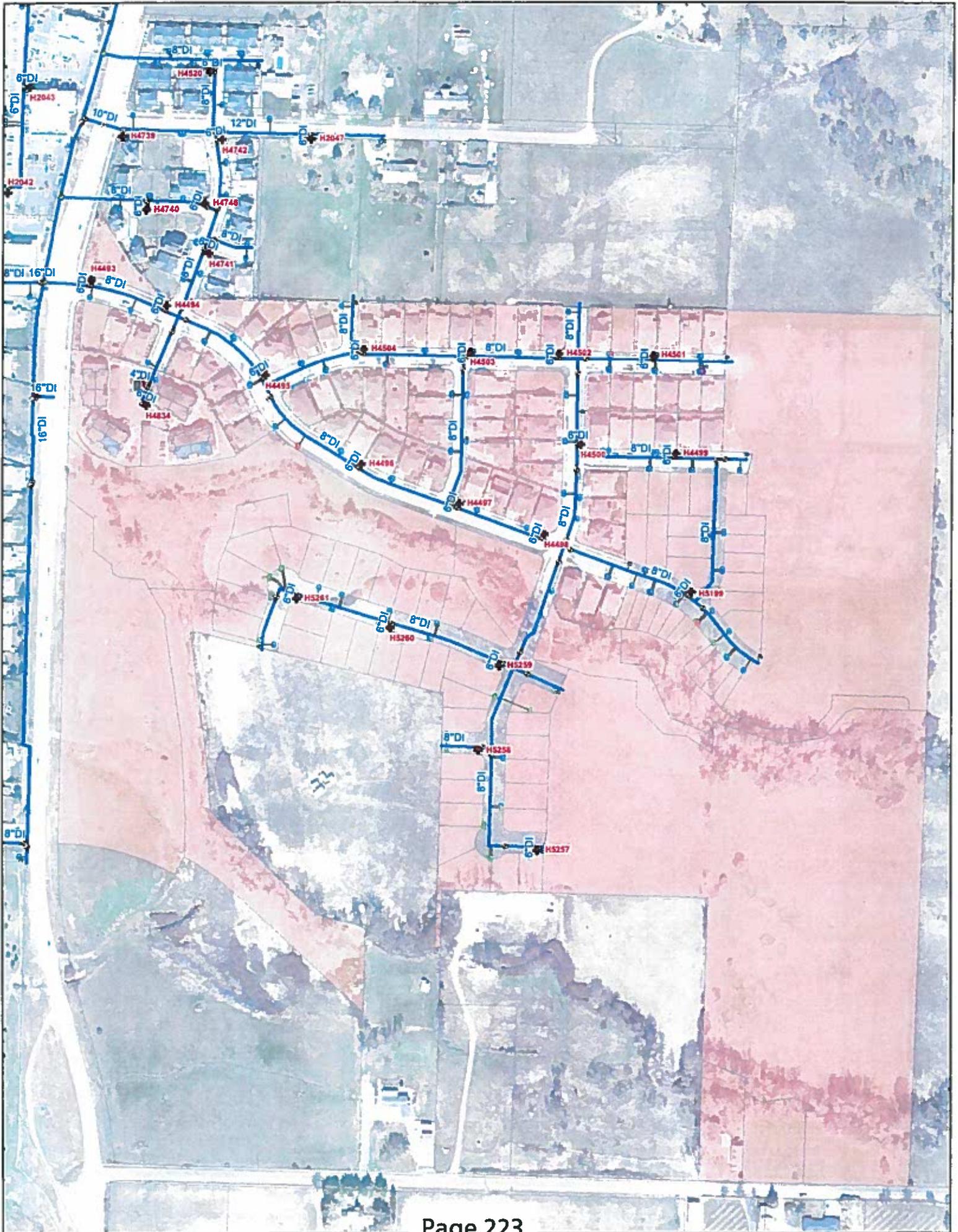
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2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.

COMMENTS

1. No Comments.



RECEIVED

APR 18 2016

PLANNING DEPT.

Hi Sarah,

The Oregon Department of Fish and Wildlife reviewed the plans submitted by Mahar Brothers Holdings, LLC for a Conditional Use Permit revision to the Stonegate Estates PUD to allow encroachments in the riparian setback area of Larson Creek and its tributary for a multi-use path, streets, bridges, public storm water facilities, and utilities. We are not opposed to the revisions requested as long as the riparian landscape plan is fully implemented. We recommend that the following issues be addressed:

1. The plan does not specifically address how many existing trees and shrubs will be removed to accommodate the development within the riparian setback area. Overall it appears that there are only a few areas where the developments will go through areas with existing woody vegetation. We request that the applicant minimize to the greatest extent feasible the amount of existing riparian vegetation to be removed.
2. The landscape plan states the planting will be done after the irrigation system is in place, but does not provide any deadline for having the planting completed. We agree that the irrigation system should be installed prior to planting; however, we would like to see a reasonable timeframe specified for completing the planting.
3. The landscape plan specifies that the new plantings will be maintained for several years to ensure they survive and become established, but does not describe any plans for maintaining the riparian area beyond that. Since an objective of the riparian setback is to allow the growth of natural vegetation, the Oregon Department of Fish and Wildlife would like to see a plan for the ongoing maintenance within the riparian area.
4. The plan we reviewed does not provide any details about the road crossings. Road crossings or other structures placed in the stream channels will have to meet the State of Oregon's fish passage requirements.

Thank you for considering our comments on this proposal.

David R. Haight
Fisheries Biologist
Oregon Department of Fish and Wildlife
1495 East Gregory Road
Central Point, OR 97502
541-826-8774, ext 224

MEDFORD PARKS & RECREATION

HEALTHY LIVES. HAPPY PEOPLE. STRONG COMMUNITY.

To: Sarah Sousa, Planning Department
From: Pete Young, Park Planner
Subject: CUP 04-109, Mahar Brothers Holdings, LLC- Stonegate Estates
Date: April 20, 2016

RECEIVED
APR 20 2016
PLANNING DEPT.

We have reviewed the applicant's Street Tree plan and recommend approval as submitted.

The City of Medford Parks and Recreation (City) is pleased to review the proposal for additional important segments of the City's path and trail system. The City anticipates accepting the path and trail system upon completion of the path segments when they have been built to a standard that meets all code requirements, conditions of approval and department standards for installation and final quality.

Public paths require a 3 to 5 foot wide gravel shoulder added to the required path width (10 or 12 feet as determined by the SE Medford Area Plan) for sightline visibility. The path must be built to Parks and Recreation construction standards with the cross-sectional design based on a geotechnical report for the specific soil conditions found in the path route. Construction inspection by a Licensed Geotechnical Engineer and City representative are required.

The applicant will install the landscape and irrigation per best practices for riparian planting on this. A groundcover consisting of a combination of native grasses, groundcovers and/or mulch must be included in the planting plan for the protection of disturbed soils with mulch installed at the plant bases to protect the new plantings from competition with other plant species.

New plantings that die shall be replaced annually throughout the 5-year establishment period. The plant spacing that ODF&W is recommending is the minimum spacing for a successful and thriving riparian planting project. Because the mortality rate of planting on a site such as this can be high, proper initial soil preparation and then on-going maintenance with annual replanting is required to ensure this minimum plant spacing endures. The City will, at the time of final acceptance require the riparian planting contains the mature and thriving plant pallet of the original project restoration planting plan. We recommend the applicant be directed as follows:

The applicant will, through monthly maintenance ensure the riparian plants are thriving at the original plant quantity and spacing throughout the five year establishment period. Should any restoration plantings die or fall into poor health during the 5-year establishment period, the plants shall be replaced annually in the fall of the year. The installation shall result in the plantings thriving and being fully established at the end of a five-year establishment period.



CONTINUOUS IMPROVEMENT | CUSTOMER SERVICE

701 N COLUMBUS AVE | MEDFORD, OR 97501 | 541 774 2400
WWW.PLAYMEDFORD.COM | PARKS@CITYOFMEDF



COMMUNITY ENRICHMENT EXCELLENCE EXCEPTIONAL CUSTOMER SERVICE

CITY OF MEDFORD

EXHIBIT # CC

File #PUD-00-116 Revision

CUP-04-109 Revision

LDS-16-045

The five-year plant establishment period responsibilities include:

- *Protect existing native plants and shrubs during all construction and maintenance activities;*
- *Install, operate and maintain a temporary irrigation system for dry season watering;*
- *Provide soil preparation for the planting area per industry best practices;*
- *Maintain the planting and replant annually all trees and shrubs not thriving;*
- *Manage undesirable weeds and overgrowth which compete with the planting; and*
- *Stabilizing the soil in all disturbed areas with appropriate best management practices;*
- *Install groundcover consisting of a combination of native grasses, groundcovers and/or mulch;*
and
- *Install a mulch at the plant bases to protect the new plantings from competition.*

This department supports the proposed planting plan with the addition of the requirements listed above.

"Creating Healthy Lives, Happy People & A Strong Community"

City Hall ■ 411 W. 8th Street ■ Room 225 ■ Medford, OR 97501 ■ (541) 774-2400
www.ci.medford.or.us parks@cityofmedford.org

MEDFORD PARKS & RECREATION

HEALTHY LIVES. HAPPY PEOPLE. STRONG COMMUNITY.

To: Sarah Sousa, Planning Department
From: Pete Young, Park Planner and Project Manager
Subject: PUD 00-116, Mahar Brothers Holdings, LLC- Stonegate Estates
Date: April 20, 2016

We have reviewed the applicant's Street Tree plan and have one comment. Municipal code requires street trees be one and three-quarter inch caliper trees rather than the one and one-half caliper shown on the plan.



CONTINUOUS IMPROVEMENT | CUSTOMER SERVICE
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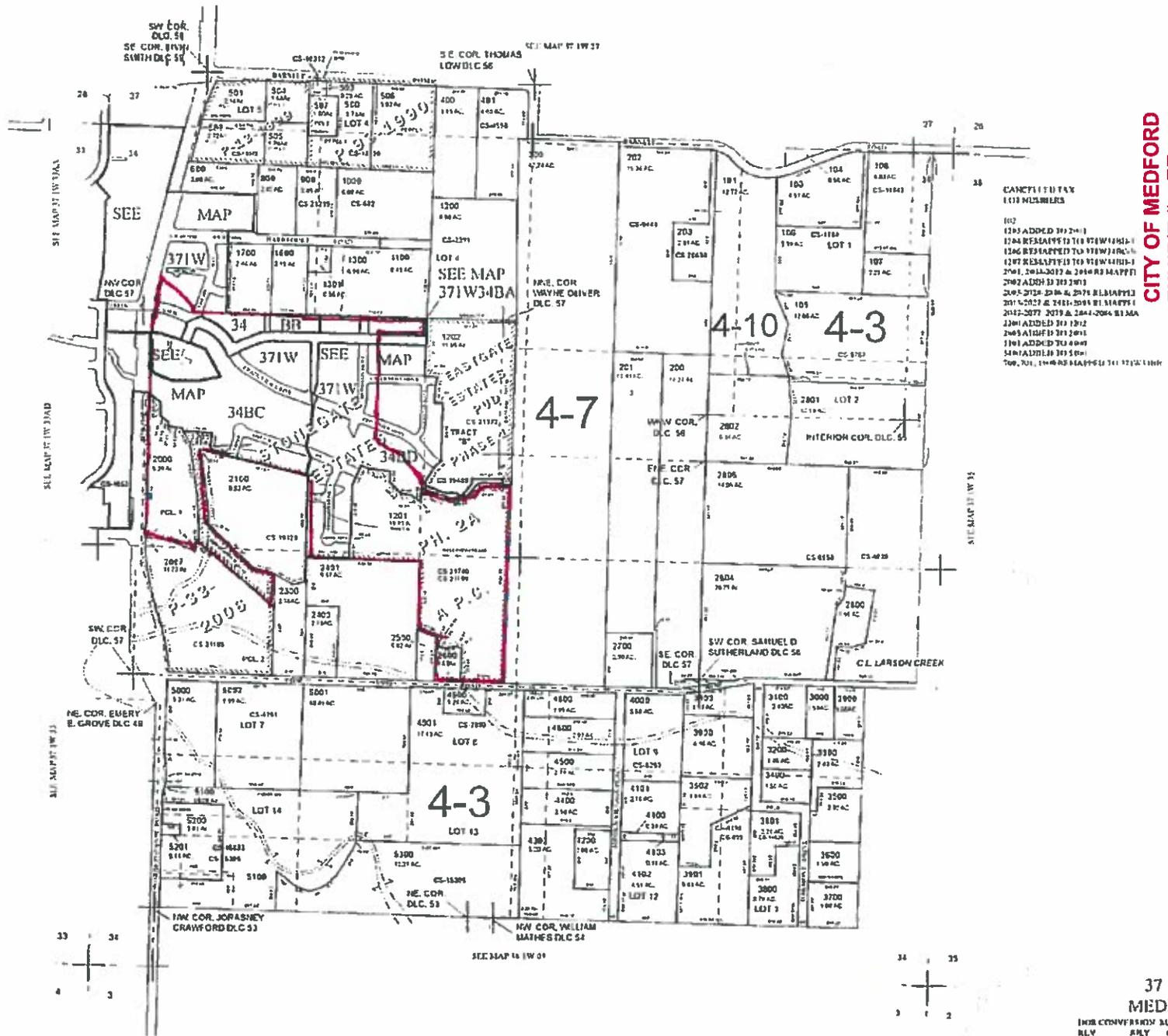
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CITY OF MEDFORD
EXHIBIT # DD
File # PUD-00-116 Revision
CUP-04-109 Revision
LDS-16-045

RECEIVED
 FEBRUARY 19, 2016
 PLANNING DEPARTMENT

FOR ASSESSMENT AND
 TAXATION ONLY

SECTION 34, T.37S., R.1W., W.M.
 JACKSON COUNTY
 1" = 400'



CITY OF MEDFORD
 EXHIBIT # EE
 File #PUD-00-116 Revision
 CUP-04-109 Revision
 LDS-16-045

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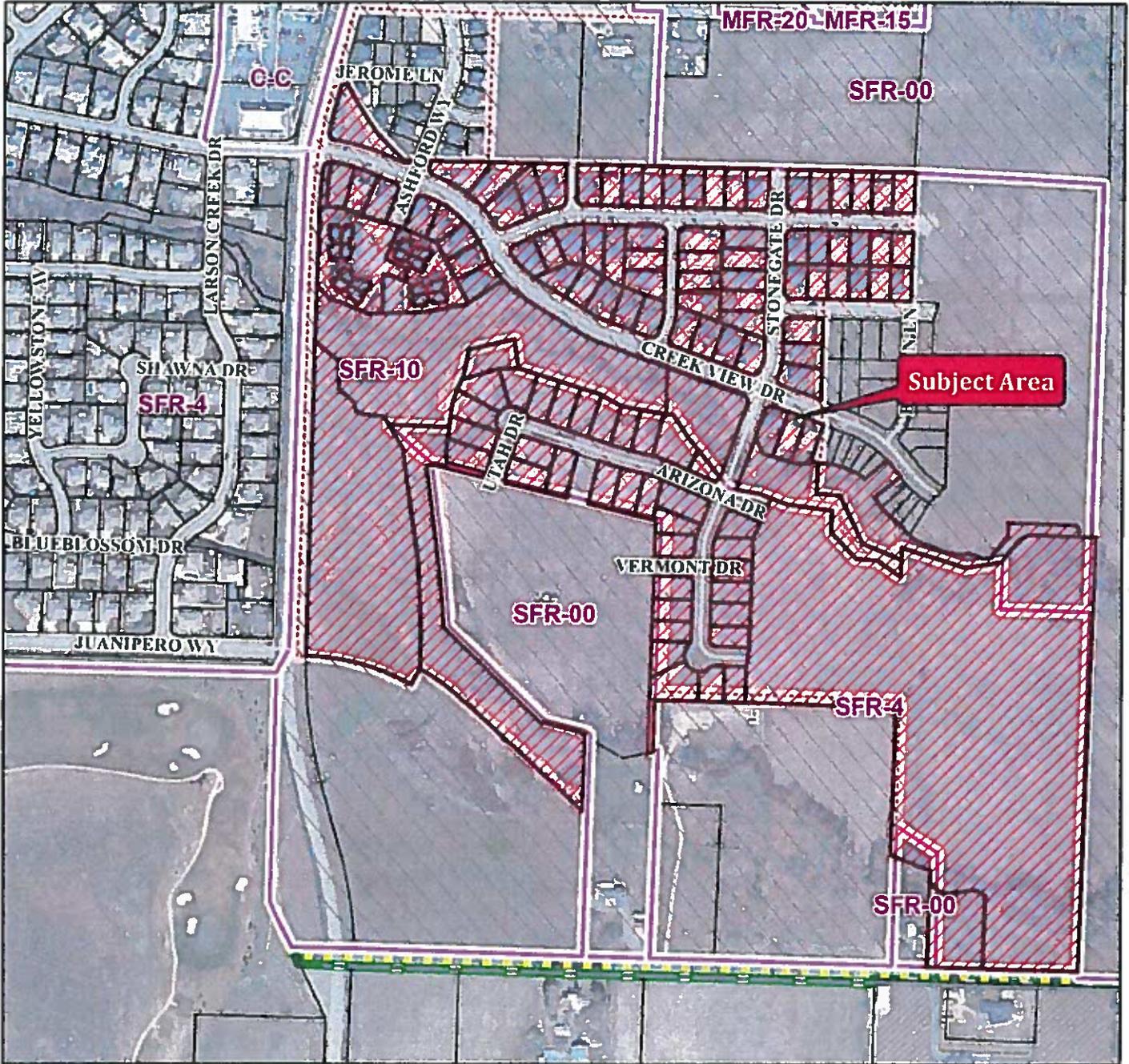
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 MEDFORD
 THIS CONVERSION MAY 12, 1999
 RLV JULY 08, 2013



City of Medford Planning Department

Vicinity
Map

File Number:
CUP 04-109
PUD 00-116
LDS 16-045



Project Name:
**Revision of Stonegate Estates
PUD and CUP**

Map/Taxlot:
371W34 TL 1201 & 2600



04/06/2016

Legend

- Subject Area
- Roads
- Medford Zoning
- Tax Lots
- UGB
- PUD

