# PLANNING COMMISSION AGENDA

# MAY 12, 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

# Agenda

**Public Hearing**
**May 12, 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 **LDP-16-012 / E-16-034** Final Orders 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)

20.2 **PUD-05-025** Final Orders 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)

**30. Minutes**

30.1 Consideration for approval of minutes from the April 28, 2016, hearing.

**40. Oral and Written Requests and Communications**

**50. Public Hearings – Old Business**

50.1 **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)

**New Business**

50.2 **CUP-16-022 / E-16-023** Consideration of a request for a Conditional Use Permit for the Kids Unlimited Public Charter School Master Campus Plan to allow for the expansion of existing facilities; including but not limited to 18,000 square foot multipurpose building, a two classroom modular building and outdoor athletic field. The Applicant has submitted an associated Exception Application requesting relief from street side setbacks, maximum lot coverage, and reduction of public right-of-way for Edwards Street and Austin Street. The subject site is located west of Riverside Avenue, South of Edward Street, East of Niantic Street and north of Austin Street. The campus is located in the SFR-10 (Single Family Residential -10 units per gross acre), MFR-20 (Multiple-Family Residential – 20 units per gross acre and C-C

(Community Commercial) zoning districts and encompasses approximately 2.8 net acres.

**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 OF | ) | |
| | ) | **ORDER** |
| ADDERSON BUILDERS INC. [LDP-16-012] | ) | |

ORDER granting approval to create three lots on a 0.74 acre parcel 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, of File No. LDP-16-012.

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 to create three lots on a 0.74 acre parcel 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, with a public hearing a matter of record of the Planning Commission on April 28, 2016; and

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

4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat approval and directed staff to prepare 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 Adderson Builders Inc., stands approved per the Planning Commission Report dated April 28, 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 28, 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 12th day of May, 2016.

CITY OF MEDFORD PLANNING COMMISSION

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Planning Commission Chair

ATTEST:

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Planning Department Representative

**BEFORE THE MEDFORD PLANNING COMMISSION**

**STATE OF OREGON, CITY OF MEDFORD**

| | | |
|---|---|---|
| IN THE MATTER OF DENIAL OF AN EXCEPTION FOR | ) | |
| | ) | **ORDER** |
| ADDERSON BUILDERS INC. [E-16-034] | ) | |

ORDER denying a request for an exception 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

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Section 10.251 and 10.252; and

2. The Medford Planning Commission has duly held a public hearing on the request for consideration of an exception 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, with the public hearing a matter of record of the Planning Commission on April 28, 2016.

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

4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded, denied the exception and directed staff to prepare a final order with findings set forth for the denial of the exception approval.

THEREFORE LET IT BE HEREBY ORDERED that the exception for Adderson Builders Inc. stands denied per Planning Commission Report dated April 28, 2016.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in denying this request for exception is hereafter supported by the findings referenced in the Planning Commission Report dated April 28, 2016.

BASED UPON THE ABOVE, the Planning Commission determined that the exception is not in conformity with the provisions of law and Section 10.253 Exception Criteria of the Land Development Code of the City of Medford.

Accepted and approved this 12th day of May, 2016.

CITY OF MEDFORD PLANNING COMMISSION

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Planning Commission Chair

ATTEST:

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Planning Department Representative

# PLANNING COMMISSION REPORT

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

| | |
|---|---|
| PROJECT | 2 White Oak Partition & Exception<br>Applicant: Adderson Builders, Inc.<br>Agent: Shawn Kampmann - Polaris Land Surveying, LLC |
| FILE NOS. | LDP-16-012 / E-16-034 |
| DATE | April 28, 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).

<u>Exception</u>

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).

***Decision:***

***The Applicant withdrew the Exception request for relief from standard street improvements along the Fair Oaks Drive Frontage and agreed to make the required improvements. The Planning Commission found the Exception requests for relief from standard street improvements and for relief from the Deferred Improvement Agreement and related financial deposit for East Main Street/White Oak Drive did not meet the Exception criteria found in MLDC section 10.253(1) and (3). The Exception request was denied and the applicant is required to comply with the Public Works Department Staff Report regarding street improvements (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.

**ACTION TAKEN**

Directed staff to prepare a Final Order for approval of LDP-16-012 and a Final Order for denial of E-16-034 based on the Applicant's inability to adequately meet the criteria in MLDC 10.253(1) and (3), and requiring compliance with the Public Work Department Staff Report per the Planning Commission Report dated April 28, 2016, including Exhibits A-1 through NN.

**EXHIBITS**

| | |
|---|---|
| **A-1** | **Conditions of Approval, dated May 5, 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 |
| **P** | **Hartley Testimony, received April 25, 2016** |
| **Q** | **Doherty Testimony, received April 25, 2016** |
| **R** | **Boeck Testimony, received April 25, 2016** |
| **S** | **Meyer Testimony, received April 25, 2016** |
| **T** | **Meredith Testimony, received April 26, 2016** |
| **U** | **Ackley Testimony, received April 26, 2016** |
| **V** | **Wilson Testimony, received April 26, 2016** |
| **W** | **Harris Testimony, received April 26, 2016** |
| **X** | **Fisher Testimony, received April 26, 2016** |
| **Y** | **Moore Testimony, received April 27, 2016** |
| **Z** | **Letter from Bob Hart Consulting, received April 27, 2016** |
| **AA** | **Gressett Testimony, received April 27, 2016** |
| **BB** | **Wagar Testimony, received April 27, 2016** |
| **CC** | **Scott Testimony, received April 27, 2016** |
| **DD** | **Maddox Testimony, received April 27, 2016** |
| **EE** | **TerBest Testimony, received April 27, 2016** |
| **FF** | **Costamagna Testimony, received April 28, 2016** |
| **GG** | **Mankinen Testimony, received April 28, 2016** |

**HH** **Ackley email, received April 28, 2016**
**II** **Letter from Cauble, Cauble & Selvig, LLP, received April 28, 2016**
**JJ** **Mayfield Testimony, received April 28, 2016**
**KK** **Schaaf & DeRoest Testimony, received April 28, 2016**
**LL** **Agent Material – 1928 Country Club Park Plat, received April 28, 2016**
**MM** **Agent Material – PWSR Highlighted Comments, received April 28, 2016**
**NN** **Borchgrevink Testimony, received April 29, 2016**
Vicinity map

**MEDFORD PLANNING COMMISSION**

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**Patrick Miranda, Chair**

**PLANNING COMMISSION AGENDA:** **APRIL 28, 2016**
**MAY 12, 2016**

**EXHIBIT A-1**

2 White Oak Partition & Exception
LDP-16-012 / E-16-034
Conditions of Approval
May 5, 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);

   d. Parcel 2 shall have a lot frontage of a minimum of 60 feet.



CITY OF MEDFORD
EXHIBIT # A-1
File # LDP-16-012 / E-16-034

Page 1 of 2

RECEIVED
APR 25 2016
PLANNING DEPT.

50.2

I would like to address the issues the Hartley household, of Fair Oaks Dr. have with the current request to divide property on the corner of East Main St, Fair Oaks Dr and White Oaks Dr.

1. Location of home on White Oaks Dr. White Oaks Dr and Fair Oaks Dr create a blind intersection. The landscaping on the 2 White Oak Property creates a blind area from approximately where the new lot will be created all the way to Fair Oaks. Because East Main St has a hill right before Fair Oaks Dr that direction is also blind and very dangerous. In the past, owners of the 2 White Oak Dr have been asked to fix their landscaping as to not create hazards when coming from Fair Oaks and turning onto E. Main St. It has fallen on deaf ears and the house just keeps getting sold. Because the Medford Planning and Building regulation have no provisions to require a builder to take landscaping and home placement into consideration for safe traffic flow, I fear the Fair Oaks situation will only get worse.

   Not only does this effect car, it also effects bicycles coming out of Fair Oaks Dr. This makes for unsafe travel to and from Hoover and Hedrick Schools. An already dangerous route due to no sidewalks.

   Additionally Farm Land being add to the growth boundaries will create more traffic in this area, as that land is within a 2 mile radius of our neighborhood. This land addition has not yet had a traffic impact study. It seems it would be prudent to allow that study to happen and then look at what addition of homes on White oak will have to add to that potential traffic mess.

2. As I begin on issue 2 I would like to add this ... It is Sunday at 11:45am and it is pouring outside. I mean POURING! As usual Fair Oaks Dr has minor flooding. In the 20 years we have lived on Fair Oaks Dr we see the street flooded due to clogged or over loaded drains most years. We are lucky, however, as the people that lived her before us, had the entire crawl space flooded, taking over the vents for heat on the day of their daughter's

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

wedding! This happened because the drains on our street could not handle the amount of water.
Each new house will add force to the already moving water we have on our street. Just the grade of the roof will change things as will additional pavement, grade of pavement and more.
Will a study be done to make sure the addition of a home in the 'watershed' area will make this worse?

3. A 6500 sq. ft. lot is not in character with this area. It is going to add a crowded look that does not currently exist.

4. Please explain this:

   You are making new lots in the growth boundaries, not approving an already existing lot to build. How does this cut down on the number of buildable already divided lots within the boundary area? I thought land owners of, large farm land out of boundary acres, were denied the right to join in the boundary area due to laws requiring we take advantage of existing lots in the growth boundary before adding more. Looking around East Medford there are many homes that sit on 1 or more acres. Can all those beautiful homes divide their lots? Can the man that lives next to me with a ½ an acre build another home? Will all those lovely homes be torn down?

20 years living in East Medford has had a charm that is largely due to the character of the homes and the beauty of the landscape. Setting a president to allow lots to divide as 2 White Oak is requesting could dangerously change East Medford forever, ruining property values.

Don Hartley

Terri Hartley

LDP-16-012 /E-16-034

RECEIVED
APR 25 2016
PLANNING DEPT.

Sara Doherty
264 S. Modoc Avenue
Medford, OR 97504
April 24, 2016

Planning Department
City of Medford
Lausmann Annex
200 South Ivy Street
Medford, OR 97501

To Whom It May Concern:

I am writing in response to the request to split #2 White Oak Drive into 3 lots.

Our family **strongly opposes** this request. Old East Medford is a gem that the City of Medford needs to protect. The large lots, the mature landscaping, and the older homes all work together to create a distinct feeling and charm in the neighborhood that you can't find anywhere else in Medford.

My husband, Dr. Michael J. Doherty, and I moved to Medford in 2009 to open an oral & maxillofacial surgery private practice. Before choosing Medford we looked at cities all over the northwest. We considered Idaho, Washington, Northern California, and Colorado. We very seriously made plans to move to a small town in Northern California and began efforts to purchase an existing oral surgery practice there. However, as we drove around town with a realtor, we could not find a neighborhood in which we wanted to live. The older neighborhoods were really run down, and the newer neighborhoods all looked the same. We did not want to live in a "cookie cutter" neighborhood. We decided not to relocate there and began to look at Medford instead.

In Medford, we have found just the neighborhood for which we were looking. Old East Medford is a joy to live in. The yards are beautiful. Each house is distinct in its own architecture. We love to walk and run in our neighborhood and enjoy the efforts that our neighbors have put into their lovely yards and remodels. We bought our home specifically for the large lot that affords our children a large space in which to play. They have enough space to build forts and hiding places, and to play soccer and flag football with their friends. In a world in which children don't roam the neighborhoods anymore, it is important to us to have a big yard for them to explore and in which to cultivate a love of the outdoors.

If Medford did not have a neighborhood such as Old East Medford, we might not have moved here. Different people are attracted to different types of neighborhoods. It is important for the City of Medford to provide a variety of housing options for its citizens, including a neighborhood with older homes and large lots. Otherwise, the people looking for that type of neighborhood will move on. Medford already has plenty of neighborhoods with new houses on small lots.

Dividing #2 White Oak Drive into 3 lots sets a horrible precedent for Old East Medford. Development is a slippery slope; divide it once and it will be divided again. Please consider protecting the gem of a neighborhood that is Old East Medford. The City of Medford needs it.

Sincerely,

Sara Doherty

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



112

LDP-16-012/E-16-034

Michael Doherty
264 S. Modoc Ave.
Medford, OR 97504
April 25, 2016

City of Medford
411 W. 8th St.
Medford, OR 97501

To Whom It May Concern,

I'm Michael Doherty, age 8, and I am writing this letter about the house on #2 White Oak drive. I don't want to split up the property.

I support my decision because the house holds lots of Medford history, and it was built in 1949!

Plus there are 24 oak trees just on that one property! Even if the trees won't start a war like Indians did, if we cut down that mott of oaks there will be no reason to call it White Oak Dr. anymore since there's no oak trees.

And kids need big yards because they need room to run around – in my big yard I swim in my pool, play on our play structure, run in the grass, sit on the chairs, play on my sports court, and have cookouts in our fire pit. It's also important for pets to have space to roam.

I hope you will NOT divide the property.

Sincerely,

Michael

Michael, 3rd grader

LDP-16-012/E-16-034

Madison Doherty
264 South Modoc Ave.
Medford, OR 97504
April 25, 2016

City of Medford
411 W. 8th Street
Medford, OR 97501

To Whom It May Concern,

My name is Madison Doherty. I am a 10 year old 4th grader. I am writing about the property on #2 White Oak Drive. I do not think you should redo the lot to make 3 houses.

This property was built in 1949. We need to keep older houses like this. They are part of Medford's history. If we destroy this property, we will never have a house built in 1949 on this lot.

This morning we went to the lot to see it. We noticed that it was a very beautiful area with many trees and plants. It had a very large grassy yard. We counted 24 trees we assumed would be cut down, many of which were oak trees, which are native to the area.

Another good reason we should not redo this property is it will set a precedent. If we do this once we continue doing it until every house is tiny and they look the same. I think this is a big problem because Holmes Park would lose its peacefulness and would end up packed because all the people with tiny areas would go to Homes Park all the time to play outside.

This would be a problem for children. We need to have a space to play. I have a huge yard which I am in 24/7. We need to keep the yard large!!!

It may be an even bigger problem for parents, who have to keep their children under control. That's basically impossible if the child can't run around. Believe me, I should know.

Now I am trying to write this letter based on your perspective and I know you're mostly doing this for money, but don't you think it would save you money to leave this property alone than to destroy it? I mean, that must cost thousands of dollars!

I hope you will take my advice,

Maddie

Madison Doherty

April 21, 2016

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APR 25 2016
PLANNING DEPT.

Medford Planning Commission
Lausmann Annex
200 South Ivy St.
Medford, OR 97501

RE: Proposal to split 2 White Oak Drive into 3 lots
LDP-16-012/E-16-034

I have just learned about the proposal to split 2 White Oak Drive into three lots. Unfortunately, I will be out of town for next week's hearing.

I wish to emphatically state that my wife and I oppose this request. There are a number of reasons, the primary reason being the potential loss of our homes' property values in our neighborhood. Other issues to us are increased traffic issues and that this high density is not consistent or compatible with the homes in our neighborhood.

Please do not approve this request.

Thank you,

Larry Boeck and Regina Boeck
90 Fair Oaks Drive
Medford, OR 97504

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

David & Nancy Meyer
2512 East Main Street
Medford, Or 97504
Phone: (541) 282-0994

RECEIVED
APR 25 2016
PLANNING DEPT.

City of Medford Planning Department
Lausmam Annex Room 240
200 S. Ivy Street
Medford, OR 97501

Attention: James Huber, Planning Director

RE: File #LDP-16-012/E-16-034 (#2 White Oak Drive Lot Split)

Dear Mr. Huber:

Many of the homes in this old East Medford neighborhood are of the 1950's vintage. The charm of this older established neighborhood is the main reason we purchased our home at the end of East Main.

Our neighborhood has no need or desire for any "new" homes as the original intent was to have one home per existing lot. Our homes in this neighborhood would suffer from a loss of home and property value. There would be an increase in drainage issues and water flow to our homes. The traffic increases would impact the area severely. Approval of this lot split would encourage more development and set a precedent which would completely change the charm, character and livability of this established neighborhood.

We would like our stance on this proposal to receive your consideration and we do plan on attending the public hearing on April 28th to further emphasize our position.

Sincerely,

David Meyer
Nancy C Meyer

Cc: Mayor Gary Wheeler
Planner Tracy Carter
City Councilmen: Daniel Bunn and Michael Zarosinki

CITY OF MEDFORD
EXHIBIT # 5
File # LDP-16-012



115

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File No.:LDP-16-012/E-16-034

**High Density Planned for #2 White Oak Drive**

I am a homeowner at the end of Fair Oaks Drive. I bought this house because I appreciate the character of 'Old East Medford' and felt this was a good investment because it is such a nice and appealing neighborhood. My house was built in 1955 which is likely around the time many of these neighboring houses were built, it is shown in the house style and existing vegetation that this neighborhood has been set up in this manner for quite some time. I am in opposition of a lot split in order to add two more houses. This will add traffic, change the character, increase drainage usage, and degrade the value of the home I have purchased. Adding one house may have been somewhat reasonable, but adding 2 houses is clearly just a means to make a profit, and stuff as many houses as possible within an existing 1 house lot. There is plenty of housing development expanding around Medford where this opportunity would be more suitable, and the house styles will be more in line with new construction. My fear is that this will encourage more lot splitting and more development in an area that has been set for quite some time.

Thank you for considering my letter,

Lisa Meredith

97 Fair Oaks Drive

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

04/26/2016 08:21 5417344578 MEDFORD DISTRICT PAGE 01

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April 26, 2016

City of Medford Planning Commission
ATTN: James Huber, AICP, Medford Planning Department Director/Staff Liaison
Lausmann Annex, 200 South Ivy St.
Medford, OR 97501

RE: **File No. LDP-16-012 / E-16-034; LOT 371W29AA 4600 (2 White Oak Dr., 97504)**

Dear Planning Commission,

After conducting a thorough review of the documentation associated with the above referenced proposal, scheduled for public hearing this Thursday (4/28), we would like to express our ardent objection to the proposed action.

We originally moved to this neighborhood because of the SFR-4 zoning, which in old East Medford established large, single-residence lots, rich with history and developed vegetation. We believe splitting up parcels in these more historic neighborhoods could set an unfortunate precedent for future activities, which would only serve to destroy the neighborhood diversity our beautiful city currently boasts. If these types of actions are allowed by our Planning Commission, eventually all Medford neighborhoods will look identical—just the same cookie-cutter suburban sprawl repeated across the grid. This tightly packed uniformity does not represent a desirable location.

According to the Medford Municipal Code, the SFR-4 zoning associated with the parcel in question is defined as follows:

> **SFR-4, Single-Family Residential - 4 dwelling units per gross acre** (10.309)
> This urban residential district is representative of historical low density, large lot single-family development. New SFR-4 zoning should be located in areas where slopes exceed 5%, but are less than 15% to prevent excessive grading .
> In SFR-4, the maximum number of dwelling units (DU) permitted per gross acre, or fraction thereof, shall fall within the following range:
> Minimum and Maximum Density Factor (df) ..... 2.5 to 4.0 DU/gross acre

The proposed action would establish a new parcel (Parcel 3) of 9527 square feet (.2187 acres) and another new parcel (Parcel 2) of 6500 square feet (.1492 acres). These lot sizes are well below the minimum prescribed for the SFR-4 zoning district, which specifies that the number of dwelling units shall not exceed 4/gross acre, or an average of .25 acre per dwelling unit. For this reason alone, the application submitted by Adderson Builders should be denied. Further, the SFR-4 zoning designation is "representative of historical low density, large lot single-family development." This proposed action is completely contrary to these zoning guidelines. Our neighborhood shares the sentiment that the duty of a good Planning Commission is in large part to help maintain the integrity and history of the community in which they serve, and by doing so not allowing long held standards and ideals to be cast aside in the name of profit.

Further, the proposed action asks for "an exception request for the elimination of sidewalk, curb, gutter and street paving improvements." If paved access is planned for entry into the new parcels, why would an exception be provided for eliminating noted improvements and assisting a degradation of the structural integrity of both Fair Oaks Dr. and White Oak Dr.? Again, this doesn't seem consistent with guidelines set forth in the City Municipal Code, nor with ideals delineated in the Comprehensive Plan.

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

73 Fair Oaks Drive | Medford, OR 97504 | trackleys@yahoo.com | 541.326.

Here are some reiterations and additional issues which could be created by the proposed activity, and which we believe the Commission should lend some careful consideration:

- Loss of neighborhood property values
    - Would establish lower comps with smaller residences and lot sizes
- Increase in drainage issues (storm/waste water and sewage); especially significant if the improvement exception is allowed
- Set precedent in the neighborhood for further development and lot splitting
    - The degradation of the ideals of the neighborhood would definitely encourage my wife and I to look into moving, and could lead our neighbors to do the same (or potentially lead more of them into submitting applications to split lots and increase sales profits)
- Creation of a higher density area completely removes the character of these Old East Medford neighborhoods and makes them—and consequently the City of Medford as a whole—less desirable areas in which to live
- Increase in traffic
    - This is an area with a heavy amount of foot traffic (schools, parks, etc.), and an increase in density could create a need for additional pedestrian and vehicle improvements by the City (more sidewalks, bike paths, safety measures, traffic lights, etc.)
- Violation of the current zoning guidelines for lot size

Again, these items and the proposal in general do not seem to fit the goals established in the Comprehensive Plan in any way whatsoever, which seeks to maintain established urban residential zones and foster increased growth within the urban growth boundary. With that in mind we vehemently oppose this application and potential development, and urge you all to help keep these SFR-4 zoned neighborhoods unique and true to their original intent and originally planned characteristics.

Thank you for your consideration and if there are any questions or concerns please do not hesitate to contact us.

Sincerely,

**Sam & Rebecca Ackley**
**73 Fair Oaks Drive**
**Medford, OR 97504**
trackleys@hunterfiber.com

cc: Phyllis & Larry Moore; Tracy Carter; City of Medford Planning Department; Jared Pulver; David Culbertson; Tim D'Alessandro; Joe Foley; David McFadden; Mark McKechnie

# WILLIAM WILSON

45 South Modoc Avenue
Medford, OR 97504
Sodiumscot@charter.net


April 26, 2016


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Tracy Carter
Medford Planning Department
Lausmann Annex
200 South Ivy Street
Medford, OR 97501

Ref: File No.: LDP-16-012/E-16-034
Lot Split of #2 White Oak Drive
Old East Medford

Dear Tracy,

As a neighborhood property owner near to the proposed project, I with to go on record opposing the requested zoning change. I feel that the lot split is out of character and intent of our neighborhood design. Giving approval for a zoning change at this property will increase density, traffic, and set a precedence for others to do the same. I have spoken with many of neighbors who have the same concerns as mine. We wish to maintain our neighborhood as it was planned and not allow developments that compromise the reason for many us to make this our home.

Please support our neighborhood and reject the proposed lot density change.

Sincerely,

William A. Wilson

William A. Wilson

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

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PLANNING DEPT

City of Medford

File No. LDP-16-012/ E-16-034

Contact: Tracy Carter

City of Medford Planning Department

As owners of tax lot 2300, a property adjacent to the 0.75 acre parcel proposed to be divided, we would like to be on record as opposed to this division. We do not feel that it is in our best interest or the best interest of the neighborhood for this division to proceed. Accordingly, we will not grant an easement through our property which lies to the west of the southwest corner of parcel #2, the lowest area for ground water drainage, for the proposed private storm drain service line or the proposed sanitary sewer service.

Regards,

Shona Harris

Shona Harris

Garry Harris

Garry Harris

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

65 Fair Oaks Drive
Medford, OR 97504

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APR 26 2016
PLANNING DEPT

Loren R and Jane G. Fisher
1 White Oak Drive, Medford, OR 97504
(Tel) 925-980-9445 fisherjaneg@gmail.com

April 25, 2016

James e. Huber, AICP, Planning Director
City of Medford
200 S. Ivy Street
Medford, Oregon

Re: request to Create Three Lots at 2 White Oak Drive, #LDP-16-012

Attn: Tracy Carter

Dear Mr. Huber and Ms. Carter:

Our home at 1 White Oak Dr. is directly across the street from the proposed lot split.

We are opposed to this project because we believe it would forever change the character of our neighborhood. Moreover, one of the proposed homes to be built is right on a curve with a posted speed limit of 25 mph. This speed limit is exceeded regularly every day. Having additional traffic right at that curve backing out on to White Oak is not smart planning.

We were attracted to the neighborhood by the trees and the fact that the lots are not like a typical subdivision; it is quiet here. We fear losing this, and we fear the loss of property values.

We believe small, incremental decisions such as this one are how it starts: down the road we will question how we ended up with high-density neighborhoods, increased traffic, high rents driving workers such as school teachers and small business owners out of the community. As we are stuck in Los Angeles type traffic surely we will wonder : "how on earth did this happen to our lovely little city in the hills of Southern Oregon?"

This project represents the first of many crossroads. We can learn here from the mistakes of the planners in Los Angeles and San Francisco. Only smart, dedicated planning can protect Medford. It starts with rejecting this application to change the integrity of one of the neighborhood gems of Old East Medford.

Sincerely,

Jane G. Fisher
Jane G. Fisher

Loren R. Fisher
Loren R. Fisher

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

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PLANNING DEPT.

April 26, 2016

# Medford Planning Commission

File NO.:LDP-16-012/E-16-034
#2 WHITE OAK LOT SPLIT
Hearing Thursday - April 28, 2016

Dear Planning Commission,

Enclosed is a presentation of our concerns for 130 White Oak Dr., the neighborhood and Old East Medford regarding the lot split at #2 White Oak Dr.

Sincerely,

Phyllis Moore
Larry Moore

Larry and Phyllis Moore
130 White Oak Drive
Medford, Oregon

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



51

File no.; LDP-16-012/E-16-034 lot split at #2 White Oak Drive.

Dear commission:

Drainage & Private Property

My name is Larry Moore and my wife, Phyllis, and I live at 130 White Oak Dr. We are adjacent to #2 White Oak. All of the surface water on #2, naturally drains towards our home at 130 White Oak and then heads along the property line towards Fair Oaks Dr. The proposed new storm drains, one in back of proposed lots 2 & 3, and the other one, along our property line, approximately, mid property to Fair Oaks. This storm drain system is not going to get it done, due to proposed lot 3 future impervious structures, i.e., driveway, sidewalks, and patios, which will contribute to more water run off, onto our property. It is also proposed that all downspouts on both proposed lots be connected to the new storm drains, which is an absolute must, for all impervious structures, including roofs, will create more water run off, which cannot

be handled by our lot. Our home and carport are lower than the proposed lot #3 and have been flooded more than once. Any new structures that take the place of existing land which now absorbs some run off will definitely flood our home.

Research shows that there is a sliver of land on the S.W. corner that is owned by Dr. Garry Harris, at 65 Fair Oaks Dr. and I can find no reference to this sliver of land in the surveyors report, or on any other newly acquired documents. At the lowest corner of proposed lot #2, it shows the new storm drain crossing his property and draining into the street through the existing curb. Dr. Harris has informed me on two separate occasions, that he has no intention of granting such an easement through his property. This sliver of land also extends North from the S.W. Corner of property which at the end of sliver is no longer at the

lowest point of proposed lot #2. Therefore the proposed storm drains cannot be located where they are proposed. This, in turn, greatly impacts our lot, and opens us up to future flooding. If the water cannot be collected at these lower collection points, then this proposed lot split should not happen. The proposed storm drains and collection points in no way will be able to collect the water being asked of it. I'm not sure you know the volume you are talking about in a normal rain event, let alone in a one hundred year event, which hasn't happened yet, but definitely should be planned for. I'm no engineer but I would certainly assume this drain pipe would have to be much, much larger than the depth of a curb. We are talking about over 16,000 square feet of added water collection from both pervious and impervious sources. There's already 16,193 square feet of both pervious and impervious structures

diverting water towards our home from the existing house at # 2 white Oak Dr. The existing undeveloped land can barely handle the water now, it will not be able to handle the water once the forces of impervious structures are in place.

Sincerely,

Larry Moore
130 White Oak Drive
Medford, Oregon 97504
541-608-9293

LDP-16-012/E-16-034 lot split at #2 White Oak Drive

Line of Sight

Dear Commission:

When backing out of our driveway, this is where we have to stop before backing into the street. This line of sight cannot be interrupted. (see photos)

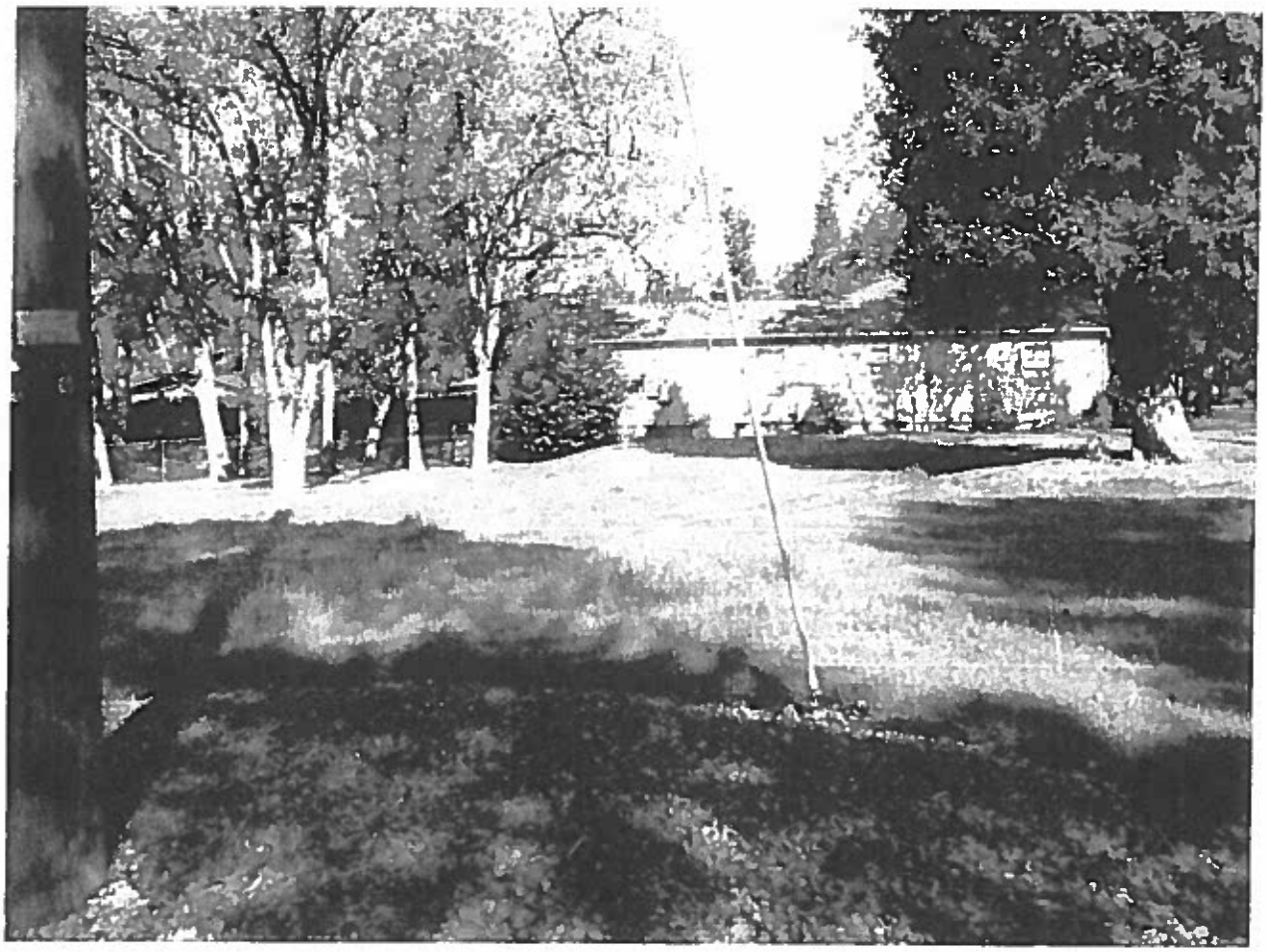
Refer to picture A.
Draw an imaginary line from this angle, from the top of the white fence at the corner to the downspout on the corner of the existing house on lot #2 White Oak Dr. And there can be no structures in this line of sight.

We must be able to see this far thru to the existing corner of the house to the left of the pole which is # 2 White Oak, because of the speed in which cars come around the corner. The bottom portion of this pine tree,

LDP-16-012/E-16-034 lot split at #2 White Oak Drive

behind the pole has been kept trimmed for this very reason. And must remain so. Refer to picture B (next page) for a better view of trimmed pine tree.

# LDP-16-012/E-16-034 lot split at #2 White Oak Drive



Picture B

Set backs

File No.; LDP-16-012/E-16-034.
proposal #2 White Oak Dr.

Planning Commission:

Average distances between homes on White Oak Dr. both sides of the street from Fair Oaks to Acorn, not involving #2 White Oak Dr.; twenty-four feet.

Average distance between all homes on Fair Oaks Dr, not involving #2 White Oak. Twenty- one feet.

Average distance between homes on East Main across from Fair Oaks; twenty-five feet.

This involved thirty homes in the immediate vicinity of #2 White Oak Dr. And did not include the homes on top of East Main St. Which have extremely large distances between homes. So in conclusion, to remain with the original intent of one single home, on one large lot, this

leaves the proposed lot split not a feasible endeavor and should not be granted.

Sincerely,

Larry Moore.
130 White Oak Dr.
Medford Or

File No.; LDP-16-012/E-16-034

Pool

Dear Commission:

In 2002 Tom and Betty Strouth lived at # 2 white Oak. Tax records show that it was about this time in which they had a very large and historic pool buried in their backyard. We can find no record of the proper permits issued for pool removal. The illegal destruction of this pool has us extremely concerned, because we are on the down hill side of what ever contaminants could possibly be draining underground toward our property. We don't know everything that went into building pools back then, lead pipes, wires, re-bar, gunite, tile, and we hope that none of these things contained hazardous materials, such as asbestos. Needless to say about the stability of this land, for building on the top of.

We also are unaware if the proper disclosure statements have been passed

down from buyer to buyer. We do know that the previous owners of said land were Suzanne and William Winkles and they were aware of the buried pool. Not sure if they were told by the Strouth's or by us, but we had discussed this matter many times, for they had complained to us on how hard and difficult it was to garden in that area. They said that digging anywhere was just about impossible, things did not grow well there at all. Almost everything they had planted in that area had died. We know of at least eight trees that they had professionally planted by a nursery in that area that died and had to be removed. This area will have to be excavated, debris removed, soil tested, and proper compaction before any thought of building. We also want a soils test done in this area to assure us, that our soil at 130 White Oak has not been contaminated, for we have an organic garden in our back yard. This

File No.; LDP-16-012/E-16-034

should be done at owners of # 2 White Oaks expense.

Sincerely, and thank you, Phyllis and Larry Moore. 130 White Oak Dr.

Dear Commissioners,

It is my understanding from viewing the file, that Sidney DeBoer is the purchaser of #2 White Oak Dr. His intent is to build two houses after a lot split on my street. Our area started to develop in 1928 and at that time, the wording on the original deed to our lot states after the description, "SUBJECT, however, to the condition that not more than one single family residence and appurtenant outbuildings shall be constructed or placed upon said premises" which is in the Covenant/restrictions of the subdivision of Country Club Park which includes White Oak Rd.

As a consequence, over the years, one home per lot was exactly what was built. #2 White Oak Dr. was built in 1949 and our home,#130 White Oak Drive, was built in 1950. We bought our home from the original owner in 1998. These two homes have been neighbors for **66 year**s. As Mr. DeBoer's Surveyor said, "The subject parcel lies within Country Club Park Subdivision, 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."

The facts show that this subdivision was built out and finished according to the original intent of the creators of The Country Club Park. The residents of this street are alarmed at this proposal sensing this will be the California influence manifesting itself in their neighborhood. We do not understand why this particular developer would want to change this neighborhood which is a jewel in the city. The neighborhood would not be enhanced by or gain any benefit from the addition of these houses but instead will be burdened with severe drainage and other problems. Country Club Park is a "settled" area and has been for years. The conclusion is that the negatives for current residents far outweigh any rationale the developer may have for building other than the profit motive. It is, simply, not a good fit and the cost is too great for the neighborhood.

Preservation of these areas makes sense because they are like a magnet of good public relations for the City of Medford. These are the well kept, quiet, beautiful neighborhoods everyone loves. Higher density may be inevitable, but should be pursued in other more appropriate locations instead of destroying old established neighborhoods with a move that cannot be reversed.

**From Forbes/Lifestyle Magazine:**
**Stepping back in time: One thing I always look for in a neighborhood are treelined streets; the feel of an older, established neighborhood makes it truly great for me. There is something about an area with history that makes it very desirable. New developments are wonderful and newly built homes are truly to die for, but I love the charm of older, established neighborhoods. These are usually very stable, with longtime residents and community support, which also help encourage safety and low crime rates."**

see attached Photos of surrounding homes: all single story on large lots

Phyllis Moore, 130 White Oak, Medford, Oregon 541-608-9293

Conclusion

In conclusion of all letters submitted by the Moore's at 130 White Oak Dr. We believe your unanimous decision should be to vote no. This lot should never be split, or built on, now or ever.

1. Someone's failure, to note sewer drain, and storm drains that are crossing privately owned land.
2. Added impervious structures will certainly cause flooding to 130 White Oak.
3. Illegally buried extra large pool with possible unknown contaminates.

These issues all add up to certain future litigation, that we are sure the city of Medford, and planners have neither the time and or money for such endeavors.

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**Bob Hart**
**Consulting LLC**
Land Use Planning and Development

April 27, 2016

Medford Planning Commission
200 South Ivy Street
Medford, OR 97501

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

Dear Commissioners,

I have been asked by Larry & Phyllis Moore to place into the record their objections to the above referenced request for a 3-lot partition with proposed exception to street improvements. The Moore's own the adjoining lot to the south and will be the most impacted by the proposed project.

The issues that are of concern are the impact to the established neighborhood, road improvements, setback on the common property line and runoff/storm drainage.

**Neighborhood Impact**

The applicant's description of the neighborhood is accurate and describes the area of a subdivision in old East Medford that is bucolic and peaceful. The Country Club Park Subdivision was developed along White Oak Drive and Black Oak in the late 1940's and early 1950's. The original plat was recorded in 1928 but construction of the dwellings along the roadway as it presently exists was done shortly after the war. The original lots were cut in half to provide the lot layout as it presently exists. The adjoining subdivision on Fair Oaks Drive was developed and platted in 1955. The Country Club Park subdivision has a specific deed restriction that limits the lots to contain one single family dwelling. The lots are mainly between 14,000 and 18,000 square feet in the Country Club Subdivision and about 11,500 square feet in the Block 5 Extension of Siskiyou Heights Addition along Fair Oaks Drive. The proposal is to create three parcels from the subject property that will be 6,500 square, 9,527 square feet and 16,193 square feet. While these two new smaller lots meet the minimum lot size of the code, they are both substantially smaller than the existing developed neighborhood. Thus the proposal will create a dramatic departure that can logically initiate a conversion of this established area that will double the density of the area and force additional public facilities to serve the area. This change in the character of the neighborhood is part of the basis for the applicant's request for deferral of road improvements.

It is obvious that the subject property is larger than most other lots in the subdivision but there are

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

obvious reasons for the larger size. The street pattern of having roads essentially on three sides of the property creates a very exposed parcel with limited ability to have any personal space with an isolated backyard. It would appear that this oversize lot was created purposely in order to provide a location for a dwelling as well for being consistent with livable area like other lots in the subdivision.

With the analysis above in mind we are concerned that the change in character of lot sizes and dwellings will have an adverse impact on the property values of the neighborhood. The development of the existing lots is for dwellings of more than 2,000 square feet in addition to garages and other accessory structures. Lot coverage typically is 4,000 square feet of structures with an average lot coverage of 20 to 25%. With a small lot size of 6,500 square feet, the lot coverage of similar dwelling and accessory structures would well exceed the maximum 40% lot coverage standard. The inconsistency of dwellings will have an impact on property values and character of the area.

**Road Improvements**

In the staff report, it states that public improvements are required along all streets adjoining the proposed partition to include street widening along White Oak Road, installation of curb, gutter and sidewalk along White Oak Road and East Main Street, and installation of a sidewalk on Fair Oaks Drive. These are standard improvements that are required as part of all land division in order to provide adequate public improvements.

As part of the application, there is a request for an exception to the required street improvements. An exception is authorized in the code provisions subject to certain standards and circumstances. The applicable code provisions area as follows:

> **10.432 Street Improvement, Deferred**
>
> (1) Criteria for Deferral. Subject to the criteria and standards set forth in this section, the improvement of existing streets, alleys, or unimproved rights-of-way may be deferred by the Public Works Director or designee to such time as a complete street segment can be improved to City standards. For purposes of this section, a street segment shall be considered as the length of a street between street intersections on the same side of the street as the project site. Street improvements may only be deferred when the project site complies with the following criteria:
>
> > (a) Commercial, Industrial, and Residential street improvements may be deferred if:
> >
> > > (I) More than 50% of the block between street (not including alley) intersections on which the project site fronts is unimproved (street improvements required within subdivisions and Planned Unit Developments shall not be deferred); or,

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(ii) There are site conditions confirmed by the City Engineer that justify the deferral.

(b) Arterial and Collector street improvements shall not be deferred under this section.

(2) Financial Deposit. When street improvements are deferred, the developer shall deposit with the City of Medford a financial deposit acceptable to the City in the amount of 125 percent of the City Engineer's estimate of the costs for the deferred street improvements, in lieu of the developer constructing the street improvements. This financial deposit shall be deposited with the City prior to the recordation of the Final Plat for land partitions, or prior to submittal of building permit applications for other approved projects. (Effective Dec. 1, 2013.)

Said financial deposit shall be held until one of the following conditions has been met:

(a) The required street improvements have been constructed by the developer or property owner, at which time, the deposit may be returned to the developer or property owner in whole or in part; or.

(b) The required street improvements have been constructed as part of a Local Improvement District, in which case, the deposit shall be applied to the proportional share of the property owner's obligation; or,

(c) The project site's Local Improvement District assessment is less than the amount of the deposit required as a condition of the deferral, in which case, the difference between the two amounts shall be refunded to the developer.

Staff has recommended that the improvements to Fair Oaks Drive be completed and that the improvements to East Main Street and White Oak Road be deferred. We are in agreement with the staff position that the full improvement to White Oak Road would have a significant adverse impact to the road alignment and that the improvements would require the removal of several mature Oak trees and may prove to create practical difficulties if curb gutter and sidewalk would be installed and abruptly stopped to direct storm water runoff onto the adjoining properties to the south.

It is true that the road alignment is not typical with three streets coming together at the north corner of the subject property. This general area is a mixture of a few road improvements, some curbs only and some full improvement with curb gutter and sidewalk. Fair Oaks Road on the westerly side of the subject property is improved with curb and gutter for the full length of this cul-de-sac street with a catch basin for storm drainage control at the southerly terminus of the road. White Oak Road has no curb or gutter on either side of the roadway. White Oak Road is improved further south of the Country Club Subdivision where a later subdivision, Country Club Meadows, was developed in the mid 1960's. White Oak Road is improved with curb, gutter and sidewalk from the intersection of Acorn Way to the south in this later subdivision. These improvements begin about 600 feet south of

5126 West Evans Creek Road • Rogue River, Oregon 97537 • (541) 582-8890 • bob@bobhartconsultingllc.com

the subject property. If improvements are required on White Oak Road adjacent to the subject property, the lots between the site and the improvements southerly of Acorn Way would likely have increased flooding with storm water being directed by the new curb and gutter and then sheet flowing south onto private property until street improvements are encountered at Acorn Way.

We are concerned about the precedent that is being set with the creation of higher density of small lots without full street improvements to control run off. At the current situation exists, The Moore's property just to the south of the subject property has experienced flooding from surface flow from the street with current improvements and have constructed a berm in their driveway to divert sheet flow from the street back onto the street. They also have a small curb type structure along the common property line that prevents water coming from the subject property to flood into their home. There is a down slope in the area of approximately 5% from north to south. With the proposed development and no street improvements to control water flow, we are concerned that the increased impervious surface will increase localized flooding and will impact the adjoining property to the south of the subject property. We also note that the applicant wants the street improvements delayed to some future date, and they also want the costs of the improvements to be waived and placed on future owners. We do not find this option in the code. The specific requirement is that "the developer shall deposit with the City of Medford a financial deposit acceptable to the City in the amount of 125 percent of the City Engineer's estimate of the costs for the deferred street improvements, in lieu of the developer constructing the street improvements. " The code mandates by the use of the term "shall" that a financial deposit be made in the amount of 125% of the estimate costs for the improvement. We find that waiver of the costs of the improvements would be a violation of the Development Code.

It has been my experience as a planner for more than 35 years that deferred charges cause nothing but problems when future owners that have no part in the redevelopment of the property are advised in the future that they are required to pay for infrastructure improvements as they paid full price for the property only to find that additional costs are required. The future owners also oppose the improvements because they did not agree to the requirements not withstanding the agreement signed by the original developer. Because of the existing drainage problems and the additional runoff that will be generated by the new development we think that the costs of road improvements are absolutely necessary as a part of this application. Staff has opined that the improvements to White Oak Road would be significant and would create a hardship if the developer were to be required to make road improvements immediately. We agree that if White Oak Road were to be immediately improved, it would change the character of the neighborhood as a result of one new lot on White Oak Road. Staff recommends that the improvements on Fair Oaks be done as a part of this development as the impacts would not be as substantial as there are currently curb and gutter installed as a part of the public improvements. The impacts will be created now and the improvements should be required now. While it may cause a hardship on the developer, without the improvements, hardships will be impacting the neighbors. While we agree that the improvements should be deferred, we do not think there are code provisions that allow the deferral of the costs for improvements. We urge you to deny this portion of the request.

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**Setbacks**

A concern that also impacts the Moore property as well as the subject property is a concern regarding setbacks along the common property line. The code provides a four-foot setback from a side property line plus ½ foot for each foot above 15 feet of building height. Thus, a separation between structures on adjacent lots would be at least eight feet. In this case, the Moore's property is an existing nonconforming dwelling with the building at the lot line with no structure setback. We ask that a minimum additional four foot setback on the subject property be required adjacent to the Moore's dwelling. The request for this additional setback is to meet the fire codes for the space between buildings. The standard setback for planning purposes is to create some buffer space between uses. The fire codes require space between buildings to prevent the spread of fire from one building to the next as well as providing access to the rear of properties in the case of fire.

**Drainage**

A final issue is drainage from the subject property onto the Moore's property to the south. There is an existing concrete curb that was constructed on the Moore property to prevent drainage water to flow across property lines onto their land. This curb has been improved and upgraded as there has been water coming from the subject property onto their land. With two new parcels to be located adjacent to the common property line to the south, we are concerned about increased runoff with the additional impervious surface that will be associated with two new dwellings together with parking and access areas. In the plan submitted by the applicant, there is a drainage easement shown along a portion of the common lot line with the Moore property. It appears that this is to provide a path for drainage to be conveyed to Fair Oaks Way. While this would appear to solve the drainage problem by draining runoff to the west, there is a problem we have discovered. There is a sliver of private property between the subject property and the public right of way. We have examined the plat maps of Country Club Park and the Subdivision of Block 5 Extension of Siskiyou Heights Addition and find that there is a portion of lot 14 of the Extension of Siskiyou Heights Addition that is 24 feet in length and tapers to a point on the public right of way. This 24 feet extends north from the southwest corner of lot 13 of Country Club Park Subdivision. The two plats have been examined to find a common point of a quarter corner located to the south. Be adding the dimensions for each lot in these subdivisions we have found the information to verify that there is private property between the subject property and the public street. Thus, the proposed drainage easement does not connect to the public street. We have been informed by the owner of lot 14, Mr. Garry Harris, that he will not grant an easement for the drainage to cross his property. Thus, there is not a practical solution to the drainage issues with the subject property. We note that conditions of approval of the request before you will require that all roof drains be directly connected to the storm drain system. The layout as proposed would not provide a solution to the drainage problem. This issue of drainage with the additional information regarding lot lines and ownership has not been adequately addressed.

Summary and conclusion:

The proposal to divide the subject property into three parcels appears to meet the minimum standards for lot size and density. While this may technically meet the standards of the ordinance, we think that

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the approval will have an adverse impact on the value and stability of the neighbor hood as well as practical problems with street improvements, drainage and setbacks between structures. There are existing problems with storm drainage from both the street and surface flow across lot lines. We do not find solutions for these problems in this request and would conclude that the problems will be increased with additional impervious surfaces from the construction of two additional houses. Couple this together with the issue of staff finding that street improvements are not practical with the approval of this project and we conclude that this project will not meet requirements of the code. We urge you to deny this request.

If you were to approve the request we ask for the following conditions of approval be added to the conditions proposed by staff:

1. A drainage plan prepared by a civil engineer licensed in the state of Oregon be submitted to the City to show that no drainage flow will be across lot lines unless they are contained within an approved drainage easement.

2. The required drainage plan shall show the location and method to convey storm water and runoff from roofs and impervious surfaces to an approved public storm drain system. Calculations to show adequate conveyance shall be a part of the drainage plan.

3. If an exception to installation of improvements is granted, the developer shall make a financial deposit with the City of Medford in the amount of 125% of the estimate costs for the improvements to White Oak Road and East Main Street.

4. A structure setback along the south property line of proposed parcels 2 and 3of at least 8 feet PLUS ½ foot for each foot in building height over 15 feet unless the structure on the adjoining lot line to the south is removed.

5. The soil report required to determine if shrink/smell conditions exist shall also include examination to determine if any contaminated soils are present where the swimming pool was abandoned and filled. If there is contaminated soils, a remedial plan shall be submitted for approval to the City of Medford and State Agency having jurisdiction.

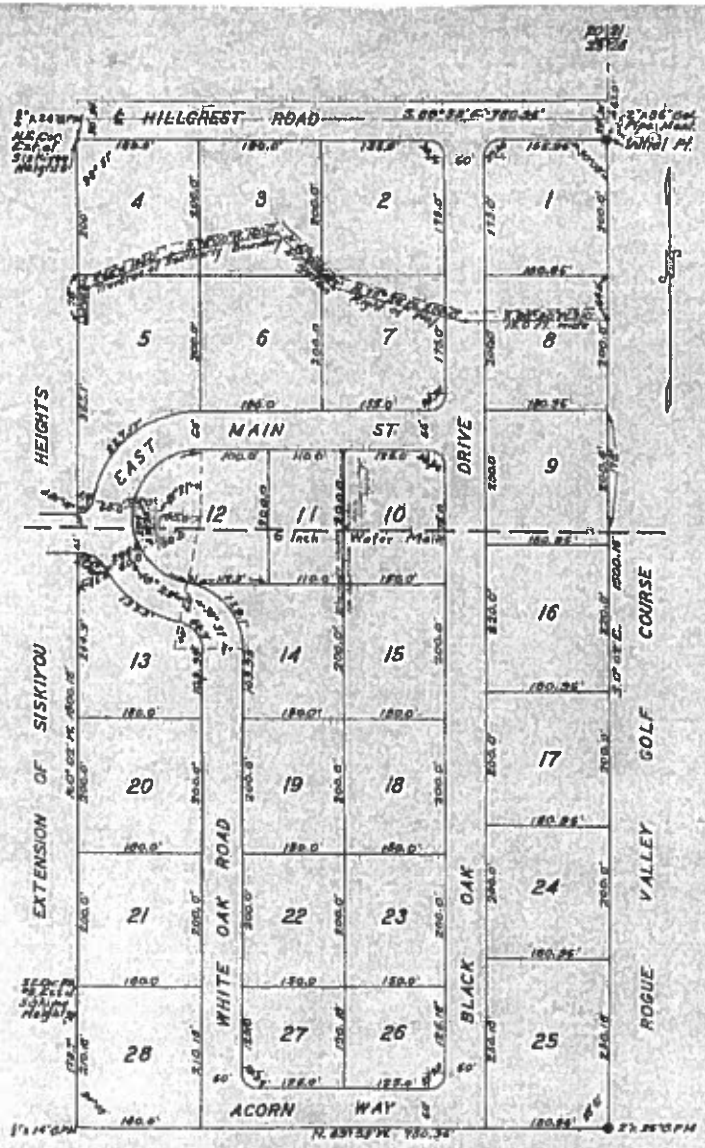
Thank you for your consideration on this matter.

Sincerely,

Bob Hart, Planning Consultant
Bob Hart Consulting LLC
5126 W. Evans Creek Rd.
Rogue River, OR 97537

Exhibits

| | |
|---|---|
| Exhibit A | Original Plat of Country Club Park-Lot 13 is subject property |
| Exhibit B | Enlargement of Lot 13 |
| Exhibit C | Original Plat of Subdivision of Block 5 Extension of Siskiyou Heights Addition Lot 14 is the lot adjacent to the subject property |
| Exhibit D | Enlargement of lot 14 |
| Exhibit E | Enlargement of Lot 13 on Assessors Map |
| Exhibit F | Enlargement of Lot 14 -Note additional lot corner at the north extent of lot and second corner intersection with north east corner of Taxlot 2200. This point is also the south west corner of Lot 13 |




Note: Radius of all curves 25.0 ft. unless otherwise noted.

# COUNTRY CLUB PARK

BEING PART OF SECTION 29, T.37S., R.1W., W.M.

Surveyed July 1928. by C.Z. Boyden Scale 1"=100'

## DESCRIPTION

Beginning at a 2 inch by 96 inch galvanized pipe, set one half foot below the surface of the ground, which bears South 0°02' East 467.0 feet along the section line from the corner common to sections 20, 21, 28 and 29 Township 37 South Range 1 West, Willamette Meridian; thence South 0°02' East, 1470.78 feet along the section line to a 2 inch by 96 inch galvanized pipe thence North 89°55' West 780.96 feet; thence North 0°02' West 1500.18 feet along the Easterly Boundary of the Extension of Siskiyou Heights; thence South 89°55' East, 780.96 feet; thence South 0°02' East 30.0 feet, to the point of beginning.

## DEDICATION

Know all men by these presents, that we, Frank P. Farrell and his wife, Katherine Farrell, and Floyd H. Hart and his wife Leah Hart, of Jackson County, State of Oregon, are the owners in fee simple of the above described tract o land and that we have caused the same to be surveyed and subdivided into tracts and roads as shown hereon, and that the number and size of tracts and the lengths of all lines are plainly set forth, and that this plat is a correct representation of said subdivision; and that we do hereby dedicate to the public for public use, all roads shown hereon also an easement for electric lines, telephone lines, water mains, sewers, gas mains and other like public utilities for ten feet in width along the east and west lines of said subd. and for five feet in width on each side of the north line of tracts numbered five (5), six (6) and seven (7) and five feet in width on each side of the west line of tracts numbered ten (10), fifteen (15), eighteen (18), twenty three (23) and twenty six (26) and that we do hereby designate said said subdivision as Country Club Park.

In witness whereof we have hereunto set our hands and seals this 14th day of August 1928.

Witness

Witness

State of Oregon
Jackson County SS

On this 14th day of August 1928 came personally before me a Notary Public, in and for said County and State, the above named [illegible] of said County and State, to me personally known to be the above named who executed the above instrument and who generally acknowledged to me that they did the same freely and voluntarily for the purpose herein mentioned.

Subscribed and sworn to before me the day and date above written.

Notary Public of Oregon

My Commission expires 8th day of September 1930.

## SURVEYOR'S CERTIFICATE

I, C.Z. Boyden, hereby certify that I have duly surveyed the land shown on the accompanying plat and marked the corners with proper monuments in accordance with the Oregon laws.

Surveyor

Subscribed and sworn to before me this 18th day of August 1928.

Notary Public

My Commission expires [illegible]

Examined and approved by the City of Medford Planning Commission in regular session this [illegible] day of [illegible] 1928.

Secretary

President

Examined and recommended for approval of County Court

County Surveyor

All taxes paid in full to date [illegible] 1928.

County Sheriff

Examined and approved this [illegible] day of September 1928.

County Assessor

For order of County Commissioners approving this plat see Volume [illegible] page [illegible] of Commissioners Journal of Proceedings.

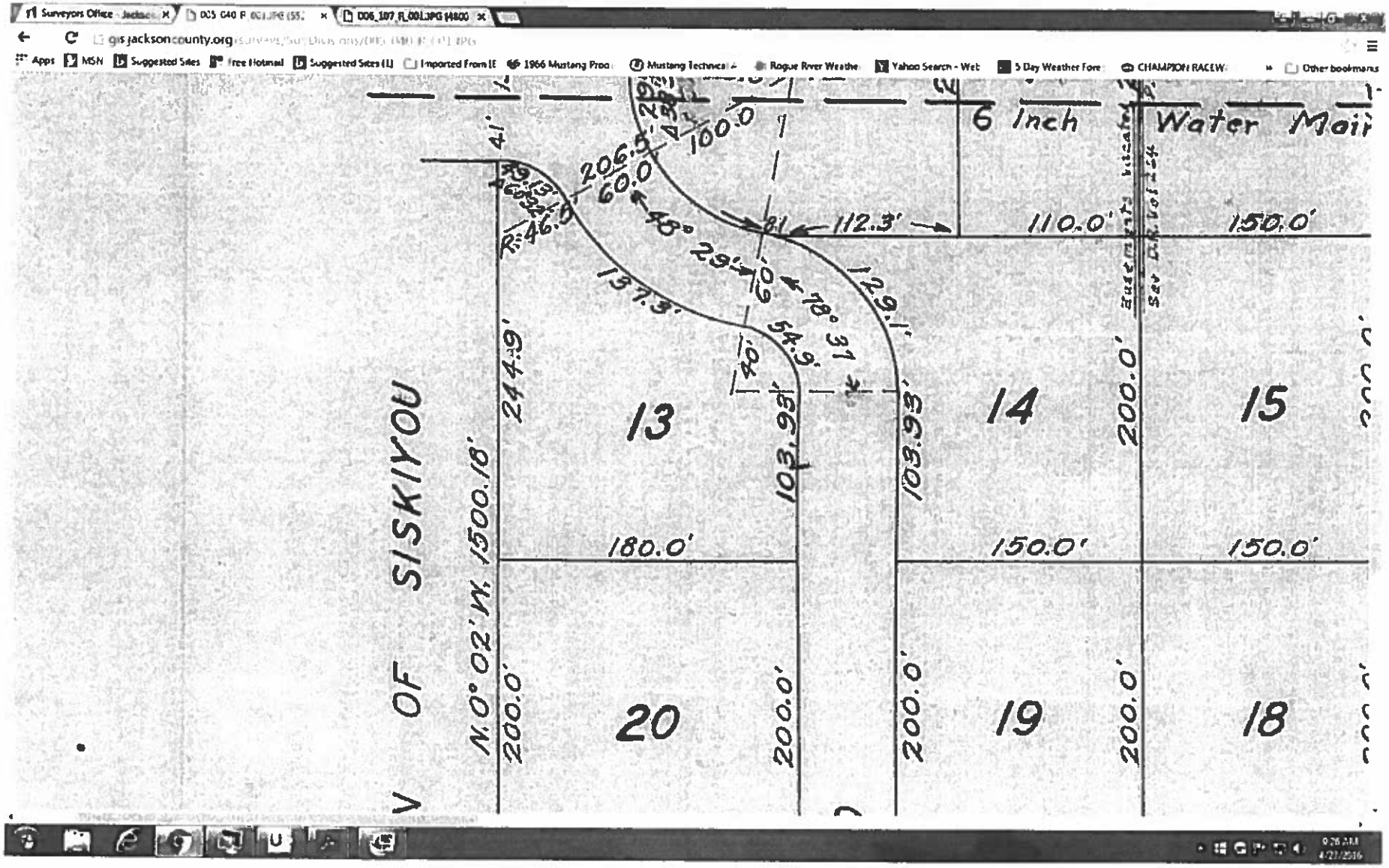
County Clerk

Filed for record this 2nd day of [illegible] 1928 at [illegible] o'clock [illegible] M. and recorded in [illegible] Volume of Plats, Page [illegible] of Records of Jackson County, Oregon.

County Recorder

SR/10

Exhibit A



Surveyors Office - Jackson
gis.jacksoncounty.org
6 Inch Water Main
OF SISKIYOU
N.0° 02' W. 1500.18'
244.9'
137.3'
206.5'
60.0'
100.0
48° 29'
78° 37
54.9'
40'
112.3'
129.1'
103.93'
103.93'
110.0'
150.0'
180.0'
150.0'
150.0'
200.0'
200.0'
200.0'
200.0'
200.0'
13
14
15
20
19
18

107

# SUBDIVISION OF BLOCK 5
# EXTENSION OF SISKIYOU HEIGHTS ADDITION
# TO THE CITY OF MEDFORD, JACKSON COUNTY, OREGON

## DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That we the T.J. Hight Agency Incorporated are the owners in fee simple of the lands hereon described, and that we have subdivided the same into lots blocks and streets as shown hereon, and the number and size of the lots and lengths of all lines are plainly set forth, and that this plat is a correct representation of the said subdivision, and we do hereby dedicate to the public for public use all streets and alleys and easements for public utilities, shown hereon, and we do hereby designate said subdivision as Subdivision of Block 5 Extension of Siskiyou Heights Addition to the City of Medford

IN WITNESS WHEREOF we have hereunto set our hands and seals this 7th day of April 1955

Witness C. C. Vandegrift VICE PRESIDENT SEAL

Witness Juanita McCurry SECRETARY SEAL

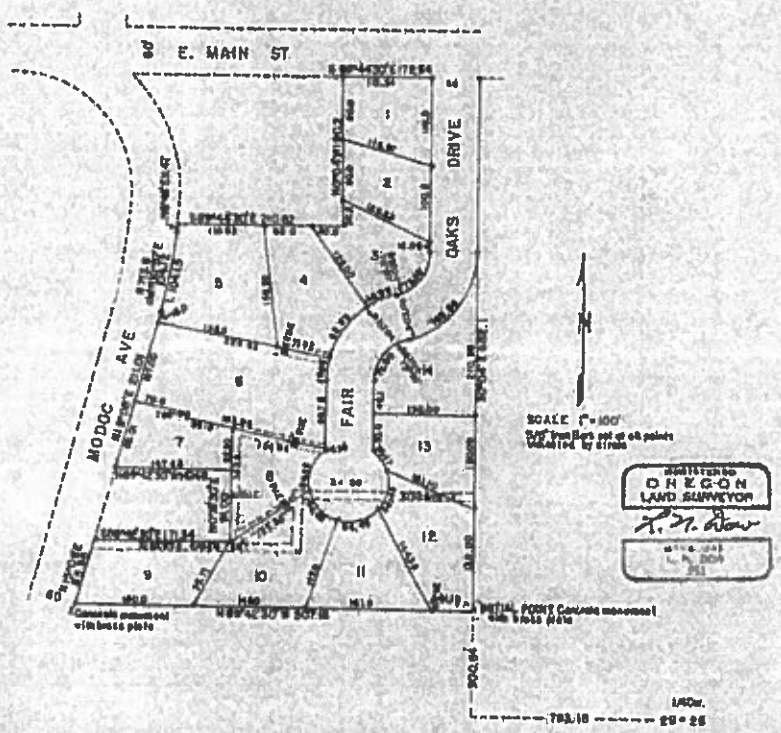
STATE OF OREGON } s.s.
COUNTY OF JACKSON }

A.D. 1955

Personally appeared the above named T.J. Hight Agency Inc. represented by C.C. Vandegrift, Vice President, and Juanita McCurry Secretary, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me.

Nora G. Samuels
NOTARY PUBLIC FOR OREGON

My commission expires the 29th day of September 1956




## SURVEYOR'S CERTIFICATE

STATE OF OREGON } s.s.
COUNTY OF JACKSON }

I, L.N. Dow, a duly registered surveyor of the State of Oregon, being first duly sworn, do hereby certify that I have correctly surveyed and marked with proper monuments as provided by law the tract of land hereon shown and the said plat is a correct representation of the same, and the following is an accurate description of the boundary lines:

Beginning at a concrete monument with brass plate at the southeast corner of Block 5 Extension of Siskiyou Heights Addition to the City of Medford, Jackson County, Oregon, said point of beginning being North 900.64 feet and West 783.18 feet, from the 1/4 section corner on the east line of Section 29, Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence N89°42'30"W along the south line of said Block 5, 507.16 feet to the southwest corner thereof; thence N15°08'E 85.86 feet; thence S89°42'30"E 171.54 feet; thence N0°19'30"E 91.00 feet; thence N89°42'30"W 147.48 feet; thence N15°08'E 211.01 feet; thence on the arc of a 713.80 foot radius curve to the left (the long chord of which curve bears N10°57'E 104.12 feet) a distance of 104.15 feet; thence N8°46'E 11.47 feet; thence S89°44'30"E 210.82 feet; thence N0°04'W 190.2 feet, to the south line of East Main Street; thence S89°44'30"E 172.54 feet; thence S0°04'E 682.1 feet to the point of beginning.

L. N. Dow
SURVEYOR

Subscribed and sworn to before me this 7th day of April, 1955

Juanita S. McCurry
NOTARY PUBLIC FOR OREGON

My commission expires the 27 day of May, 1955

Examined and approved by the City of Medford Planning Commission in regular session this the 11 day of APRIL, 1955

Attest:

SECRETARY Edward N. McKinley PRESIDENT M. Illnay

Examined and approved by the Medford Irrigation District in regular session this the day of , 1955

Attest:

SECRETARY PRESIDENT

Examined and approved this 12 day of APRIL, 1955

Edward N. McKinley
CITY ENGINEER

Examined and approved this 17 day of May, 1955

R. G. Dowler
COUNTY ASSESSOR

All taxes paid in full to date this the 17 day of May, 1955

Howard Gault
COUNTY SHERIFF

Examined and recommended for approval of the County Court

Paul D. Symmons
COUNTY SURVEYOR

For order of the County Court approving this plat see Volume 38 Page 220 of County Commissioner's Journal of Proceedings.

Breeth P. Hopkins
COUNTY CLERK

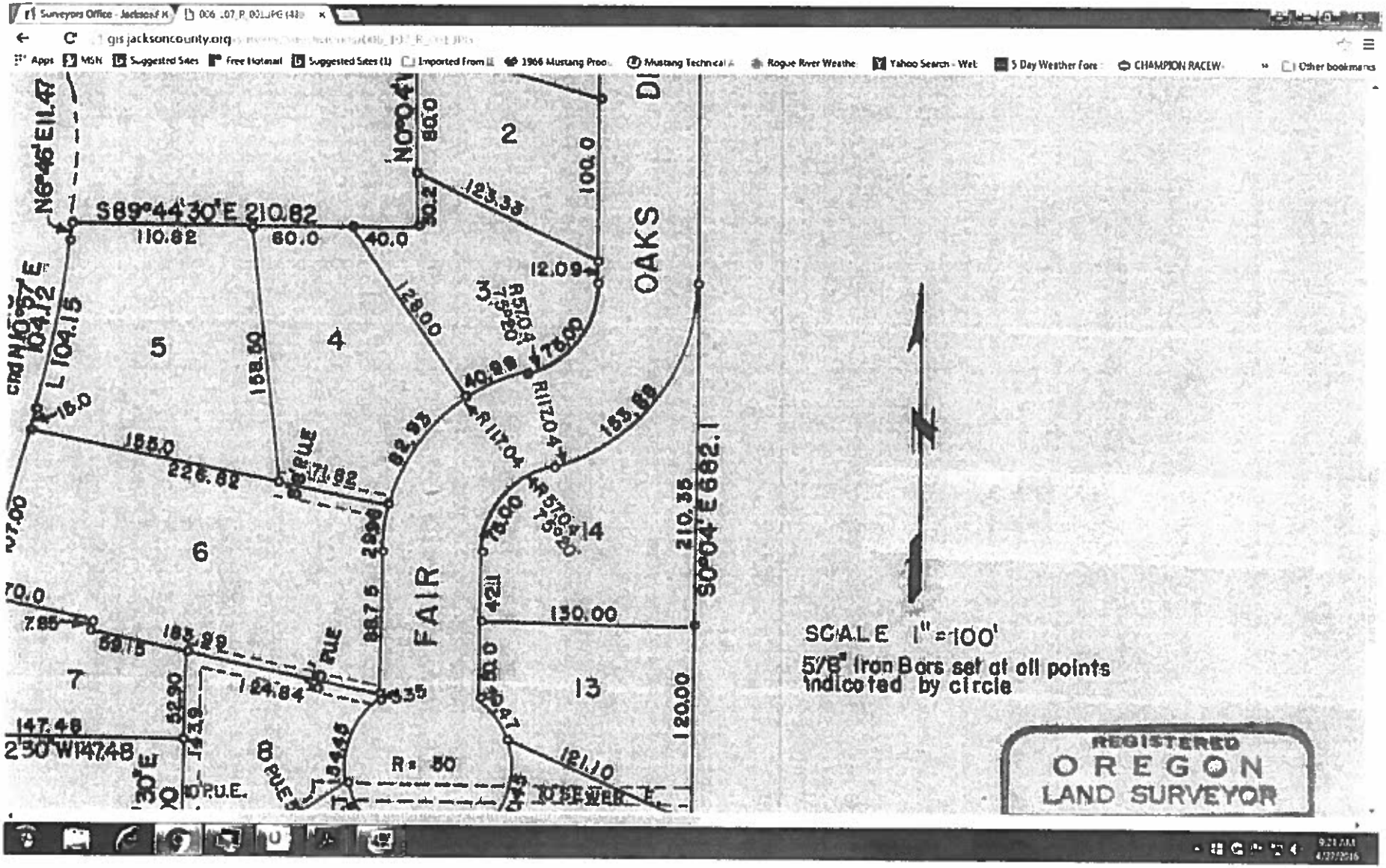
Filed for record this the 18 day of May, 1955, at 4:00 o'clock P. M. and recorded in 7 Volume of Plats at Page 27 of records of Jackson County, Oregon.

Breeth P. Hopkins
COUNTY RECORDER

I hereby certify that this tracing is an exact copy of the original plat filed with the County Clerk.

L. N. Dow.

Exhibit C


gis.jacksoncounty.org
S89°44'30"E 210.82
N6°46'E11.47
N0°04'
OAKS
FAIR
S0°04'E 682.1
SCALE 1"=100'
5/8" Iron Bars set at all points indicated by circle
REGISTERED
OREGON
LAND SURVEYOR

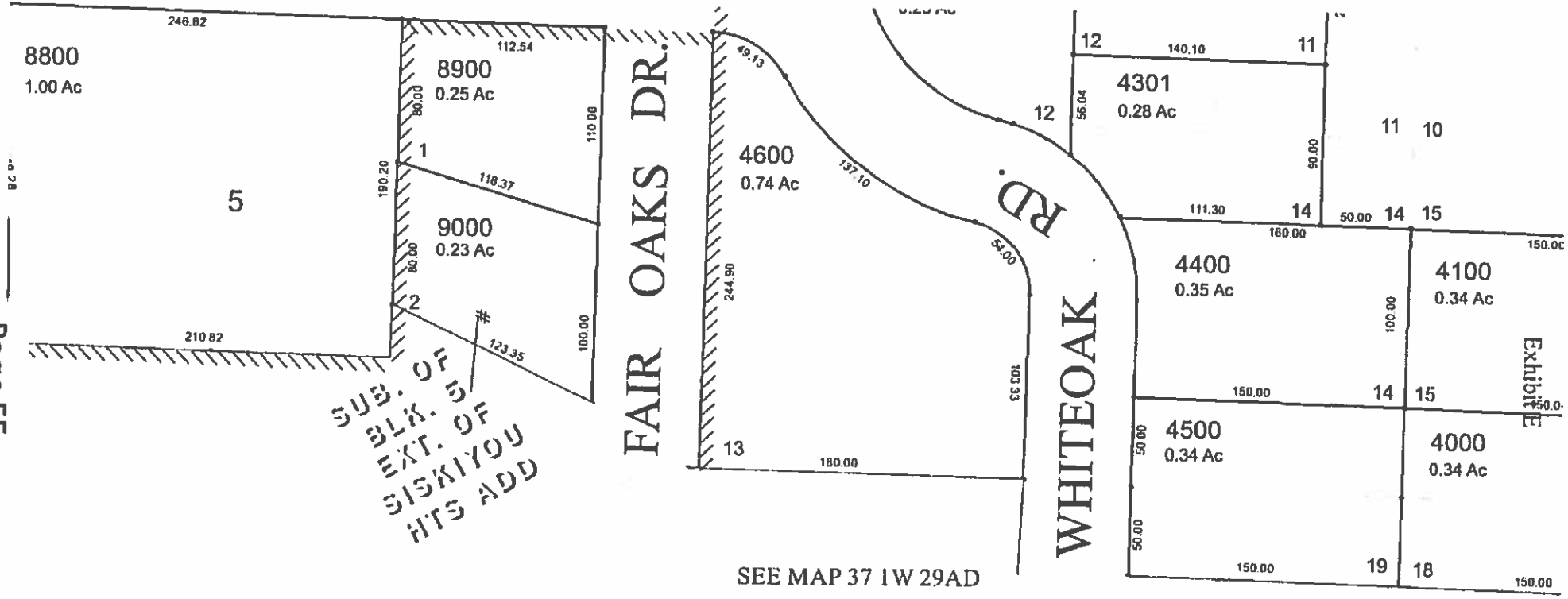
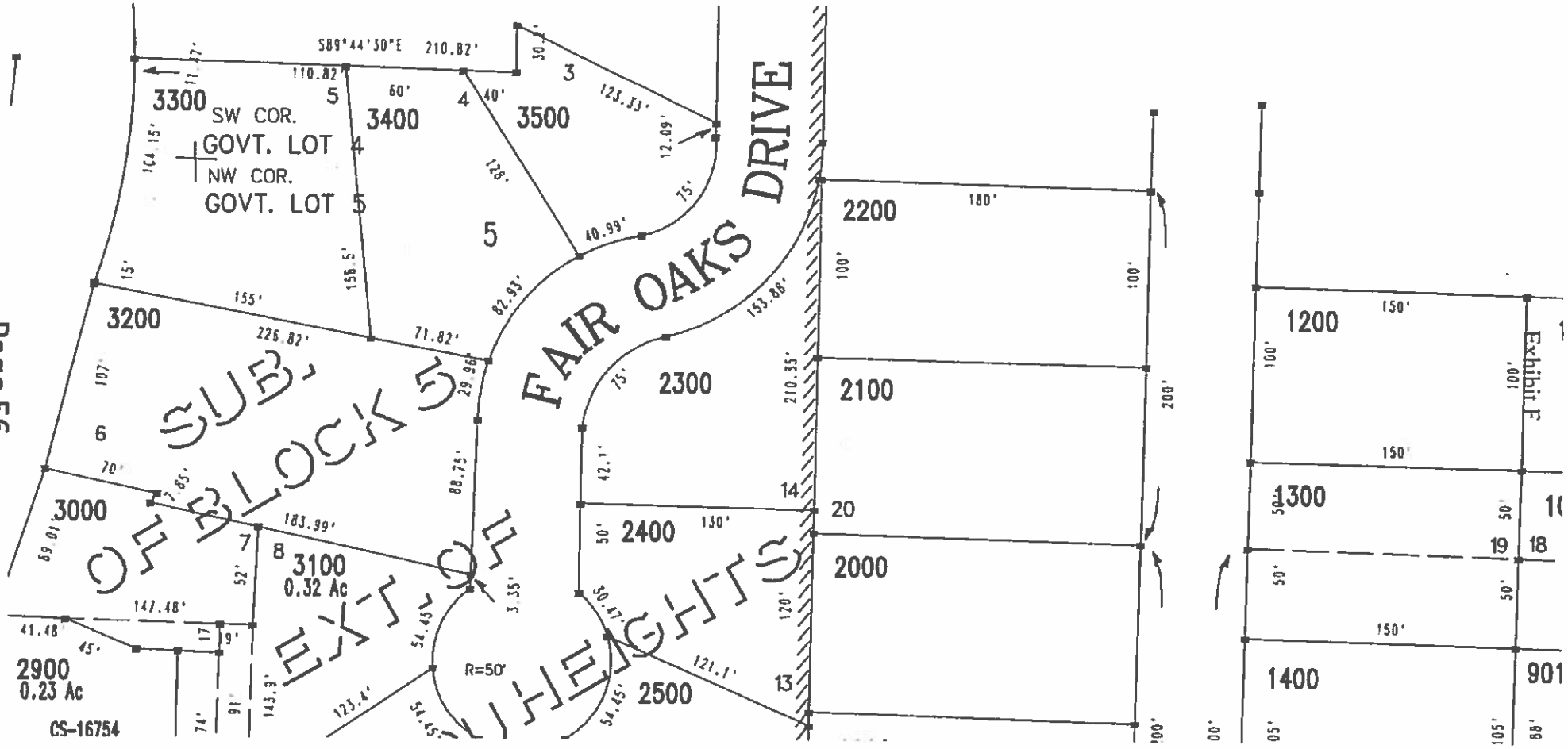

8800
1.00 Ac
5
246.82
210.82
190.20
8900
0.25 Ac
112.54
80.00
110.00
1
116.37
9000
0.23 Ac
80.00
2
123.35
100.00
SUB. OF
BLK. 5
EXT. OF
SISKIYOU
HTS ADD
FAIR OAKS DR.
4600
0.74 Ac
49.13
137.10
244.90
13
180.00
54.00
103.33
WHITEOAK RD.
12
140.10
11
4301
0.28 Ac
56.04
12
90.00
11
10
111.30
14
50.00
14
15
160.00
150.00
4400
0.35 Ac
4100
0.34 Ac
100.00
150.00
14
15
4500
0.34 Ac
4000
0.34 Ac
50.00
50.00
150.00
19
18
150.00
SEE MAP 37 1W 29AD

Exhibit E


SUB. OF BLOCK 5
EXT. OF HEIGHTS
FAIR OAKS DRIVE
SW COR.
GOVT. LOT 4
NW COR.
GOVT. LOT 5
3300
3400
3500
3200
3000
3100
0.32 Ac
2900
0.23 Ac
2500
2400
2300
2200
2100
2000
1200
1300
1400
901
R=50'
CS-16754
Exhibit F

RECEIVED
APR 27 2016
PLANNING DEPT.

City of Medford
Planning Department
Lausmann Annex
200 South Ivy Street
Medford, OR 97501

Regarding:
File No.; LDP-16-012 / E-16-034
2 White Oak Drive
Medford, OR 97504

I live at 2410 Acorn Way, Medford, OR 97504.(the corner of White Oak and Acorn) I am writing to express my concern of splitting the lot at 2 White Oak Drive into three lots. There are few neighborhoods of this era left in Medford that contain the original charm from when they were built. This is one of them. Allowing this property to be divided will detract from the original character of this neighborhood. The loss isn't to just the residents who live close but to all residents of the City of Medford.

White Oak is an old narrow street that has a lot of traffic; it doesn't have gutters, sidewalks or accommodations for pedestrians and cyclists. The driveway of one of the proposed lots would enter on a bad corner with poor visibility. There would have to be significant removal of some of the old oak trees. These trees provide privacy, improve curb appeal and property value for all homes in the area.

It is my hope the planning commission will deny the request to divide the property.

Regarding the exception for the elimination of sidewalk, curb and gutter. If it is granted it will generate additional drainage down the street into other properties. Why is an exception to normal street upgrades even being considered? There are several lots on White Oak that are large enough to be divided. If this is granted I would expect more applications of the same from other properties on the street; creating additional demand on an unimproved street. The sidewalk, gutters and street paving should be paid by the developer not by residents at some future date.

Steve Gressett
2410 Acorn Way
Medford, OR 97504

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

RECEIVED
APR 2 2016
PLANNING DEPT.

# To: City of Medford Planning Commission

File # LDP-1-012/E-16-034
Project: 2 White Oak Drive Partition & Exception
From: Jerry and Betty Wagar, Landowners at 186 White Oak Drive
Date: April 26, 2016

Dear Commissioners:

This letter and supporting documentation is being provided to assist you in the decision process for the above-mentioned project. As citizens and neighborhood residents, we are vehemently opposed to this proposed land partition and improvement exception. The supporting facts in the staff reports, as well as proponent's proposal, fail to address many issues. Several will have long-lasting and irreversible negative impacts on the environment and the existing neighborhood. Several of the project design issues appear to have been overlooked and not addressed in both the staff reports, as well as the proponent's engineering report. Below, we are providing bullet points with supporting documentation for your review:

- **Water Drainage**
  - A. <u>Public Works Staff Report Requirement</u>
    1. Page 5 C.3 - Roof drains and foundation drains connected to storm drain
  - B. <u>Issues and Concerns</u>
    1. Proposal is to connect Parcels 1, 2 and 3 to private storm drain service conveying water from southeast corner of parcel 2 towards southwest corner of parcel 2 across the right-of-way, a distance of approximately 100 feet with the inlet and outlet shown on map as both being approximately 1502.5 in elevation. Industry standard being 1/4" of fall per foot, 25" of fall would be required, or is mass grading a part of the plan, or is there intent that this be a forced main?
    2. Private storm drain easement appears to cross private property. Does the proponent have an easement?

CITY OF MEDFORD
EXHIBIT # 54
File # LDP-16-012

3. The proposal shown on Exhibit C of the Planning Department's packet, is to move two new dwellings of runoff water plus alter parcel #1's water and convey this water to Fair Oaks Drive gutter. This gutter terminates at the end of the cul-de-sac via a curb inlet and 10" storm drain pipe. Is this volume engineered? The concern is that the homes in the cul-de-sac have floor levels below the height of the gutter, making them vulnerable to flooding. See attached Exhibits #1 and #2.
4. White Oak Drive has no storm drain available at the proposed site.
5. Sheet flow water impacts from hardscape improvements on Parcel 3, consisting of driveways, walkways and patios, will have a negative impact on all downstream parcels. From the project site on the west side of White Oak Drive there is no engineered conveyance method for the transfer of storm water in place. See Exhibit B. The impacts of additional water runoff could adversely affect these property owners. Most homes are constructed below the level of the street shoulder. What assurances do these downstream landowners have that the increase in the amount of runoff water will not cause damage to their residences?

- **Public Safety**

A. The partitions being requested are on a very unique parcel. East Main turns into White Oak on a large curved section of narrow street with heavy tree density on the road's edge. As shown in Exhibits #3 and #4, an additional dwelling will have a negative impact on the local residents entering and exiting their driveways. The 2014 City of Medford data shows 1400 cars per day on White Oak Drive between Main Street and Country Club Drive. That level of travel requires close scrutiny, as with the current road configuration, any additional sightline issues will be problematic for safety reasons.

B. The same line of sight concerns apply to pedestrian traffic, as cars traveling south on White Oak would be incapable of seeing a pedestrian in the roadway.

- **Neighborhood Character**

  A. Every city has "The" neighborhood. The one everyone wishes they could live in. For Medford "The" neighborhood is "Old East Medford". It adds enormous historic value to our city. And in Old East Medford, the White Oak corridor is very unique to Medford's history. It **deserves** to be **preserved**, similar to the Geneva Street historic district. Additional density in this area will affect the flavor of this neighborhood and destroy a Medford legacy forever. It will set a precedence for the continued deterioration of the estate sized lots that the area is sought after for.

  B. Parcel frontages and sideyard setbacks will be very difficult to maintain, creating an imbalance of street appeal affecting the ambience of this established neighborhood.

- **Environment**

  A. #2 White Oak Drive has a very well established white oak canopy of trees. As we speak, efforts locally are happening to restore white oak habitat because of their contribution to the existence of a variety of species. Organizations including Klamath Siskiyou Oak Network, O.D.F.W. and their Oregon Conservation Strategy, Lumakatsi Restoration Project (done in Medford) as well as the resource of the Cascadia Prairie Oak Partnership. Currently, there are 3 species in our region dependent on oak woodlands that are vulnerable to extinction based on declining population and habitat. The Oak Titmouse, Lewis Woodpecker and the Wretit are all on a watch list for extinction.

- **Exception Issues**

  A. Considering the vulnerability of the existing infrastructure on White Oak Drive, improvements must be in place prior to the occupation and impact creation. A deferral in this proposal should not be an option as the current infrastructure cannot accommodate additional water impacts. If the stated improvements are too costly, unreasonable or as quoted by the proponent's engineer in criterion #3 on Page 5 "Relocation and reconstruction project of this scope that certainly is not likely in the near future and possibly may never be constructed" makes it very clear a parcel split with additional

dwellings is untimely and inappropriate prior to the improvements necessary to protect the adjoining property owners on White Oak.

B. Multiple times it is quoted that there is a financial burden for the owner. The owner bought the property in September of 2015, obviously for the purpose of development. Allowing a D.I.A. and L.I.D. without the City of Medford standard bond requirement of 125% of improvement only passes the "undue hardship" to another party, as well as creating financial hardships for existing landowners. The development of this parcel is being done for financial gain. If allowed to defer costs of development today, then they are creating "undue hardships" to future property owners. Lack of bond requirements sets a very bad precedent for the future. If the expense of the development is too great for the reward, then the proper business approach should be do it later or don't do it at all.

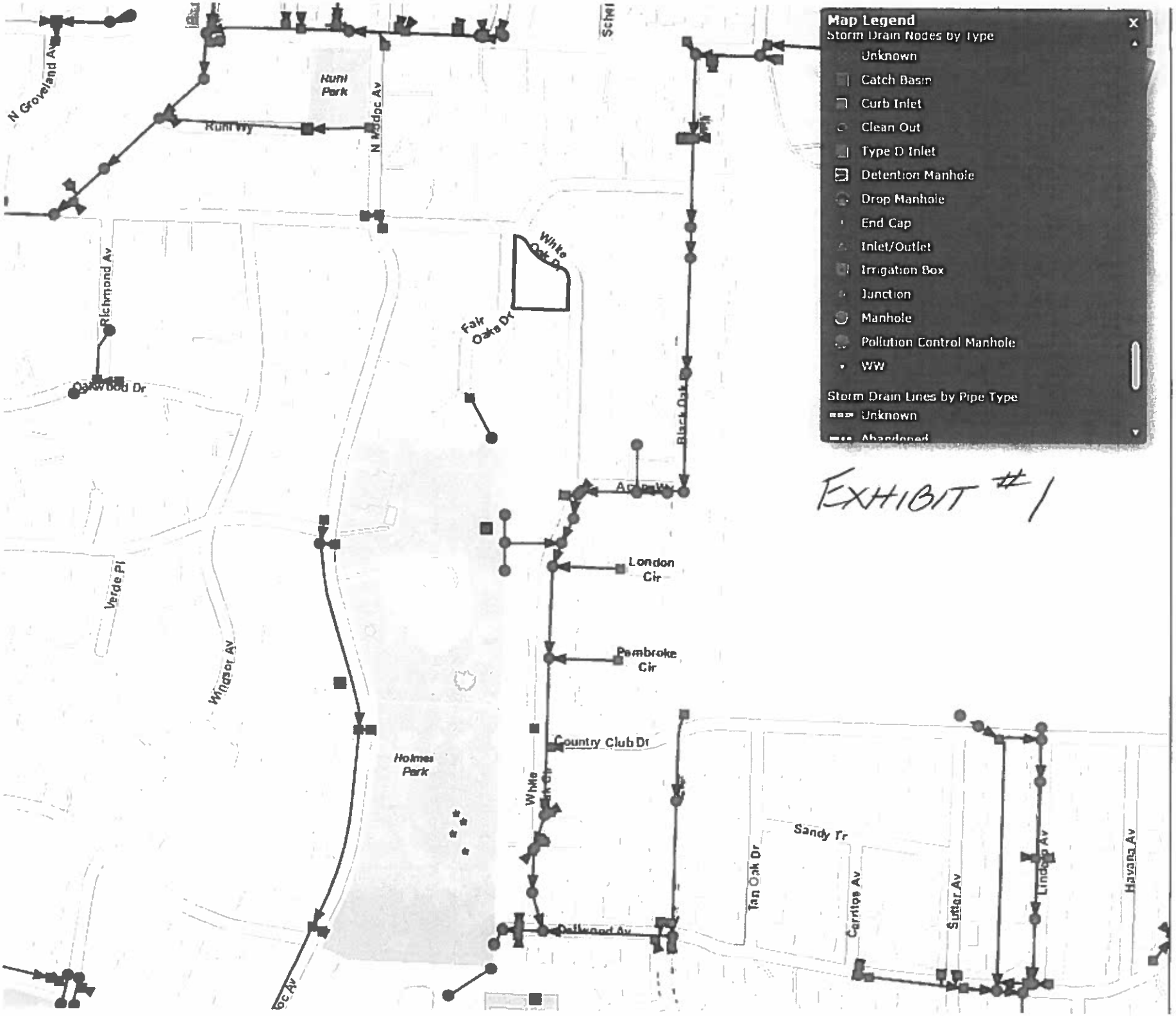
In closing, there are obvious unique issues with this site. Necessary road improvements, water issues, environmental issues, safety issues, financial issues and of course the reality of the irreversible neighborhood change.

It can't be denied, there is a need for higher density in housing with today's society. The question at hand is what is a reasonable sacrifice for the sake of density increase. Staff reports only mention the oaks in terms of the expense it will be to deal with them. These oaks are "history and habitat". Increased density should come with proper planning and should not be at the expense of existing established neighborhoods. The established urban growth boundaries of our area allow for proper planning to incorporate higher density in areas that have established infrastructure as well as bike ability, walkability and mass transportation services.

For these reasons, it is critical this partition as brought forward is denied. The protection of adjoining landowners, the environment and Medford's historic image are at stake. Please vote wisely, and thank you for your consideration.

Sincerely,

Jerry L Wagar and Betty L Wagar


Map Legend
Storm Drain Nodes by Type
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Catch Basin
Curb Inlet
Clean Out
Type D Inlet
Detention Manhole
Drop Manhole
End Cap
Inlet/Outlet
Irrigation Box
Junction
Manhole
Pollution Control Manhole
WW
Storm Drain Lines by Pipe Type
Unknown
Abandoned
N Groveland Av
Runi Park
Runi Wy
N Modoc Av
Richmond Av
Oakwood Dr
White Oak Dr
Fair Oaks Dr
Black Oak Dr
London Cir
Pembroke Cir
Country Club Dr
Holmes Park
Verde Pl
Windsor Av
Sandy Tr
Tan Oak Dr
Carritos Av
Sutter Av
Lindsay Av
Havana Av

EXHIBIT #1

EXHIBIT #2

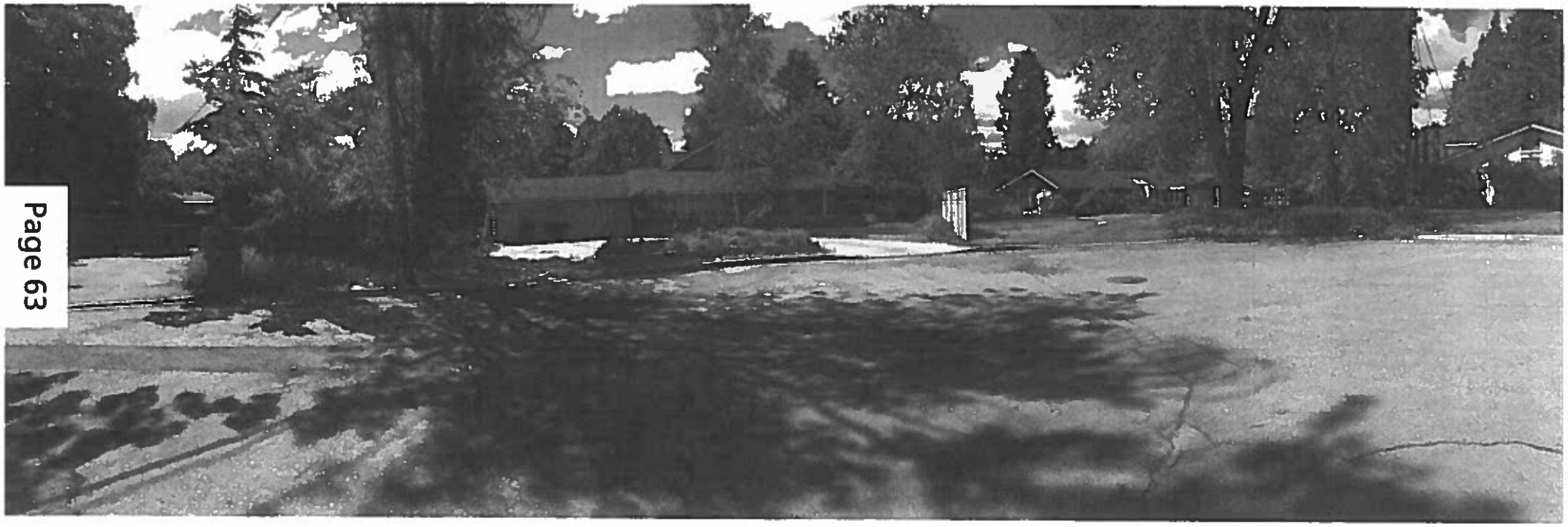
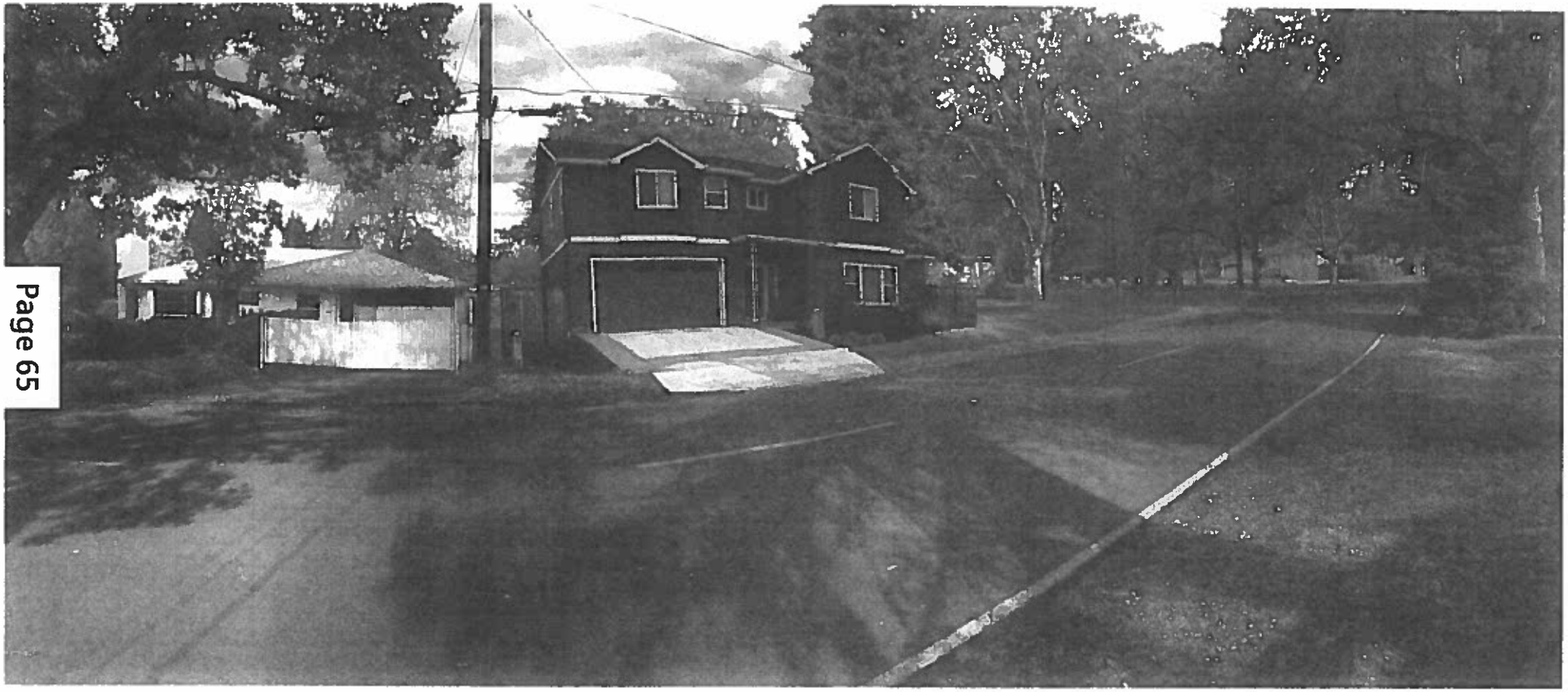


EXHIBIT # 3

EXHIBIT #4



Roger Scott
2421 Acorn Way
Medford, OR 97504

RECEIVED
APR 2 2016
PLANNING DEPT

April 26, 2015

City of Medford
Planning Commission
411 W. Eighth St.
Medford, OR 97501

Gentlemen,

My name is Roger Scott. My wife and I live at 2421 Acorn Way. We have lived here for 14 years.

One of the main reasons for us to relocate here is the inviting two lane 'unimproved' streets and the beautiful Oak tree canopy.

Since coming to Medford, we have purchased other properties in different neighborhoods, however, none with the unique charm of Country Club Park area. Had the application for subdivision been in another area, even where we own residential property, we would applauded the improvements.

It is my belief that the Country Club Park neighborhood is so special, so historic, such a gem to the entire city of Medford, that to introduce the subdivision of the lots is to destroy the character of this wonderful area. You all should value this asset in your community. You should protect this neighborhood and reject such opportunism and exploitation.

Do you see the potential development of this 'ripe' neighborhood? Many of the lots are 1/2 to 3/4 acres. As older property owners 'downsize' or move to retirement housing, the temptation will be great to buy up the homes and subdivide for a quick profit. ( as 2 White Oak owner is trying to do )

You, as Medford 'Planning' Commission, should be planning for ways to protect the community and property owners in Country Club Park from the exploitation of the neighborhood. It belongs to the whole city of Medford. Don't do it!! The owner of 2 White Oak can recoup his investment by selling to someone who will also enjoy living on the rich street with its awesome oak trees.

Respectfully,

Roger Scott

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



55

Pamela Scott
2421 Acorn Way
Medford, OR 97504

April 26, 2015

RECEIVED
APR 27 2016
PLANNING DEPT

City of Medford
Planning Commission
411 W. Eighth St.
Medford, OR 97501

Gentlemen,

Neighborhoods each have their own "distinct" character. Each home--even each old tree in THIS neighborhood is unique. The project at #2 White Oak will most certainly have an impact on this quiet, stately, and mature neighborhood. One look at the old oaks on White Oak shows you this. Every one these homes has a history:

Some were built by a very well-known architect.
Some were designed and built by the parents of the present residents, who at this time, might be referred to as "senior citizens".
Some residents actually searched for just such a neighborhood to relocate to, such as my husband and I. We spent close to two years and looked at many, many homes all over the Rogue Valley before we found this wonderful place.

Please note, these homes, many built in the '40's have not fallen into disrepair because the residents remember a time when pride of ownership, community, and family took presidence over monetary investment, speculation, and gain. No one has bought into this neighborhood for a "quick buck". Neighbors actually walk these streets and know one another personally.

#2 White Oak is not in the middle, nor even on the edge, of a "subdivision". The houses on North Phoenix Rd. (for example) have nowhere the grace and distinction of this unique neighborhood. This is not a "common" bunch on houses squeezed onto sub-divided lots such as the two being proposed at the corner of White Oak. Sub-dividing may make a speculator and developer money but it has never been equivocated with grace, class, nor a dignified neighborhood. Just learn from our southern neighbor, California--numerous cities of nothing but subdivisions of no distinction.

There are many other less established neighborhoods in Medford--or maybe Ashland (?) where I'm sure Mr. DeBoer can turn a quick buck. Please help all of us here protect our neighborhood. What is the possibility that if this goes through, any other of the large lots surrounding this property will be purchased only to be carved up like some other avaricous person's pie? Is it really worth it ---to you---to destroy one of the grand old neighborhoods of this city?

Sincerely

Pamela Scott

Medford Planning Commission April 26, 2016

RECEIVED
APR 27 2016
PLANNING

RE: DeBoer/Adderson lot partition 2 White Oak Drive

I live at 172 Black Oak Drive, am very familiar with the surrounding neighborhoods, and am opposed to the request to create another lot and house at the intersection of White Oak and Fair Oaks.

The concept, if approved, will create a housing density that is out of character for this, one of Medford's prize neighborhoods. There are other parts of the City that would be more in character for this type of density. The developers should focus their efforts where change is desired.

Building an additional residence will create an elevated risk for traffic, both vehicular and pedestrian. White Oak is used by many pedestrians at some risk, as there are no sidewalks and the pedestrian easements are already encroached by rocks, parked vehicles, etc. Placing an additional drive/outlet to this street, particularly on such a curve of the road, would simply be poor planning.

Likewise, it would make no sense to rearrange White Oak to make it safer while accommodating an additional outlet, unless the City is prepared, at City or developer expense to redo the entire road from East Main to Acorn Street. This would need to include sidewalks. And in so doing, the residents would probably vehemently protest the removal of any of the "historic" oak trees along this road.

I advise the Planning Commission to make short work of this request and deny it. The developers can recoup their costs by selling the house and property they bought on speculation, or perhaps one of them may actually decide to live in the house and neighborhood that they so wish to change.

Todd B. Maddox
172 Black Oak Drive
Medford, OR 97504

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

Medford Planning Commission April 26, 2016

RECEIVED
APR 27 2016
PLANNING DEPT.

RE: DeBoer/Adderson lot partition 2 White Oak Drive

I am fortunate enough to live in a park. I can watch the changing of the seasons on the outstretched arms of the oaks overhead. I can listen to the whisper as the branches catch the breezes. See the leaves shimmer in the summer sun, while sitting under their cool protection. As the temperature of summer rises, my neighborhood is a cool oasis. Visitors from out of town, state, and country comment on the richness of our old growth trees.

My neighborhood is under attack from an outside entity. The green canopy that reaches out and over is threatened. We've seen what it looks like when we lose such a precious part of our history as an old tree. How can we risk such an irreplaceable loss. Just for an outsiders quick fix. Someone who doesn't care about our history. Someone who doesn't care about the look and feel of our neighborhood, our community. They will just take the money, and go home to their own neighborhood.

We're asking you-our representatives, to protect us. Stand up for us. Stand up and say not this neighborhood, not this city. Go home.

Shannon L. Maddox

Shannon L. Maddox
172 Black Oak Drive
Medford, OR 97504

RECEIVED
APR 27 2016
PLANNING DEPT

Medford Oregon
April, 23, 2016

Tracy Carter
200 Ivy Street,
Medford, Oregon 97501

Dear Tracy Carter:

As a resident at 133 White Oak Drive, We are opposed to the proposed plan to create 3 lots on a 0.74 acre parcel of land located at the intersection of East Main, Fair Oaks Drive, and White Oak Drive.

We moved into this neighborhood in February 2009 from Los Angelous. The quiet street and beautiful oak trees were a draw to move here.

We want our neighborhood to remain the same as is. This change we feel will cause many problems such as loss of property values, increasing traffic, removal of beautiful old oak trees, more high density development and many more problems.

If this should happen we are looking to the future and believe that the owner should be responsible for installing side walks,curbs, gutter and street pacing improvements.

We join our voice with those others on our street who are opposed to this plan.

Thank you for any consideration given this letter.

Sincerely,
Dean and Mary Lou TerBest



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

26 April 2016

RECEIVED
APR 28 2016
PLANNING DEPT.

Planning Commission
City of Medford Planning Department
ATTN: Tracy Carter, Planner II
200 S. Ivy St.
Medford, OR 97501

Dear Mr. Carter:

I am writing in regards to the variance proposed for 2 White Oak Street, Medford, OR, 97504, LDP-16-012/E-16-034, more specifically to the issue of any and all potential and future ramifications that may impact the City of Medford and the landowners living on White Oak Drive to Acorn Way in relation to the creation of a Limited Improvement District [LID].

STATEMENT OF OPPOSITION TO VARIANCE

In general I am opposed to the approval of the variance re: 2 White Oak mainly because of the intended introduction of more infill into a parcel that could result in a very crowded looking, esthetically incongruous addition to a neighborhood that despite its SFR-4 zoning respects the one house per one lot pattern that has been in effect since the area was first developed around 1928 [p. 72].

Another objection to this requested variance rests on the point that developers could view this sanction as an invitation signaling them that it would be permissible to infiltrate into any area characterized as having many large SFR-4 lots, which would mean that any such qualifying lot could be split into smaller parcels and then be developed in the same manner that Adderson Builders, Inc., is proposing to split and further develop the 2 White Oak lot.

LOCAL IMPROVEMENT DISTRICT [LID] ISSUE AND CONCERNS: REQUEST FOR CLARIFICATION AND EXPLANATIONS

I have read pp. 59-60 and pp. 72-77 in the Staff Report prepared by Tracy Carter, Planner II, Planning Department. I appreciate the seeming intent of the landowner's request for a street improvement Exemption, which in essence, would not radically change the streetscape at 2 White Oak as it now exists. However, should this variance be approved, I have several concerns about its possible ramifications in relation not only to owner Adderson Builders, Inc., long term liability re: an LID but also to we the affected landowners on that particular block.

KEY POINTS SECTION ISSUES

The following sections contain key points that I find unclear re: a Local Improvement District [LID], a Deferred Improvement Agreement [DIA], and other possible ramifications described in pp. 59-60 and in pp. 72-22. At the 28 April 2016 hearing I would like an in depth explanation of the implications of the DIA bond and for the LID Condition of Agreement AKA to be given full disclosure as to what is really being said regarding a DIA and LID and who is really going to be fiscally liable should a bond or Local Improvement District ever be deemed necessary. I would also like a Q & A session to follow.

If that request cannot be satisfied at the already scheduled meeting of 28 April 2016, then I am asking that on the 28th that any action on this variance be delayed until such a time as these questions can be properly addressed in a public hearing/meeting to the satisfaction of the City of Medford and to the duly affected landowners as defined in the Staff Report [p. 75] prepared by Tracy Carter for the hearing of 28 April 2016.

KEY POINTS

1] P. 59, bottom and P. 60, top: "The applicant has submitted for an Exception in conjunction wth the Land Division. The request is to eliminate standard street improvements along all frontages. The applicant also seeks relief from the

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



54

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 [LID] in the future.

2] P. 60: Under Findings and Conclusions- Criterion 3: States that many improvements are needed on East Main/White Oak Drive "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..... 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 LID for the improvements along E. Main/White Oak Drive, but that the improvements for Fair Oaks Drive be completed as specified in the Public Works Staff Report."

3] Bottom of p. 75 and top of p. 76: "The criterion in MDC Ch. 10.432(4) for the cost associated with improving this block between E. Main 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 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.

4] P. 76 the paragraph above Conclusion of Law states that "In lieu of posting a 125% bond, the landowner proposes to sign a perpetual agreement with the City in favor to form a 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 Agreement to this exemption request."

5] P. 75 Under Criterion No. 3, Finding of Facts: In regards to the Street improvements on White Oak Drive, "This circumstance was not self-imposed by the owner, nor was it the owner's responsibility that the existing street [White Oak Drive/E.Main] was built in the location that it is found today."

QUESTONS SECTION

Relevant to the Key Points Section, these are my questions and concerns, which I am addressing to the Planning Commissions and/or Tracy Carter and/or to Adderson Builders, Inc., and/or to those who provided the information contained in this Staff Report:

1] In Key Points [KP] Section 2, "In lieu of entering into a Deferred Improvement Agreement [DIA], the applicant suggests the landowner signs a perpetual agreement," Please identify the referred to applicant as well as the landowner.

2] QUESTIONS REGARDING THE "PERPETUAL AGREEMENT" STATED ON P. 76

What does a "perpetual agreement ...to run with the land as a Condition of the Agreement" really mean? Does that imply that for forever the funding of a possible LID in this situation would have perpetually guaranteed funding? How without a secured bond in place now? Should a future need for an LID come up, where is Adderson Builders, Inc., liability in that picture?

3] QUESTIONS REGARDING THE "PERPETUAL AGREEMENT" RUNNING WITH THE LAND [SEE KP 3]

Should the variance be approved, then when will Adderson Builders, Inc., sign the in perpetuity agreement? Since the LID transfers or "runs" with the property, then once Anderson Builders, Inc., sells all 3 lots, again what is its liability? By run with the land, does that mean that all potential fiscal responsibility will then transfer to the new owners of those 3 lots in perpetuity and thereby release Adderson Builders, Inc, from any further possible fiscal involvement?

Again, doesn't all of this simply mean that Adderson Billders, Inc., will never have any "undue hardship" for street improvements but rather only those residents located within the parameters of the LID and possibly the City of Medford itselff would carry the burden [see KP 3]? Amazing how all of this could play out.

4] THE LID AGREEMENT AND THE FUTURE SALE OF THE 3 NEW WHITE OAK SPLIT LOTS

Since Adderson Builder's Inc. is the single owner, then how does one LID agreement split into 3 when each lot is sold? Where is documentation showing how this LID signed by Adderson Builder's Inc. will be transferred to 3 new owners?

5] UNDUE HARDSHIP CLAIM TO POST A BOND AND THE PERPETUAL AGREEMENT IN RESPECT TO RUNS WITH THE LAND

As stated in KP 3 "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"

Without a bond in place, what street improvement liability does Adderson Builders, Inc., have or will ever have once all the parcels are sold? Isn't this funding mechanism to run or transfer with the land as a Condition of the Agreement? If so, then does the perpetual Condition of Agreement thus transfer from owner to owner not only now but also in the future? Hence, when Adderson sells, will not his liability be transferred to all 3 new owners? And will not this same pattern happen to the residents living on the White Oak block when they also sell their properties?

Again, it would appear that Adderson Builders, Inc. really has no fiscal obligation here at all and isn't it interesting that the exemption for no street improvements which is a very desirable thing to the neighborhood and neighbors because it protects the integrity of White Oak to Acorn Way yet the way that it is worded with all of its in lieu ofs appears to absolve Adderson Builders Inc., from any and all fiscal liability and instead will transfer it to the City of Medford and to other landowners on the block if and when the LID is formed.

Since in Key Points 2] Adderson Builders, Inc., states that street improvements on E. Main and White Oak "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" I am asking for a public announcement re: the approximate amount that such an undertaking would ultimately cost and to which Adderson Builders, Inc. doesn't want to put down a 125% bond/deposit [DIA] but proposes to sign a perpetual agreement re: an LID with the City to run with the land. [see KP 4]. To repeat it seems that Adderson Builders, Inc. should be obligated to back a bond and be denied the right to negotiate in lieu of agreements that will never bind or obligate Adderson Builders, Inc. to any fiscal liability but could at some point impact the City and affected landowners in the pocketbook [See KP 3].

6} WILL CURRENT AND POTENTIALLY AFFECTED LANDOWNERS EVER HAVE THE RIGHT TO REFUSE TO PARTICIPATE IN A FUTURE LID?

Since Adderson Builders, Inc. is willing to sign this Condition of Agreement [KP 4], if the variance should be approved when or how can other potentially affected landowners now or in the future be able to refuse to participate in the agreement? It is understandable why Adderson Builders, Inc. finds this Exception so attractive but for the affected neighbors there is no such lure because at some point buyers of our current properties and the City of Medford may have to bear a financial burden that Adderson Builders, Inc. won't. [See last paragraph of this letter]

7] MORE ISSUES RELEVANT TO COST SHARING AND THE ASKING FOR DISCLOSURE OF FISCAL IMPACT OF AN LID WERE IT FORMED TODAY

It is stated [KP 4] that should an LID ever be formed, which "may never be constructed", that "for the cost associated with improving this block between E. Main and Acorn Way should be fairly and proportionately shared between the City and other landowners on this block".

Since I reside at 2401 Acorn Way ]the west side of my lot faces White Oak], my property would most likely be included in this LID. Therefore, were the LID to happen today, I am understandably asking the Planing Commission to estimate the relative dollar amounts that affected landowners could realistically expect to be assessed and if still as owner, what would Adderson Builders, Inc., share be and again to have these dollars amounts announced to the public.

8] HOW WOULD THE COSTS BE PROPORTIONATELY SHARED AND WOULD THE PAY BACK METHOD BE THROUGH AN ASSESSMENT OR AN ASSESSMENT DISTRICT? WHAT ABOUT DISCLOSURE ISSUES TO FUTURE BUYERS OF

THE AFFECTED PROPERTIES? WHAT ABOUT UNDUE HARDSHIP TO A SELLER TRYING TO SELL HIS/HER PROPERTY WITH THIS POTENTIAL ASSESSMENT ISSUE PENDING?

"The criterion in MDC Ch. 10.432(4) for the cost associated with improving this block between E. Main and Acorn Way should be fairly and proportionately shared between the City and other landowners on this block"]. Explain how the shared costs would work [see KP 3]. Do I understand that this shared cost would be in the form of an assessment or an assessment district would the liability for the LID assessment be only for the affected block on White Oak or might the district be composed of residences outside of the designated area? Who will determine the conditions of this perpetual LID agreement?

If any one potentially affected landowner would sell his/her house, would this assessment be transferred to the new buyer or would the balance due come out of the sale of the property? Please explain how this "perpetual agreement" [see KP 2] would affect other owners on the block perpetually?

Even if no LID is on the horizon, don't affected sellers have an obligation to disclose this LID shared cost information to prospective buyers? If so, there could be an "undue hardship" on sellers trying to sell property listed with these potential fiscal issues pending.

SUMMARY

To make my point, I am in favor of approving the Exemption to defer street improvement on White Oak but I am not in favor of the owner being exonerated of any financial obligation by only signing a perpetual agreement with no strings attached to him. This LID seems to transfer all financial obligations to the City of Medford and to the landowners [p. 76] on the block. Hence, if this variance and Exception are approved, then the Exception should still stand but not the in lieu part where owner signs a "perpetual agreement". I am proposing that the owner/builder be required to put up a bond covering the usual 125% deposit [see KP 1]. If that is truly an undue hardship, then he can sell the 2 White Oak unimproved property as it now stands to another buyer and purchase something more affordable.

CONCLUSION

In summary: My request is to ask the Planning Commission not only to answer all the questions posed in this letter but also to please explain ALL the other possible ramifications associated with Adderson Builders, Inc. request for a street improvement Exemption. In all fairness to those current and future residents that could be affected by the outcome of this variance decision and to the general public that might also find themselves in the same situation someday the explanation of the Exemption for street improvements needs to be made clear in a public meeting/hearing. Hence, if these questions cannot be addressed on 28 April 2016, then as stated at the beginning of this letter I am again asking for a delay of any decisions at the 28 April 2016 meeting until such time that another meeting can be scheduled, which could address not only these concerns but also those issues that might surface at the meeting of 28 April 2016 and from the letters, which were received before that hearing was called to order.

In the final analysis and as stated on p. 75 of the Staff Report, "The 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"[pg 75, bottom]. The same could be said for the residents that live on that same street. Hence, to be fair to all parties involved, it is my opinion that a funded bond should be required. Even if street improvements are delayed for decades or are never constructed, the lack of an up front bond tends to lend suspicion that the owner/builder is more interested in a profit and run enterprise rather that in making a sound and in good faith investment into an area in which he has now transgressed.

Furthermore, the owner seems to be into negotiating ways in which to extricate and absolve himself from any and all fiscal liability regarding placing money in trust. His counter solution found on P. 76: "In lieu of posting a 125% bond, the landowner proposes to sign a perpetual agreement with the City in favor to form a 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 Agreement to this exemption request."

Hence, liability for any future LID will run with the land meaning it will run or be transferred in perpetuity to all affected parcels on that block. Hence, the City of Medford along wth the then current other landowners on the block will bear

the burden of any future financial obligations resulting from the creation of an LID, for which Anderson Builders, Inc, wants to sign a perpetual agreement that will set this mechanism in place, which would also release him from funding a deposit bond now if the variance would pass and the Exemption be approved and since the LID would run int the properties involved, would in essence obligate the rest of the neighborhood and the future buyers of his own property at 2 White Oak liable for the cost of these improvements. Not a very neighborly or neighborhood friendly gesture.

Respectfully submitted

Marilyn Costamagna

Marilyn Costamagna
2401 Acorn Way
Medford, OR 97504
541-245-3965

26 April 2016

RECEIVED
APR 29 2016
PLANNING DEPT.

Planning Commission
City of Medford Planning Department
ATTN: Tracy Carter, Planner II
200 S. Ivy St.
Medford, OR 97501

Dear Mr. Carter:

I am writing in regards to the variance proposed for 2 White Oak Street, Medford, OR, 97504, LDP-16-012/E-16-034, more specifically to the issue of the existing old oak and other mature trees indigenous to that parcel.

STATEMENT OF OPPOSITION TO VARIANCE

In general I am opposed to the approval of the variance re: 2 White Oak not only because of the resultant infill and crowded perception that the addition of 2 new dwellings could undoubtedly give to that corner but also because of the precedent that it could possibly set for other developers to infiltrate any area which is recognized or zoned as SFR-4 with large already developed lots that could easily be further exploited.

I am additionally opposed to this lot "split and build" approach because it has the potential to change the entire character of this well established neighborhood as well as to introduce many other accompanying components such as traffic congestion, drainage issues and other unforeseen problems into a neighborhood that is even extolled in the Staff Report prepared by Tracy Carter as being "a bucolic, peaceful, neighborhood in old east Medford" [p. 72].

Before any action is entertained re: this variance request and in conjunction with the integrity of design characteristics of this older neighborhood, I am asking that a hearing be set for public review and comment regarding the architectural renderings, when available, for the proposed 2 new houses that will be constructed on the proposed 2 new lots.

SHOULD THE VARIANCE EVENTUALLY BE APPROVED, THEN TO SAFEGUARD THE NATURESCAPE ON THE AFOREMENTIONED PROPERTY, I AM REQUESTING THE ADOPTION OF A TREE PLAN

If the proposed variance should not be denied, then I am asking that the owner of record Adderson Builders, Inc., Ashland, be required to submit a Tree Plan that will ensure the safeguarding of as many existing trees and tree roots as possible and that will also respect and protect all tree ecosystems while any and all work is in progress to alter the appearance of the property at 2 White Oak.

Any and all work is to include not only excavation, placement of underground water and gas lines and irrigation systems along with any other subsurface work deemed necessary to this project but also to all above ground construction and finish work that will be involved.

In regards to the Tree Plan itself it would seem advisable to involve the City Arborist and appropriate staff to generate such a plan and then for them to work in tandem with the owner/builder to implement it. If needed, this plan could serve as a future prototype for tree protection and care under stressful construction or demolition conditions.

Once written but before implemented I am also asking for the Tree Plan to be made public and to invite public comment regarding the proposed plan.

ADDITIONAL SUGGESTIONS TO PROTECT OLD OAK AND OTHER MATURE TREES IN THE CITY OF MEDFORD

Through the Facilities and Maintenance Division of the Medford Parks and Recreation Department I believe that there is a tree committee in place, which seeks to plant more trees in neighborhoods. What about introducing a volunteer program to protect the old oak trees that are so intrinsically a part of areas such as east Medford? Consideration might

also be given to making it more difficult for people to cut down trees in general even on private property for a better reason than just because they are there and I don't want them.

An argument could be made for the use of permits when trees such as White or any other type of oak trees are at risk or when some of the more mature old growth types of trees found in Medford are in jeopardy of being eliminated. Case in point: For the enjoyment of all visitors Oregon Hills Park will have an area dedicated to the old mature oaks located within the park's boundaries. In the future is that where we will have to go to see examples of precious trees: To parks and conservation lands and not just into our own local neighborhoods or yards?

NEIGHBORHOOD ENVIRONMENT

I am the owner of record at 2401 Acorn Way. My house is located at the corner of White Oak Street and Acorn Way. Since 1971 this property on Acorn Way has been owned by my family. Before purchasing this house, my parents visited many other residential areas in Medford. Because of the spaciousness of the large lots, the individual character of the homes themselves, the peaceful yet picturesque surroundings provided mainly by the sprawling canopy of old oak trees on upper White Oak along with the uniformity of well maintained landscapes my parents decided to purchase a piece of property on Acorn Way. The property included not only a good size house situated on a large lot but it was also enriched and shaded by 16 mature oak trees, which more than regrettably are no longer standing.

In light of that history, it is also obvious from the attached newspaper article comments that even today the attraction of old east Medford borders on being legendary. Almost 45 years ago my parents, too, understood the charm and unique appeal of this area that still makes old east Medford a highly desirable place in which to live. Where else in the city does another area such as this one exist? Why try to change what still works for and nurtures so many families?

SUMMARY OF OBJECTIONS AND A SUGGESTION

Due to the potential repercussions that a 3 way lot split may generate, I am opposed to this variance's approval.

If approved and the lots are split, the consequent infill will in all likelihood not only greatly alter the current spatial harmony between 2 White Oak and its southerly neighbor at 130 White Oak but also other lots and houses that exists in the immediate neighborhood surrounding White Oak and East Main. Hence, I oppose approval of the variance.

Issues such as inadequate drainage, line of sight on a blind curve, future traffic flow from other streets that could impact White Oak and other known and unforeseen future problems that are and could possibly be associated with the approval to develop 2 new proposed lots, I oppose the passing of this variance request.

Despite all of the above objections, should variance approval be granted, then to guard a valuable natural resource, the mature trees on that parcel against any unnecessary disturbance or harm, I am hereby asking the Planning Commission to authorize a comprehensive Tree Plan that would serve to protect as many trees as possible and which would also help to retain the "bucolic" nature of old east Medford and to assure that 2 White Oak Drive's naturescape is modified as little as possible.

With that instrument in place, then comments available in the NET [see attached] re: the ambiance of the 2 White Oak neighborhood as it now exists and as also recognized on p. 72 of the Staff Report prepared by City Planner II, Tracy Carter, will also be safeguarded: "The 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..."

CONCLUSION

A Tree Plan for 2 White Oak, supervised by the City of Medford's Arborist and/or a qualified staff member[s], would go a long way to protect many of those trees on said property, which have helped to define the charm in what has historically been a highly desirable area of old east Medford itself. Hence, the Tree Plan's goal to safeguard as much of the exiting naturescape as possible would also help to offset and minimize this apparent attempt to modernize this already well established neighborhood in which modern or upgrade may prove to be viewed as incongruous and may find itself not to have been the most complementary or prudent addition/modification to this particular block and area.

**WHY CARE ABOUT TREES? Here's one fact: According to research done by the Arbor Day Foundation one large tree can produce enough daily oxygen for up to 4 people! To learn more facts about trees Google Arbor Day Foundation Trees and Oxygen!**

**Respectfully submitted**

Marilyn Costamagna

**Marilyn Costamagna**
**2401 Acorn Way**
**Medford, OR 97504**
**541-245-3965**

## COMMENTS FROM THE INTERNET REGARDING OLD EAST MEDFORD

BEST ANSWER
**claire.pence, Both Buyer And Seller, Medford, OR**
If you are interested in buying a home here, I am downsizing and putting my home up for sale in Old East Medford.
0 votes • Thank • Flag • Link • Mon Jun 3, 2013

**claire.pence, Both Buyer and Seller, Medford, OR**
.68 acres, main home 2205 sq ft 3bd 3/12 bath - 550 sq foot guest quarters - 20X40 pool, large shed, 320 Windsor Avenue 2 car attached garage. very private on recessed property, mountain views.
Flag • Sun Jun 9, 2013

**chnku59, Just Looking, San Diego, CA**
What is your address please.....is there an attached 2 car garage.....how many square feet?
Flag • Mon Jun 3, 2013

**Ml.pattynan63, Home Buyer, Eagle Point, OR**
East Medford is the best in my opinion. We had a house there, up behind Rogue Valley Hospital. Services are close and easy to get to the Mall and /cost Co, etc. Gets cold, but rarely snow in Medford.
Anything around the Hospital is good. DRs. close by, Market close by, Freeway not far. Great hospital with all sorts of speciality services. WE lived on Tan Oak and you rarely saw kids wandering at night. Low crime rate. I like it anyway...Call my son in law He is a Realtor with Royce Realty in Ashland, OR.
His name is Greg Goebelt.....Hope it helps...
0 votes • Thank • Flag • Link • Fri Aug 16, 2013

**Ml.pattynan63, Home Buyer, Eagle Point, OR**
We owned a house in Old East Medford. The houses are well made and the whole area is very comfortable. We were up behind Rogue Valley Hospital. Great place to walk at night. People take care of thier yards. At night kids are not wandering the streets. Very low crime. While we lived there one incident occurred and it was hispanices who stole the neiighbors car. Lots of street lights. Friendly people. Good medical services close by.
0

**claire.pence, Both Buyer And Seller, Medford, OR**
Old East Medford takes the prize.
0 votes • Thank • Flag • Link • Sun Jun 2, 2013
XXX: why do i need this here? i don't understand why the layout is busted otherwise.

**Lana Lavenba..., Agent, Grants Pass, OR**
I cant tell you the best all I can say is SE, SW and NW are all older n eighborhoods. NE is a newer part of medford.
0 votes • Thank • Flag • Link • Sat Jun 1, 2013
XXX: why do i need this here? i don't understand why the layout is busted otherwise.

Contact

**Travis Jantz..., Agent, Medford, OR**
There are several nice older neighborhoods in Medford, I have always liked the homes off of East Main, on the North East side of town.

Contact

**Kimi Fernand..., Agent, Medford, OR**
Definitely Old East Medford, Very charming and shady :)
Kimi
541-301-8332

Good morning, Medford is a beautiful town with many lovely older neighborhoods. It may be easier to answer your question with a little more information on what you're goals are. What type of home are you looking for? Square feet, age, price range, lot size... and so on. Please feel free to contact me, I am happy to help you find what you're looking for!

Stephanie Walls 541-941-8040
**Web Reference:** http://www.stephaniewallshomes.com
0 votes • Thank • Flag • Link • Sat Jun 1, 2013
XXX: why do i need this here? i don't understand why the layout is busted otherwise.

**BEST ANSWER**
**claire.pence, Both Buyer And Seller, Medford, OR**
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His name is Greg Goebelt.....Hope it helps...
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Contact

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Kimi
541-301-8332
0 votes • Thank • Flag • Link • Sat Jun 1, 2013

XXX: why do i need this here? i don't understand why the layout is busted otherwise.

Contact

**Stephanie Wa..., Agent, Medford, OR**
Good morning, Medford is a beautiful town with many lovely older neighborhoods. It may be easier to answer your question with a little more information on what you're goals are. What type of home are you looking for? Square feet, age, price range, lot size... and so on. Please feel free to contact me, I am happy to help you find what you're looking for!

Stephanie Walls 541-941-8040
**Web Reference:** http://www.stephaniewallshomes.com
0 votes • Thank • Flag • Link • Sat Jun 1, 2013
XXX: why do i need this here? i don't understand why the layout is busted otherwise.

RECEIVED
APR 2[illegible] 2016
PLANNING DEPT.

Richard Mankinen, PhD

12 North Groveland Avenue

Medford, OR 97504

April 28, 2016

Planning Commission

200 South Ivy Street

Medford, Oregon 97501

Re: File No.: LDP-16-012/E-16-034

To Whom It May Concern:

The developers proposing to split the single lot at 2 White Oak Drive into three lots for purposes of building two additional houses have requested an Exception to Code requirements regarding standard street improvements. While they have agreed to sign a perpetual agreement with the City to form a Local Improvement District (LID) in the future (in lieu of posting a 125% bond), the presence of new houses on the proposed lots is likely to significantly hinder any attempts by the City to actually form a LID in the future. The requested exception should not be granted.

Respectfully submitted,

Richard Mankinen

CITY OF MEDFORD
EXHIBIT # 66
File # LDP-16-012

## Terri L. Rozzana

RECEIVED
APR 28 2016
PLANNING DEPT

**From:** Sam Ackley <sackley@hunterfiber.com>
**Sent:** Thursday, April 28, 2016 2:58 PM
**To:** Jim E. Huber
**Cc:** Kelly A. Akin; Terri L. Rozzana
**Subject:** RE: Public Hearing - File No. LDP-16-012 / E-16-034; LOT 371W29AA 4600 (2 White Oak Dr., 97504)

Hi Jim-

Just had a few other items I thought might be of interest, for historical context with this neighborhood if nothing else.

First, this amazing advertisement for Siskiyou Heights in the Mail Tribune from 1910 (refers to building restrictions for the Siskiyou Heights neighborhood? Not sure if those still exist or not...or if there are any covenants affecting the neighborhood in the vein of building height, type, etc.):

CITY OF MEDFORD
EXHIBIT # HH
File # LDP-16-012
Exhibit HH

# Siskiyou Heights

**ADDITION NO. 1, TO MEDFORD, OREGON. A BEAUTIFUL RESIDENCE PARK.**

We have not been saying much about the improvements going forward on this property, but have been steadily sawing wood. A visit to this beautiful residence district will convince you that within a few months it will far surpass any other section of the city.

Early buyers of lots are already beginning to take their profits.

**ONE LOT WAS SOLD LAST WEEK AT A PROFIT OF ONE THOUSAND DOLLARS OVER THE PRICE PAID A MONTH AGO.**

## REASONS WHY

**You should build your home in SISKIYOU HEIGHTS.**

It is naturally the most beautiful section of Medford.

Building restrictions exclude undesirable neighbors and unsightly buildings.

You will not have to wait for street improvements.

All elements combine to make a healthful location for your family.

Property values will increase more rapidly in Siskiyou Heights than anywhere else in the city.

Your family will not need to cross a railroad track to get to stores or school.

The social and moral atmosphere will be refined.

It is the only district in the city where these conditions obtain.

## SISKIYOU HEIGHTS

Is a natural park whose beauty has been preserved by winding boulevards and generous parking strips. The land is high and rolling, affording magnificent views of mountains and valley. The perfect drainage and its elevation above surrounding country make it a healthful location. The lots are broad and deep and so varied in contour as to afford an unlimited choice of style in building.

Here will be located the finest residence district in the city. The rich, loamy soil will produce, in the greatest profusion, anything that may be grown in this climate. The luxuriant growth of flowers, palms, shrubbery and trees will shortly make it a Residence Park of great beauty.

The arrangement of streets provide for a forty-foot roadway, a twelve-foot parking strip abutting the cement curb, a five-foot cement walk, and a three foot parking strip between the walk and property line. The broad parking strip will be set to shade trees and shrubbery and the whole improved to give a magnificent esplanade effect.

Purchasers of lots will be fully protected by building restrictions and everything of an objectionable character will be excluded.

If you appreciate the advantage of building your home amid a beautiful environment where all improvements will be of a high character, where the moral and social tone will be uniformly superior, we invite you to make a selection NOW.

For prices and other information see or communicate with

# Oregon Orchards Syndicate

And here, I found an older study from the Medford Planning Department, with help from the SOHS, which places this neighborhood in a bit of historical context, and presents the recommendation that these old neighborhoods and structures should be protected and preserved. It's a long read, but I snipped and pasted some highlights below:

http://www.oregon.gov/oprd/HCD/OHC/docs/jackson_medford.pdf

Medford Planning Department

June, 1993

This historic context has been accomplished by support provided by the Southern Oregon Historical Society. The City of Medford Planning Department gratefully acknowledges their assistance. The findings and conclusions of this document do not necessarily represent the views of the Southern Oregon Historical Society.

## INTRODUCTION

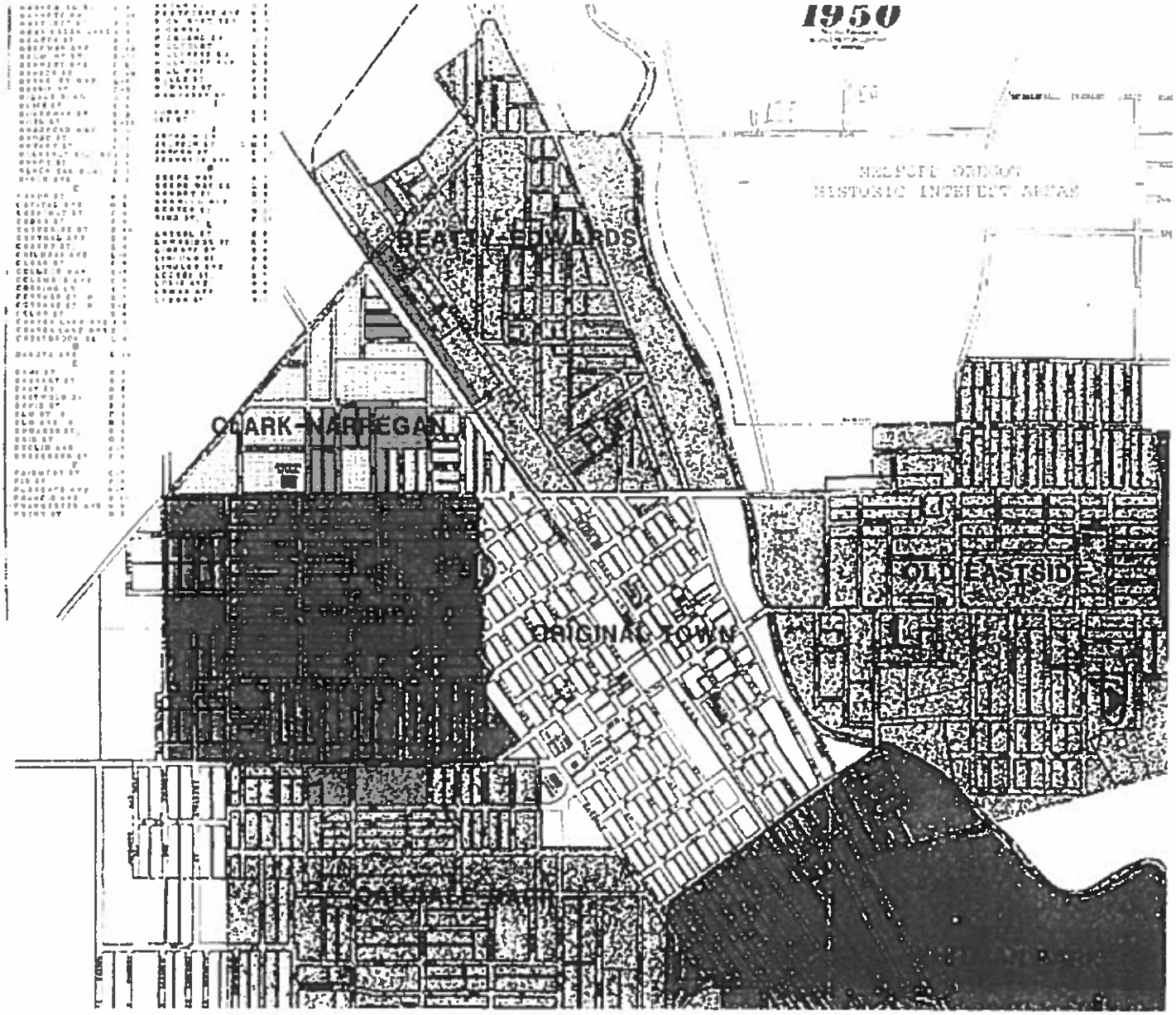
Following is a preliminary historic context for Medford, Oregon. The document, completed between February and June, 1993, precedes any systematic survey/inventory work within the city. Although a 1-B list has been prepared by the City of Medford for planning purposes, and walking tours, district nominations and individual nominations have been completed within the area, no formal study has occurred.

Medford's Comprehensive Plan indicates that a cultural resource inventory of significant properties is yet to be completed. The inventory would fulfill the intent of State Planning Goal Five which states:

> The location, quality, and quantity of the following resources shall be inventoried. . . historic areas, sites, structures, and objects.

In addition to identifying resources for protection and preservation, the inventory would provide the public with accessible information and serve as a foundation for continued research of Medford's history and architecture. This preliminary context document reveals the city's rich heritage expressed in those buildings and structures which still stand. Protecting important resources will not only strengthen the economy by retaining the city's attractiveness, it will enhance both individual and community identities.

A combination of research and a windshield survey established proposed historic interest area boundaries in eight areas. The areas have been named for purposes of identification: Original Town, Clark-Narregan; Beatty-Edwards, Oakdale-Barr, Whitman Park, and Summit-Fairmount lie west of Bear Creek. East of the creek are the Old East Side and Siskiyou Heights areas.


1950
BEATTIE-EDWARDS
CLARK-NARREGAN
ORIGINAL TOWN
OLD EASTSID

## 9. Siskiyou Heights

The Siskiyou Heights area, named for one of the additions within it, located east of the Old East Side study area on gently sloping land. trees and vegetation characterize much of the landscape. Siskiyou Hei study area is bordered by Oregon Avenue and Capital Avenue on the nor Eastwood Drive and Oregon Terrace on the west, by Black Oak Drive on and by Oakwood Drive and Terrace Drive on the south. Additions withi area include Westerlund Heights (1927); Siskiyou Heights (1910); Vall (1911); (Glen Oak (1926); Wellington Heights, 1925; Country Club Park and the Williams Subdivision (1928). The largest part of the study a annexed to the city in 1925, and was known as a prestigious area char by fine homes.

During the 1910s promotional efforts were made to develop the Siskiyo area. The boundaries of the district were established early and some construction occurred there by 1910. An expanding population and rene economic prosperity between 1920 and 1930 brought additional expansio Medford's physical boundaries across Bear Creek. Several new residen areas developed in Siskiyou Heights, Wellington Heights and Westerlun Heights. Within these additions and subdivisions in the expanding ea Medford environs many new dwellings --among them architect designed h wealthy families -- were constructed. Successful orchardists, lumberm merchants initiated the construction of distinctive residences and by end in 1929 and 1930 the local newspaper contained photographs of new completed structures. Siskiyou Heights continued to develop after Wo II on the eastern reaches of the study area, and the Rogue Valley Cou further influenced development. Infill dwellings appeared during the expansion following the war on previously undeveloped tracts of land.

A range of architectural styles may be found within the area includin Craftsman/Bungalows dwellings constructed before 1915. Increasingly however, are examples of dwellings in the Historic Period styles, mos which were built between 1920 and 1930. Architect designed homes are prevalent in this area because wealthier individuals sought homesites prestigious streets and were able to contract with architects for dwe designs.

Valley View Drive, Hillcrest Road, Modoc Avenue, Glen Oak Drive, Barne Road, Berkeley Way, Highland Drive and Keene Way are major streets th area. Much of Siskiyou Heights is comprised of large lots containing dwellings. The 1927 Sanborn Map (updated to 1956) indicates that appr 370 dwellings existed within the Siskiyou Heights area at that time.

The quality of significance in American history, architecture, archaec culture is present in districts, sites, buildings, structures and obje possess integrity of location, design, setting, materials, workmanship feeling and association, and:

A. that are associated with events that have made a significant contribution to the broad patterns of our history; or

B. that are associated with the lives of persons significant in our past; or

C. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

D. that have yielded, or may be likely to yield, information important in prehistory or history.

## TREATMENT

It is apparent that Medford contains resources that contribute signifi to the community's sense of place and character. This section outlines survey and inventory priorities and considers preservation strategies can establish effective methods of managing cultural resources.

## Future Survey/Inventory Priorities

The present study suggests that the top priority for future work must thorough and intensive inventory of Medford's historic resources with areas defined by the context document. Due to the size of the city's potential historic areas, it may be necessary to review them in seque most critical area to study is the Original Town. Estimates place de properties at approximately 400. A survey would determine which of t resources are significant. Contained within the Original Town are bot city's commercial core and neighborhoods which contain important olde dwellings. Field work should be conducted to record the architectural and historic significance for structures within this area. Additiona in order of review might be Clark-Narregan, Edwards-Beatty and the Ol Side --areas which experience redevelopment pressures. These should followed by Summit-Fairmount, Oakdale-Barr, Whitman Park and Siskiyou

## Protective Strategies

The City of Medford should institute measures to help protect and pre historic resources. Pressure on older structures has risen intensely development and these resources are frequently threatened with demoli replacement. Expanding commercial development and road expansion thr additional older neighborhoods. Continual vulnerability to fire, and inappropriate remodeling also compromise historic structures and freq result in a loss of integrity to both commercial and residential hist buildings.

Recommendations

Specific recommendations for protective strategies follow, arranged i
of priority. The City of Medford Oregon should:

1. Continue to apply for grant funds to carry out survey and inventor
for each of the identified study areas, the Original Town, Oakdale-Ba
Summit-Fairmount, Clark-Narregan, Beatty-Edwards, Whitman Park, Old E
and Siskiyou Heights. Establish protective ordinances and create mea
designate and protect historic resources.

2. Ensure upon completion of the any portion of the survey/inventory
that the final document is officially accepted by the City Council an
formal landmark designation is granted to significant properties.

69

I know these residences aren't on the historical register, but wondering in this neighborhood-wide historical context whether the Landmarks and Historic Preservation Commission could get involved, when considering their goals to:

- Safeguard Medford's historic, aesthetic, and cultural heritage as embodied in such buildings, structures, objects, sites and districts;
- Stabilize and improve property values of such buildings, objects, sites and districts;

Just some thoughts before tonight's meeting.

Thanks again for all of the help.

Best regards,
Sam

Sam Ackley, *Chief Operations Officer | Hunter Communications*
*Director/President | Oregon Joint Use Association Board*
*Voting/Founding Member | Northwest Telecommunications Association*
Direct: 541.414.1420
Fax: 541.494.0358
hunterfiber.com

HUNTER communications

**From:** Jim E. Huber [mailto:Jim.Huber@cityofmedford.org]
**Sent:** Tuesday, April 26, 2016 1:42 PM
**To:** 'Sam Ackley'
**Cc:** Kelly A. Akin; Terri L. Rozzana
**Subject:** RE: Public Hearing - File No. LDP-16-012 / E-16-034; LOT 371W29AA 4600 (2 White Oak Dr., 97504)

Sam,

We'll make sure that all of the Commissioners receive this.

Jim Huber

**From:** Sam Ackley [mailto:sackley@hunterfiber.com]
**Sent:** Tuesday, April 26, 2016 1:34 PM
**To:** Jim E. Huber
**Cc:** milliemae42@gmail.com; jaredpulver@pulverandleever.com; Tracy R. Carter; culby@cbprowest.com; rvtdtim@rvtd.org; foley_joe@msn.com; david.mcfadden@avistacorp.com; mark@or-architecture.com; Planning Department
**Subject:** Public Hearing - File No. LDP-16-012 / E-16-034; LOT 371W29AA 4600 (2 White Oak Dr., 97504)

Hi Jim-

Please find attached a letter in opposition to the above referenced proposal, set for public hearing this Thursday. Please note that I am addressing this issue as a property owner and not as a representative of Hunter Communications, as my wife and I live right down the street from 2 White Oak Drive with our 6 year old son.

I've cc'd all Commissioners for whom I had current email addresses, as well as Tracy Carter and the general City Planning Department e-mail address, but if you could please circulate our letter to the rest of the group (and any other involved parties) when you get the chance, we would greatly appreciate it.

My wife and I have some ongoing commitments (my mother started chemotherapy this week and we are on call for help and support), but we will do whatever we can to attend Thursday's meeting in person.

Thank you so much for your consideration, and please let me know if you have any questions or need any additional information whatsoever.

Best regards,
Sam

**Sam Ackley**, *Chief Operations Officer | Hunter Communications*
*Director/President | Oregon Joint Use Association Board*
*Voting/Founding Member | Northwest Telecommunications Association*
Direct: 541.414.1420
Fax: 541.494.0358
hunterfiber.com

HUNTER
communications

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WALTER L. CAUBLE
CHRISTOPHER L. CAUBLE
RACHELE R. SELVIG

MAX C. WHITTINGTON

CAUBLE, CAUBLE & SELVIG, LLP

ATTORNEYS AT LAW
111 S.E. SIXTH STREET
PO BOX 398
GRANTS PASS, OR 97528

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TOLL FREE (888) 870-8825
FACSIMILE (541) 471-1704

E-mail wcauble@thecaublefirm.com
www.thecaublefirm.com

LOUIS F. SCHULTZ, JR.
(1923-2004)
RAYMOND J. SALISBURY
(1925-2009)

RECEIVED
APR 28 2016
PLANNING DEPT.

April 27, 2016

City of Medford Planning Commission
200 South Ivy Street
Medford, OR 97501

***Re Project: 2 White Oak Partition & Exception***
***File # LDP-16-012/E-16-034***

Dear Commissioners:

I represent Larry and Phyllis Moore, of 130 White Oak Drive, Medford, Oregon, in connection with the above referenced matter. I ask that this letter of objections be placed in the record.

The Moores contacted me to represent them because of the adverse impact this proposed project would have on them. I have coordinated with the Moores' land use consultant, Bob Hart, and I concur with the objections he is submitting to the commission. I not only represent the Moores concerning the land use case presently pending, but also their interests regarding potential property damage and diminution of property values resulting from the project if it goes forward.

The Moores are proud homeowners in a neighborhood that is recognized as quiet, stable, characterized by beautiful mature landscaping and large lots. The proposed project would be an intrusive change of character that would likely be precedent setting. This undoubtedly would adversely affect the livability and property values of the residents.

Mr. Hart has addressed the multiple problems of street improvements, drainage, and setbacks. The existing drainage issue affecting my clients would not be resolved by the project, but in fact would be aggravated by the additional development. Although street improvements appear to be required by the City, they apparently would not be practical. The proposed findings state that the exception sought would retain the "consistency with the current nature and esthetics of the area without introducing incongruity with the existing mature streetscape." The request for the exception illustrates that the heart of the proposal does change the character of the area. The suspension of the rules only partly mitigate this change.

**CITY OF MEDFORD**
**EXHIBIT # II**
**File # LDP-16-012**

The preservation of the character of the area is the same argument we make against the proposal. It is such a radical change that the rules have to be suspended to make the project work. From the overall perspective of good common sense planning the proposed project should be denied in its entirety.

Respectfully submitted,

CAUBLE, CAUBLE & SELVIG, LLP

Walter L. Cauble

WLC:cw
cc: Larry & Phyllis Moore

RE: File LDP-16-012/E-16-034

This will ruin what the entire neighborhood is about.
I am very much against this.

RECEIVED
APR 28 2016
PLANNING DEPT.

Thank You

Brad Mayfield
140 white oak Dr.
(541) 324 4787

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

April 28,2016

RECEIVED
APR 28 2016
PLANNING DEPT.

City of Medford Planning Commission
File No. LDP-16-012/E-16-034

City of Medford Planning Commission and Department;

My family owns the home at 89 Fair Oaks Drive in Medford, a property that would be effected by the proposed development at #2 White Oak Drive. We are strongly opposed to this development for the following reasons.

- **Insufficient capacity of storm drain system** -The storm drain located at the South end of Fair Oaks Drive is 10" in diameter, which is smaller than the minimum 12" diameter mains that are specified in the City of Medford's Storm Drainage Requirements (10.485). That drain is located directly in front of our property.
    - We have been in our home for nearly 10 years and have found that, during periods of heavy rain, the existing storm drain is unable to sufficiently drain the water away from our property. On occasion, we have had standing water in our driveway.
    - Additional development would certainly overtax the existing system, which is below city code minimums.
    - The grade of our property slopes downward from the frontage on Fair Oaks Drive back to Holmes Park. We are concerned that, without significant improvements, the water directed from two more homes will flood our property beyond the driveway and into our home. We would be especially at risk during a rainy year.
- **Increased traffic and hazards** – The section of road where East Main, White Oak and Fair Oaks Drive meet is challenging. The road narrows, bends, there is a change in elevation, and multiple trees which inhibit visibility for drivers and pedestrians.
    - Our neighborhood is very populated with a number of walkers, bike riders, and drivers. An additional two households added to the mix would increase traffic hazards at this particular point.
- **Negative impact on neighborhood character and consistency** – Most of the homes in the immediate area of #2 White Oak are older constructions on larger lots. Our property is .34 acres and the home was built in 1958.
    - As we understand, the proposed development would have lots that are much smaller in size than the neighborhood norm. New construction would also be inconsistent with the character of our neighborhood, potentially impacting property values.

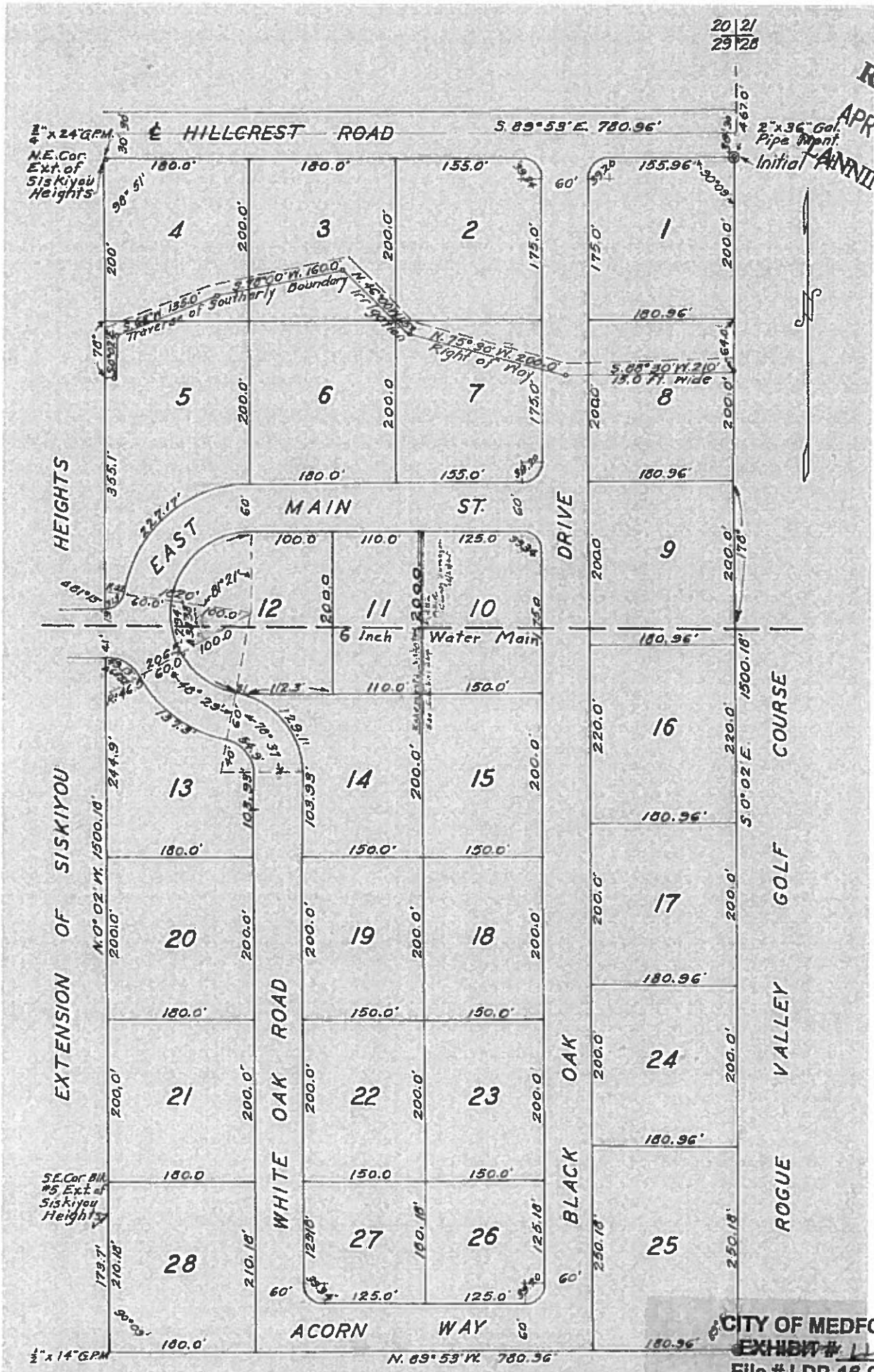
We appreciate your careful review and consideration of our concerns. We hope that the Planning Commission and the City of Medford will not allow this development to proceed.

Sincerely,

Rachelle D. Schaal

Michael L. DeRoest
89 Fair Oaks Drive, Medford, OR 97504

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




Note: Radius of all cu[illegible] nless otherwise noted.

Continuous Improvement Customer Service

RECEIVED
APR 28 2016
PLANNING DEPT

**CITY OF MEDFORD**

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).



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CITY OF MEDFORD
EXHIBIT # 11
File # LDP-16-012

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-feet 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.



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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*



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*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.

SDC & Permit Fees being assessed also cover

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.

One Unit is on Fair Oaks - additional roadway not required

5190 S.F. per Unit (2) on White Oak Road

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.

3 Lots=2x more
2 Lots=3x more
Not Proportional

2 Lots=2x more
3 Lots=1.5x



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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.

Non-uniform street improvements will detract.

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.

If a future LID is created new lots created will pay their fair share along with other LID owners.

The deferred street improvements for this minor development until a future LID is created will not diminish the benefits stated that currently exist

**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.

Dedications are now being provided for future LID

## 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



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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.



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### 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



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## 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.**



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**Tracy R. Carter**

| | |
|---|---|
| **From:** | Planning Department |
| **Sent:** | Friday, April 29, 2016 8:27 AM |
| **To:** | Tracy R. Carter |
| **Subject:** | FW: Proposed addition of 2 houses on White Oak |

RECEIVED
APR 29 2016
PLANNING DEPT.

Here is another testimonial that came into the Planning Department email last night at 7:06 p.m.

**From:** Marion Borchgrevink [mailto:mgbork1@gmail.com]
**Sent:** Thursday, April 28, 2016 7:06 PM
**To:** Planning Department
**Subject:** Proposed addition of 2 houses on White Oak

This is a lovely street and should be left as it is. The new housing additions are too close and we need to keep a little of Medford's charm in the older neighborhoods. I definitely oppose this change.

Marion E. Borchgrevink
--
*Marion Borchgrevink*

Virus-free. www.avast.com

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

**BEFORE THE MEDFORD PLANNING COMMISSION**

**STATE OF OREGON, CITY OF MEDFORD**

| | | |
|---|---|---|
| IN THE MATTER OF PLANNING COMMISSION FILE PUD-05-025 APPLICATION FOR REVISIONS TO BELLA VISTA PLANNED UNIT DEVELOPMENT SUBMITTED BY PAHLISCH HOMES, INC. | ) ) ) | **ORDER** |

ORDER denying a revision to the approved Preliminary PUD Plan 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.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.245(A), Revision of a Preliminary or Final Planned Unit Development Plan; and

2. The Medford Planning Commission has considered in an open meeting the applicant's request for a revision to the approved Preliminary PUD Plan 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; and

3. Evidence and recommendations were received and presented by the applicant's representative and Planning Department staff; and

4. After consideration and discussion, the Medford Planning Commission, upon a motion duly seconded, denied a revision to the approved Preliminary PUD Plan 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.

THEREFORE LET IT BE HEREBY ORDERED that the revision to the approved Preliminary PUD Plan 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, stands denied per the Planning Commission Report dated April 28, 2016.

Accepted and approved this 12th day of May, 2016.

CITY OF MEDFORD PLANNING COMMISSION

_____

Planning Commission Chair

ATTEST:

_____

Planning Department Representative

# PLANNING COMMISSION REPORT

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

| | |
|---|---|
| PROJECT | Bella Vista PUD Revision<br>Applicant: Pahlisch Homes, Inc. |
| FILE NO. | PUD-05-025 |
| DATE | April 28, 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.

***ACTION TAKEN***

***The Commission adopted staff findings #1 and directed staff to prepare a final order for denial of the revision to PUD-05-025 as per the Planning Commission Report dated April 28, 2016, including Exhibits A-O.***

**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

***N*** ***Letter from Candace Amborn received April 28, 2016***
***O*** ***Photographs submitted by Dana Henderson received April 28, 2016***
Vicinity map

**MEDFORD PLANNING COMMISSION**

_____
**Patrick Miranda, Chair**

**PLANNING COMMISSION AGENDA:** **APRIL 28, 2016**
**MAY 12, 2016**

50.3

RECEIVED
APR 28 2016
PLANNING DEPT.

April 28, 2016

Planning Commission

City of Medford

Hand Delivered

Re: File No. PUD-05-025

Revision of PUD Plan, Bella Vista Heights Subdivision

Dear Commission Members:

I oppose the revision of the PUD Plan as it does not allow for a landscape buffer as provided for in the original PUD and is customary in the neighborhood. The fence is in a PUE 10' Easement, an eyesore, and a detriment to the neighborhood. In addition, Pahlisch Homes, a sophisticated builder, erected the fence in blatant disregard for the existing PUD.

The builder's letter of March 8, 2016 in support of the fence states that it was necessary to provide privacy to the homeowners. However, this could have been accomplished by building a fence as provided for in the original plan, which consisted of a combination retaining wall, wrought iron fence, and landscaping. The houses sit very low, so most of the path is above their rooftops (see photo 4, attached). In addition, fast-growing bushes could be placed between the trees to provide additional privacy. The builder has taken the least expensive and least attractive option. While it may benefit the individual homeowners, the builder has done this without regard to the neighborhood.

In the alternative, an amendment to the PUD to allow for a wrought iron fence to be placed where the current fence is would at least maintain a visual landscape buffer. In addition, access to the trees would need to be maintained so they are not exclusively in the homeowners' yards.

Sincerely,

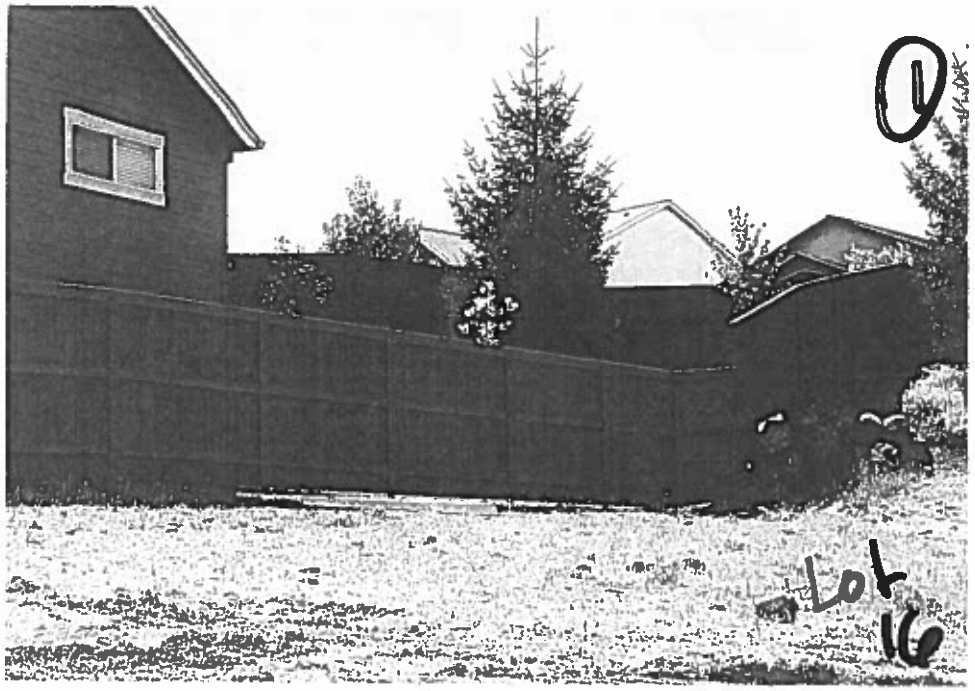
Candace Amborn

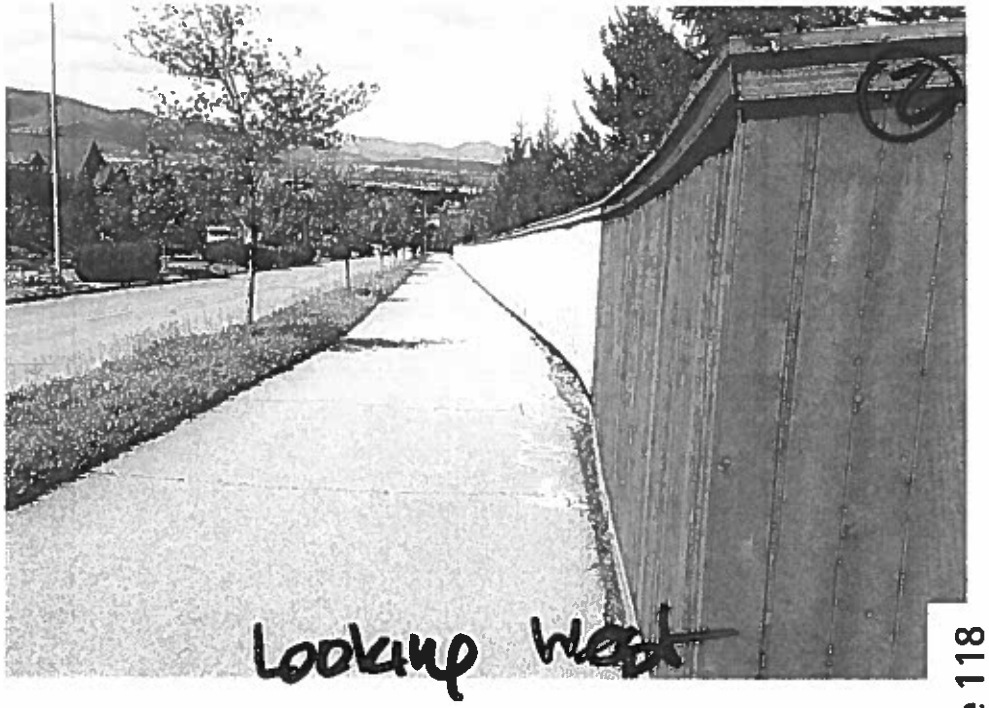
PO Box 580

Medford, OR 97501

Enclosure

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


1
Lot 16


2
Looking West

4
from Bilerno, other side of fence

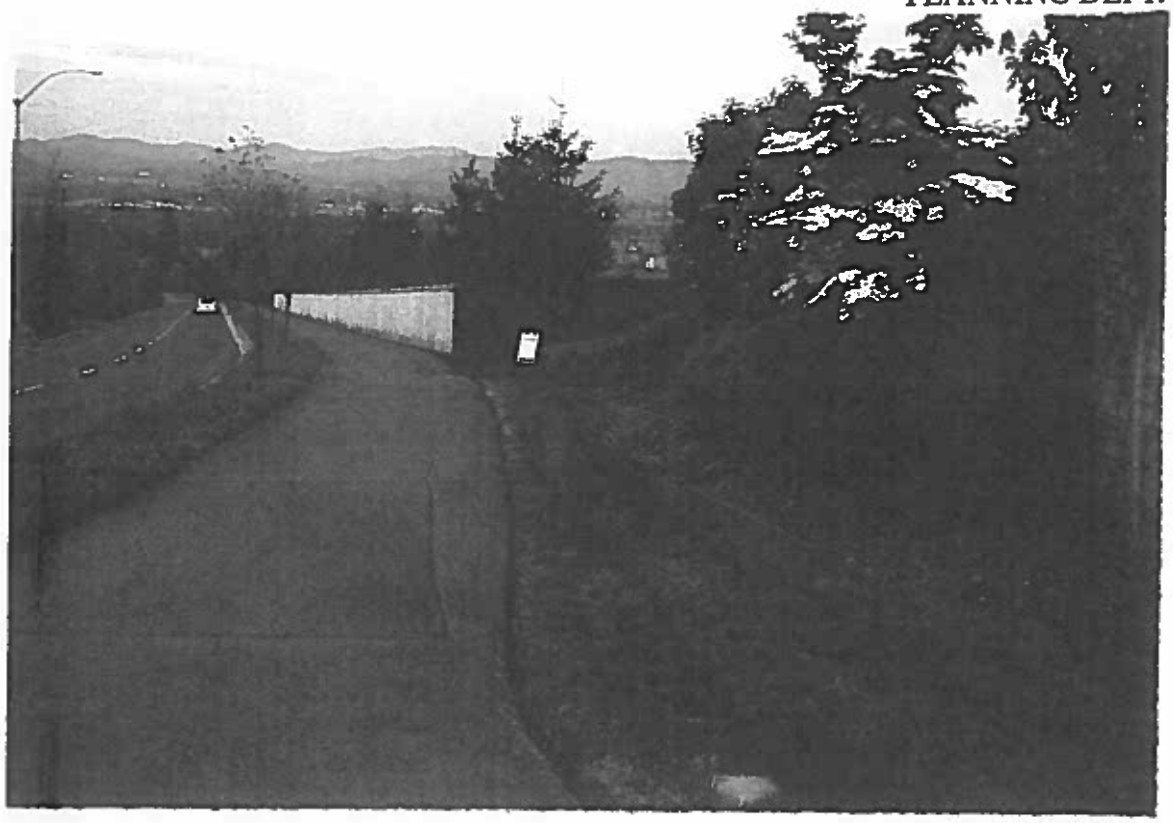
3
McAndrews. south side

BELLA VISTA HEIGHTS

RECEIVED
APR 28 2016
PLANNING DEPT.



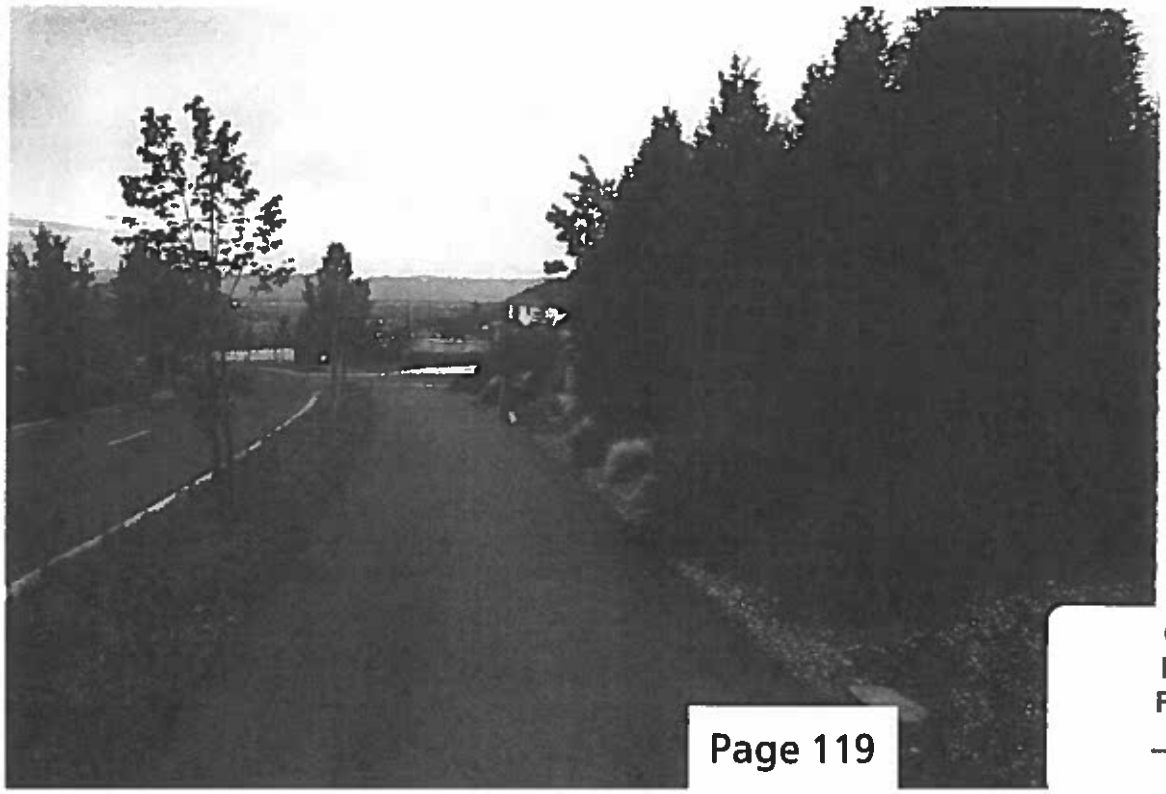
4-28-2016



NORTH ELEVATION (LOOKING DOWNHILL

NEW FENCE BEING REVIEWED

WEST SORRENTO ENTRANCE LANDSCAPIN



NORTH ELEVATION

EAST SORRENTO ENTRANCE LANDSCAPIN

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

BELLA VISTA HEIGHTS

NORTH ELEVATION (LOOKING UPHILL

NEW FENCE BEING REVIEWED

EXISTING TREE PLANTED BY DEVELOPER ON P.U.E.

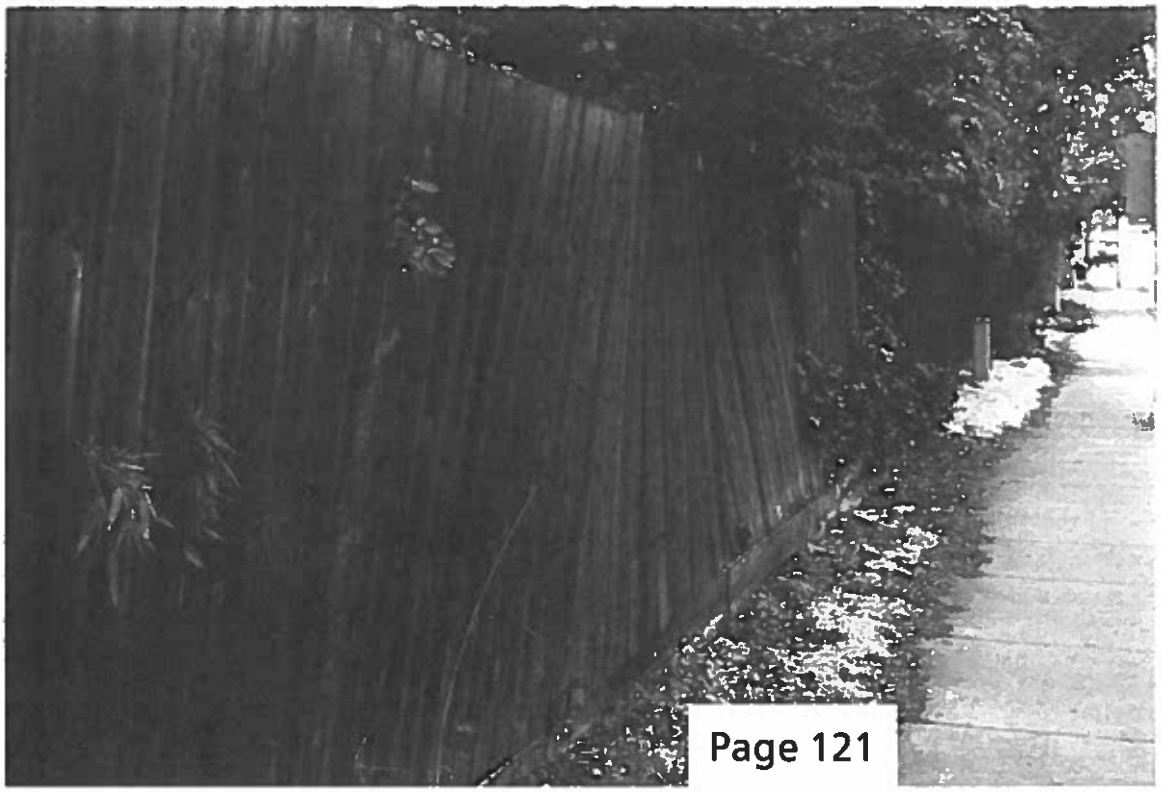
W/O FENCE

BEHIND TREES LOTS 11, 12, 13 STEEP SLOPE

BELLA VISTA HEIGHTS

BEHIND TREES

LOTS 11, 12, 13

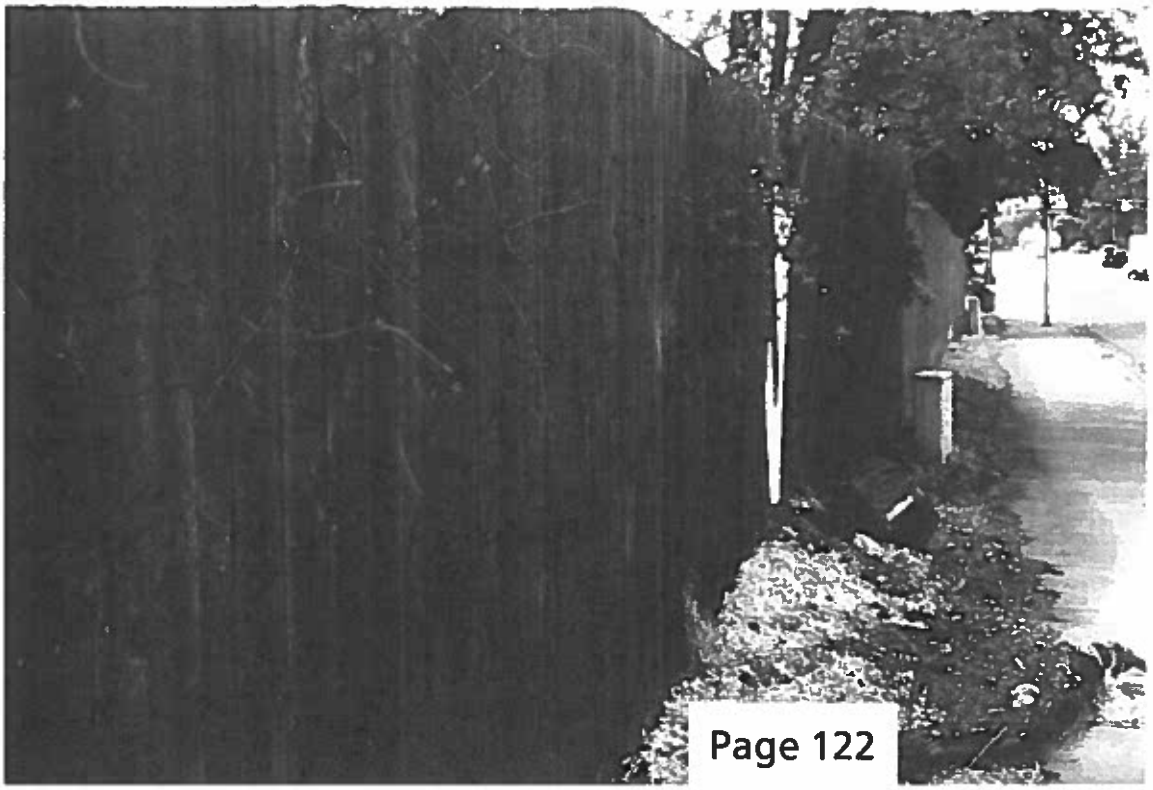


CRATER LAKE AVENUE

OLDER FENCE ABUTTING SIDEWALK

BELLA VISTA HEIGHTS

CRATER LAKE AVENUE



CRATER LAKE AVENUE

# REVISED STAFF REPORT

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

| | |
|---|---|
| PROJECT | Stonegate Estates PUD Revision<br>Applicant: Mahar Brothers Holdings, LLC<br>Agent: Richard Stevens & Associates |
| FILE NO. | PUD-00-116/CUP-04-109/LDS-16-045 |
| TO | Planning Commission *for May 12, 2016 hearing* |
| FROM | Sarah Sousa, Planner IV |
| REVIEWER | Kelly Akin, Principal Planner |
| DATE | May 5, 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<br>Single Family Residential – 10 dwelling units per gross acre |
| Overlays | Planned Development<br>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<br>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 is 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 oversize 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 May 12, 2016, including Exhibits A-1 through FF.

## EXHIBITS

A-1 Revised Conditions of Approval dated May 5, 2016
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-1 Public Works Staff Report (Land Division) received April 26, 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
FF Talent Irrigation District Response Form received April 11, 2016
Vicinity map

**PLANNING COMMISSION AGENDA:** **APRIL 28, 2016**
**MAY 12, 2016**

**EXHIBIT A-1**

Stonegate Estates
PUD Revision/CUP Revision/Land Division
PUD-00-116/CUP-04-109/LDS-16-045
Revised Conditions of Approval
May 5, 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-1);

3. Comply with the Medford Fire Department Report received April 6, 2016 (Exhibit U);

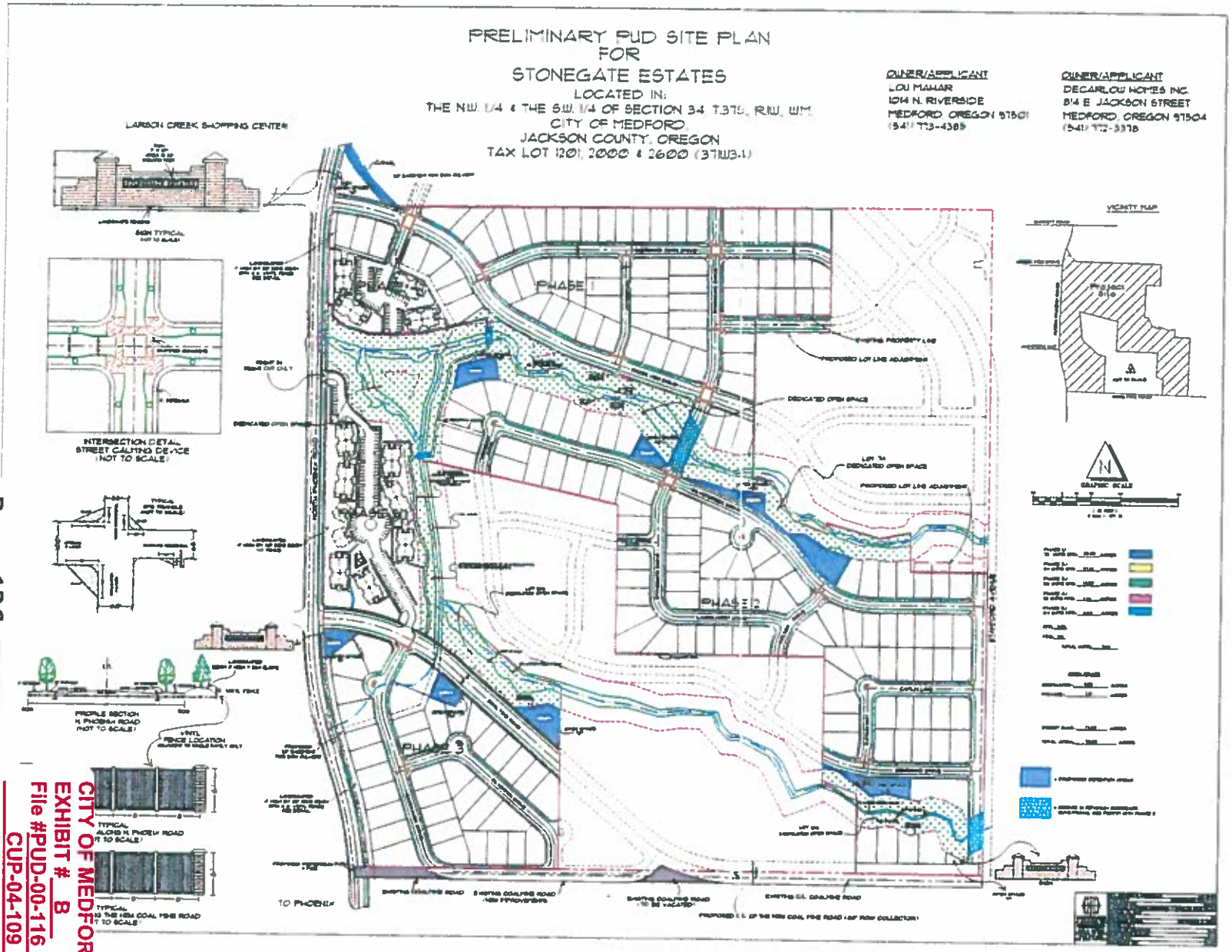
4. Comply with the Address Technician Memorandum received April 6, 2016 (Exhibit Y) regarding Phase 2C;

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).



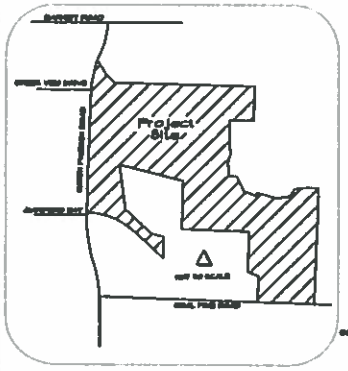
CITY OF MEDFORD
EXHIBIT # A-1
File #PUD-00-116 Revision
CUP-04-109 Revision
LDS-16-045




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

# PRELIMINARY PUD PLAN AMMENDMENT
FOR
## STONEGATE ESTATES
LOCATED IN:
THE N.W. 1/4 & THE S.W. 1/4 OF SECTION 34, T.37S., R.1W., W.M.
CITY OF MEDFORD,
JACKSON COUNTY, OREGON

VICINITY MAP





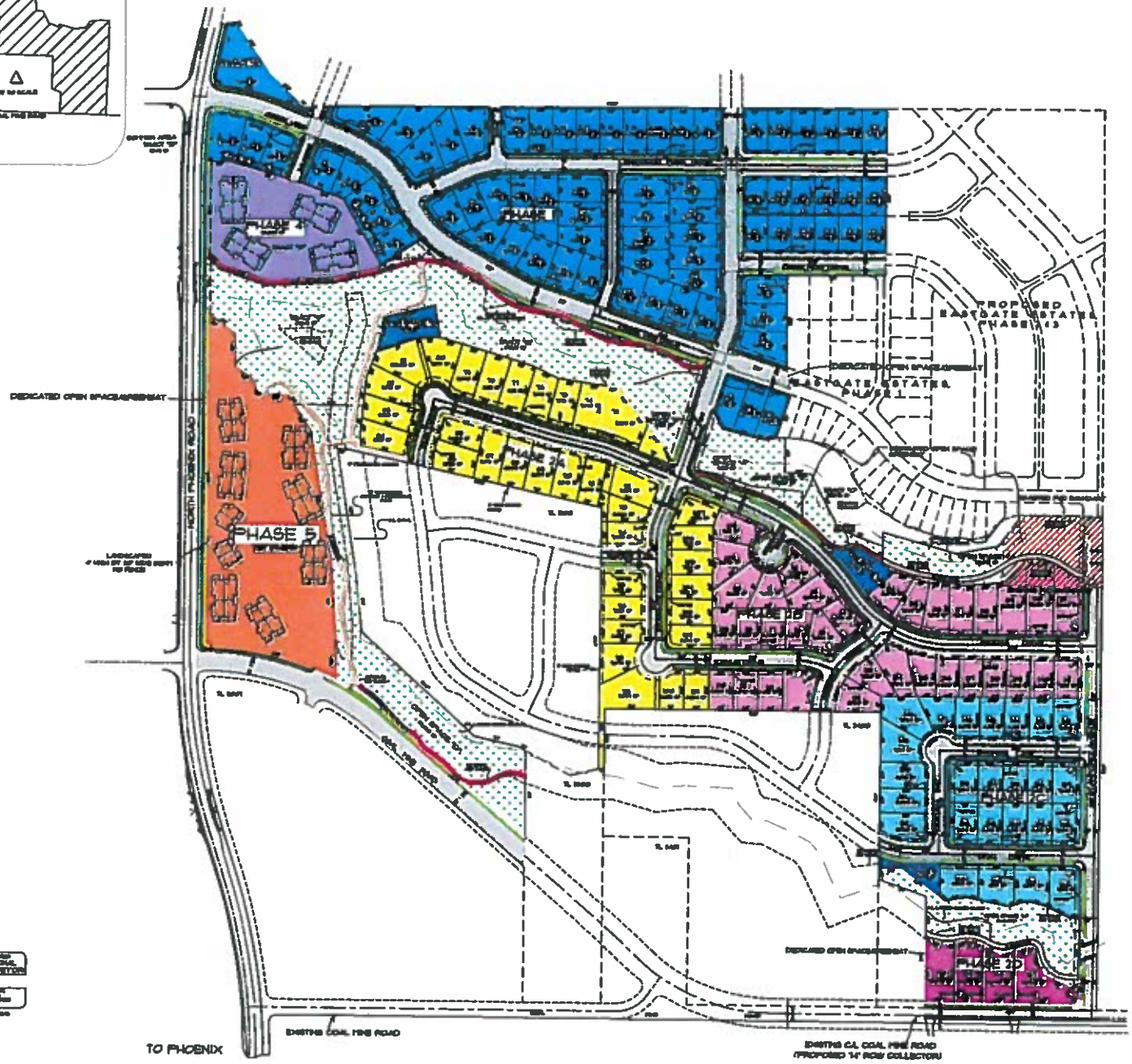
OWNER/APPLICANT
MAHAR BROTHERS CONST.
4102 SOUTHVIEW TERRACE
MEDFORD, OREGON 97504
(541) 608-9288

AGENT
RICHARD STEVENS & ASSOC., INC.
100 E. MAIN ST.
MEDFORD, OREGON 97501
(541) 773-2646

ENGINEERING
CEC ENGINEERING
132 W. MAIN ST. STE. 201
MEDFORD, OREGON 97504
(541) 779-8268

SURVEYING
HOFFBUHR & ASSOC., INC.
880 GOLF VIEW DR. STE. 201
MEDFORD, OREGON 97504
(541) 779-4641


FEBRUARY 12, 2016



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FEBRUARY 19, 201
PLANNING DEPARTMENT

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

OWNER/APPLICANT
MAHAR BROTHERS CONST.
4102 SOUTHVIEW TERRACE
MEDFORD, OREGON 97504
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HOFFBUHR & ASSOC., INC.
880 GOLF VIEW DR. STE. 201
MEDFORD, OREGON 97504
(541) 779-4641

FEBRUARY 12, 2016

# 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

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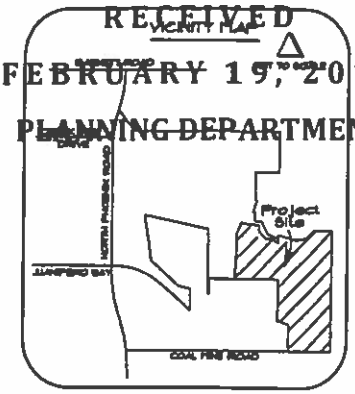
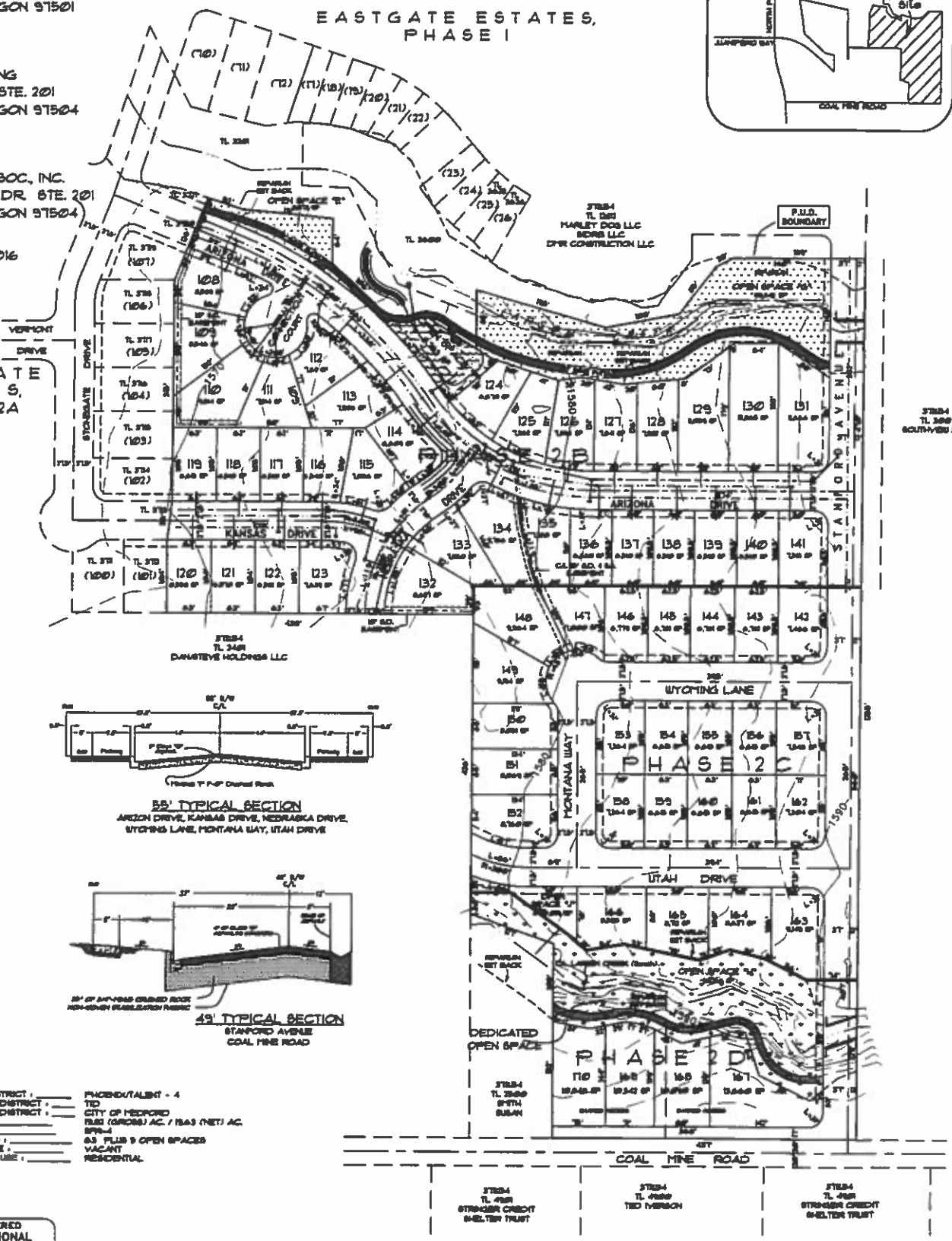
FEBRUARY 19, 2016
PLANNING DEPARTMENT




ADJOINERS

STREET-RED TL 3300 LOUIS P MAHAR
STREET-RED TL 3400 CITY OF MEDFORD
STREET-RED TL 3423 DFW CONST LLC
STREET-RED TL 3424 DFW CONST LLC
STREET-RED TL 3439 LOUIS P MAHAR
STREET-RED TL 3436 LOUIS P MAHAR
STREET-RED TL 370 MAHAR BROS CONST LLC
STREET-RED TL 372 MAHAR BROS CONST LLC
STREET-RED TL 373 CITY OF MEDFORD
STREET-RED TL 374 BOB FELLOWS CONST LLC
STREET-RED TL 375 ALLEN/BETTY ROSMAN
STREET-RED TL 376 MAHAR BROS CONST LLC
STREET-RED TL 377 MAHAR BROS CONST LLC
STREET-RED TL 378 MAHAR BROS CONST LLC
STREET-RED TL 379 BOB FELLOWS CONST LLC
STREET-RED TL 3700 CITY OF MEDFORD
STREET-RED TL 3701 MAHAR BROS CONST LLC



55' TYPICAL SECTION
ARIZON DRIVE, KANSAS DRIVE, NEBRASKA DRIVE, WYOMING LANE, MONTANA WAY, UTAH DRIVE



49' TYPICAL SECTION
STANFORD AVENUE
COAL MINE ROAD

| | |
|---|---|
| SCHOOL DISTRICT : | PHOENIX/TALENT - 4 |
| IRRIGATION DISTRICT : | TID |
| SANITATION DISTRICT : | CITY OF MEDFORD |
| AREA : | 15.83 (GROSS) AC. / 13.63 (NET) AC. |
| ZONING : | SFR-4 |
| NO. OF LOTS : | 63 PLUS 9 OPEN SPACES |
| EXISTING USE : | VACANT |
| PROPOSED USE : | RESIDENTIAL |

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 24, 1986
DAVID M. MINNICH
2340

EXPIRES 12/31/16

GRAPHIC SCALE

1 inch

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

37 W 34 T.L. 1201, 2500 & 2600

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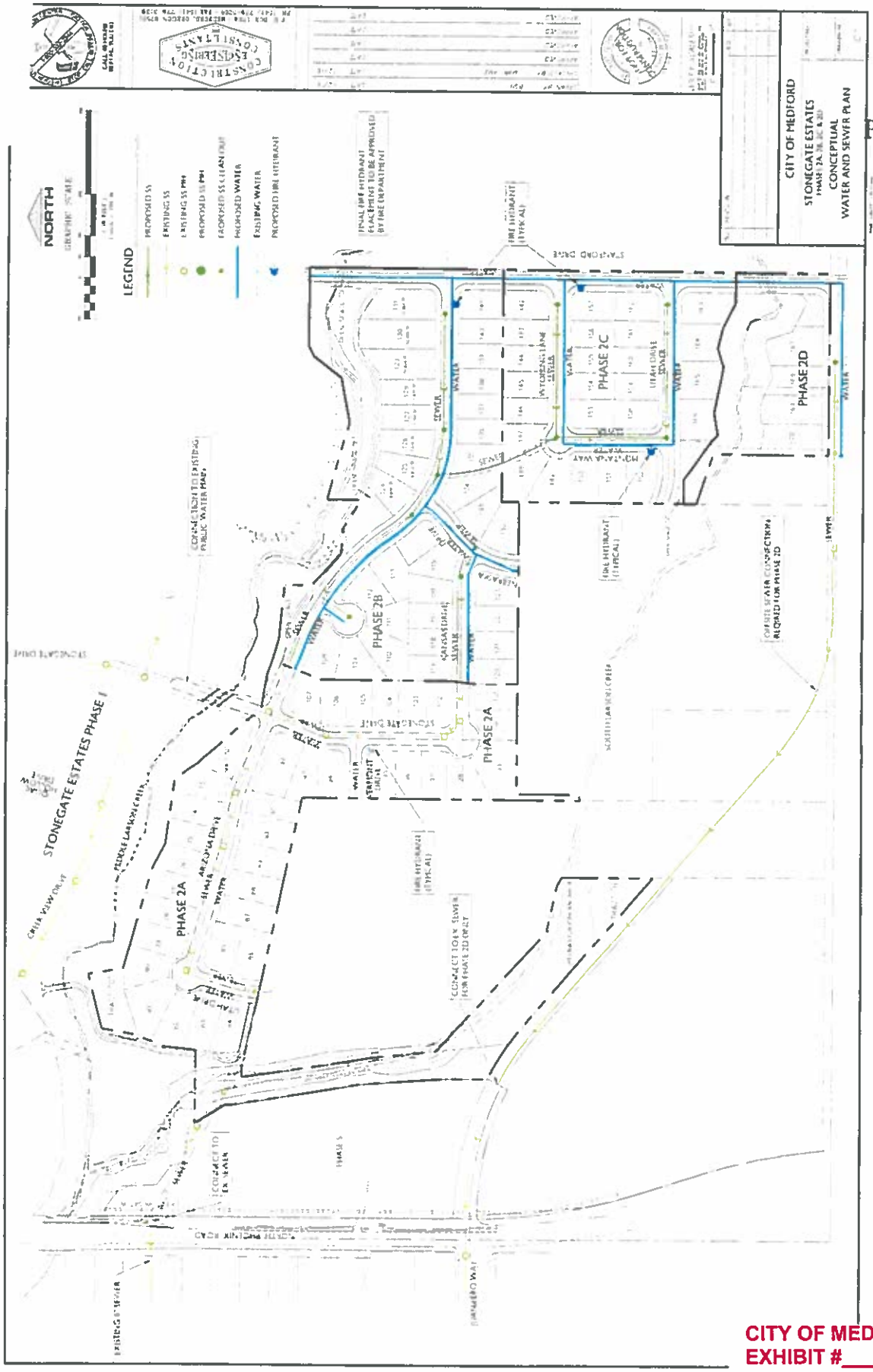
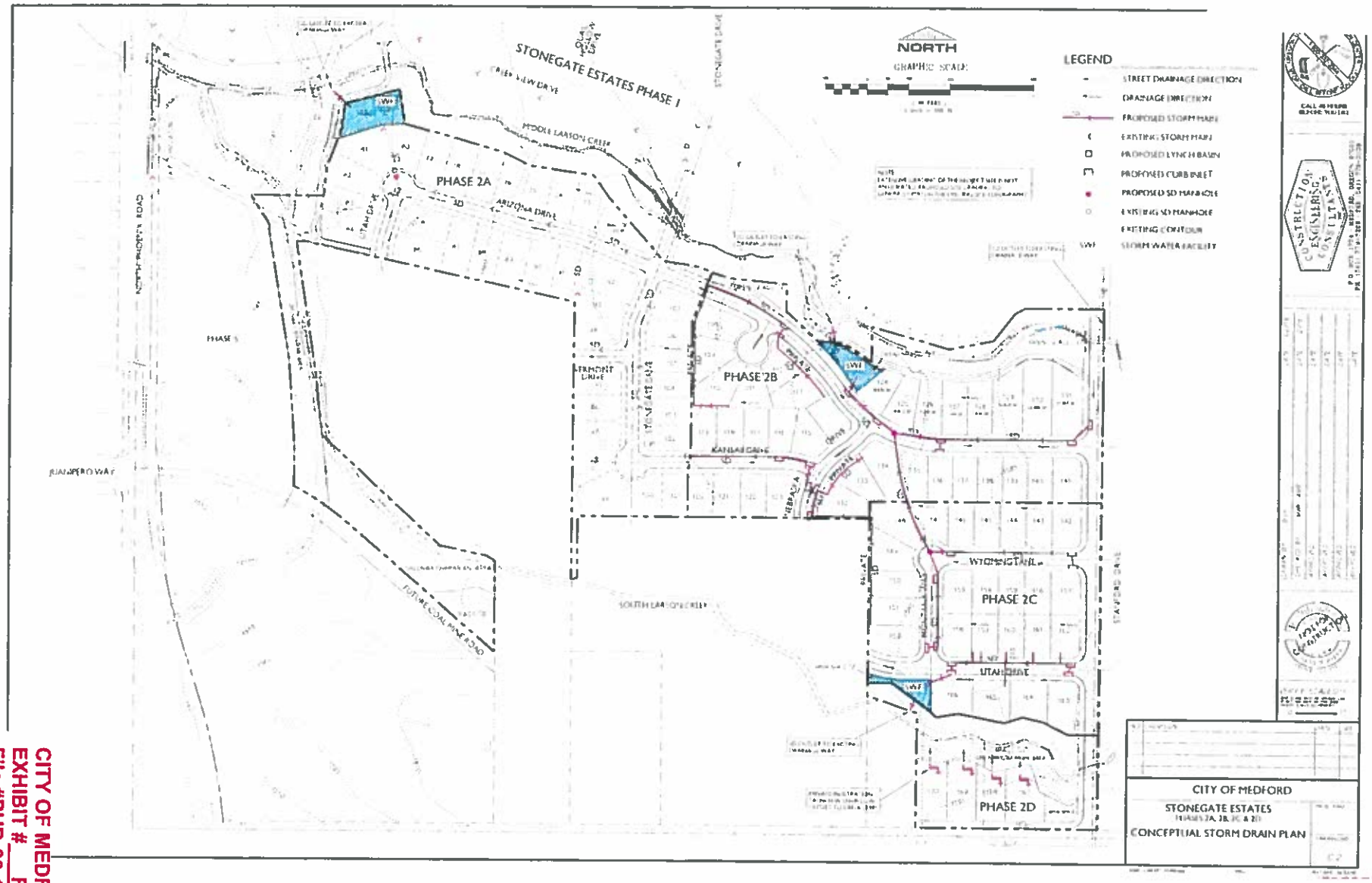
PLANNING DEPT.




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

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FEB 19 2016
PLANNING DEPT.

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 N½ 1/4 & THE S½ 1/4 OF SECTION 34, T.37S., R.1W., W.M.

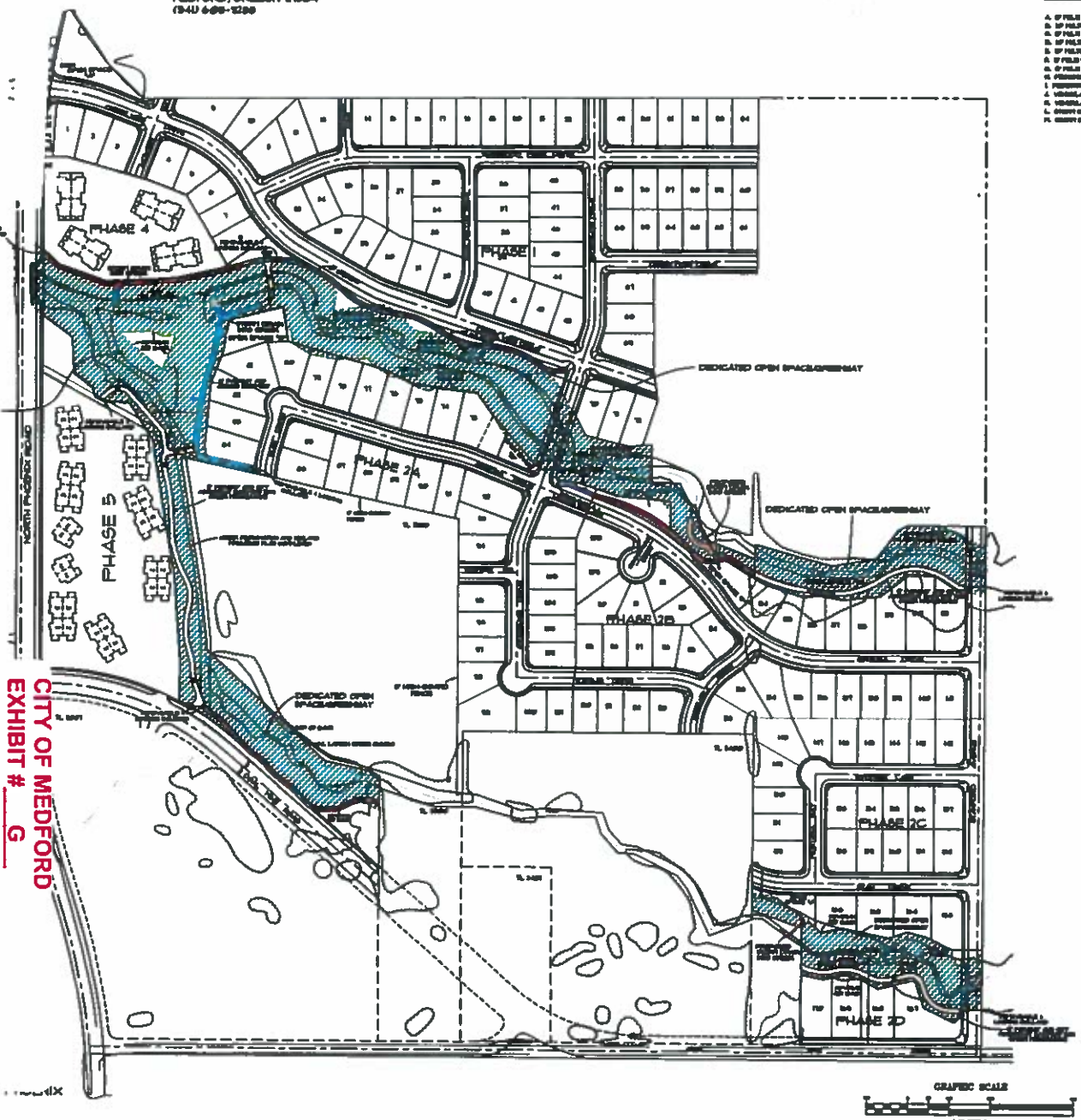
CITY OF MEDFORD,

JACKSON COUNTY, OREGON

TAX LOT 1201, 2000 & 2600 (37S1W34)

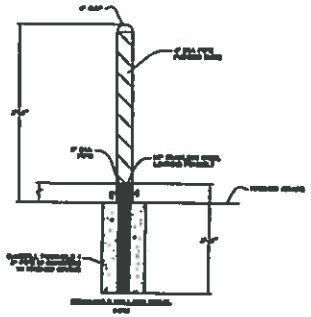
OWNER/APPLICANT
MAHAR BROTHERS CONST.
460 SOUTHVIEW TERRACE
MEDFORD, OREGON 97504
(541) 608-1280

RIPARIAN IMPROVEMENT CALCULATIONS




VICINITY MAP

LEGEND



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FEB 19 2016
PLANNING DEPT.

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

## GRADING

1. Co-ordinate with general contractor removal of debris 1 1/2" or larger and the removal of compacted rock and gravel in all planting areas in order to achieve planting areas where the subgrade standards 12" of usable soil. It may be required to add clean fill to achieve subgrade consisting of usable soil.
2. Placement of pea soil to be done in coordination with autumn weather conditions so as to prevent damage to soil structure.
3. Finish grade in drive areas to be a smooth even grade following the contours of the public land with the exception of the bio-swale. All finish grading to promote positive drainage away from structures and to be done in such a way as to eliminate ponding or collection of water.
4. Landscape contractor responsible for addressing any drainage problems encountered during the course of construction, with owners representative.
5. Provide owner with a per cubic yard quoted cost for additional soil.

## GENERAL NOTES

1. General preparation of site to include:
   A. Eradication of weeds through the certified application of herbicides, allowing adequate time for kill.
   B. Removal of all non-native species through mechanical means. This does not include the use of machinery that would affect the existing grade more than plus or minus 3" in any given area. The intent is to remove without significantly changing existing grade.
2. Subgrading to include: grading of existing soil and addition soil as necessary to achieve adequate positive drainage away from any structures and potential low areas.
3. All shrub beds to be brush raked to a smooth condition.
4. INCLUDE 365 DAYS OF MAINTENANCE from the day of acceptance, including but not limited to:
   A. Maintain planting beds in a healthy, weed free condition through a minimum of seasonal visits.
   B. Replace any materials showing signs of stress.
   C. Monitor irrigation for correct timing.
   D. Provide owner with complete set of instructions for continued care.

## IRRIGATION

1. An automatic irrigation system to be provided for all plant materials based on specifications with industry standards.
2. All materials are to be new and in original condition.
3. Place manual drain valves be needed at low points or manifolds.
4. Mainline should be located in area with least conflict with surrounding utilities.
5. All drip zones to use PVC laterals to locate a point of connection in each individual planting bed originating on a Drip Riser.
6. Shrub areas to be irrigated by drip irrigation:
   A. All surface drip tubing to be 1/2" poly tubing. Tubing zones to have consecutive zone. Tubing to buried a minimum of 3 3/4" and hold down every 5' with J-stakes.
   B. Rain Bird XB-10 Emitters to be placed at the outside edge of root zones of plants of the following size: 6- 10GPH emitters spaced equally around perimeter of root ball.
   C. All Drip zones to include a 200 mesh filter and 30lbs pressure regulator.
7. All trenching to be a minimum of 12" deep. Backfill is to be clean and free of any material larger than 1 1/2" in diameter. Backfill shall be adequately compacted and guaranteed against further settling.
8. Install one control valve located on component for each parcel.
9. Blowing to be provided under all hardscapes by permanent quick coupler for irrigation purposes.
10. Irrigation system to be guaranteed against defective materials or workmanship for one year from the date of final acceptance.
11. Provide owner with preliminary watering schedule for the established landscape.
12. Provide owner with complete set of written instructions for operation of sprinkler system including spring start up, winter shut-down, and winterization.
13. Walk owner through the entire system describing the operating instructions.

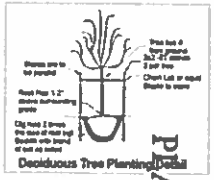
SHEET IS LESS THAN 30" x 42" IT HAS BEEN REDUCED AND IS NOT TO SCALE.

## PLANT LIST

| Common Name | Scientific Name | Size |
|---|---|---|
| **Trees** | | |
| Cherry, Hancock | Prunus cerasifera 'Hancock' | 1 G |
| Chinese Pistache | Pistacia chinensis | 1 G |
| Catalpa, Kentucky | Gymnocladus dioicus | 1 G |
| Hackberry, Sugarberry | Celtis occidentalis | 1 G |
| Locust, Honeylocust | Gleditsia triacanthos 'Inermis' | 1 G |
| Maple, Shantung | Acer truncatum | 1 G |
| Redbud, Western | Cercis occidentalis | 1 G |
| Southwest or Bosque Type | Chrysothamnus arborosus | 1 G |
| Zelkova, Green Vase | Zelkova serrata 'Green Vase' | 1 G |

## PLANTING

1. Plant material to be provided in accordance with minimum sizes and quantities indicated below. Substitutions to be made with the approval of owners representative and the City of Medford representative.
2. No planting to proceed until irrigation system is fully functioning in the area to be planted.
3. All plant holes to be dug 2 times the volume of their root ball size. Backfill shall consist of 1/3 organic mulch, 2/3 native soil, mycorrhizae supplement and 16-16-16 fertilizer as follows: 1 per 1 cu.
4. Plant upright and foliage to give best appearance or relationship to plants, structures and predominant viewing angle. Trees are to be placed so as to be straight up and down without the assistance of staking. Staking is solely for support against outside forces.
5. Loosen and remove burlap binding and twine from around top of root ball and base. Specify root balls of plants exhibiting a root bound condition, being careful not to damage the root balls integrity. Stake and gator trees immediately after the work.
6. Place and compact backfill soil mixture carefully to avoid injury to roots, and fill all voids.
7. Water trees to 3/4 field with soil, temporary dams and place water to form ovals of least two trees or more, as necessary to adequately water individual plants.
8. Guarantee plant materials and provide maintenance of installation, beginning after written completion of work, for one year.
   A. Replace plant material not surviving or in poor condition during guarantee period.
   B. Perform all replacement work in accordance with original specifications at no additional cost to Owner.
   C. Damage to bole of plant materials due to vandalism, freezing or bole of helped by others, is exempt from Contractor's replacement responsibility.




LANDSCAPE PLAN

Scale 1" = 60'

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MAR 09 2016
PLANNING DEPT.

Landscape by:
3004 Wells Fargo Rd.
Central Point, OR 97502
541-664-7005
medfordlandscape@yahoo.com

STONEGATE ESTATES PHASES 2B, 2C & 2D
STREET TREES
STONEGATE SUBDIVISION
MEDFORD, OREGON

STONEGATE STREET TREE PLAN

MAHAR BROTHERS
120 Bear & Peace Dr
Medford, Oregon 97504

LANDSCAPE PLAN

L101A

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

# TREE INVENTORY

For:

## STONEGATE ESTATES

(IN AREAS OF IMPACT BY IMPROVEMENTS)

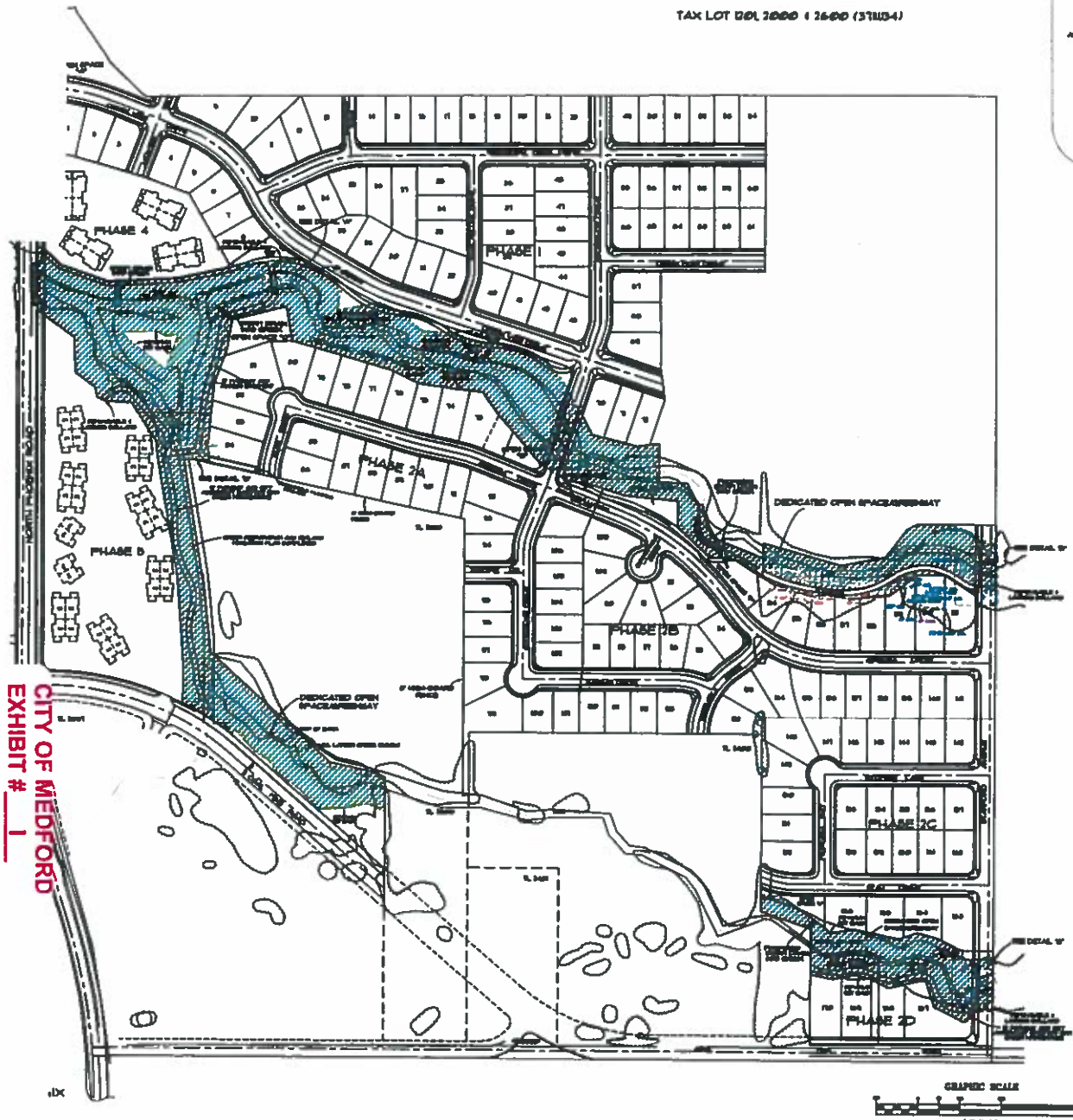
Located in:

THE N.W. 1/4 & THE S.W. 1/4 OF SECTION 34, T.37S., R.1W., W.M.

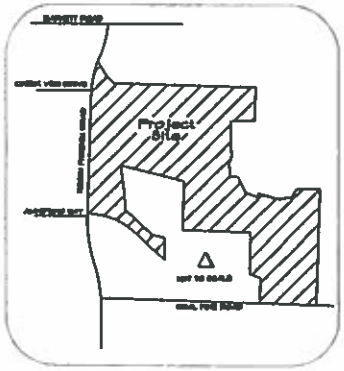
CITY OF MEDFORD,

JACKSON COUNTY, OREGON

TAX LOT 1201, 2000 & 2600 (371W34)




VICINITY MAP



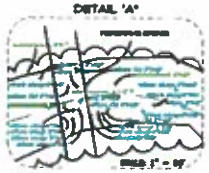

OWNER/APPLICANT
MAHAR BROTHERS
4421 SOUTHVIEW TER
MEDFORD, OREGON
(541) 608-1288

EXISTING NATIVE VEGETATIO

LANDSCAPING NOTES:

CLEARING LIMIT NOTES

DETAIL 'A'



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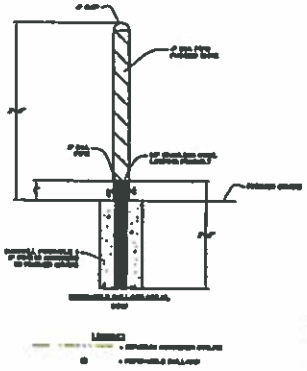

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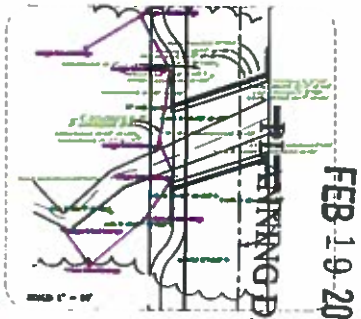

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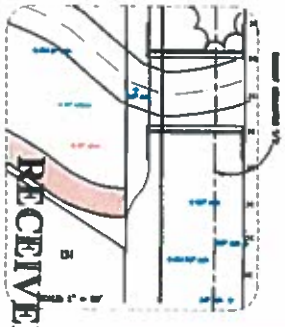

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PLANNING DEPT.

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 |
|---|---|---|---|
| 8 | Aster Red | Aster nova | 1 1/2" |
| 8 | Cedar Waxwing | Cornus sericea | 6-8' |
| 6 | Dogwood, Red Osier | Cornus stolonifera | 3' |
| 15 | Ocean, Western | Mahonia aquifolia | 3' |
| 15 | Rose, Nootka | Rosa nutkana | 3' |
| 13 | Switch, Cloud Nine | Pennisetum alopecuroides 'Cloud Nine' | 3' |

Drainage Swale Hydro-seed mix For the slopes entire only
70% Blue Fescue Festuca
30% Creeping Red Fescue
NOTE: Hydro-seed in areas of trees canopy as well as hatched areas

Plant 3' plugs of Home Fescue - Festuca 'Idahoensis' one for every Square Foot of area within the hatched space
Plugs are to be mature and fully rooted
NOTE: Planting in areas of trees canopy as well as hatched areas

## PLANTING

1. Plant material to be pre-set in establishment with specific sizes and quantities indicated below. Substitutions to be made with the approval of landscape architect.
2. No planting is permitted until irrigation system is fully functioning or the area to be planted.
3. All plant holes to be dug 2 times the volume of their root ball size. Backfill shall consist of 1/2 organic mulch, 2/3 native soil, mycorrhizal supplement and 16-16-16 fertilizer as follows:
   1 gal 1oz
   5 Gallon 2oz
   larger 4oz
4. Plant upright and form to give best appearance or relationship to plants, structures and predominant viewing angle. Trees are to be planted so as to be straight up and down without the assistance of staking. Staking is merely the support against outside forces.
5. Loosen and remove twine, binding and burlap from around top of stem root ball. Shortly root balls of plants exhibiting a root bound condition, being careful not to damage the root balls integrity. Stake and guy trees immediately after this work.
6. Place and compact backfill and mulch carefully to avoid injury to roots, and fill all voids.
7. Water hose at 3/3 filled with soil, compacting each and allow water to seep away at root ball bases to drain. Be necessary to compactly water individual plants.
8. Guaranteed plant maintenance and repair: establishing of installation, beginning after written acceptance of work, for one year.
   A. Replace plant material not surviving or in poor condition during guarantee period.
   B. Perform all replacement work in accordance with original specifications at no additional cost to Owner.
   C. Damage or loss of plant material due to vandalism, freezing or acts of neglect by others, to exempt from Contractor's maintenance responsibility.

## GENERAL CONSTRUCTION NOTES

1. General preparation of site to include:
   A. Eradication of weeds through the specified application of herbicides, allowing adequate time for kill.
   B. Removal, from site, of all existing surface rock or planting beds.
2. Drainage Detention Swale preparation:
   A. Swale grading and preparation to be per Civil Engineers Specifications.
   B. Field grade to include bringing sides to an even, smooth grade removing hard or soft areas that might impede drainage or cause ponding. See Grading Notes for additional soil preparation information.
   C. Drainage swale planting banks to be hydro seeded with:
      Grass seed see here seeing
      Wood Fiber Mulch — 1lbs per 1000 sq ft
      Quick Tackifier — 40lbs per 1000 sq ft
      Slow Release Granular Fertilizer 16-16-16 — 1 1/4 lbs per 1000 sq ft
      Bulldog MAXX — 10lbs per 1000 sq ft
      Per Manufactures Specifications
   See Hydro Detail for locations and brand.
   D. See Hydro Detail for Swale Bottom planting.
3. Plan in diagrams and measurements should be distributed on-site. Any changes are the responsibility of the contractor to be consistent with the owner's representative.
4. INCLUDE 365 DAYS OF MAINTENANCE from the day of acceptance including but not limited to:
   A. Maintain planting area in a healthy, weed free condition through a minimum of seven visits.
   B. Replace any missing/dying signs of stress.
   C. Monitor irrigation for correct timing.
   D. Provide owner with comments list of maintenance for completed area at the end of the maintenance period.

## GRADING

1. Landscape contractor to include removal of excess 1 1/2" or larger and the removal of compacted rock and gravel in all planting areas in order to achieve planting areas where the subgrade consists 12" of native soil and soil General Notes for additional conditions. Native soil may include existing soil when it is amenable of soil that will promote the healthy growth of plant materials and that is devoid of contaminant content as determined by landscape architect. Least acceptable step is not contaminated native. Grade to specifications as estimated by engineering drawings.
2. If the native soil areas from on-site work, on-or adjacent job 6" and import approved topsoil to establish finish grade as defined by engineering documents. Place on 3" compacted (4" loose) lift and blend with native material. Then place second 3" compacted (4" loose) lift.
3. Once subgrade is established the Landscape Contractor is to add mature compost at a rate of 3 lbs per 1,000 sq ft, and then rip to blend with top soil to a depth of 8".
4. Placement of any soil to be done in coordination with outdoor weather condition so as to prevent damage to soil structure.
5. Grade and additional information for grading plan is below ground from Civil Engineer.

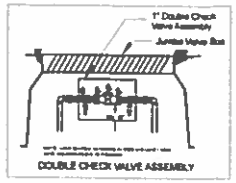
## IRRIGATION LEGEND

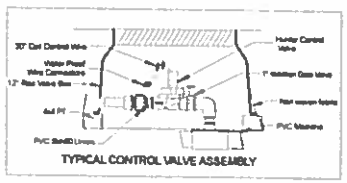
- Valve number / GPM
- Valve size & output
- Hunter PGV-101 1" gasket control valve with DC solenoid (equivalent)
- Toro DDCAP 4 station battery operated controller. Mount in valve box
- 1" Double Check Wilkins model 350XL
- Hunter I-20-12 12" popup rotary sprinklers with 04 0 nozzles. Unless otherwise noted at head. Run full circle zone lines the same as hot circle zones
- 1" Wilkins Pressure Regulator 600XL or approved equal. Set to 55psi outflow
- 1/2" Manual Angle Drain located at the point of mainline
- Mainline PVC Pipe. Sch 40 all pipe not noted 1 1/4" in size. Bedded as noted
- Laterals PVC Pipe Class 200 all pipe not noted 1" in size

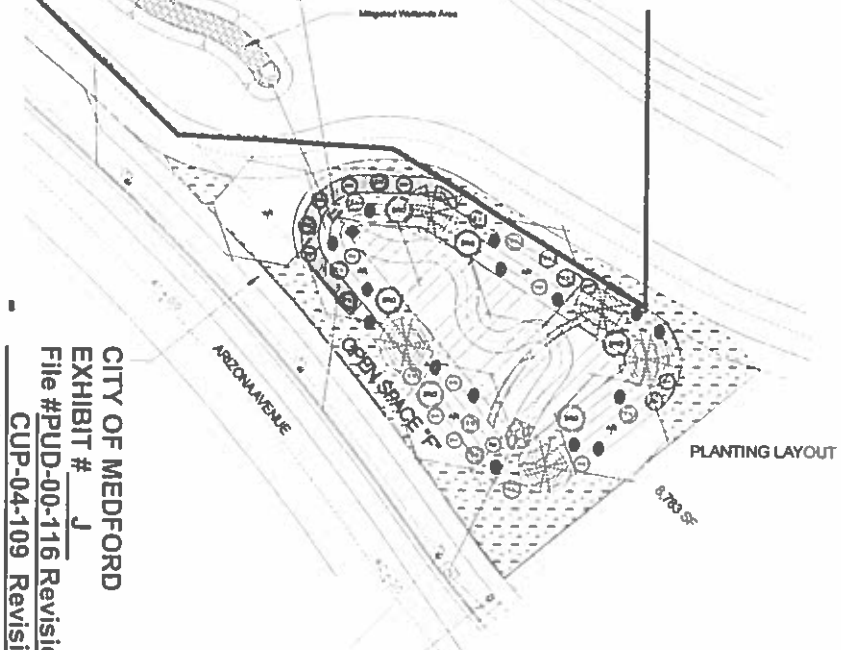
All PVC mainlines to be buried a minimum of 12" deep with brown backfill. Laterals to be buried a minimum of 12" deep with brown backfill.

## IRRIGATION NOTES

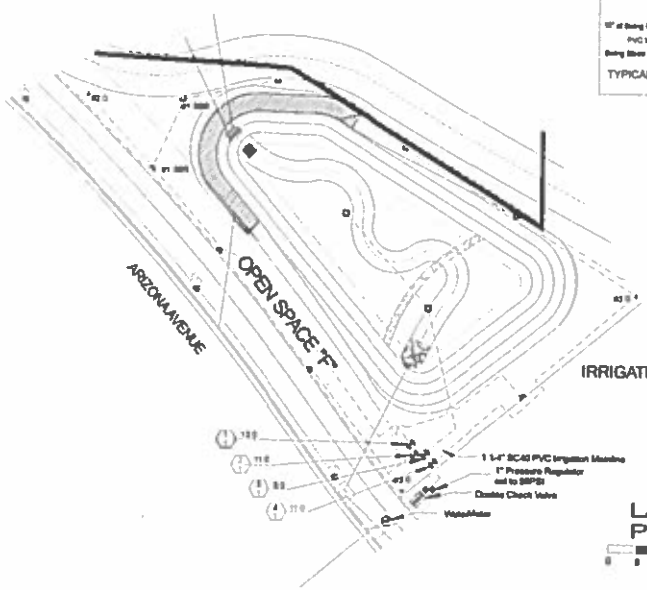
1. Mainline should be created in area with least conflict with surrounding utilities. Mainline location on plan for ease of interpretation.
2. Layout of sprinkler heads in all areas to be based on a head to head coverage configuration starting from the perimeter and working towards the interior of the space to be watered.
3. Hunter I-20 series heads in Spray patterns and to be adjusted to achieve appropriate coverage and to prevent overspray on adjoining walks, paving and structures. Zone with full circle heads to be run twice as much time as those with part circle heads.
4. Backflow to be clean and devoid of debris, rocks or adjacent larger than 1 1/2" in diameter.
5. Place manual drain valves as required at the points in mainline.
6. Control wires, 14ga minimum, to be located below all piping in any ditch. Any wire splices are to be located in a minimum of a 12" round valve box. Power control wires to be red, common to be white. Test bundled wire together every 5' before pouring in ditch.
7. Check location in a separate valve box adjacent to control valves.
8. Provide owner with instructions on fault locating all valves, wire splices, main line and any blowing.
9. Provide owner with preliminary watering schedule for the established landscape.
10. Provide owner with complete set of written instructions for operation of sprinkler system including spring start up, shut operation and winterization.
11. Walk owner through the entire system describing the operating instructions.




PLANTING LAYOUT




IRRIGATION LAYOU

LANDSCAPE PLAN

SCALE 1" = 16'

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

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MARCH 9, 2016
PLANNING DEPARTMENT

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



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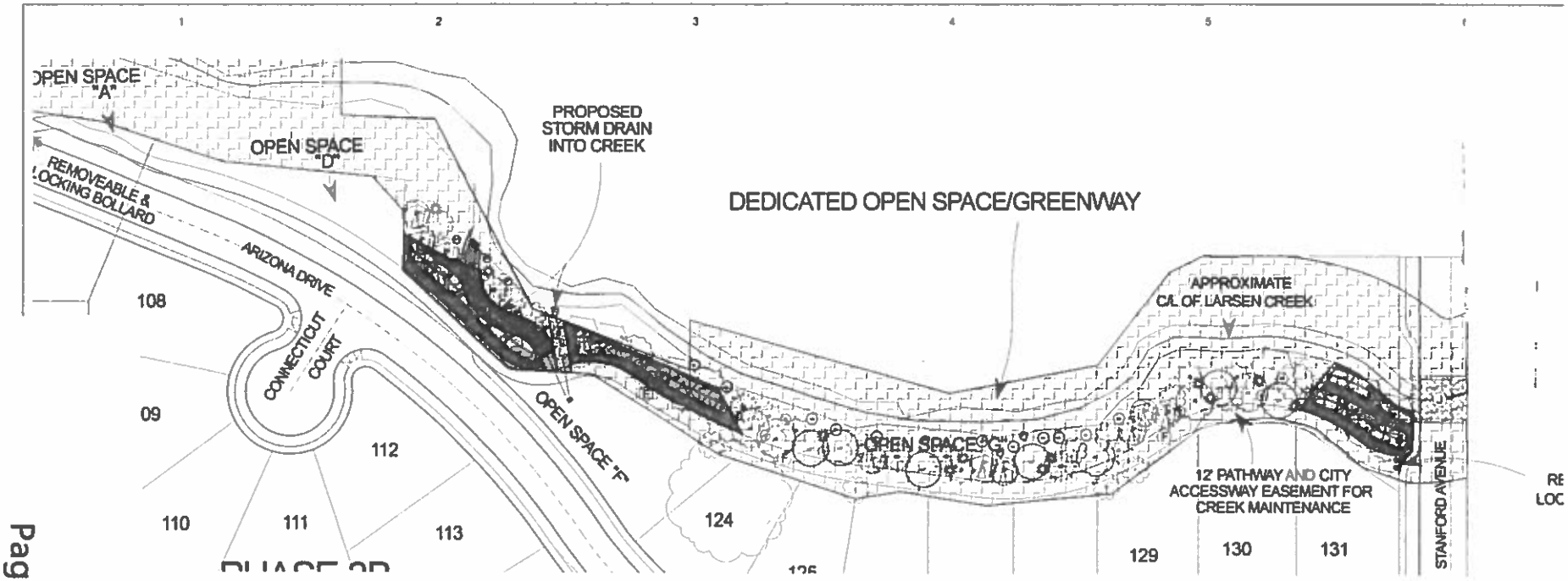
STONEGATE PHS 2B
STORMWATER POND
OPEN SPACE 'F'
MEDFORD, OREGON

STONEGATE PHS 2B

MAHAR BROTHERS
138 SACKS TRACE DR
MEDFORD OREGON 97504

LANDSCAPE PLAN

L-101B



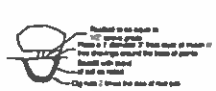

## PLANT LIST

| Quantity | Common Name | Botanical Name | Size |
|---|---|---|---|
| | **Trees** | | |
| | **Riparian** | | |
| 8 | Ash, Oregon | Fraxinus latifolia | 1" |
| 4 | Maple, Bigleaf | Acer macrophyllum | 1" |
| | **Lowland** | | |
| 9 | Hawthorne, Pacific | Arbutus menziesii | 1" |
| 7 | Oak, Garry | Quercus garryana | 1" |
| 8 | Pine, Ponderosa | Pinus ponderosa | 10" Cont. |
| | **Understory** | | |
| 10 | Cherry, Bitter | Prunus emarginanda | 10" Cont. |
| 14 | Chokecherry, Western | Prunus fusca "Western" | 10" Cont. |
| 41 | Hawthorn, Black | Crataegus douglasii | 10" Cont. |
| | **Shrub** | | |
| 7 | Currant, Red Flowering | Ribes sanguineum | 10" Cont. |
| 12 | Dogwood, Redtwig | Cornus stolonifera 'Isanti' | 10" Cont. |
| 19 | Rosa nutkana | Andromedophylla ovata var. | 4" Pot |
| 14 | Snowberry, Creek Gold | Physocarpus opulifolius orbiculatus | 10" Cont. |
| 14 | Rose, Nootka | Rosa nutkana | 10" Cont. |
| 11 | Willow, Hooker | Salix hookeriana | 10" Cont. |

Total plant count is a function of the required numbers of plants per square foot as earned on the formula of 1 plant for every 64 sq. ft of riparian mitigation. There are a total of 6,249 sq. ft of mitigated area divided by 64 sq. ft for a total of 1.65 plants. There are 72 Trees planned and 73 Understory Shrubs.

## PLANTING

1. Plant materials to be provided in accordance with species, sizes and quantities indicated below. Substitutions to be made with the approval of owners representative and the City of Medford representative.
2. No planting to proceed until irrigation system is fully functioning in the area to be planted.
3. All plant holes to be dug 2 times the volume of their root ball plus. Backfill plant cavities of 1/3 organic mulch, 2/3 native soil, mycorrhizae supplement and 16-16-16 fertilizer as follows: 1 per hole.
4. Plant upright and base to give best appearance or screening to adjacent structures and predominant viewing angle. Trees are to be planted so as to be straight up and down without the assistance of staking. Staking is solely for support against outside forces.
5. Loosen and remove burlap, packing and burlap from ground top of small root ball. Security root balls of plants containing a root bound condition, being careful not to damage the root balls integrity. Stake and give trees immediately after this work.
6. Place and compact backfill soil mixture carefully to avoid injury to roots, and fill all voids.
7. Water trees to 2/3 filled with soil, completely soak and allow water to soak away at least two times or more, as necessary to completely water individual plants.
8. Guarantee plant materials and related workmanship of installation, beginning after written acceptance of work, for one year.
   A. Replace plant material not surviving or in poor condition during guarantee period.
   B. Perform all replacement work in accordance with original specifications at no additional cost to Owner.
   C. Damage or loss of plant materials due to vandalism, breaking or acts of neglect by others, is exempt from Contractor's responsibility/warranty.
9. Protect plants with 4' x 30" Bending Protection T-posts, hole punch with 3- stainless metals 2 ft long penetrating the soil 6-8".




PLANTING DETAIL

## GENERAL NOTES

1. General preparation of site to include:
   A. Eradication of weeds through the certified application of herbicides, allowing adequate time for kill.
   B. Removal of all non-native species through displacement means. This does not include the use of machinery that would affect the existing grade more than plus or minus 3" in any given area. The intent is to remove without significantly changing existing grade.
2. Backgrading to include grading of existing soil and addition and as necessary to achieve adequate positive drainage away from any structures and potential low spots.
3. All shrub beds to be fresh raked to a smooth condition.
4. INCLUDE 365 DAYS OF MAINTENANCE from the day of acceptance, including but not limited to:
   A. Maintain planting area in a healthy, weed free condition through a minimum of monthly visits.
   B. Replace any missing/ showing signs of stress.
   C. Monitor irrigation for proper timing.
   D. Provide owner with complete list of instructions for continued care.
5. ODFW requires an additional 4 years of monitoring of plantings for health and vitality. This includes the yearly replacement of plants that die and the removal of competing vegetation. This includes the replacement of plant materials damaged by freezing, ants of nature or equipment based on the initial installation plantings.
6. During 1st full planting season, September to October, broadcast spread Pro-Time 420 Inoculant Green Mix seed mix at a rate of 1 lb per thousand square feet of planting area over all of trees being encompassed with new plantings.
7. See Sheet L102 for irrigation Details and additional information.

## GRADING

1. Co-ordinate with general contractor removal of debris 1 1/2" or larger and the removal of compacted soils and gravel in all planting areas in order to achieve planting areas where the subgrade contains 12" of native soil. It may be required to add water 48 hr to achieve subgrade consisting of visible soil.
2. Placement of any soil to be done in accordance with available weather condition so as to prevent damage to soil structure.
3. Finish grade in shrub areas to be a smooth even grade following the contours of the existing land with the exception of the pre-swale. All finish grading to provide positive drainage away from structures and to be done in such a way as to prevent pooling or collection of water.
4. Landscape contractor responsible for addressing any drainage problems encountered during the course of construction, with owners representative.
5. Provide owner with a per cubic yard present cost for additional soil.

## IRRIGATION

1. A temporary automatic irrigation system to be provided for all plant materials in accordance with industry standards. To be in place long enough to support the establishment of newly planted materials and removed once established. System is intended to perform at 20 gpm and 60 psi. Confirm on-site before proceeding.
2. All materials are to be new and in original condition.
3. No zone shall exceed 20gpm.
4. Working piping 1 1/2" SchEpipe buried 18" down on each side of mitigated area.
5. Lateral piping of 1/2"pvc utility grade poly pipe. No smaller than 1" diameter and. Laid on the surface and held in place every 10' with staples formed from 3/8" rebar 18" long bent to have one end 3" and the other 12".
6. Sprinkler heads to be Hunter PGS shrub heads with 05 nozzles for the 1-10ft(s) and #8 for 360deg configuration. Set on 6" SchS0 pvc risers rising out of tees and attached to 24" long pieces of 3/8" rebar with 30 hose clamps. Rebar driven 18" into ground.
7. Layout of sprinkler heads to provide areas to be hosed on a head to head coverage configuration.

NO EXCEPTIONS

8. All trenching to be a minimum of 18" deep. Backfill is to be clean and free of any material larger than 1 1/2" in diameter. Backfill shall be adequately compacted and guaranteed against further settling.
9. Sidewalks damaged to be affected by sprinkler work, including to installations for additional shrub materials.
10. Control valves are to be a minimum of 1-tags and spaced with water proof connections only.
11. Repairing to be provided under all hardscapes by general contractor for irrigation purposes.
12. Irrigation system to be guaranteed against defective material or workmanship for one year from the date of final completion.
13. Contractor shall furnish to the Owners Representative and deploy of as built notes on the contract drawings to the Owners Representative prior to the final approval.

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LANDSCAPE PLAN

Scale 1" = 30'

SHEET IS LESS THAN 30" x 42" IT HAS BEEN REDUCED AND IS NOT TO SCALE.

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

Page 145

REGISTERED LANDSCAPE ARCHITECT

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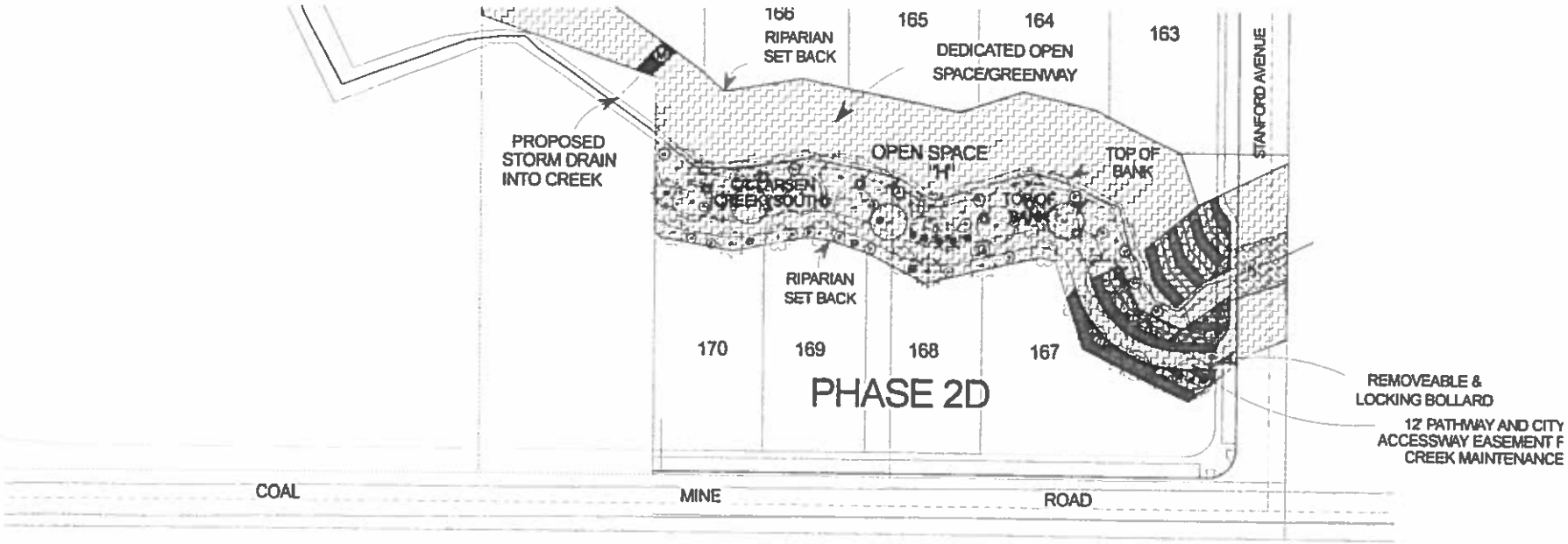
madaradesign@yahoo.com

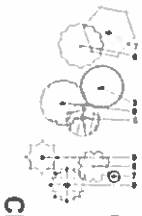
STONEGATE LARSON CREEK
RIPARIAN PLANTING
STONEGATE SUBDIVISION
MEDFORD, OREGON

STONEGATE LARSON CREEK RIPARIAN PLANTING
MADAR BROTHERS
LANDSCAPE PLAN

L101C




## PLANT LIST



| Quantity | Common Name | Botanical Name | Size |
|---|---|---|---|
| | **Trees** | | |
| | **Riparian** | | |
| 7 | Ash, Oregon | Fraxinus latifolia | 1" |
| 6 | Maple, Bigleaf | Acer macrophyllum | 1" |
| | **Upland** | | |
| 2 | Madrone, Pacific | Arbutus menziesii | 1" |
| 2 | Oak, Black | Quercus kellogii | 1" |
| 6 | Pine, Ponderosa | Pinus ponderosa | 10' Cable |
| | **Understory** | | |
| 9 | Cherry, Bitter | Prunus emarginata | 10' Cable |
| 7 | Ceanothus, Wallowa | Pyrus fusca 'Wallowa' | 10' Cable |
| 7 | Blackberry, Evergreen | Rubus laciniatus | 10' Cable |
| 7 | Snowberry, Black | Symphoricarpos albus | 10' Cable |
| | **Shrubs** | | |
| 17 | Currant, Red Flowering | Ribes sanguineum | 10' Cable |
| 8 | Arctostaphylos | Arctostaphylos uva-ursi | 1' Pot |
| 7 | Ninebark, Dwarf Gold | Physocarpus opulifolius 'nanus' | 10' Cable |
| 13 | Rose, Nootka | Rosa nutkana | 10' Cable |
| 9 | Willow, Hooker | Salix hookeriana | 10' Cable |

Total plant count is a function of the required number of plants per square foot as based on the formula of 1 plant for every 64 sq ft of riparian mitigation. There are a total of 5,740 sq ft of mitigated area divided by 64 sq ft for a total of 120 plants. There are 53 Trees planted and 67 Understory Shrubs

## PLANTING

1. Plant material to be provided in accordance with species, sizes and quantities indicated herein. Substitutions to be made with the approval of owners representative and the City of Medford representative.
2. No planting to proceed until irrigation system is fully functioning in the area to be planted.
3. All plant holes to be dug 2 times the volume of their root ball size. Backfill shall consist of 1/3 organic mulch, 3/3 native soil, mycorrhizae inoculant and 16-16-16 fertilizer as follows: 1 tablet per hole.
4. Plant upright and true to grow head appearance or relationship to plants, structures and predominant viewing angle. Trees are to be planted so as to be straight up and down without the assistance of staking. Staking is solely for support against outside forces.
5. Loosen and remove twine binding and burlap from ground line of each root ball. Briefly root balls of plants exhibiting a bind bound condition, being careful not to damage the root balls integrity. Stake and guy trees immediately after this work.
6. Place and compact backfill soil mixture carefully to avoid injury to roots, and fill to crown. When holes is 3/3 filled with soil, thoroughly water and allow water to seep away at least two times or more, as necessary to completely water individual plants.
7. Guarantee plant materials and normal maintenance of installation, beginning after written acceptance of work, for one year.
   A. Replace plant material not surviving or in poor condition during guarantee period.
   B. Perform all replacement work in accordance with original specifications at no additional cost to Owner.
   C. Damage or loss of plant materials due to vandalism, missing or loss of mulch by others, is exempt from Contractor's management responsibility.
8. Protect plants with 4' x 30" Breathing Protection T-shirt. Yard wrap with 3 bamboo stakes 3 3' long penetrating the soil 6-8".

PLANTING DETAIL

## GENERAL NOTES

1. General preparation of site to include:
   A. Eradication of weeds through the certified application of herbicides, allowing adequate lying for soil.
   B. Removal of all non-native species through mechanical means. This does not include the use of machinery that would affect the existing grade more than plus or minus 6" in any given area. This intent is to remove without significantly changing existing grade.
2. Subgrading to include grading of existing soil and adjacent soil as necessary to achieve adequate positive drainage away from any structures and potential low spots.
3. All shrub beds to be finish raked to a smooth condition.
4. INCLUDE 365 DAYS OF MAINTENANCE from the day of substantial, including but not limited to:
   A. Maintain planting area in a healthy, weed free condition through a minimum of mowing visits.
   B. Replace any missing/dying signs of stress.
   C. Monitor irrigation for backup timing.
   D. Provide owner with complete list of instructions for continued care.
5. CDPR requires an additional 4 years of monitoring of plantings for health and vitality. This includes the yearly replacement of plants that die and the removal of competing vegetation. This includes the replacement of plant materials damaged by freezing, acts of nature or vandalism based on the initial installation plantings.
6. During 1st Fall planting season, September to October, broadcast spread Pro Time 400 Native Grass fall seed mix at a rate of 1 lb. per thousand square feet of planting area over all of area being encompassed with sod plantings.
7. See Sheet L102 for Irrigation Details and additional information.

## GRADING

1. Coordinate with general contractor removal of debris 1 1/2" or larger and the removal of compacted rock and gravel in all planting areas in order to achieve planting areas where the subgrade remains 12" of native soil. It may be required to add other fill to achieve subgrade consisting of native soil.
2. Placement of any soil to be done in accordance with outside weather condition so as to prevent damage to soil structure.
3. Finish grade in shrub areas to be a smooth even grade following the completion of the seeding and with the exception of the tree areas. All finish grading to promote positive drainage away from structures and to be done in such a way as to eliminate ponding or collection of water.
4. Landscape contractor responsible for correcting any drainage problems encountered during the course of construction, with owners representative.
5. Provide owner with a per sales yard shovel and for additional use.

## IRRIGATION

1. A temporary automatic irrigation system to be provided for all plant materials in accordance with industry standards. To be in place long enough to support the establishment of newly planted materials and continued area establishment. System is intended to perform at 25 gpm and 80 psi. Confirm on-site before proceeding.
2. All materials are to be new and in original condition.
3. No dome shall exceed 25gpm.
4. Mainline piping 1 1/2" SchS0pe buried 18" deep on each side of irrigated area.
5. Lateral piping of 1/2pe utility grade poly pipe. No smaller than 1" nominal size. Laid on the surface and held in place every 10' with staples bamboo from 30" rebar 18" long bent to have one end 3" and the other 15".
6. Sprinkler heads to be Hunter PGS shrub heads with 45 nozzles for the 1/2pe and 48 for 30/pe configuration. Set on 6" SchS0 pvc nipple hung out of tees and attached to 24" long pieces of 3/4" rebar with 6/8 hose clamps. Rebar should 18" into ground.
7. Layout of sprinkler heads in shrub areas to be based on a head to head coverage configuration.
   NO EXCEPTIONS
8. All trenching to be a minimum of 12" deep. SchS0 is to be water and free of any material larger than 1 1/2" in diameter. Backfill shall be adequately compacted and guaranteed against further settling.
9. Equipment owned to be affected by compact stock, materials or obstructions for additional stock materials.
10. Control valves are to be a minimum of 1-gpm and labeled with water proof identifiers only.
11. Planning to be provided owner all handbooks by provided distributor for irrigation purposes.
12. Irrigation system to be guaranteed against defective material or workmanship for one year from the date of final installation.
13. Contractor shall furnish to the Owners Representative and every of as-built water drawings to the Owners Representative prior to the final approval.

LANDSCAPE PLAN

Scale 1" = 10'

SHEET IS LESS THAN 30" x 42" IT HAS BEEN REDUCED AND IS NOT TO SCALE

MARCH 9, 2016

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REGISTERED LANDSCAPE ARCHITECT

Madara Design Inc
Landscape Architecture, Design & Consultation
2304 Wells Fargo Rd
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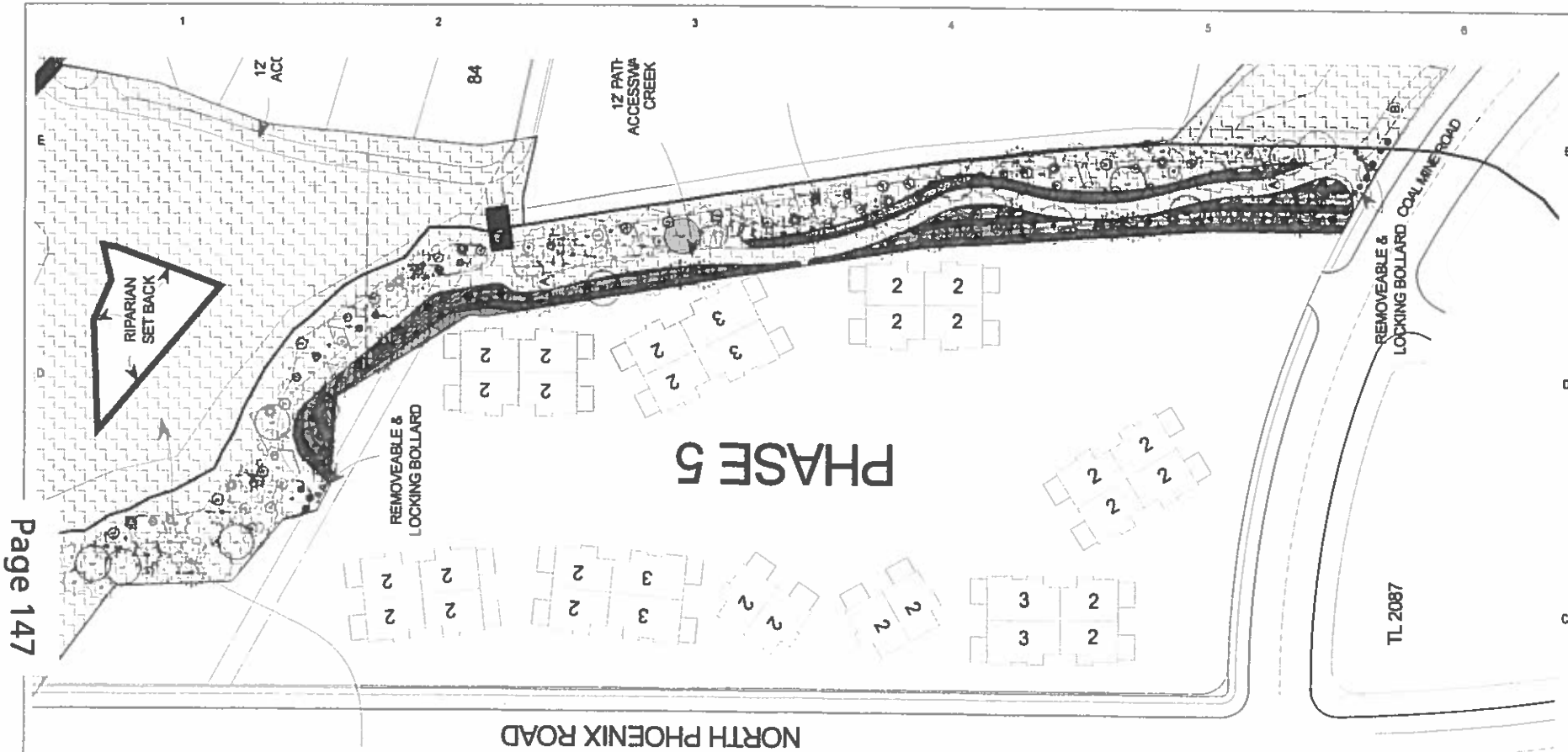
STONEGATE LARSON CREEK
RIPARIAN PLANTING
STONEGATE SUBDIVISION
MEDFORD, OREGON

STONEGATE LARSON CREEK RIPARIAN PLANTING
MADAR BROTHERS
LANDSCAPE PLAN

L103C



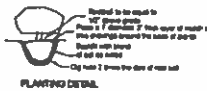

## PLANT LIST

| Quantity | Common Name | Botanical Name | Size |
|---|---|---|---|
| | **Trees** | | |
| | **Riparian** | | |
| 74 | Ash, Oregon | Fraxinus latifolia | #1 |
| 74 | Alder, Sitka | Alnus rhombifolia | #1 |
| | **Lawn** | | |
| 74 | Wildrose, Nootka | Arbutus menziesii | #1 |
| 74 | Oak, Black | Quercus kellogii | #1 |
| 10 | Ponderosa | Pinus ponderosa | 10' Cells |
| | **Understory** | | |
| 10 | Cherry, Bitter | Prunus emarginata | 10' Cells |
| 10 | Chinquapin, Allardice | Pythia Sunset Westwood | 10' Cells |
| 10 | Madrone's Bush | Arctostaphylos manzanita | 10' Cells |
| 10 | Hawthorn, Black | Crataegus douglasii | 10' Cells |
| | **Shrubs** | | |
| 10 | Currant, Red Flowering | Ribes sanguineum | 10' Cells |
| 10 | Dogwood, Redtwig | Cornus stolonifera "kelseyi" | 10' Cells |
| 10 | Kinnikinnick | Arctostaphylos uva-ursi | 10' Cells |
| 10 | Manzanita, Dwarf Green | Phyllostachys aureosulcata | 10' Cells |
| 10 | Rose, Nootka | Rosa nutkana | 10' Cells |
| 10 | Willow, Hooker | Salix hookeriana | 10' Cells |

Total plant count is a function of the required numbers of plants per square foot as based on the formula of 1 plant for every 64 sq ft of riparian mitigation. There are a total of 11,299 sq ft of mitigated area divided by 64 sq ft for a total of 287 plants. There are 123 Trees planned and 164 Understory Shrubs.

## PLANTING

1. Plant material to be provided in compliance with botanic, class and quantities indicated below. Substitutions to be made with the approval of owners representative and the City of Medford representative.
2. No planting to proceed until irrigation system is fully functioning in the area to be planted.
3. All plant holes to be dug 2 times the volume of their root ball size. Backfill shall consist of 1/3 organic mulch, 2/3 native soil, mycorrhiza supplement and 10-10-10 fertilizer as follows:
   Type Rate
4. Plant upright and hard to give best appearance or relationship to plants, structures and predominant viewing angle. Trees are to be planted so as to be straight up and down without the assistance of staking. Staking to satisfy the budgeted approval authority forester.
5. Loosen and remove twine binding and burlap from around top of each root ball. Basically cut back of burlap extending in root bound situations, being careful not to damage the root balls integrity. Water and give twice immediately after this water.
6. Plants and surrounding backfill soil mixture carefully to avoid injury to roots, and fill all voids.
7. Water trees to 25 filled with soil, appropriately sized and slow water to each array of small tree trees or there, as necessary to compensate water individual plants.
8. Guarantee plant materials and related workmanship of installation, beginning after receive acceptance of work, for one year.
   A. Replace plant material and workmanship or in poor condition during guarantee period.
   B. Perform all replacement work in accordance with original specifications at no additional cost to Owner.
   C. Damage or loss of plant materials due to vandalism, freezing or acts of neglect by others, is exempt from Contractor's replacement responsibility.
9. Protect plants with 4' x 30" Boulding Protection (silver hard mesh with 3 bamboo stakes 2.5' long penetrating the soil 6.0").




PLANTING DETAIL

## GENERAL NOTES

1. General preparation of site to include:
   A. Eradication of weeds through the certified application of herbicides, allowing adequate time for kill.
   B. Removals of all non-native species through mechanical means. This does not include the use of machinery that would disturb the existing grade more than plus or minus 3" in any given area. This effort is to remove without significantly changing existing grade.
2. Subgrading to include, grading of existing soil and addition soil as necessary to achieve adequate positive drainage away from any structures and potential low points.
3. All shrub beds to be fresh raked to a smooth condition.
4. INCLUDE 365 DAYS OF MAINTENANCE from the day of acceptance, including but not limited to:
   A. Maintain planting area in a healthy, weed free condition through a minimum of maintenance visits.
   B. Remove any materials showing signs of stress.
   C. Maintain irrigation for correct timing.
   D. Provide owner with complete list of substitutions for continued care.
5. ODPW requires an additional 4 years of monitoring of plantings for health and wellbeing. This includes the yearly replacement of plants that die and the continued of overbearing vegetation. This includes the replacement of plant materials damaged by trapping, soils of values or complaints based on the initial maintenance plantings.
6. During 1st Fall planting season, September to October, broadcast spread One Ton ASB Native Grass Mix seed mix at a rate of 1 lb. per thousand square feet of planting area over all of area being transplanted with new plantings.

## GRADING

1. Co-ordinate with general contractor removal of zones 1 1/2" or larger and the removal of compacted rock and gravel in all planting areas in order to achieve planting areas where the subgrade elevation 1'2" of mulch rock. It may be required to add down 10 to achieve subgrade consisting of mulch soil.
2. Placement of any soil to be done in coordination with subgrade weather condition so as to prevent damage to soil structure.
3. Finish grade in shrub areas to be a smooth even grade following the contours of the existing land with the exception of the tree areas. All finish grading to provide positive drainage away from structures and to be done in such a way as to eliminate puddling or collection of water.
4. Landscape contractor responsible for addressing any drainage problems encountered during the course of construction, with owners representative.
5. Provide owner with a pair extra yard planter and for replacement soil.

## IRRIGATION

1. A temporary automatic irrigation system to be provided for all plant materials in accordance with industry standards. To be in place long enough to support the establishment of new and removal once established. System is intended to perform at 25 gpm and 50 psi before pressureing.
2. All materials are to be new and in original condition.
3. No zone shall exceed 20gpm.
4. Mainline piping 1 1/2" SchDpvc buried 18" deep on each side of irrigated area.
5. Lateral piping of 1/2pvc utility grade poly pipe. No smaller than 1" swimming pool. Lay and hold in place every 10' with staples formed from 3/8" rebar 18" long bent to hold the other 1'8".
6. Sprinkler heads to be rotator POP shrub heads with 8ft nozzles for the 1/2lawn and configuration. Set on 6" SchSD pvc risers rising out of lines and attached to 3/4" to 3/8" adapter with SS hose clamps. Raiser stands 18" into ground.
7. Layout of sprinkler heads in shrubs areas to be located on a head to head coverage.

NOTE DESCRIPTIONS

8. All transitioning to be a minimum of 18" deep. Backfill is to be clean and free of any rocks 1 1/2" in diameter. Backfill shall be substantially compacted and guaranteed against
9. Electronic control to be affixed by removal clasp, indicate to instructions for installation
10. Control valves and to be in a minimum of 14gal and spaced with water proof connection
11. Warranty to be provided under all hardscapes by general contractor for irrigation
12. Irrigation system to be guaranteed against defective material or workmanship for a the date of final acceptance.
13. Contractor shall furnish to the Owners Representative one copy of as-built redline drawings to the Owners Representative prior to the final acceptance.

LANDSCAPE PLAN

Scale 1" = 30'

1 SHEET IS LESS THAN 30" x 42" IT HAS BEEN REDUCED AND IS NOT TO SCALE.

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MARCH 9, 2016
PLANNING DEPARTMENT

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REGISTERED LANDSCAPE ARCHITECT

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STONEGATE LARSON CREEK
RIPARIAN PLANTING
STONEGATE SUBDIVISION
MEDFORD, OREGON

STONE GATE LARSON CREEK RIPARIAN PLANTING

MAHAR BROTHERS
100 SHOP TRAILS DR
MEDFORD, OREGON 97504

LANDSCAPE PLAN

L102C

RECEIVED
FEBRUARY 19, 2016
PLANNING DEPARTMENT

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.

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

RECEIVED
FEBRUARY 19, 2016
PLANNING DEPARTMENT

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

| | | |
|---|---|---|
| **IN THE MATTER OF AN APPLICATION FOR AN AMENDMENT/REVISION FOR STONEGATE 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** | ) | **AMENDMENT FINDINGS OF FACT PUD-00-116** |

**RECITALS:**

| | |
|---|---|
| Property Owner/ Applicants- | Louie Mahar II<br>Mahar Brothers Holdings, LLC<br>4102 Southview Terrace<br>Medford, OR 97504 |
| Agents- | Richard Stevens & Associates, Inc.<br>PO Box 4368<br>Medford, OR 97504 |
| Surveyors- | Hoffbuhr and Associates, Inc.<br>880 Golf View Drive #201<br>Medford, OR 97504 |
| Property Description- | 37-1W-34, tax lots 1201, 1205, 2600 & 3500 |
| Acreage- | 65.21 gross acres<br>Approximately 53.66 acres of developable lands<br>(Minus 11.55+- acres, riparian corridors) |
| Zoning- | SFR-4 and SFR-10 |
| Land Uses- | Single Family Residential<br>Multiple Family Residential, Condominiums |

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



8

## 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 or 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-plexs and 8-plexs. 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 constrains 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:

RICHARD STEVENS & ASSOCIATES, INC.

RECEIVED
APR 19 2016
PLANNING DEPT.

**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 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** |

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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.



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

## 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:

RICHARD STEVENS & ASSOCIATES, INC.

RECEIVED
FEBRUARY 19, 2016
PLANNING DEPARTMENT

**BEFORE THE PLANNING COMMISSION FOR 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<br>AMENDMENT<br>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 in 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.*

**<u>Discussion:</u>**

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,

Richard Stevens & Associates, Inc.

Continuous Improvement Customer Service

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

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APR 26 2016
PLANNING DEPT.

Continuous Improvement Customer Service

CITY OF MEDFORD

Revised Date: 4/26/2016
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.**

**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). **The adopted conditions by each of these actions shall remain in full force as originally adopted except as amended below.**

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

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



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

## 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 plus 12 feet east of centerline for a total of 49-feet. 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 all the way to the southerly boundary of Eastgate Estates, Phase 3. This connection shall be provided in Phase 2B. This Development shall also extend this same dedication to the south all the way Cole Mine Road. This connection shall be provided in Phase 2C.

**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), 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 and shall be dedicated 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 as a cul-de-sac per MLDC 10.450 and have a minimum 45 foot radius, as shown on the tentative plat.

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



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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-feet 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-feet south of centerline.

**Utah Drive, 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 as a cul-de-sac in accordance with MLDC 10.450.

**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-feet wide with a minimum of 30-foot turning radii, and a structural section corresponding to a TI of 3.5. The said paths are also to be used by Department of Public Works vehicles for access to maintain Larson Creek. If the bike and pedestrian paths are not on City owned property, the Developer shall provide an easement for them.

The bridge facilities associated with the bike and pedestrian paths within the riparian corridor(s) shall be constructed at least 12-feet 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



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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



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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. This trip cap will remain in place until additional trips are studied.

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.

**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.*



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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



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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.



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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 both the Middle Fork and the South Fork 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. Two stream crossing are planned within the 3 phases of this Development. The Applicant's Engineer shall provide a "no-rise study" for each of these crossings.

Both the Middle Fork and the South Fork of Larson Creek are 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



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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.



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ENGINEERING & DEVELOPMENT DIVISION
200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us
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FAX (541) 774-2552

### 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.



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### 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.

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. These connections will provide essential street access and circulation patterns for the public and will provide a permanent alternate emergency vehicle access point for this development.

### 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



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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



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# SUMMARY CONDITIONS OF APPROVAL

**Stonegate Estates Phase 2B, 2C & 2D**

LDS-16-045

## A. Streets

### 1. Street Dedications to the Public:

- Dedicate half plus 12-feet on Stanford Avenue.
- Dedicate additional right-of-way north of centerline on Coal Mine Road.
- Dedicate full width of right-of-way for Utah Drive, 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, 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, flood study and "no-rise" study.
- 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.**



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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



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

# Medford Fire Department

200 S. Ivy Street, Room #180
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
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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 |
|---|---|---|
| **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
LDS-16-045

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
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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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## 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.**
**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.**

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

# 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.



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

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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

---

## 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.

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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.

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

RECEIVED
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

MEDFORD WATER COMMISSION

RECEIVED
APR 06 2016
PLANNING DEPT.

**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

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

**CONDITIONS**

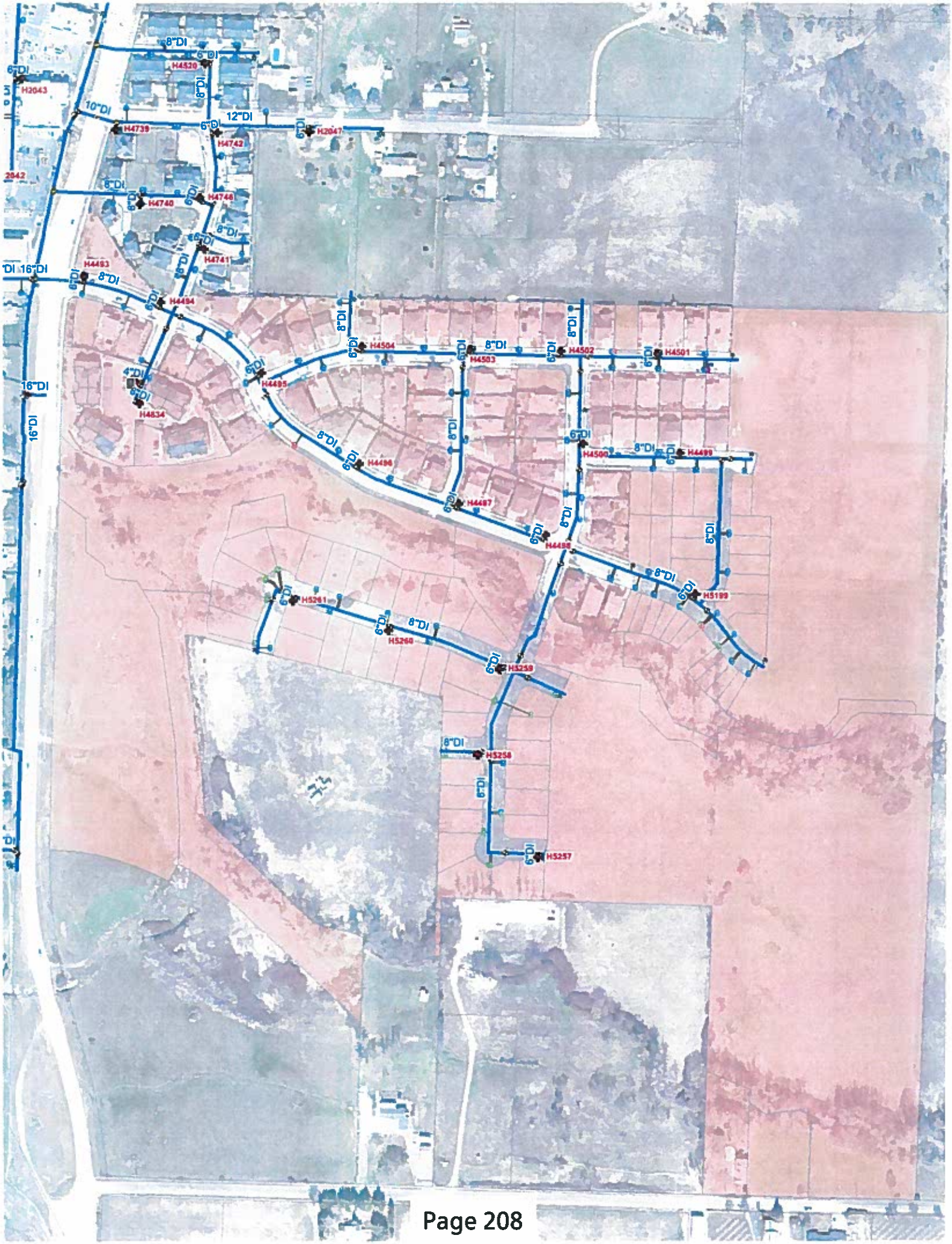
1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."

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.

CITY OF MEDFORD
EXHIBIT # Z
File #PUD-00-116 Revision
CUP-04-109 Revision
LDS-16-045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H5257

BOARD OF WATER COMMISSIONERS

# Staff Memo

MEDFORD WATER COMMISSION

**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

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

**CONDITIONS**

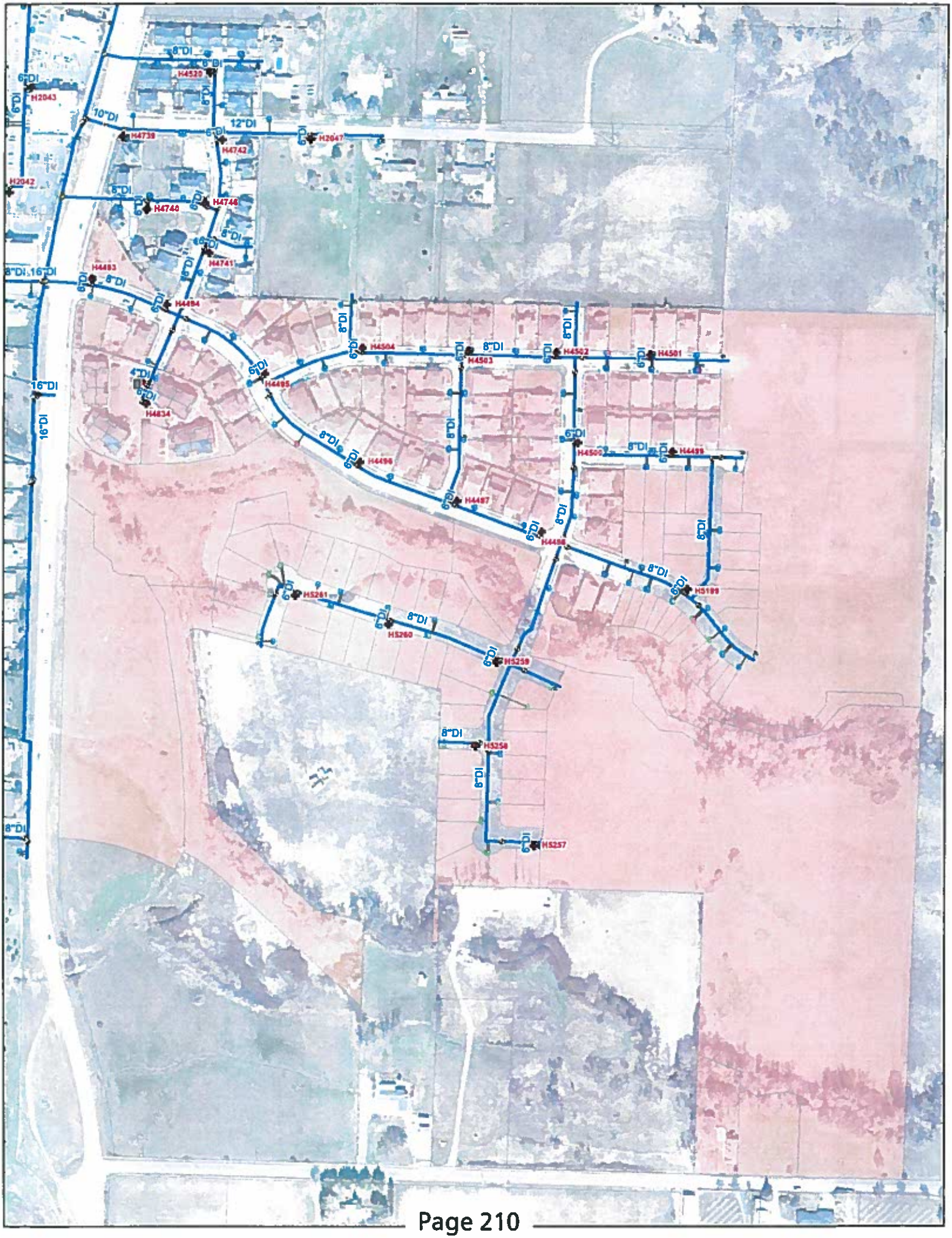
1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."

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.

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

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

# MEDFORD PARKS & RECREATION

HEALTHY LIVES. HAPPY PEOPLE. STRONG COMMUNITY.

RECEIVED
APR 20 2016
PLANNING DEPT.

To: Sarah Sousa, Planning Department

From: Pete Young, Park Planner

Subject: CUP 04-109, Mahar Brothers Holdings, LLC- Stonegate Estates

Date: April 20, 2016

---

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.*

*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.

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.

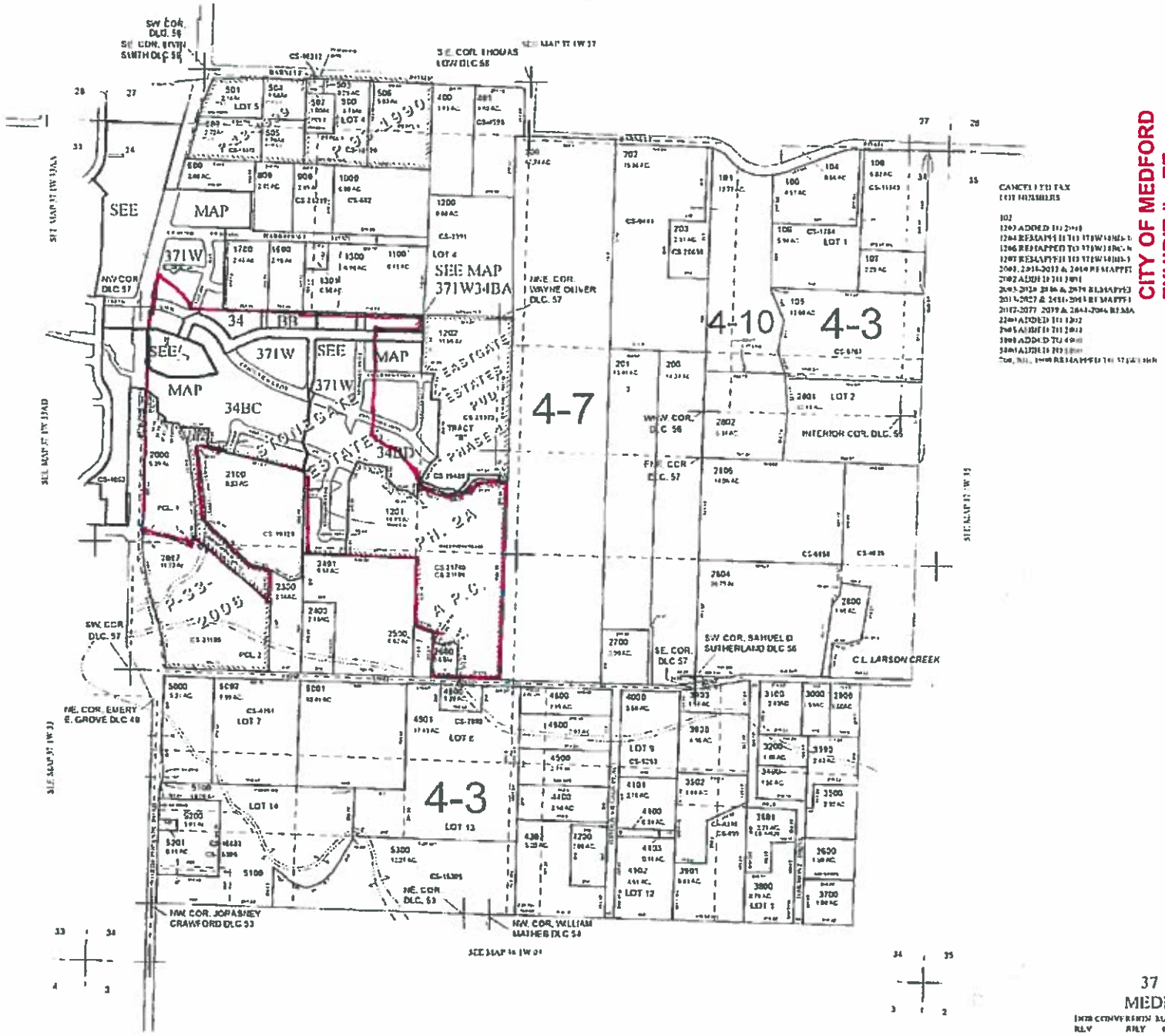


CITY OF MEDFORD
EXHIBIT # DD
File #PUD-00-116 Revision
CUP-04-109 Revision
LDS-16-045

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

RECEIVED
APR 11 2016
PLANNING DEPT.

Updated 07/08/15

# TALENT IRRIGATION DISTRICT
# LAND USE AGENCY RESPONSE FORM

104 W. Valley View Rd.
P.O. Box 467
Talent, OR 97540

Phone: 541-535-1529
Fax: 541-535-4108
Email: tid@talentid.org

**NAME OF ENTITY REQUESTING RESPONSE:** Medford
**ENTITY REFERENCE NUMBER:** PUD-00-116
**MEETING REVIEW DATE:** 04/06/16
**MAP DESCRIPTION:** Multiple
**PROPERTY ADDRESS:** Stonegate Estates

☐ **NO COMMENT ON LAND USE ISSUE (IF NOT MARKED, CONTINUE BELOW)**

| NO COMMENT | IF CHECKED COMMENTS ARE APPLICABLE | |
|---|---|---|
| ☒ | | **A. WATER RIGHT ISSUES** |
| | ☐ | 1. Water rights need to be sold to someone or transferred back to Talent Irrigation District. Number of Irrigated Acres:<br>Comments: |
| | ☐ | 2. Must have District approval for water rights to remain in place on subject property.<br>Comments: |
| ☐ | | **B. EASEMENTS** |
| | | **DISTRICT EASEMENTS** |
| | ☒ | 1. Easement needs to remain clear. No permanent structures or deep rooted plants will be allowed within the easement limits.<br>Comments: Be aware that the District's E-26 lateral runs across the North East corner of 371W34-1205 and cuts North West through 371W34BC-3500. Also, part of the E-26 lateral stops at 371W34-2300. Be aware of the easements and show the easements on the plat map. |
| | ☒ | 2. If facility is to be relocated or modified, specifications must meet the District's standards and be agreeable to the District. A new written and recorded easement must be conveyed to the District.<br>Comments: _____ |
| | ☒ | 3. If a written and recorded easement does not exist for an existing facility, then one must be provided in favor of the District.<br>Comments: _____ |
| | | **PRIVATE EASEMENTS** |
| | ☒ | 1. Property may have private facilities (ditch or pipeline) that the District does not manage. Arrangements may need to be made to provide continued service through the subject property for downstream water users.<br>Comments: _____ |

S:\Office Clerk\Word\Planning Actions

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

**PRIVATE EASEMENT PROVISIONS FOR MINOR PARTITIONS AND/OR LOT LINE ADJUSTMENTS**

☐ 1. If the property currently has water rights and it is being partitioned or a lot line adjustment is being made, easements must be written and recorded which allow access for all of the pieces of property with water rights to continue to have access to the water.
Comments: _____

**WATER METER REQUIREMENT ON TRANSFERRED WATER RIGHTS**

☐ 1. If the water right on this property is a transferred water right that currently has a water meter requirement, then each of the properties split off of the original parcel all need to have water meters installed prior to the use of irrigation water on the newly formed parcels.
Comments: _____

☐ **C. FACILITIES** (including but not limited to pipelines, ditches, canals, control checks or boxes)

☒ 1. Upgrades to District facilities may be required to support any land use changes or developments, such as pipe installations or encasing existing pipe under roads or concrete.
Comments: _____

☐ **D. DRAINAGE / STORM WATER**

☒ The District relies on the Bureau of Reclamation's Storm Water Policy. No urban storm water or point source flows will be allowed into the District's facilities without going through the Bureau of Reclamation process. (Developments in historically agricultural areas need to be aware of agricultural run-off water and take appropriate action to protect the development from upslope water.)
Comments: _____

## GENERAL COMMENTS:

1. No interruptions to irrigation water deliveries will be allowed.
2. T.I.D. is a Federal Project and some facilities and/or easement issues may need Bureau of Reclamation approval.
3. The developer/sub-divider will take all appropriate actions to ensure the reliability and protection of the original function of the District's facilities.

**As required by ORS 92.090(6) the entity must receive a certification form from the District before approval of the final plat.**

Jim Pendleton
Manager
Talent Irrigation District

Date Signed: 4-11-16

S:\Office Clerk\Word\Planning Actions

Updated 07/08/15

# TALENT IRRIGATION DISTRICT
# LAND USE AGENCY RESPONSE FORM

104 W. Valley View Rd.
P.O. Box 467
Talent, OR 97540

Phone: 541-535-1529
Fax: 541-535-4108
Email: tid@talentid.org

**NAME OF ENTITY REQUESTING RESPONSE:** Medford
**ENTITY REFERENCE NUMBER:** CUP-04-109
**MEETING REVIEW DATE:** 04/06/16
**MAP DESCRIPTION:** Multiple
**PROPERTY ADDRESS:** Stonegate Estates

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| | | **PRIVATE EASEMENTS** |
| | ☒ | 1. Property may have private facilities (ditch or pipeline) that the District does not manage. Arrangements may need to be made to provide continued service through the subject property for downstream water users.<br>Comments: _____ |

S:\Office Clerk\Word\Planning Actions

**PRIVATE EASEMENT PROVISIONS FOR MINOR PARTITIONS AND/OR LOT LINE ADJUSTMENTS**

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Comments: _____

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Comments: _____

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Comments: _____

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Comments: _____

## GENERAL COMMENTS:

1. No interruptions to irrigation water deliveries will be allowed.
2. T.I.D. is a Federal Project and some facilities and/or easement issues may need Bureau of Reclamation approval.
3. The developer/sub-divider will take all appropriate actions to ensure the reliability and protection of the original function of the District's facilities.

**As required by ORS 92.090(6) the entity must receive a certification form from the District before approval of the final plat.**

_____ Date Signed: 4-11-16

Jim Pendleton
Manager
Talent Irrigation District

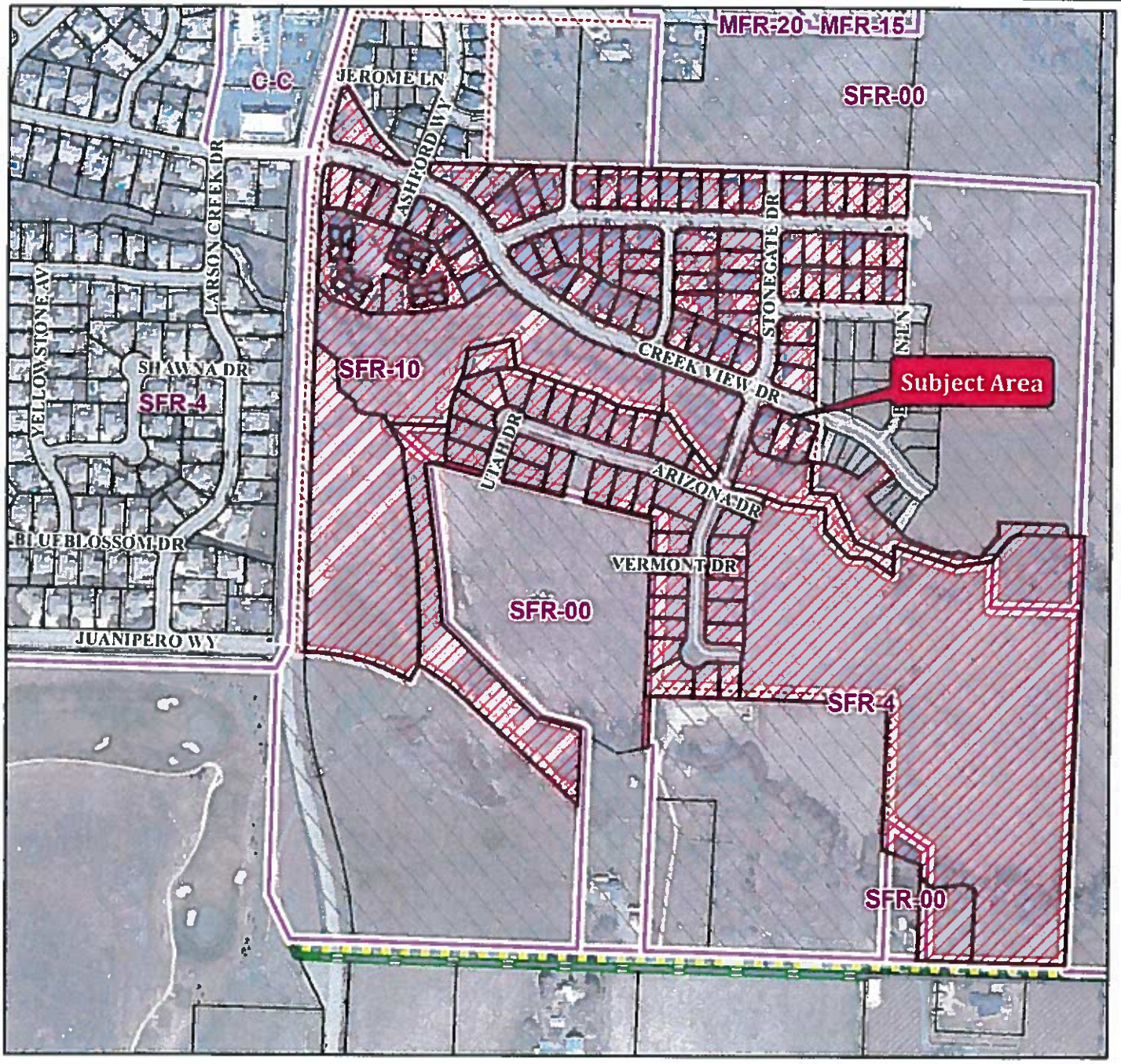
S:\Office Clerk\Word\Planning Actions

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**

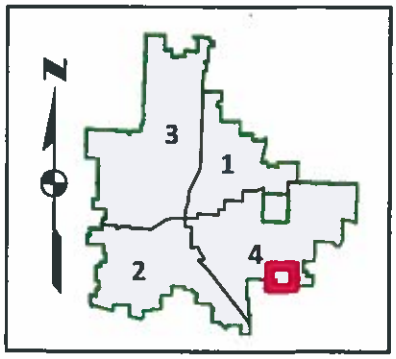
Map/Taxlot:
**371W34 TL 1201 & 2600**

0 100 200 400 600 800 Feet

*04/06/2016*

**Legend**

- Subject Area
- Roads
- Medford Zoning
- Tax Lots
- UGB
- PUD



# STAFF REPORT

| | | |
|---|---|---|
| PROJECT | Kids Unlimited Academy Master Campus Plan Conditional Use Permit and Exception Requests<br>Kids Unlimited of Oregon, Applicant; Scott Sinner Consulting, Inc., Agent | |
| FILE NO. | CUP-16-022 / E-16-023 | |
| TO | Planning Commission | *for May 12, 2016 meeting* |
| FROM | Desmond McGeough, Planner III | |
| REVIEWER | Kelly Akin, Principal Planner | |
| DATE | May 5, 2016 | |

## BACKGROUND

### Proposal

Consideration of a request for a Conditional Use Permit for the Kids Unlimited Public Charter School Master Campus Plan to allow for the expansion of existing facilities; including but not limited to 18,000 square foot multipurpose building, a two-classroom modular building and outdoor athletic field. The Applicant has submitted an associated Exception application requesting relief from street side setbacks, maximum lot coverage, and reduction of public right-of-way for Edwards Street and Austin Street. The subject site is located west of Riverside Avenue, south of Edwards Street, east of Niantic Street and north of Austin Street. The campus is located in the SFR-10 (Single Family Residential -10 dwelling units per gross acre), MFR-20 (Multiple-Family Residential – 20 dwelling units per gross acre and C-C (Community Commercial) zoning districts and encompasses approximately 2.8 net acres.

### Subject Site Characteristics

| | | |
|---|---|---|
| Zoning | SFR-10 | Single Family Residential, 10 dwelling units per gross acre |
| | MFR-20 | Multi-Family Residential, 20 dwelling units per gross acre |
| | C-C | Community Commercial |
| GLUP | CM | Commercial |
| | UR | Urban Residential |
| | UH | Urban High Density Residential |
| Use | Kids Unlimited Academy & vehicular parking, single family residential | |

Surrounding Site Characteristics

| | | |
|---|---|---|
| North | C-C/SFR-10 | Sign company, youth shelter, single-family residential |
| South | C-C/SFR-10 | Vacant car lot, residential |
| East | C-C | Hotel, burger stand, auto dealership |
| West | MFR-20 | Single family residential, multi-family residential |

Applicable Criteria

**Conditional Use Permit Approval Criteria, §10.248**

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

(1) The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.

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

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.

**CRITERIA FOR EXCEPTION, § 10.253**

(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.

Corporate Names

The County data base identifies Kids Unlimited of Oregon as owner. The Secretary of the State Business Registry lists Pat Huycke as the registered agent, Chuck Martinez as President, and Jamie Brindle as Secretary.

**ISSUES AND ANALYSIS**

Background

The subject Conditional Use Permit will allow expansion of existing school facilities, including but not limited to an 18,000 square foot multipurpose building, a two-classroom modular building, an outdoor athletic field, and modular building that will be utilized for health services. The Applicant has submitted an associated Exception

application requesting relief from street side setbacks, maximum lot coverage, and reduction of public right-of-way for Edwards Street and Austin Street.

Medford Land Development Code (MLDC) Section 10.247(a) specifically exempts a conditional use permit from Site Plan and Architectural Commission Review. There is no requirement to apply separately for Site Plan and Architectural Commission review or to demonstrate compliance with the criteria in Section 10.290. However, the Planning Director in his/her discretion may forward a conditional use proposal to the Site Plan and Architectural Commission for review. When forwarded by the Planning Director, the Site Plan and Architectural Commission shall have authority to review the CUP plans and make recommendations to the Planning Commission.

In this circumstance, the applicant requested that the Director forward the application to the Site Plan and Architectural Commission for consideration. At the time of publication of this report, architectural plans, site plan, landscaping plans have been sent to the Site Plan and Architectural Commission (SPAC) for their May 6, 2016, meeting for their consideration and recommendation to the Planning Commission. Staff provided SPAC the recommendations below to forward to the Planning Commission. If additional recommendations are provided or amended at the May 6th SPAC meeting, staff will forward those recommendations to the Planning Commission prior to the CUP Public Hearing.

1. Revise landscape plan per the Parks Department Memorandum dated April 20, 2016 (Exhibit N).

2. The fronting landscape area along Riverside Avenue shall be a minimum of ten feet as required by the Medford Land Development Code.

3. A minimum of eight bicycle stalls be shall be included near the front entry.

4. HVAC units of the modular buildings shall be screened from view with a wood or vinyl fencing material

<u>Site Plan (Exhibit B)</u>

The project is located on 13 separate tax lots totaling 2.8 net acres in size. The existing Kids Unlimited building is located at the northeast corner of the site and encompasses a total of 32,464 square feet. The primary expansion of the facility is located immediately west of the existing building where the applicant proposes a 13,361 square foot gymnasium. Located on the northwest corner of the site are three tax lots almost totaling 17,000 square feet that will be utilized as an athletic field.

A public alley runs through the middle of the site and will remain in place. Located at the southeast corner of the site is a parking lot that accommodates up to 75 vehicles. In the central portion of the site, south of the alley, are a gated play area and tot-lot for young children and a two-classroom modular building. At the southwest corner of the facility will be a modular building that will provide health services. At the present time, Kids Unlimited has not acquired all the properties south of the alley. The demolition plan shows the existing buildings that will remain on three tax lots, which front onto Austin Street to the south (Exhibit C)

*Vehicular access*

Access to the site will be from several locations. The two-way alley, running from Riverside Avenue on the east to Niantic Street on the west will serve as two points of access. Four existing driveways that connect to Austin Street will provide ingress or egress to one-way drive aisles that access Austin Street.

Within the parking field on the south side of the building, there are two one-way traffic aisles that run to the north and two one-way drive aisles that run to the south. Each of the four one-way drive aisles is 18 feet in width, which meets the Code minimum of 16 feet for one-way drive aisles that access 60 degree parking spaces.

*Pedestrian access*

There is an existing detached sidewalk on Riverside Avenue. A pedestrian pathway currently provides a direct ADA access from Riverside Avenue to the front entry of the school. The pedestrian pathway/plaza also provides access to the parking lot to the south. The applicant proposes a seven foot attached sidewalk along the north side of the building along Edwards Street with street tree planter bulb outs. On Niantic Street, on the west, the applicant proposes a five foot wide sidewalk and a five foot planter strip. Likewise on the parcels that the applicant has control over on Austin Street, a five foot sidewalk and five foot planter strip are also proposed. The applicant has filed an Exception request for deviations from the standard cross section for minor collector street (Edwards Street) and for Austin Street, a minor residential street, to maintain the existing right-of-way width. Thus, the applicant is requesting a five-foot planter strip in lieu of the eight-foot planter strip.

<u>Parking</u>

*Vehicular*

The narrative indicates that there is a minimum of 63 spaces required for the development and a maximum of 68 parking spaces allowed for this development overall. The existing number of parking stalls of 70 spaces. The applicant requests five additional spaces for a total of seven spaces over the maximum to allow for future staffing changes. The proposed site plan provides a total six ADA spaces; four spaces

are at the entry of the main facility, one space is located at the health center and one space is located at the two-classroom modular building.

With the exception of the two-way alley, all drive aisles are one-way and meet or exceed the 16-foot width requirement for 60 degree parking. The existing parking surface is a flat painted blacktop surface. The applicant is now proposing a parking area that is visually interrupted by landscape islands at the ends of each parking row. Parking lot planters are dispersed throughout and contain the total overall required landscaping area specified in the planting schedule of Subsection 10.746(3) of the MLDC. The subject site design meets and exceeds design requirements for parking islands and projections.

It appears that the two northerly parking spaces in the first row encroach into the required ten foot front setback area for Riverside Avenue, and therefore encroach into the required ten foot front yard landscaping area. It appears that in order to meet the required ten foot minimum landscape area from the property line, one parking space will need to be removed; the other space can likely meet the 16-foot compact parking depth requirement with a ten foot front landscape yard. Staff recommends that the a minimum of ten feet of landscaping depth be maintained along Riverside Avenue as required by Code.

*Bicycle*

Section 10.748 of the MLDC provides bicycle parking standards for institutional uses. Bicycle parking spaces for institutional uses shall be 10% of the number of spaces provided for automobiles, to be calculated by rounding up to the nearest whole number. The master plan shows the correct bike rack detail but the location of the bike racks do not appear on the plan. The MLDC requires that the applicant provided eight bicycle parking spaces near the main entry of the facility. The site plan shall include a bicycle parking plan, and show all those elements necessary to indicate that the requirements of the Code are being fulfilled. Staff recommends that a minimum of eight bicycle stalls be included near the front entry.

<u>Landscape Plan (Exhibit J)</u>

The applicant has submitted a landscape plan that can be found to comply with the requirements of MLDC Section 10.746 regarding parking area planters and with Section 10.780 regarding site landscaping with one exception. The applicant is proposing a new athletic field at the northwest corner of the site, which will be approximately 17,000 square feet of turf. The recreational field encompasses more than half of the total site landscaping; therefore, high water usage exceeds any maximum threshold for any of the underlying districts. MLDC Section 10.780(C)(2) allows for the approving authority to make an exception to the area of high water usage when a particular public benefit will

be achieved. Therefore, the applicant requests that the Commission approve an exception to the high water usage provisions. The benefit in this circumstance is that the turf will provide a safe play surface for the active recreation of the students. This is the only landscape area on the plan that employs turf landscaping.

Additionally, the Parks Department memo (Exhibit N) includes a recommendation that the Dogwood tree on Austin Street be replaced with a more sun tolerant species. Staff did recommend the Site Plan and Architectural Commission recommend approval of the requested exception to the high water usage standards to the Planning Commission and endorse the revisions recommended by the Parks Department (Exhibit N).

Elevations (Exhibit E, F, I)

The exterior façade of the multi-purpose building will have a mix of materials. Primary materials used on the exterior walls include a gray ground CMU block along with cool black matte metal wall siding and large glazed windows. Other elements that that augment the building include an aluminum louvered awning and a standing seam metal roof. The west end of the building has large framed windows extending from the floor to ceiling that will provide natural lighting while being protected from direct sunlight by the aluminum awning system. Another feature of the proposed north elevation is a framing element so that murals can be included along the wall of the existing building. The architecture is four-sided, so exterior detailing will extend around the entire perimeter of the building.

At its maximum, the new structure roof peak is at 41 feet and the lowest eave is at a height of 29 feet. Based on the methodology prescribed in the code (§10.705A) to determine structure height of the structure the structure height is 35 feet. This meets maximum height requirements established for the C-C zone district. Exempted from building height requirements are spires, chimneys, belfries, cupolas, flag poles and other similar projections (§10.705B). The roof projection that extends to nearly 43 feet in height on the west side of the building is a projection that is similar to a spire; thus, the 43 foot roof extension is not subject to the height provisions or utilized in the calculation for height.

The applicant is also proposing two modular buildings which include a cream colored vertical batt and board fiber siding with shingled taupe colored wainscot and large window frames with black vinyl framing. The roof of both structures consists of a dark composite asphalt shingles. Staff provides no recommendations regarding changes to any of the proposed campus buildings.

Concealments

*HVAC Screening*

Per the MLDC, HVAC units may not be visible from public streets, parking areas or pedestrian pathways. Though the findings are silent to this issue, none of the elevations or rendered perspectives shows that roof top equipment is visible. The two modular buildings located on the south side of the campus do have HVAC units located on the south side of the each building. Per MLDC Section 10.782, all HVAC equipment and roof-mounted wireless communication facilities shall be concealed from view. Where possible, such concealment should be accomplished using the architectural elements of the buildings (i.e., roof forms, parapets, wing walls, alcoves, etc.). Free standing walls or fences may also serve as sight-obscuring concealment devices. Chain link fencing, with or without slats, for fencing purposes is not permitted. Staff recommends that the Commission provide in its recommendation to Planning Commission that the HVAC units of the modular buildings be screened from view with a wood or vinyl fencing material.

**CONDITIONAL USE PERMIT FINDINGS AND CONCLUSIONS**

The approval criteria for Conditional Use Permit states that the Commission must conclude the application is consistent with either 10.248 (1) or (2). The Applicant's findings address that the application is consistent with Criterion 2 provided in Section 10.248.

*(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.*

The applicant makes findings pertaining to Medford Land Development Code §10.248(2) which allows the approval of Conditional Use Permit requests when the development proposal is in the public interest. The Applicant notes while there may be some impacts associated with the expansion of the facility, the master plan for the campus and conditions imposed by the Commission can produce a balance between conflicting interests.

Frist, staff concurs with the Applicant's finding that the subject use is clearly in the public interest. The facility is necessary for fulfilling a vital social service and public facility to the immediate neighborhood that provides full development and educational programing for children that may be underserved or struggling to meet state standards. Furthermore, it is the intent of the applicant to improve the neighborhood not only by increasing the educational programing provided by the school, but through improving the built environment. The applicant is upgrading existing facilities, providing attractive and functional new buildings, including site improvements of the campus. Many of the

improvements identified on the master plan will address legal non-conforming site deficiencies, such as landscaping frontage on Riverside Avenue and landscape islands in the parking lot. The proposal will improve street and pedestrian facilities around along its frontages with street trees, on-street parking lanes and bike lanes. Combined, the proposed off-site and on-site improvements will strengthen the overall physical character of the community.

Several single family homes within this block, on properties owned by Kids Unlimited, have already been demolished or are proposed to be demolished for the modular classroom and the recreational field at the northwest corner of the block. Two properties with apartment units and one single family home are the only residential properties remaining within the block. All three of these properties front Austin Street. While bufferyards are not necessarily required to separate properties in the same zoning district, the applicant has proposed a minimum of an 11-foot setback for the modular buildings to property lines with adjoining residences and a site obscuring fences to buffer the remaining units.

The applicant's findings address site circulation and traffic volumes associated with the school. The alley between Edwards Street and Austin Street is a public alley that is currently used in the parking lot circulation and by the existing dwelling units fronting Austin Street. The alleyway will remain. Kids Unlimited will not request vacation of the alleyway as long as there are other properties that utilize the public right-of-way.

In terms of traffic impacts related to the school the traffic analysis identifies that the impact of associated with the school at full enrollment of 450 students is substantially less than if the properties were built to their potential uses based on the underlying zoning designations. The delineation of the campus parking lot area from Austin Street will be a significant improvement to drop-off and pick-up vehicular traffic. Drive aisles have been designed to accommodate both passenger cars and busses accessing the campus.

**CONDITIONAL USE PERMIT CONCLUSION**

The Site Plan and Architectural Commission has forwarded recommendations regarding the application. Conditions of approval prepared by staff and conditions recommended by SPAC do not pertain to mitigation of impacts associated with the conditional use, but are standard conditions of approval addressing site development requirements. Staff has reviewed the Applicant's findings and conclusions (Exhibit M) for the Conditional Use Permit and recommends the Commission find that the application meets Criterion 2 and adopt findings as presented by the applicant as impact mitigations have been identified in the findings. However, if the Commission finds that there are additional issues requiring mitigation, they may be mitigated through additional conditions of approval.

## EXCEPTION REQUEST FINDINGS AND CONCLUSIONS

The implementation of the proposed Master Plan for the Kids Unlimited Campus requires the approval of four exception requests, granting relief from the standard application of the MLDC. The proposal can easily be seen as infill development, if not redevelopment of almost an entire neighborhood block. While potential of the kids may be unlimited, the site of the property is very much constrained. The applicant's findings thoroughly address each request separately to each exception criterion. In summary, the requested exceptions include the following:

- The maximum lot coverage for each of the zoning districts is 40%. The applicant requests a 45% lot coverage maximum.
- A request to grant relief to the standard right-of-way dedication and standard cross section for Edwards Street.
- A request for exception to standard right-of-way dedication and standard cross section for Austin Street
- A request for relief from setback requirements for the new multi-purpose building, allowing a for zero-foot setback on the Edwards Street frontage rather than the streetside setback of 10-feet; allowing a zero-foot rear yard setback to the alley public right-of-way of rather than the standard 7.5 feet, as dictated by the height of the structure, and allowing a zero-foot side yard setback to the property line rather than 10-foot bufferyard setback requirement to the residentially zoned adjacent property.

## EXCEPTION REQUEST CONCLUSIONS

Staff concurs with the applicant's findings that the granting of each one of the exceptions is in harmony with the general purpose and intent of the regulations imposed by this code and not injurious to the general area, detrimental to the health, safety, and general welfare or to adjacent natural resources.

Staff additionally finds there are unique or unusual circumstances which apply as this is the proposed urban redevelopment and infill of nearly an entire neighborhood block. Strict application of the standards would result in a hardship, as the programing needs and services for the students, such as the number of needed classrooms, active recreation facilities, and health center would likely not be adequately addressed at this site within this neighborhood without the approval of the exception requests. Particularly, the size an orientation of the multi-purpose building cannot be altered without impacting the standard size of the basketball court facility or drastically impacting the classroom space. As the site is constrained by Edwards Street to the north and the public alley to the south, the building cannot be reoriented or designed without extending drastically into the outdoor recreational facility. Additionally, to do so would require a rezoning and GLUP map amendment to move the property line or

eliminate the property line that currently separates the C-C and MFR-20 zone district. The MLDC requires that no property contain more than one zone district. Therefore, the property line on the west side of the facility must remain in place, where currently located to separate the two districts.

The need for the exception is the result from the application of this chapter, to the specific of the property in question. The subject facility is a not for profit entity. Approval of these exceptions will, in no way whatsoever, result in any greater profit. If approved, the plan will drastically impact the community in a positive manner and bring the site in compliance with many provisions of the Land Development Code with redevelopment of the site and be an even stronger asset to the community which it serves.

Committee Comments

No comments were received from a committee such as BPAC.

**CONCLUSION**

Staff has reviewed the Applicant's findings and conclusions (Exhibit M) and recommends that the Commission find that the application meets Criterion 2 and adopt the findings provided by the applicant, as public benefit for the proposal has been clearly established. Conditions of approval prepared by staff in Exhibit "AA" do not pertain to mitigation of impacts associated with the conditional use, but are standard conditions of approval addressing site development requirements. If additional mitigations are required, the Commission may add those conditions to the Conditions of Approval (Exhibit AA) recommended by staff and the Site Plan and Architectural Commission.

Any additional recommended conditions, deletions or modified conditions provided by the Site Plan and Architectural Commission will be forwarded prior to the Planning Commission public hearing on this matter.

**RECOMMENDED ACTION**

Adopt the applicant's findings as presented for Criterion 2 and direct staff to prepare a Final Order for Approval per the staff report dated May 5, 2016, including Exhibits AA through T.

**EXHIBITS**

| | |
|---|---|
| AA | Conditions of Approval, dated March 5, 2016 |
| A | Site Plan Cover Page, received May 4, 2016 |
| B | Master Site Plan, received May 4, 2016 |
| C | Site Demo Plan, received March 3, 2016 |
| D | Site Survey, received March 3, 2016 |
| E | Campus Renderings, received March 3, 2016 |
| F | Existing and new multi-purpose building elevations, received March 3, 2016 |
| G | Existing and new multi-purpose building Floor Plans, received March 3, 2016 |
| H | Existing and new multi-purpose Roof Plan, received March 3, 2016 |
| I | Modular Buildings, Elevations and Floor Plans, received March 3, 2016 |
| J | Landscape Pan, received May 4, 2016 |
| K | Proposed Street Cross Sections, received March 3, 2016 |
| L | Conceptual Grading and Utility Plans, received May 4, 2016 |
| M | Conditional Use Permit and Exception Request Findings of Fact and Conclusions of Law, received March 3, 2016 |
| N | Parks Department Memorandum, received April 20, 2016 |
| O | Medford Public Works Department Staff Report dated April 28, 2016. |
| P | Medford Water Commission Memorandum, dated April 13, 2016. |
| Q | Medford Fire Department Report, prepared April 4, 2016. |
| R | Building Department Memo, dated April 13, 2016. |
| S | Jackson County Assessor Map with site depicted, received March 3, 2016 |
| T | Traffic Analysis, received May 4, 2016 |
| | Vicinity Map |

**PLANNING COMMISSION AGENDA:** **MAY 12, 2016**

**EXHIBIT AA**

Kids Unlimited Conditional Use Permit & Exception Request
CUP-16-022 / E-16-023
Conditions of Approval
May 5, 2016

## CODE CONDITIONS

1. Comply with the Public Works Staff Report, revised April 28, 2016 (Exhibit O).

2. Comply with the Medford Water Commission Staff Memo, dated April 13, 2016. (Exhibit P).

3. Comply with the Medford Fire Department Report, prepared April 4, 2016 (Exhibit Q).

4. The fronting landscape area along Riverside Avenue shall be a minimum of ten feet as required by the Medford Land Development Code. Landscaping and Site Plan documents submitted for the building permit application shall reflect the required revision for compliance with the standard.

5. A minimum of eight bicycle stalls be shall be included near the front entry. The site plan submitted with plan documents for building permit shall reflect the subject improvement.

6. HVAC units of the modular buildings shall be screened from view with a wood or vinyl fencing material. Landscaping and site plan documents submitted for the building permit application shall reflect the subject improvement.

## DISCRETIONARY CONDITIONS

7. Comply with the Parks Department Staff Report, dated April 20, 2016 (Exhibit N).

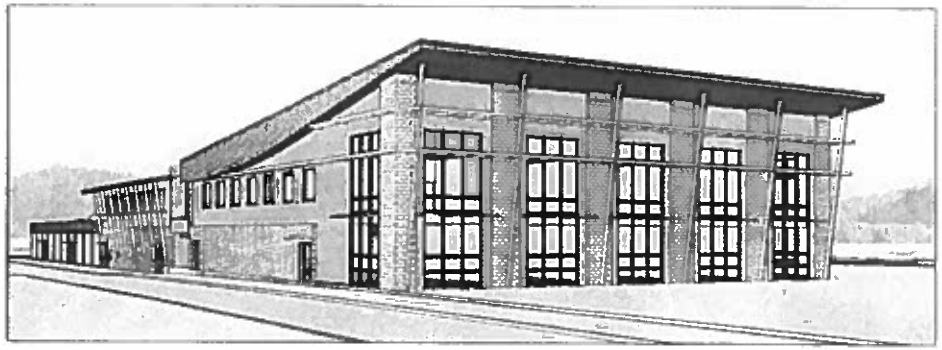
CITY OF MEDFORD
EXHIBIT # "AA"
File # CUP-16-022 / E-16-023
1 of 1

# KIDS UNLIMITED ACADEMY

## SYMBOLS LEGEND

DETAIL REF
SECTION CUT
WINDOW REF
DOOR (OR) KEY NOTE REF
WALL (OR) REVISION REF
INTERIOR ELEV REF
WINDOW TYPE
ROOM NUMBERS
SHEET REF
LARGE AREAS
REVISION INDICATOR
NORTH ARROW
GRID LINES
FLOOR LINE
SPOT ELEVATION
EARTH
BATT INSULATION
FRAMING LUMBER
GRAVEL
CONCRETE
PLYWOOD
RIGID INSULATION

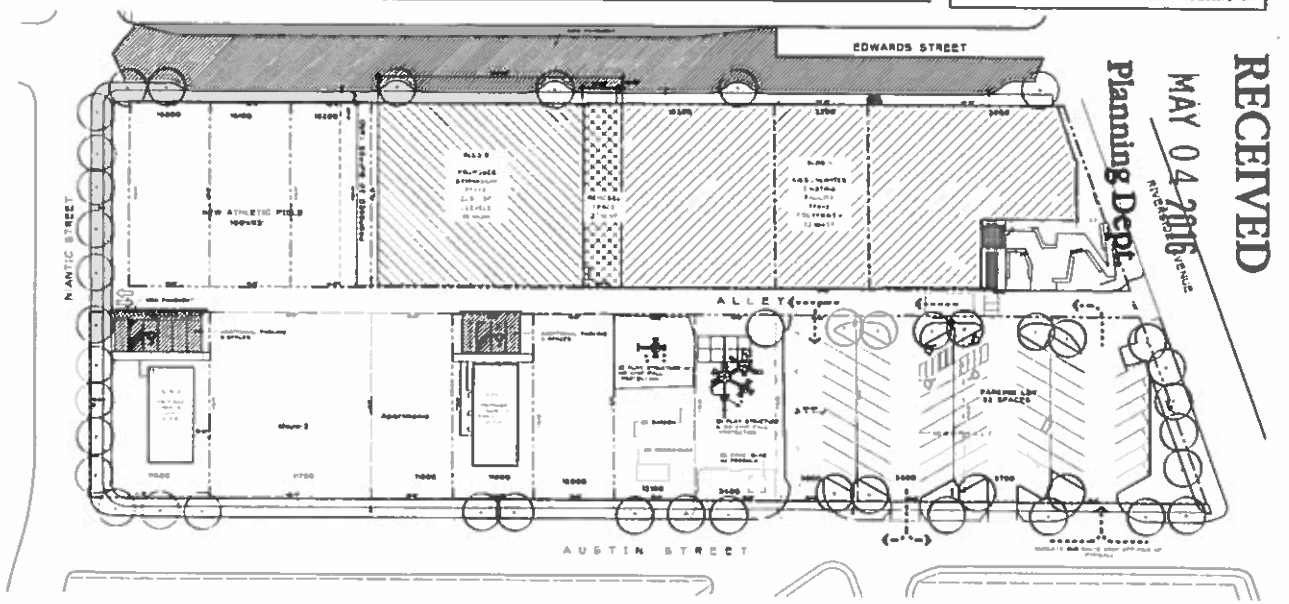
## ABBREVIATION LIST



NORTHWEST PERSPECTIVE

## DRAWING INDEX


ARCHITECTURAL
A0 COVER SHEET
A01 MASTER PLAN
A02 OVERALL SITE PLAN
A03 SITE PLAN
A04 SITE PLAN DETAILS
A10 MAIN LEVEL FLOOR PLAN
A11 SECOND LEVEL FLOOR PLAN
A12 MAIN LEVEL PL ROOFING PLAN
A13 SECOND LEVEL PL ROOFING PLAN
A30 EXTERIOR ELEVATIONS
A31 EXTERIOR ELEVATIONS
A40 BUILDING SECTIONS
A41 BUILDING SECTIONS
A42 WALL SECTIONS
A43 DETAILS
A44 DETAILS
A45 ELEVATOR DETAILS
A50 ENLARGED KITCHEN PLAN
A60 MAIN LEVEL REFLECTED CLG PLAN
A61 SECOND LEVEL REFLECTED CLG PLAN
A70 INTERIOR ELEVATIONS
A71 INTERIOR ELEVATIONS
A72 KITCHEN INTERIOR ELEVATIONS
A73 CASEWORK/STORAGE PLANS & ELEVATIONS
A74 DOORS, WINDOWS & FINISH SCHEDULES
A80 ROOF PLAN
A81 ROOF DETAILS
A91 STAIR DETAILS
A92 REFLECTED PLANS
A93 MEDICAL HEALTH CLINIC
A94 MEDICAL CLASSROOM BUILDING
STRUCTURAL
MECHANICAL
ELECTRICAL
PLUMBING
CIVIL
C1 CONCEPT UTILITY
C2 CONCEPT GRADING
C3 TYPICAL SECTION
SURVEY
S01 TOPOGRAPHIC SITE SURVEY
LANDSCAPE
L01 LANDSCAPE PLAN


1 SCHEMATIC SITE PLAN
SCALE: 1" = 30'

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## PROJECT DESCRIPTION

THE PROJECT CONSISTS OF IMPROVEMENTS AND ADDITIONS TO THE CAMPUS INCLUDING A NEW KITCHEN/CLASSROOM, COMMONS AND MULTIPURPOSE SPACE ADDED ON TO THE EXISTING BUILDING. A NEW ATHLETIC FIELD WILL BE BUILT WEST OF THE GYMNASIUM/CLASSROOM ADDITION. A NEW MEDICAL CLINIC AND CLASSROOM WILL BE BUILT ALONG THE ALLEY. VARIOUS PARKING LOT, SITE AND STREET FRONTAGE IMPROVEMENTS ARE PROPOSED FOR THE ENTIRE CAMPUS.

## DIRECTORY

## AREA AND PLANNING ANALYSIS

MAP & TAX LOT | ZONING | LAND | BLDG | LEGACY USE | MASTER PLAN USE | SQUARE FOOTAGE | PARKING

1 VICINITY PLAN
SCALE: N.T.S.

KIDS UNLIMITED
MEDFORD
MEDFORD, OR 97504

| REVISIONS | BY |
|---|---|
| | |

DATE 03.22.16
SCALE AS NOTED
DRAWN KEM
JOB 1504
SHEET A.0

EXHIBIT # 1
CITY OF MEDFORD
CUP-16-022 | E-16-023
LOC 1

# KIDS UNLIMITED ACADEMY MASTERPLAN

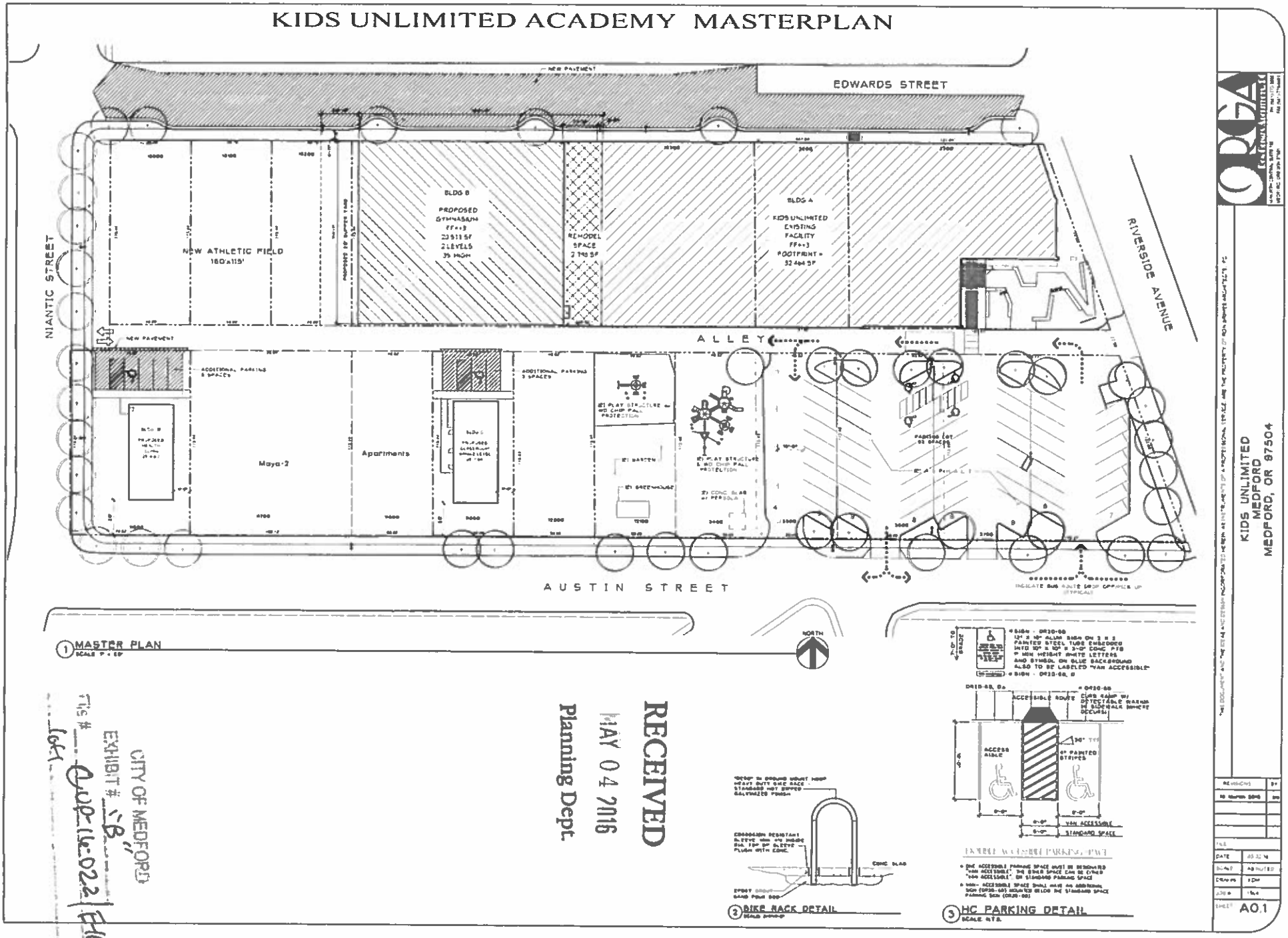


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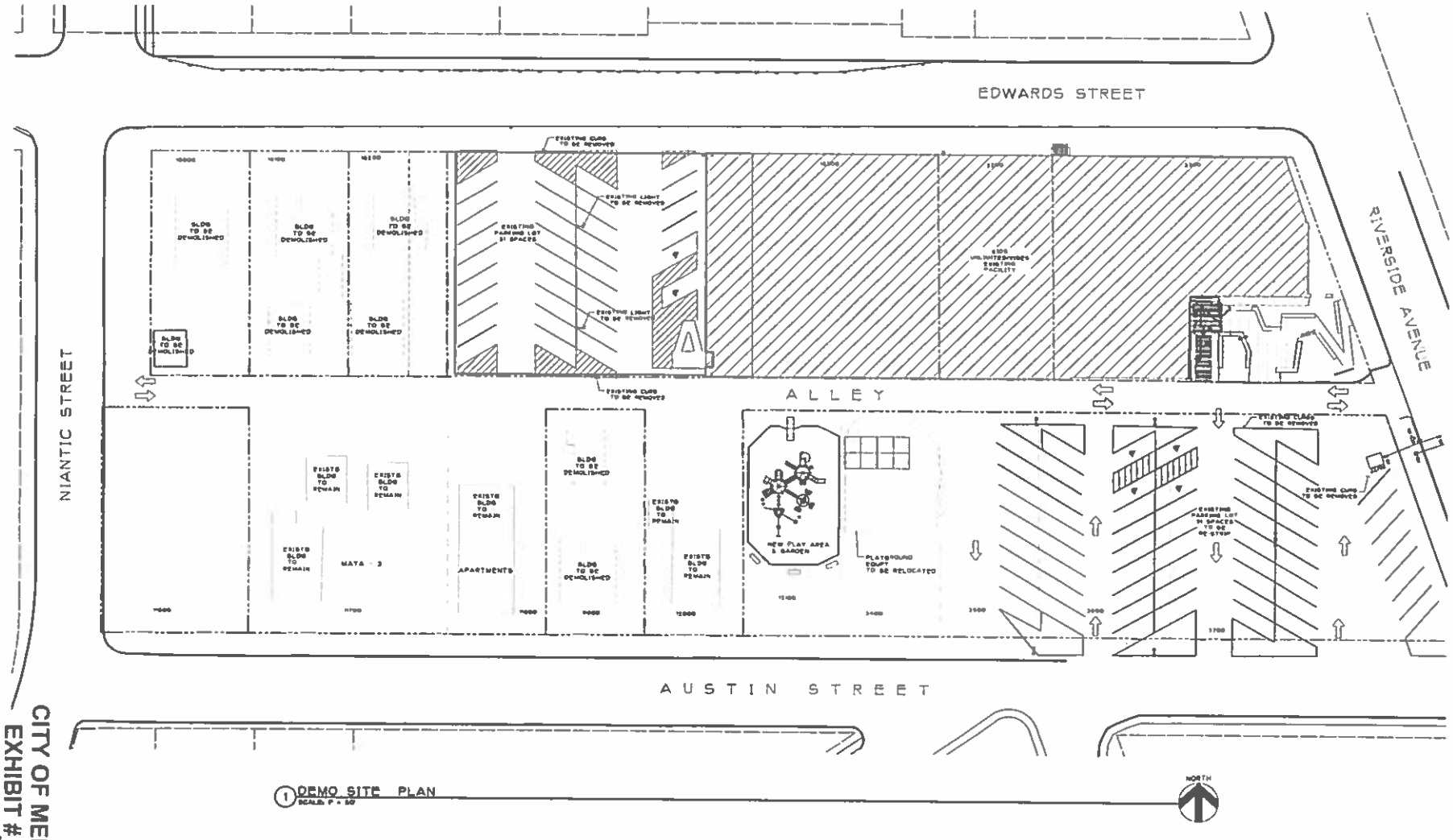
EXHIBIT # "B"
File # CUP-16-022 | E-16-023
Lot 1

# KIDS UNLIMITED ACADEMY
## SITE DEMO PLAN




① DEMO SITE PLAN
SCALE: 1" = 50'

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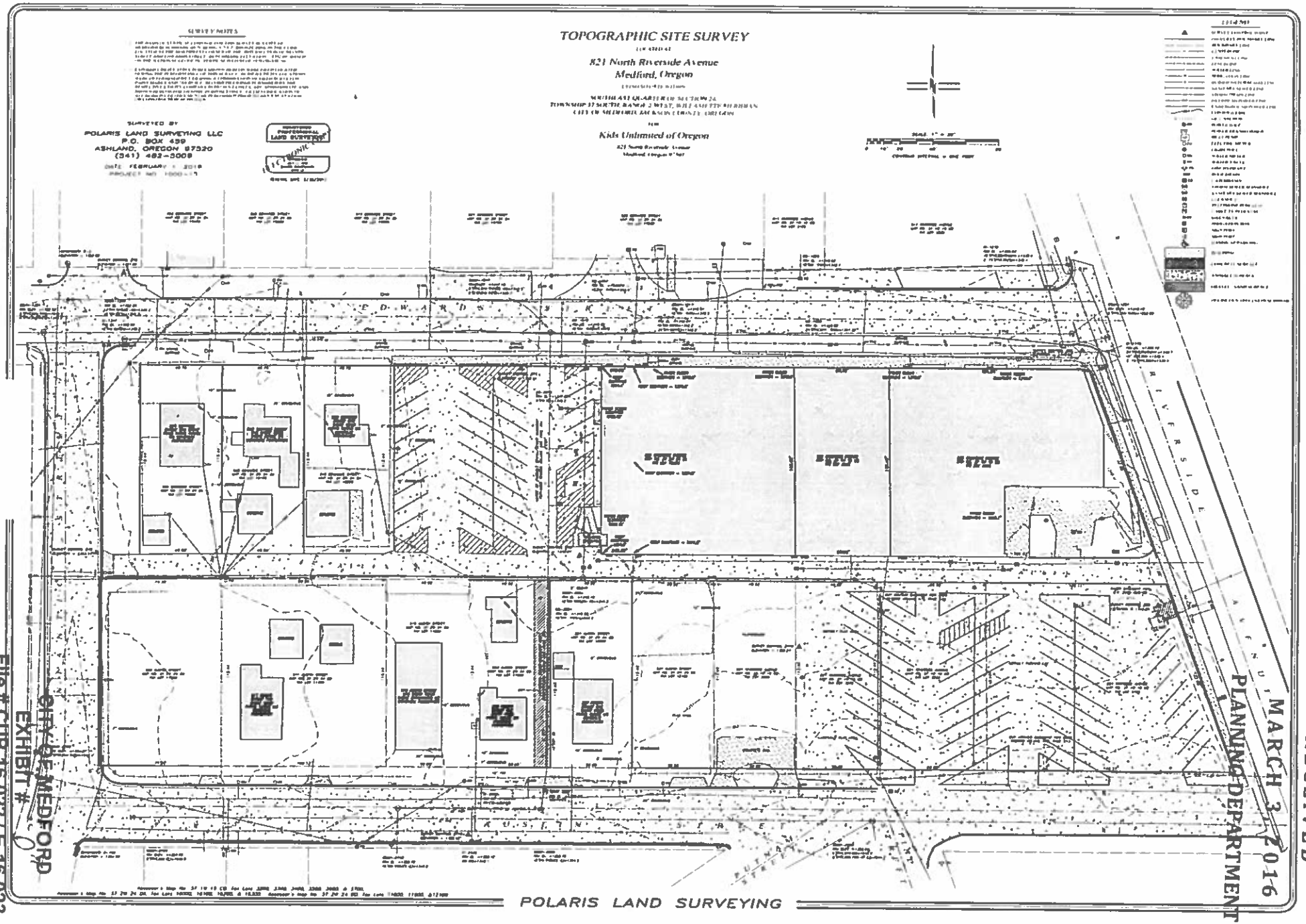


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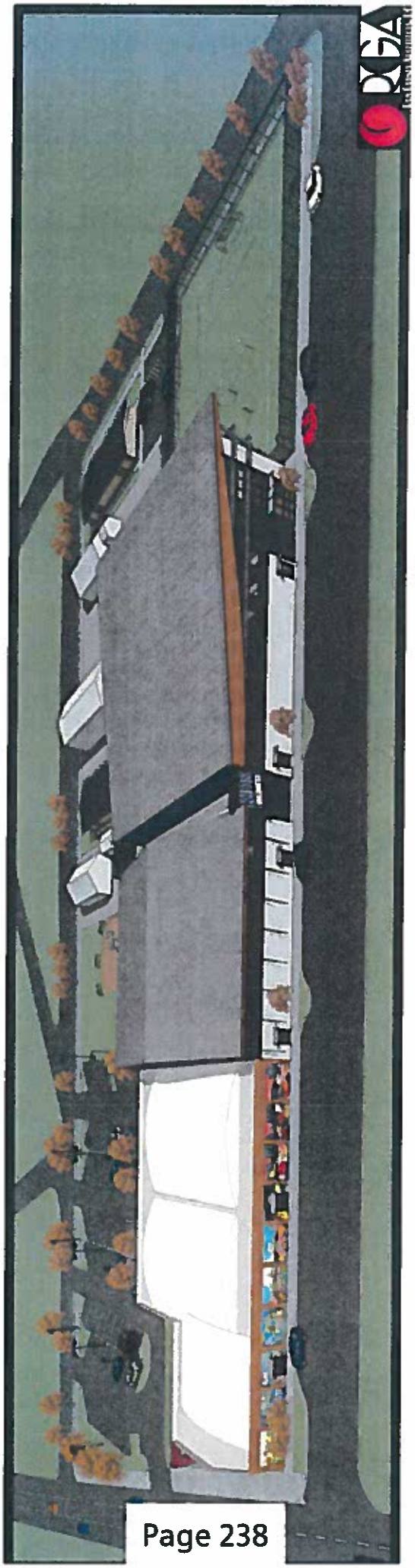

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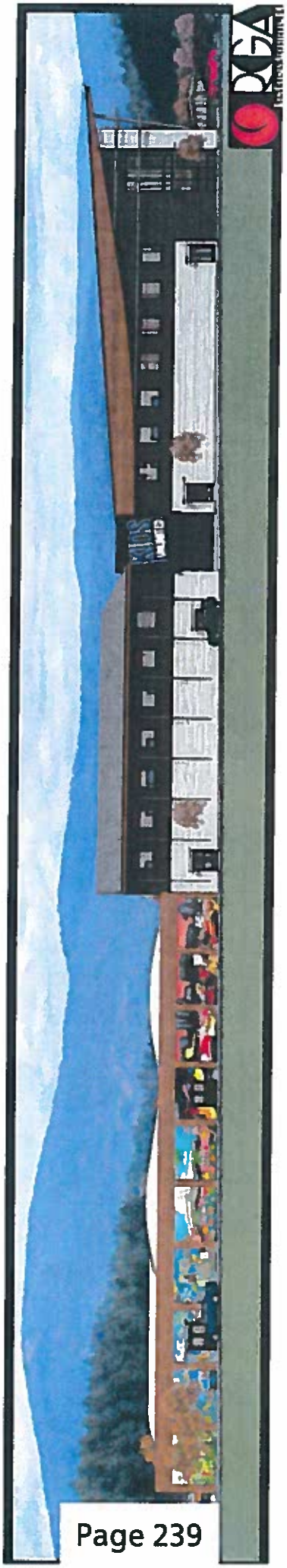

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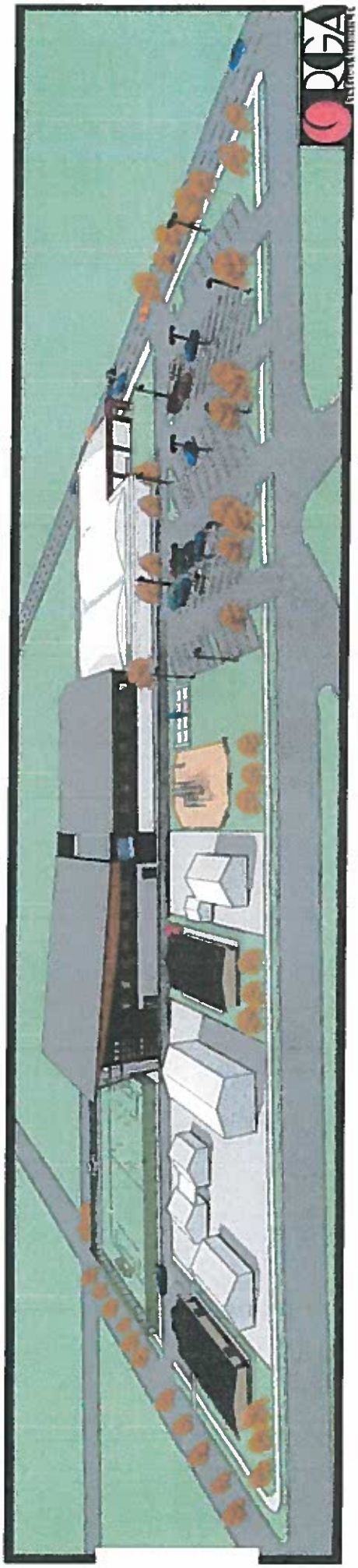

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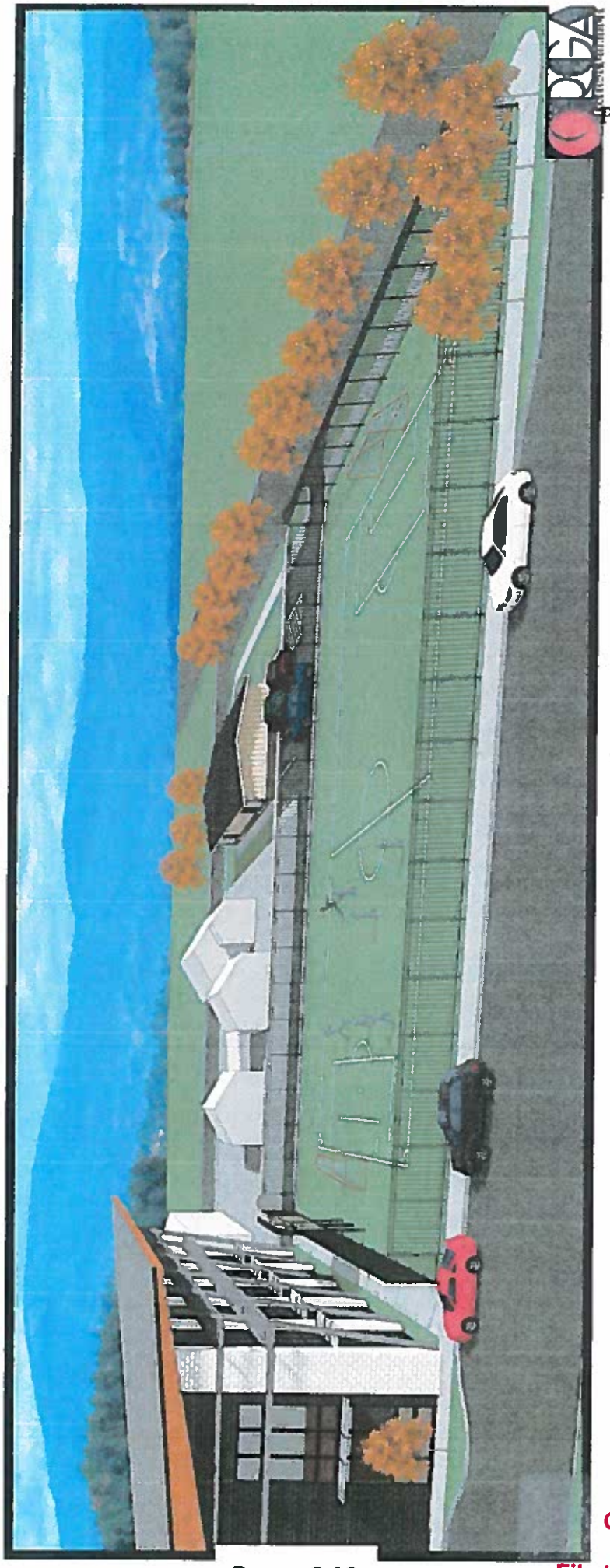

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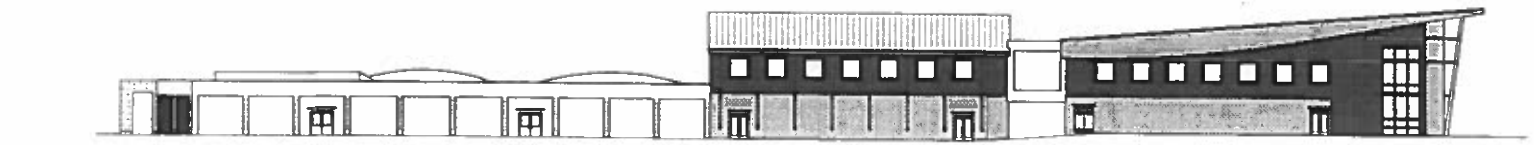
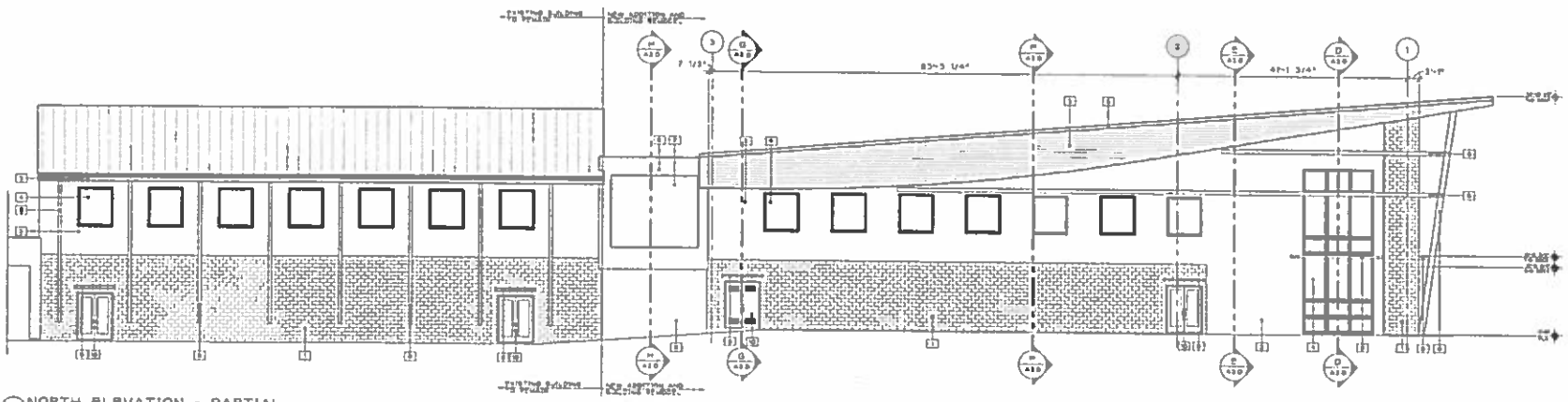
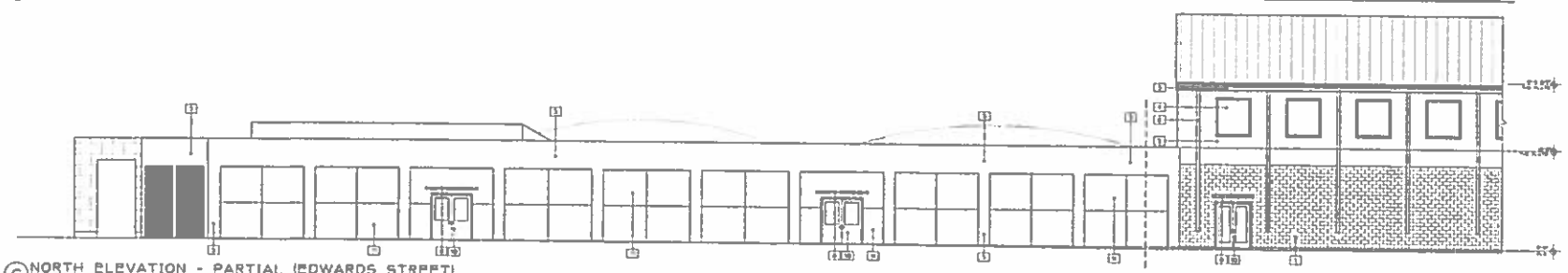


A ELEVATION
SCALE: 1/8"=1'-0"



B NORTH ELEVATION - PARTIAL
SCALE: 1/8"=1'-0"



C NORTH ELEVATION - PARTIAL (EDWARDS STREET)
SCALE: 1/8"=1'-0"

ELEVATION KEYED NOTES

1. "BLACK" GRAPHITE FACED EIFS SEAL WITH CLEAR "NON-GRAFFITI" SURFACE SEALER. CONTRACTOR SHALL SUBMIT SAMPLES TO ARCHITECT FOR APPROVAL PRIOR TO APPLICATION.
2. ACP SPAN "REVEALS 300 PSF" METAL WALL SIDING SYSTEM SURFACE MOUNT TRIM "TRIM WHITE BLACK" INSTALL PER MANUFACTURER'S SPECIFICATIONS.
3. "CHARCOAL" ALUMINUM BOND 4 SERIES SYSTEM 4" x 4" GRAPHITE MEDIUM "CHARCOAL GREY" INSTALL PER MANUFACTURER'S SPECIFICATIONS.
4. "BLACK" ALUMINUM STOREFRONT WITH "BLUE" GLAZING INSTALL PER MANUFACTURER'S SPECIFICATIONS.
5. STANDING SEAM METAL ROOF WITH COLOR AND STYLE OF EXISTING STANDING SEAM METAL ROOF INSTALL PER MANUFACTURER'S SPECIFICATIONS.
6. "INTERCHANGE" LIMESTONE HIGH PERFORMANCE CLEANING OF EQUIPMENT, DYED "BLACK" AND SEALED WITH A CLEAR "NON-GRAFFITI" SEALER. CONTRACTOR SHALL SUBMIT COLOR SAMPLES OF PANEL TO ARCHITECT FOR APPROVAL PRIOR TO APPLICATION.
7. BACK LIT SIGN.
8. STEEL FRAME ARCHED PANELS WITH CLEAR PERFORATED STRUCTURAL GLAZING FOR ADDITIONAL INFORMATION.
9. JOINTED ALUMINUM SIDING.
10. PAINTED STEEL BEAMS PAINTED "CHARCOAL GREY" WITH BLUE GLAZING PANEL BEAMS. CONTRACTOR SHALL SUBMIT COLOR SAMPLES TO ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.
11. GLASS PANEL SEAL COMPLETED GLASS, WITH CLEAR "NON-GRAFFITI" SURFACE SEALER.

DOA
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KIDS UNLIMITED
MEDFORD
MEDFORD, OR 97504

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| DATE | 12-15-15 |
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| DRAWN | ADM |
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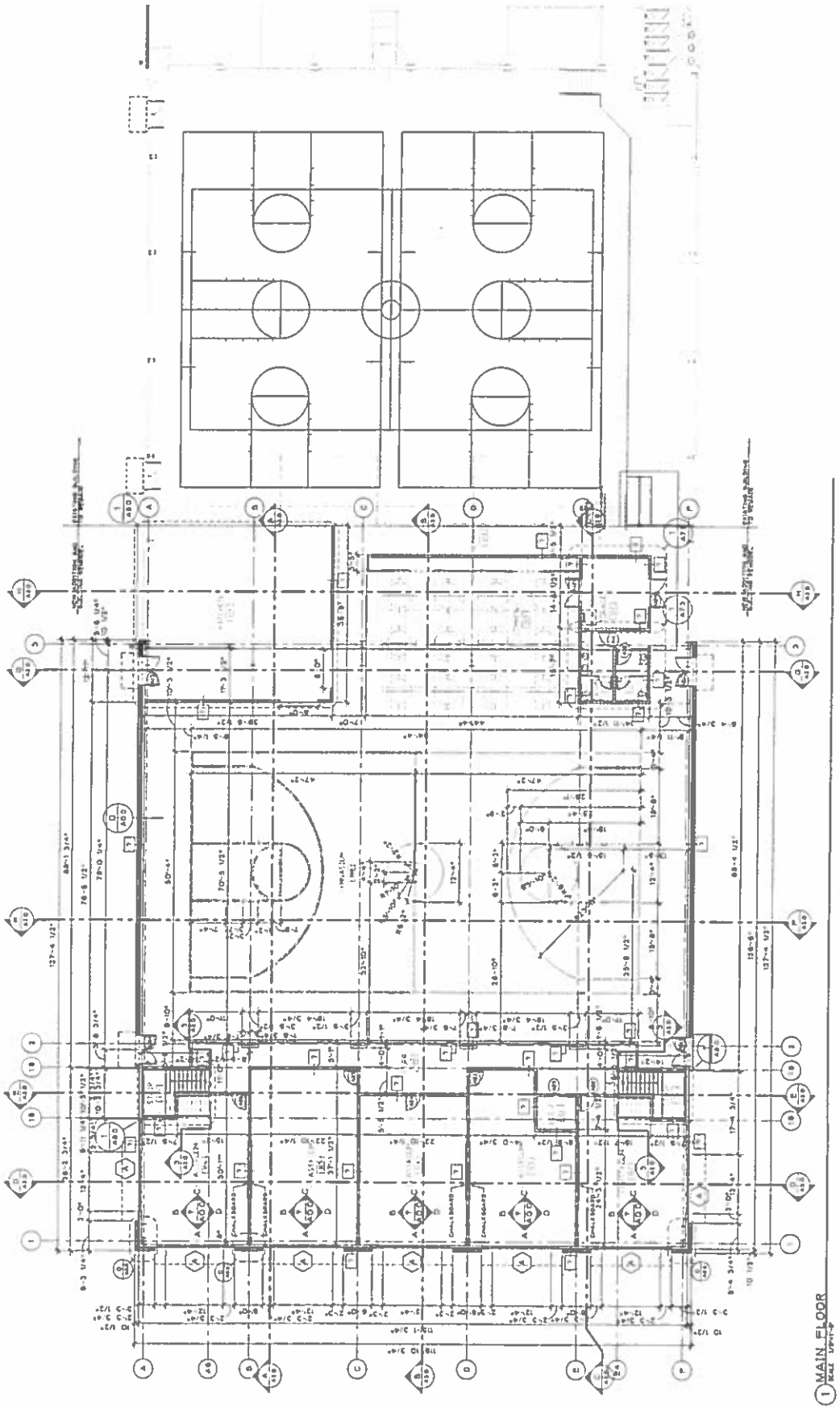


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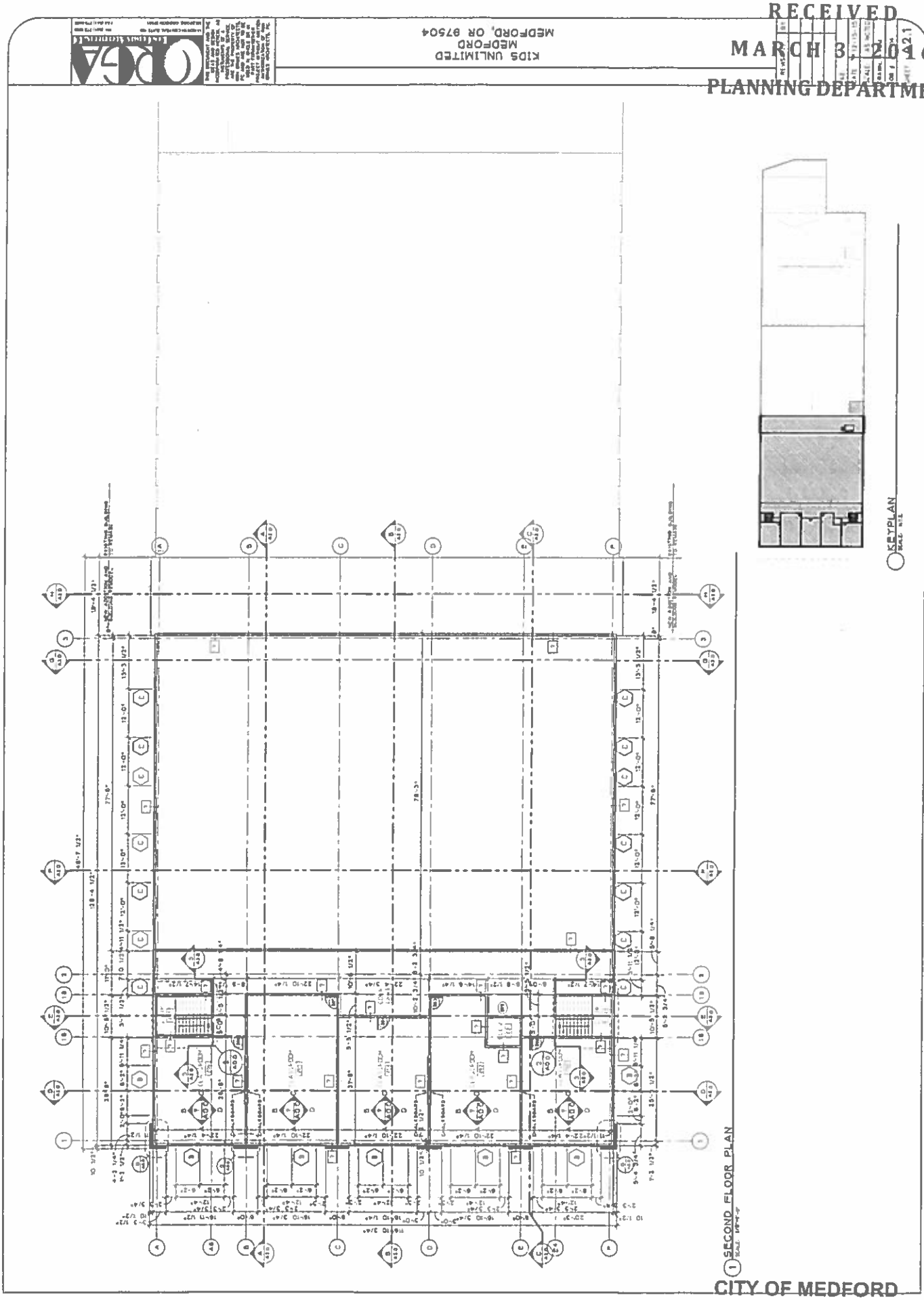


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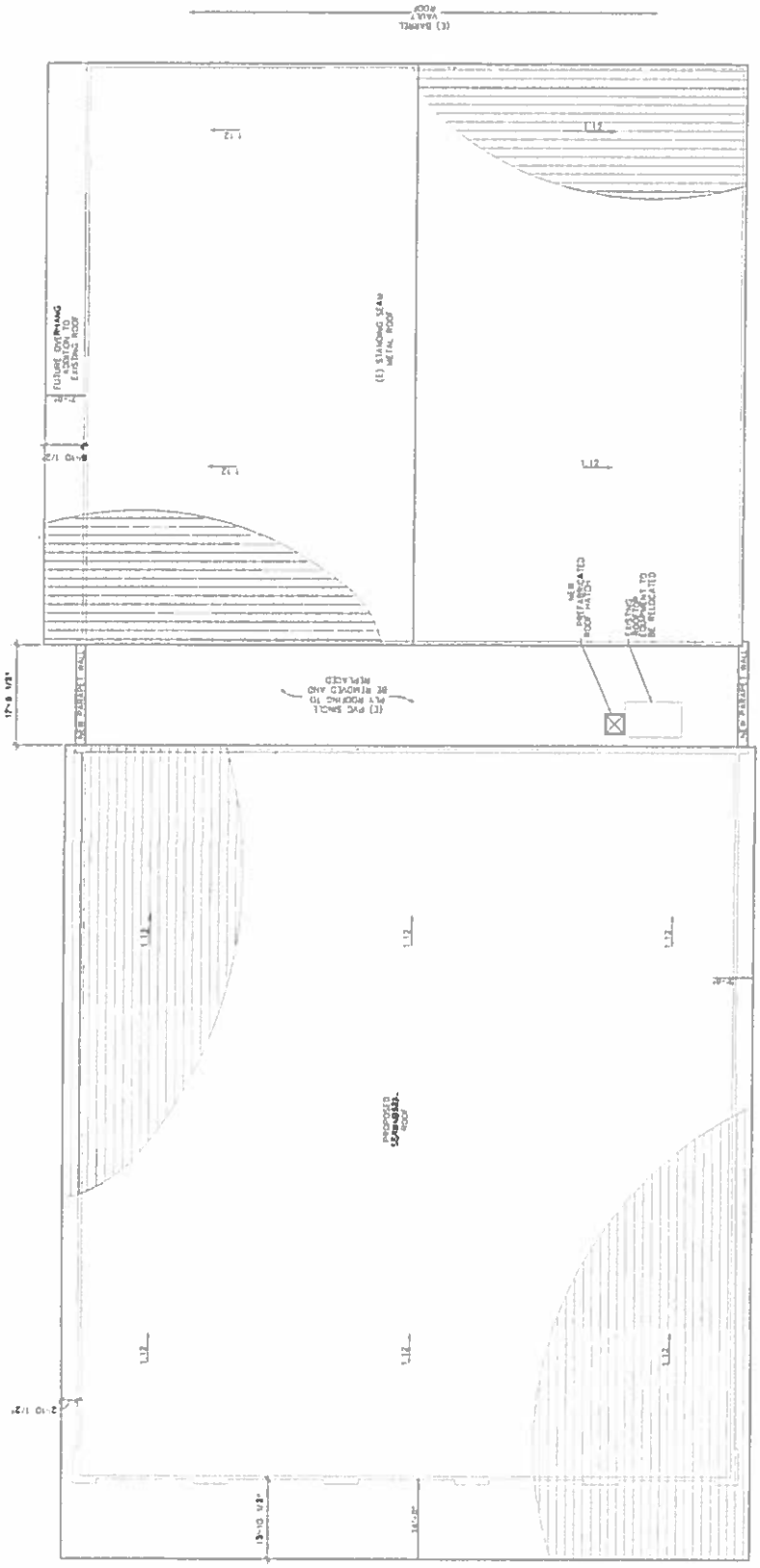


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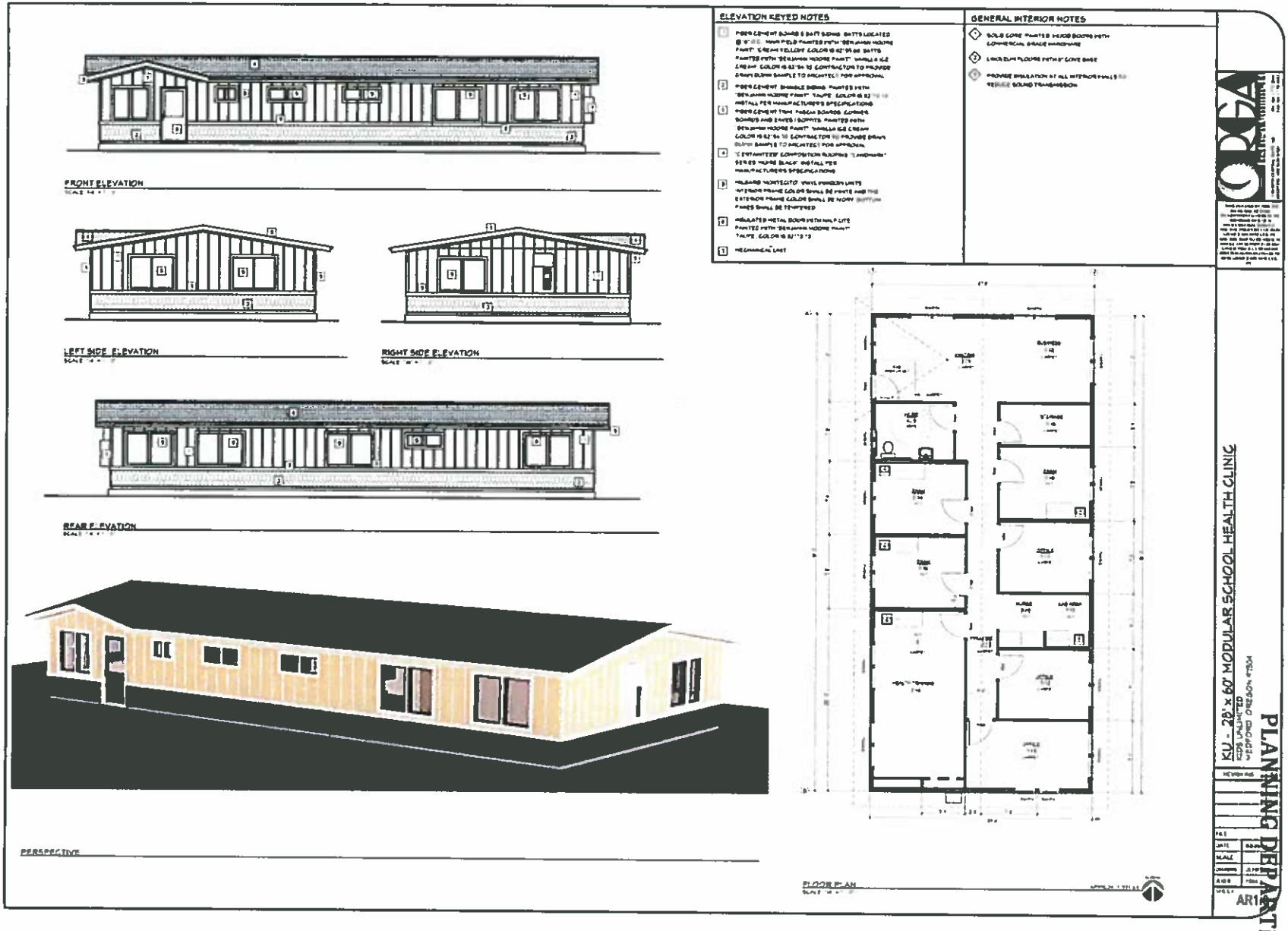


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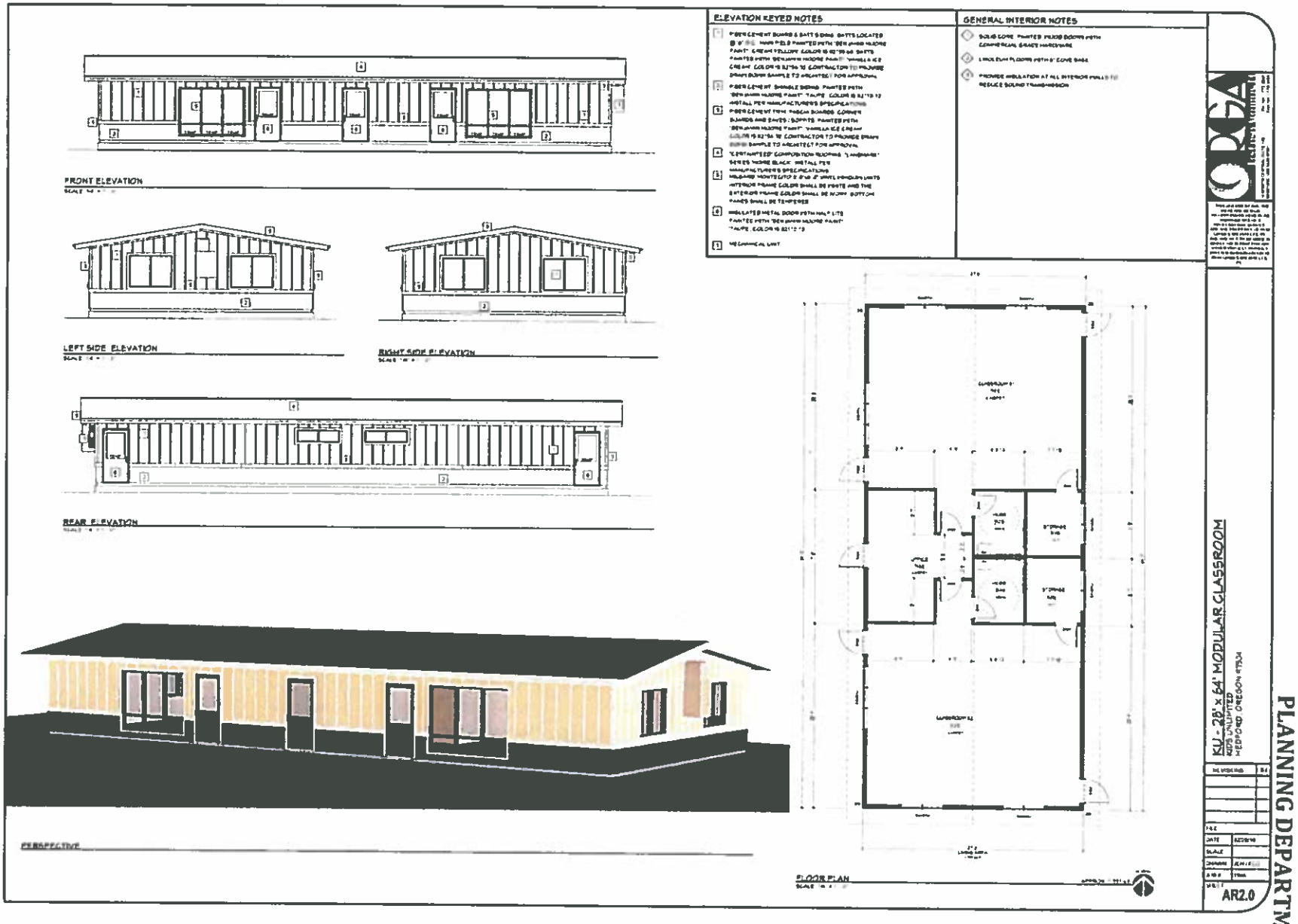


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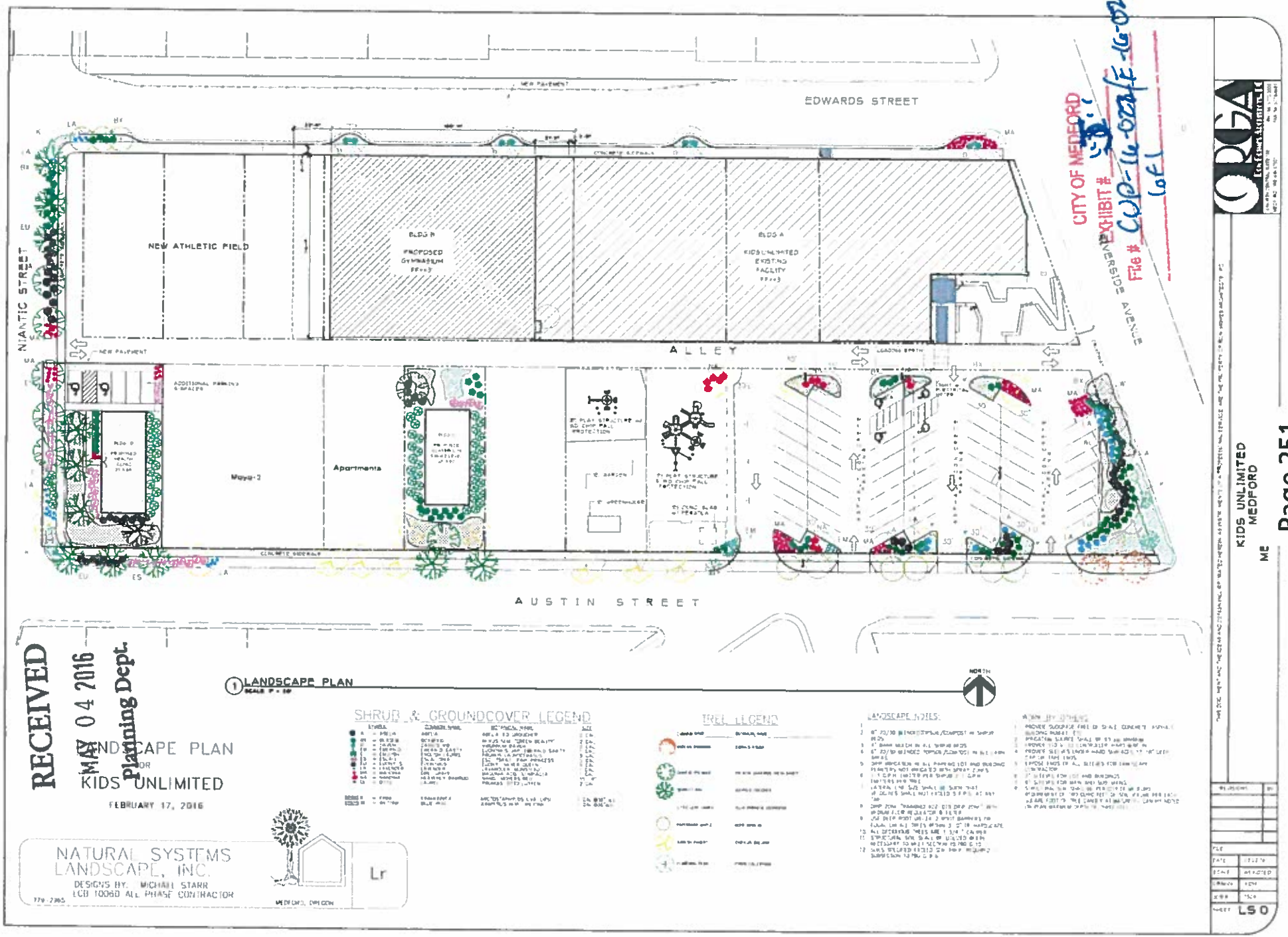


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1 of 1

LANDSCAPE PLAN
FOR
KIDS UNLIMITED
FEBRUARY 17, 2016

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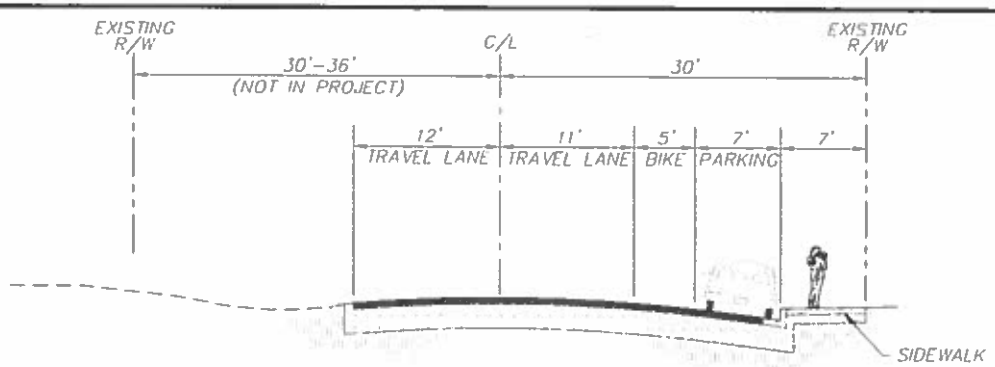
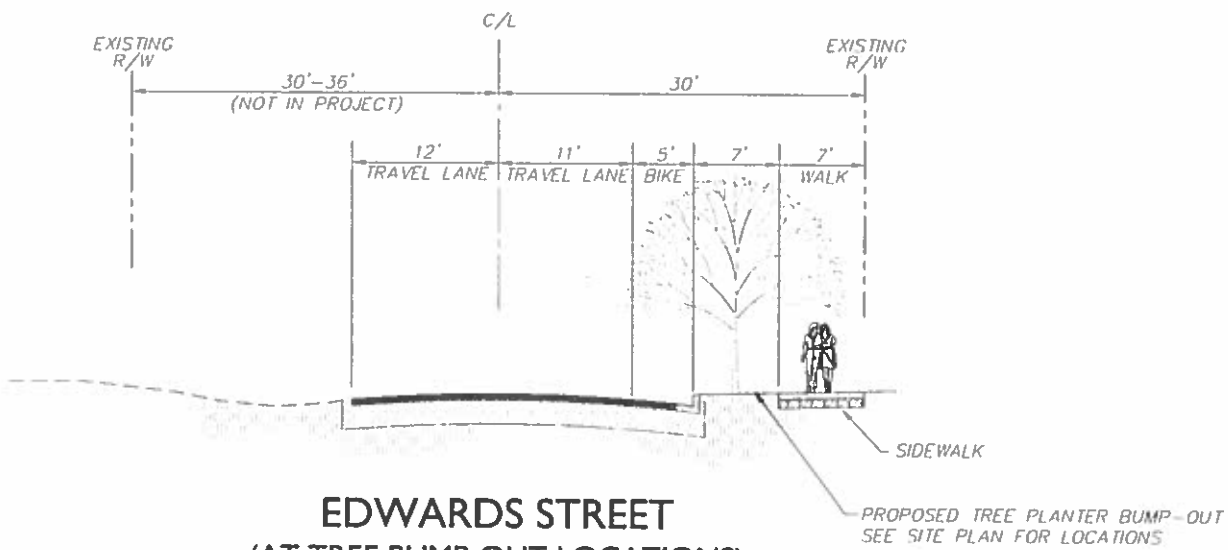



## EDWARDS STREET



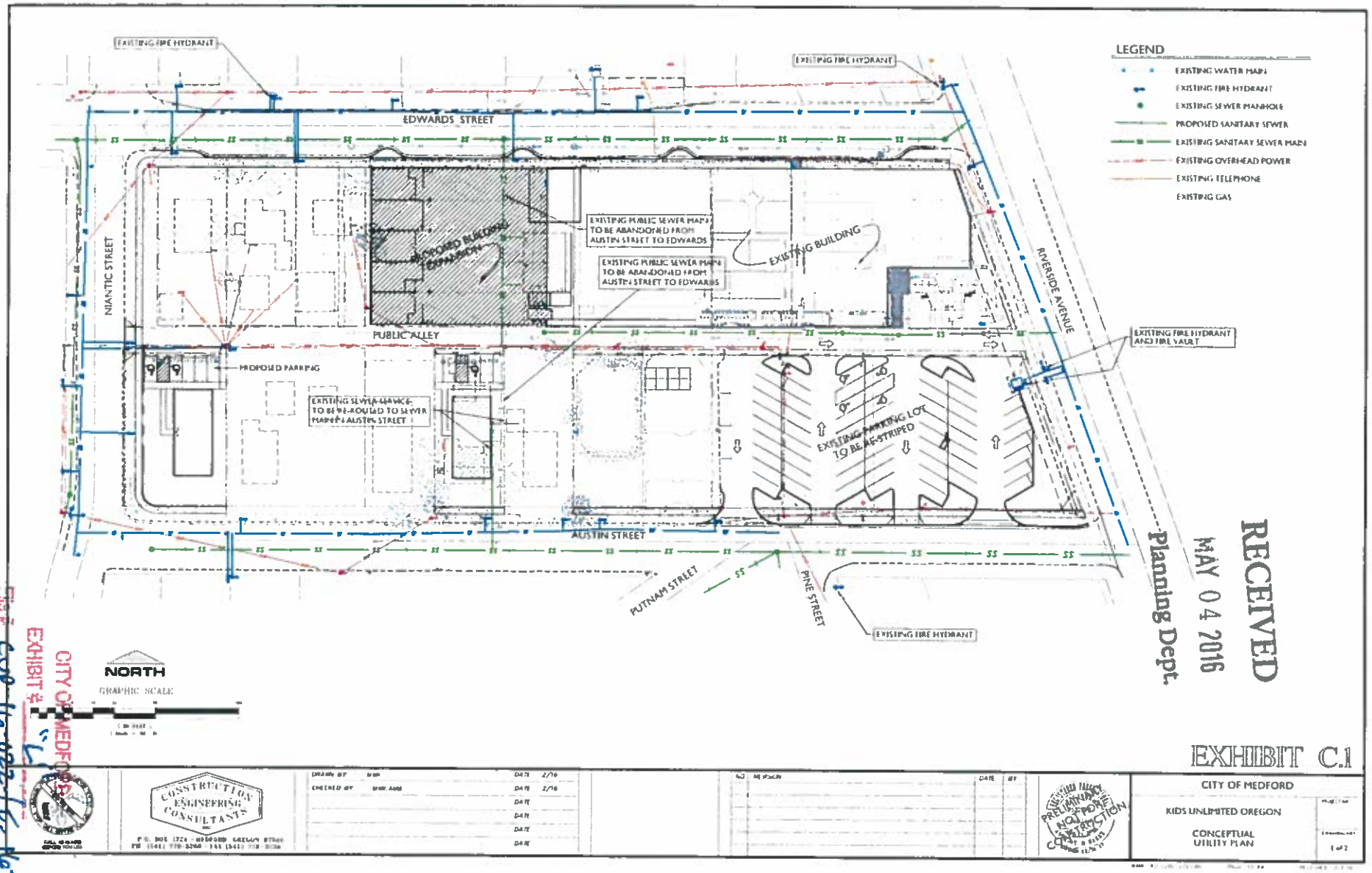

## EDWARDS STREET
(AT TREE BUMP-OUT LOCATIONS)

EXHIBIT C0

CONSTRUCTION ENGINEERING CONSULTANTS, INC.
P.O. BOX 1724 • MEDFORD, OREGON 97501
PH. (541) 779-5260 FAX (541) 779-3139

| | | | |
|---|---|---|---|
| DRAWN: MWK | DATE 2/16 | CONSTRUCTION ENGINEERING CONSULTANTS, INC. | SHEET 3 OF 4 |
| CHECKED MWK, AMB | DATE 2/16 | KIDS UNLIMITED | |
| APRROVED | DATE | EDWARDS STREET<br>PROPOSED STREET CROSS SECTION | |
| APPROVED | DATE | DATE: 2/4/16 | |

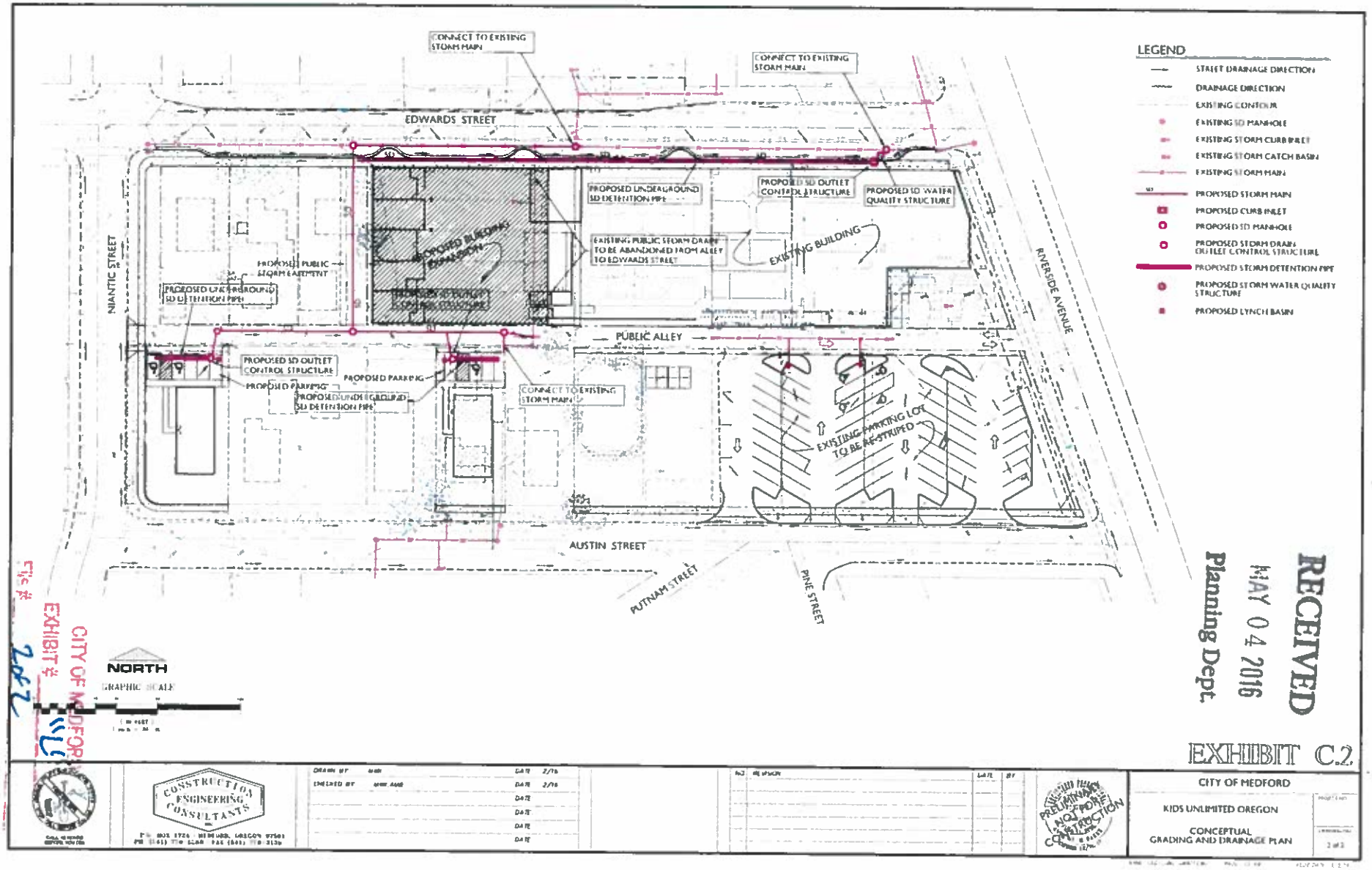
CITY OF MEDFORD
EXHIBIT # "K"
File # CUP-16-023/E-16-023




RECEIVED
MAY 04 2016
Planning Dept.

EXHIBIT C.1

CITY OF MEDFORD
EXHIBIT # "L"
File # CUP 16-022 / E 16-027
1 of 2


CONNECT TO EXISTING STORM MAIN
CONNECT TO EXISTING STORM MAIN
EDWARDS STREET
PROPOSED UNDERGROUND SD DETENTION PIPE
PROPOSED SD OUTLET CONTROL STRUCTURE
PROPOSED SD WATER QUALITY STRUCTURE
PROPOSED BUILDING EXPANSION
EXISTING PUBLIC STORM DRAIN TO BE ABANDONED FROM ALLEY TO EDWARDS STREET
EXISTING BUILDING
PROPOSED PUBLIC STORM EASEMENT
PROPOSED UNDERGROUND SD DETENTION PIPE
NIANTIC STREET
RIVERSIDE AVENUE
PUBLIC ALLEY
PROPOSED SD OUTLET CONTROL STRUCTURE
PROPOSED PARKING
PROPOSED PARKING
PROPOSED UNDERGROUND SD DETENTION PIPE
CONNECT TO EXISTING STORM MAIN
EXISTING PARKING LOT TO BE RE-STRIPED
AUSTIN STREET
PUTNAM STREET
PINE STREET
NORTH
GRAPHIC SCALE
LEGEND
STREET DRAINAGE DIRECTION
DRAINAGE DIRECTION
EXISTING CONTOUR
EXISTING SD MANHOLE
EXISTING STORM CURB INLET
EXISTING STORM CATCH BASIN
EXISTING STORM MAIN
PROPOSED STORM MAIN
PROPOSED CURB INLET
PROPOSED SD MANHOLE
PROPOSED STORM DRAIN OUTLET CONTROL STRUCTURE
PROPOSED STORM DETENTION PIPE
PROPOSED STORM WATER QUALITY STRUCTURE
PROPOSED LYNCH BASIN
RECEIVED
MAY 04 2016
Planning Dept.
EXHIBIT C.2
CITY OF MEDFORD
EXHIBIT #
File #
2 of 2
CONSTRUCTION ENGINEERING CONSULTANTS
PRELIMINARY NOT FOR CONSTRUCTION
CITY OF MEDFORD
KIDS UNLIMITED OREGON
CONCEPTUAL GRADING AND DRAINAGE PLAN

RECEIVED
MARCH 3, 2016
PLANNING DEPARTMENT



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

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

| | | |
|---|---|---|
| **IN THE MATTER OF AN APPLICATION FOR** | ) | |
| **CONDITIONAL USE PERMIT OF PROPERTY** | ) | |
| **IDENTIFIED AS T372W24DA TL 16000, 16100** | ) | **FINDINGS OF FACT** |
| **16200, 16300 T372W24DD TL 11600, 11900, 12100** | ) | **AND** |
| **372W24CB TL 3200, 3300, 3400, 3500, 3600, 3700** | ) | **CONCLUSIONS** |
| **KIDS UNLIMITED APPLICANT** | ) | **OF LAW** |
| **SCOTT SINNER CONSULTING, INC. AGENT** | ) | |

## I. BACKGROUND INFORMATION

**Applicants:**

Kids Unlimited of Oregon
Tom Cole, Executive Director
821 North Riverside Avenue
Medford, OR 97501

Chuck Martinez
Board President
222 NE Park Plaza Dr. Suite 116
Vancouver, WA 98684

**Agent:**

Scott Sinner Consulting, Inc.
4401 San Juan Dr. Suite G
Medford, OR 97504
541-772-1494
scottsinner@yahoo.com

**Properties:**

371W19CB TL 3200
.15 acres C-C Zoning

371W19CB TL 3300
.35 acres C-C Zoning

371W19CB TL 3400
.13 acres SFR-10 Zoning



CITY OF MEDFORD
EXHIBIT # "M"
File # CUP-16-022 / E-16-023

371W19CB TL 3500
.13 acres SFR-10 Zoning

371W19CB TL 3600
.17acres SFR-10 Zoning
371W19CB TL 3700
.36 acres C-C Zoning

371W24DA TL 16300
.66 acres C-C Zoning

371W24DA TL 16200
.13 acres MFR-20

371W24DA TL 16100
.13 acres MFR-20

371W24DA TL 16000
.13 acres MFR-20

371W24DD TL 11600
.20 acres MFR-20

371W24DD TL 11900
.13 acres SFR-10

371W24DD TL 12100
.13 acres SFR-10

**Summary:**

This application requests a Conditional Use Permit (CUP) for a Master Plan for the Kids Unlimited Academy (KUA), a public Charter School. The campus has properties within the SFR-10, MFR-20 and the C-C zoning districts. Each zoning district allows a school as a Conditional Use.

The Campus is bordered by North Riverside Avenue on the East, Niantic Street on the West, Edwards Street on the North and Austin Street on the South. A map is attached to identify the specific properties of the Master Plan subject to this application.

The Academy currently has an enrollment of 300 students and will add 50 students in each of the next three years reaching a total enrollment of 450 students in grades kindergarten through 8th.

The elements of this application are as follows and will be detailed in these Findings of Fact.

1. Conditional Use Permit
    a. Master Plan
    b. Campus
    c. Bufferyard
    d. Murals
    e. Modular Structures
    f. Parking
    g. Scheduling of Development
    h. Extinguish Existing Property Lines Under Buildings
    i. Alley
    j. Traffic Impacts
2. Exception
    a. Lot Coverage
    b. Right of Way (ROW) Reduction for Edwards
        i. Eliminate Public Utility Easement on Edwards.
        ii. Street Section for Edwards
        iii. Street Tree Plan
    c. Right of Way Reduction for Austin Street to the Current ROW Width
    d. Setback Exception for New Multipurpose Building

The existing development was established under prior land development ordinances and there are several preexisting nonconformities on the campus. The approval of this CUP application with the requested Exceptions will bring the Academy in compliance with the MLDC.

**Approval Criteria**

*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.*

**Findings of Fact**

*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.*

The approval criteria for a Conditional Use Permit (CUP) within the Medford Land Development Code (MLDC) states the Planning Commission must conclude the application is consistent with either 10.248 (1) or (2).

These Findings of Fact will demonstrate the application is submitted with 10.248(2). The approval of this Conditional Use Permit (CUP) may cause some adverse impacts and conditions may me imposed to produce a balance between conflicting interests.

The area of the Academy is comprised of 13 individual taxlots in three zoning districts, Community Commercial (C-C), Multifamily Residential 20 units per acre (MFR-20) and Single Family Residential-10 units per acre (SFR-10). MLDC section 10.337 identifies SIC Classification 821 Schools as a conditional use. MLDC section 10.314 (6.(C identifies Schools as a conditional use for both the MFR-20 and SFR-10 zoning districts.

Kids Unlimited has provided high quality youth and community development services to Southern Oregon families for 18 years. Having recognized the need for an educational option that would more fully meet the needs of children, from working families, who are struggling to meet state standards in the Medford School District, Kids Unlimited opened a new charter school in the Medford School District in the fall of 2013.

The Academy operates a 7:30 to 5:30 extended school day program and also provides an extended school year program in the summer. The program provides an opportunity for quality education and supervision for working families in this urban location in a blighted section of the City. At the current enrollment, the Academy currently prepares and provides over 1,000 meals daily serving breakfast, lunch, and dinner. At full enrollment of 450 students in three years the Academy is projected to serve 1,400 meals per day.

Many of these families live in the same neighborhood as the campus. The intent is to improve the neighborhood from the inside out, providing personal enrichment to the families with the services and physical improvement to the neighborhood with these facilities. This means upgrading existing facilities while providing new functional and attractive buildings and site improvements.

The subject property is infill development constrained by adjacent uses, development patterns and ownerships not affiliated with the applicant. The implantation of the master plan requires the approval of multiple exceptions relating to the 13 tax lots. The MLDC states Exceptions are intended to be used sparingly however the existing urban development patterns result in the exception process as the only method to implement the requested plan.

The approval of this CUP will provide opportunities for enhanced community facilities and programs in one of Medford's most challenged neighborhoods.

Master Plan

The Applicant proposes a Master Plan to identify the extent of improvements, uses and activities for the Academy. The Master Plan includes all properties currently under the ownership of the Kids Unlimited Organization. The existing building houses the main buildings of the campus. This building was developed under previous land use codes and any existing non-conforming improvements are preexisting conditions.

The existing building was constructed with zero set backs on the north elevation on Edwards Street and south elevation adjacent to the Alley. There are currently multiple tax lots under this building. The applicant stipulates to complete the necessary process to consolidate or extinguish lot lines under buildings, provided those parcels are within the same zoning district.

The Master Plan identifies an attached addition to the existing building. This addition is proposed to match the zero setbacks of the existing north and south elevations. The addition includes the enlargement of the existing kitchen and food preparation area, and a multipurpose area which will be used for meal and indoor recreation activities.

The western end of the addition will be developed with 10 classrooms, (5 classrooms on each of two floors). The addition will be developed on an area that is currently used for parking for the Academy.

The Applicant owns three taxlots, 16000, 16100, and 16200 which are currently developed with residential structures. The buildings will be demolished and a sports field will be developed for outdoor recreation activities.

Taxlots 3700, 3600, 3500 are currently used for parking and maneuvering areas. The Austin Street frontages of these lots are essentially a single very wide access. The master plan proposes the establishment of landscaped parking end caps to provide improved control of the internal circulation of the parking and drop off areas. Trees are proposed in the parking areas and street frontage.

The primary access for the Campus is from Austin Street. The existing public alley currently intersects North Riverside Avenue. The private parking areas do not take direct access from Riverside Avenue.

Taxlot 12100 and a portion of 3400 are proposed with a playground area. Taxlot 11900 is currently developed with a duplex dwelling built in the 1940s. This duplex will be demolished. A modular classroom is proposed for this parcel. The school has an immediate need for classrooms for the 2016-2017 school year.

Taxlot 11600 is currently vacant. The property will eventually be developed with a school health clinic.

The Master Plan includes a cohesive street frontage improvement to the Campus on all four street frontages. The Riverside Avenue frontage of taxlot 3700 will be improved with tree plantings. Tax lot 3300 is currently improved with an attractive landscape plan and no additional landscaping of the Riverside frontage is proposed.

Edwards Street is classified as a minor collector street in the Transportation System Plan (TSP). The standard right of way of a minor collector is a 72 foot section, 36 feet from the centerline. The existing buildings are on the existing property line 30 feet from the centerline. This application includes an exception request to reduce the south of center line right of way width to 30 feet for the entire segment between Riverside Avenue and Niantic Street.

The Applicant's design team has coordinated the attached Edwards Street Frontage Plan with Planning and Public Works Staff. The frontage plan proposes a wider sidewalk along the zero setback building frontages and the use of street tree bulbs to provide shading and still providing some on street parking and a bike lane.

Niantic Street is currently improved with a paved section, curb and gutter. The segment of Niantic fronting TL 11600 will require a dedication of 14.5 feet for right of way. The street section, curb and gutter are in place and the right of way will be used for planter strip and sidewalk to be developed when the School health office is developed.

The Niantic frontage on TL 16000 includes 10 feet of surplus of right of way. The applicant has discussed a possible vacation of right of way with Public Works Staff. Public Works stated another option may be a revocable right of way permit may be an option. This area, if it becomes available, would be utilized as a 10 foot extension of the outdoor recreation field.

The Austin Street frontage from Riverside Avenue to the west boundary of TL 3600 does not have curb and gutter and 25 feet to the surveyed center line. The existing condition of the property is little definition for the entrance to the parking area. The Master Plan proposes parking lot end caps for street trees and definition to the existing parking facilities.

The TL 3500 to the Niantic / Austin intersection is currently improved with a paved street, and curb and gutter. The applicant has submitted an exception to maintain the existing ROW without further dedications. Currently, KU has 3 properties in the segment and proposed the planned frontage improvements at the time each tax lot is developed.

Campus

This CUP seeks to establish the parcels included in the application as a campus and the impacts of the campus are evaluated in that context.

The properties are within several zoning districts and have developed over years with various uses under expired development codes.
The recognition of a campus and the uses associated with the operation of the school impacts internal setbacks and buffer requirements between the properties in this application. The applicant intends to consolidate property lines that are currently under existing buildings however consolidations cannot be approved across zoning districts and General Land Use Plan Map designations.

Additionally, all zoning districts in the campus have a 40% maximum lot coverage standard in the MLDC. Several of the existing tax lots have 100% lot coverage and could not be brought into conformance with the current MLDC without considering all the parcels in the entirety as a campus.

The existing development, before any anticipated right of way dedications is at 38% lot coverage. After dedications, the proposed master plan will have 42% lot coverage. This application also requests and exception for 45% lot coverage. The approval of the exception for lot coverage for the Campus will permit the proposed Master Plan development at 42% lot coverage and provide for future expansion of approximately 1,800 square feet of future building lot coverage.

Approving the 45% lot coverage with this application would facilitate future development to be submitted for the City process with just a revision of the CUP and would not require an additional exception application at that time.

Bufferyards

*10.790 Bufferyards*

*A. Purpose.*
*Bufferyards are utilized in order to minimize potential conflicts caused by in types and intensity of uses on adjacent properties. Factors to be mitigated include nuisances, such as visual impacts of buildings or parking areas, glare, views from upper story windows, dirt, litter, noise and signs.*

*B. Location.*
*Bufferyards shall be located along property lines which define the boundary between one zoning district and another, or along the boundary between a zoning district and a General Land Use Plan Map (GLUP) designation where there is not yet city zoning. The specific location of the bufferyard, relative to the*

*property line, is governed by Subsections C-E. Bufferyards are not required along any portion of a public right-of-way or private street.*
*[Amd. Sec. 8, Ord. No. 7776, Dec. 1, 1994.]*

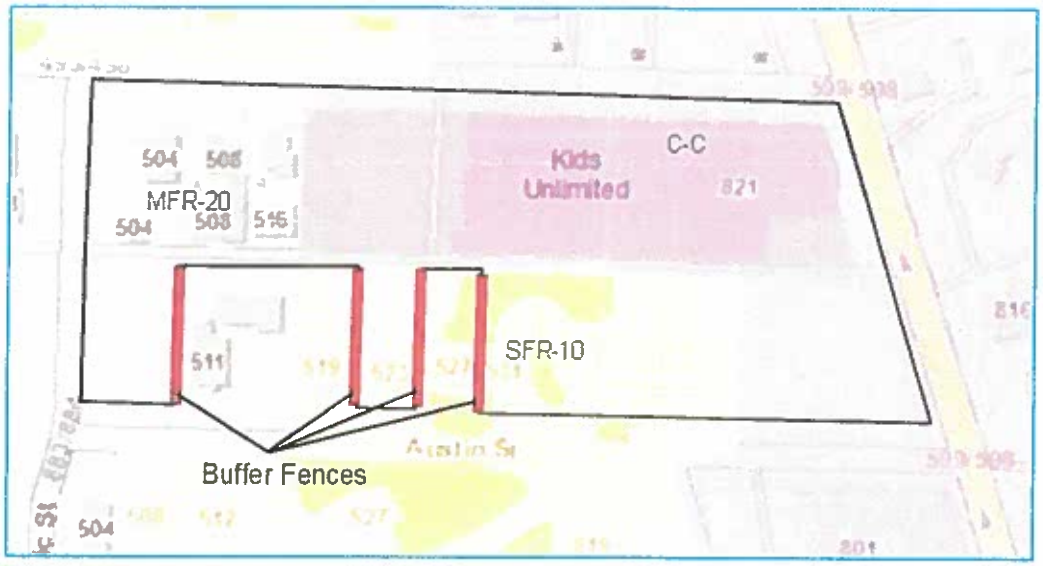
*C. Determination of Bufferyard Requirements.*
*(1) To determine the type of bufferyard required between two adjacent lots, the following procedure shall be followed:*
*(a) Identify the zoning district within which the subject lot with its proposed use is located.*
*(b) Identify the zoning district(s) or, absent city zoning, the GLUP designation(s) within which the abutting lot(s) are located.*
*(c) Determine the bufferyard required along each boundary, or segment thereof, of the subject lot by referring to Subsection D, Tables of Bufferyard Standards, which specify the bufferyard types required between zones or GLUP designations.*
*(d) A standard bufferyard shall be provided in addition to any agricultural buffering required by Section 10.801.*

*(2) Responsibility for bufferyard installation. In the case of two abutting vacant lots, the first lot to develop shall provide the buffer required by Subsection D, Tables of Bufferyard Standards. The second use to develop shall, at the time it develops, provide all additional material/land necessary to provide the total bufferyard required of Subsection D, Tables of Bufferyard Standards.*
*[Amd. Sec. 9, Ord. No. 7776, Dec. 1, 1994.]*

The Campus is within the MFR-20, the C-C and the SFR-10 zoning districts. The photo below identifies the campus with the black border and each respective zoning district. The properties within the border are all subject of this CUP application and the same ownership and buffering is not warranted.

Public rights of way, including the public alley surround and bisect the campus and buffering is not warranted across any rights of way.

Three of the properties fronting on Austin Street are not included in the Campus and CUP. Referring to the image below, 511, 519 and 527 Austin Street are not owned by KU. 511 Austin is a single family detached dwelling in an MFR zone built in 1910, 519 is an apartment building in an SFR zone built in 1966. 527 Austin is a conforming single family detached in a SFR zone.




The Master Plan proposes the demolition of 523, 531, and 533 Austin. 523 is proposed to have a 1 story modular with two class rooms, 531 will demolished and the current KU playground will be relocated and 533 will be demolished and the parking lot will be expanded.

509 Austin is currently vacant and is proposed to house the school clinic to serve the students. The improvement of this parcel will require a 14.5 foot dedication of right of way.

The Code does not require bufferyards in the same zoning district however the CUP is proposing a conditional use, which could require a bufferyard. This application proposes new sight obscuring fences with the development of the specific parcels indicated on the Master Plan. The buffer fences are proposed between the Austin Street properties only as discussed above.

The lots owned by KU will all be developed as lots with a 50' width. Providing any buffer, other than a sight obscuring wooden fence would severely limit any viable development on these narrow lots. Additionally, the uses on these parcels are directly associated with the operation of the charter school during the regular school hours resulting in minimum impact to the neighbors after hours.

Murals

The application submittals include elevations on the existing building with panels identified for murals to be created by KU staff or students. The image below depicts the current elevation and representative mural art.

The conceptual image below identifies the conceptual location of the murals and the enhancement to the Edwards Street Elevation of the existing building. The elevation below depicts 10 mural panels approximately 12 feet tall and 16 feet wide.

The approval of the CUP will grant the ability to locate murals on this elevation. Each mural would be reviewed by Staff through a sign permit application process.

This Edwards Street frontage will be further enhanced with the proposed streetscape which includes 7 foot wide sidewalks and street tree bulbs with new street trees for shade and pedestrian scale enhancement.

Edwards Street is classified as a minor collector street with a 72 foot right of way, and 36 feet for a half street section. The existing building was developed with a zero setback and the distance to center line is 30 feet.

An Exception request is included in the application to specify a 30 foot half street section that includes a 7 foot sidewalk, 7 foot on street parking with street tree bulbs segmenting the on street parking, a 5 foot bike lane and the 11' travel lane. Approving the exception will approve the non-standard street section.

Modular Structures

The CUP application includes a submission to build the proposed multipurpose addition. At the time of submission, the timeline for entitling the project and constructing and completing the building for the beginning of 2016-2017 school year is unlikely. To accommodate the opening, a modular building containing two classrooms is depicted on the master plan on taxlot 11900.

A modular is also depicted on TL 11600 to be used as a school health clinic. The Health Clinic is for the student and facility use and will not be a standalone health care facility. Additional parking as depicted on the Master Plan is proposed to be developed with the health clinic. The additional parking will be for added staff and also additional ADA parking near the facility.

The architectural plans for the modular clinic and classrooms are attached. The exterior elevations are as proposed and both buildings will have this compatible residential scale theme.

At the time of submission of this application, there may be some programmatic modifications to the interior floor plans that may affect the exact locations of the windows of each building, and flexibility is requested.

Parking

The Master Plan proposes a revision and expansion of the existing parking areas. Per the MLDC, The minimum parking requirements for a K-8 school are 1 space per teacher or staff person plus 1 space per 2.4 classrooms. The maximum parking allowed is1 space per teacher or staff person plus 1 space per 1.8 classrooms.

Per the MLDO, The minimum parking required is 63 spaces and the maximum is 68 spaces. 75 spaces are provided on the master plan and the additional 7 spaces will accommodate unanticipated staffing needs for accessory activities and potential food preparation staff to increase the meals served from 1,000 meals per day to 1,350 meals per day.

The proposed plan will add planter strips, street trees, sidewalks, parking lot end caps and improved circulation for both bus and passenger car pick up and drop off areas, promoting student safety. This application proposed to use the existing right of way width for Austin Street without dedication.

Scheduling of Development

KU is actively planning on the development of the campus. Development is dependent on demand for services, fund raising, and ability to acquire additional properties. The

discussion below identifies current needs and the scope of individual development projects on the campus. The projects are not necessarily presented in order and projects may be implemented on an as needed basis.

KU is currently serving kindergarten through 5th grade, 50 students per grade for 300 students for the 2015-2016 academic year. The Academy will add 1 grade per year to serve 6th, 7th and 8th grade for a total enrollment of 450 students.

Multipurpose Addition / Remodel

Upon approval, KU will commence development of the approximately 18,000 square foot multipurpose addition / remodel project to expand capacity for meal preparation, cafeteria seating, indoor recreation activities and 10 new classrooms.

Improvements directly associated with this element are:

a. Improvements to the Edwards Street right of way fronting taxlots 16300, 3200, and 3300.
b. The parking improvements indicated on the Master Plan for taxlots 3700, 3600, and 3500
c. Install sidewalks and define parking lot access for affected taxlots.
d. Improvements to the Edwards Street elevation of the existing building
e. Development of mural panels

Modular Structures

To meet the demand of the 2016-2017 academic year, a modular classroom consisting of two classrooms is proposed for development immediately upon approval of this application. The modular is proposed for TL 11900.

Improvements directly associated with this element are:

a. Demolish existing duplex
b. Site improvements for modular classroom
c. Install sidewalk on tax lot frontage of Austin Street
d. Install parking on tax lot as per the Master Plan

Playground

KU has developed an outside playground on taxlot 3400. Future plans may reconfigure playground elements.

Improvements directly associated with this element are:

a. Install sidewalks on taxlot frontage of Austin Street.

School Health Clinic

KU is reviewing the feasibility of establishing a health clinic for the campus. The clinic is shown on the Master Plan on TL 11600. At the time of submission of this application the clinic is conceptual. A modular of similar design and size as the modular classroom for TL 11900 is currently considered for the current planning purposes of approximate location and lot coverage impact.

This application would seek approval of the clinic in the configuration submitted. In the event the clinic is modified, the applicant would submit construction documents for administrative review to determine if the construction documents are consistent with the approved master plan.

Improvements directly associated with this element are:

a. Dedicate required right of way for Niantic Street
b. Complete right of way sidewalk and landscaping on TL 11600
c. Complete parking area on the tax lot as indicated on the Master Plan

Outdoor Athletic Field

Taxlots 16000, 16100, and 16200 are currently developed with duplex dwelling units. These units will be demolished with the development of the proposed outdoor athletic field.

Currently, the Niantic Street right of way is developed with an improved paved street section and curb and gutter. There is approximately 24 feet of right of way between from back of curb to the property line of TL 16000.

The applicant spoke to Public Works Staff regarding the disposition of the additional right of way and if a vacation of right of way could be supported. The origin of the acquisition of the right of way is unclear, and Staff suggested the possibility of a revocable right of way permit could be a method of KU using this area for inclusion of the area of the athletic field.

The Master Plan does not include the area of the right of way discussed above. In the event this area was made available for KU use, the area is proposed to be included in the area of the Master Plan without a revision of the CUP.

Improvements directly associated with this element are:

a. Improvements to the Edwards Street right of way for the frontage of taxlots 16000, 16100, and 16200.

b. Install sidewalk on lot frontage of Niantic Street

Extinguish Property Lines

The existing development is currently built over the existing property lines of Tax lots 3200, 3300 and 16300. Property lines will be either adjusted through a property line adjustment or lots will be extinguished through an administrative action.

Tax lots cannot be extinguished, consolidated, or adjusted across zoning district boundaries. The applicant will coordinate this process with staff to resolve the non-conformity.

Alley

The alley between Edwards Street and Austin Street is a public alley. The alley is utilized in the interior circulation plan for the parking and the campus. KU owns 13 of 16 taxlots adjacent to the alley. At least one of the non KU parcels actively uses the alley for rear entry parking for the residents of the apartments.

As long as non KU owned parcels utilize the alley, there will be no attempt to vacate the alley for use exclusively by KU.

Traffic Impacts

To determine the traffic impacts of the Academy relative to the allowable uses of the properties at the allowable densities provided in the MLDC and uses of the zoning district, the following table identifies the potential of the properties.

The City of Medford utilizes a trip generator value of 1,500 Average Daily Trips (ADT) per acres of commercial land. The ITE Trip Generations 9th Edition provides the following:

| | | |
|---|---|---|
| Land Use 210 | Single Family Detached Housing | 9.52 ADT |
| Land Use 220 | Apartments | 6.65 ADT |
| Land Use 520 | Elementary Schools | 1.29 ADT / Student |
| Land Use 522 | Junior High and Middle Schools | 1.69 ADT / Student |

The Tables below indicate the trip potential of the properties within the campus area and the traffic impacts of the Academy projected through full build out and maximum enrollment.

The Academy is chartered to have a maximum of 50 students per grade level. The current 2015 – 2016 enrollment is 300 students. For the 2016-2017 school year grades Kindergarten through 6th are provides for a total of 350 students. The academy will also

provide 7th grade in 2017-2018 and 8th grade in 2018-2019 which will be full enrollment of 450 students.

| Traffic as Highest and Best Use of the Zoning District | Map | Taxlot | Acreage | Zone | Traffic Impact/ acre | Maximim Density/ Dwelling Units | ADT / DU | Total ADT |
|---|---|---|---|---|---|---|---|---|
| 821 N Riverside | 371W19CB | 3200 | 0.15 | C-C | 1500 | | | 225 |
| 822 N Riverside | 371W19CB | 3300 | 0.35 | C-C | 1500 | | | 525 |
| 821 N Riverside | 371W24DA | 16300 | 0.66 | C-C | 1500 | | | 990 |
| Riverside | 371W19CB | 3700 | 0.36 | C-C | 1500 | | | 540 |
| 531 Austin St | 371W24DD | 12100 | 0.13 | C-C | 1500 | | | 195 |
| 509 Austin St | 371W24DD | 11600 | 0.20 | MFR-20 | | 6 | 6.65 | 40 |
| 504 Edwards | 371W24DA | 16000 | 0.13 | MFR-20 | | 4 | 6.65 | 27 |
| 508 Edwards | 371W24DA | 16100 | 0.13 | MFR-20 | | 3 | 6.65 | 20 |
| 516 Edwards | 371W24DA | 16200 | 0.13 | MFR-20 | | 3 | 6.65 | 20 |
| 523 Austin St | 371W24DD | 11900 | 0.13 | SFR-10 | | 2 | 9.52 | 19 |
| 823 N Riverside | 371W19CB | 3400 | 0.13 | SFR-10 | | 2 | 9.52 | 19 |
| 537 Austin | 371W19CB | 3500 | 0.13 | SFR-10 | | 2 | 9.52 | 19 |
| Austin | 371W19CB | 3600 | 0.17 | SFR-10 | | 2 | 9.52 | 19 |
| Total Acreage | | | 2.80 | | Total ADT | | | 2,658 |

As indicated above, the ITE Trip Generations 9th Edition for Land Use 520 Elementary Schools is 1.29 ADT per student and Land Use 522 for Middle Schools, 1.69 per Student as tabulated below.

| Traffic per Student | | | Students | ADT / student | | | | Total ADT |
|---|---|---|---|---|---|---|---|---|
| Current enrollment | K-5 | | 300 | 1.29 | | | | 387 |
| Full Enrollment 2019 | K-6 | | 350 | 1.29 | | | | 452 |
| Full Enrollment 2019 | 7th and 8th | | 100 | 1.69 | | | | 169 |
| Total | | | | | | | | 621 |

The Academy enrollment is available to residents of the Medford School District. Many students are residents of the immediate area, however the District provides bussing to the Academy with daily pick up and drop off at the school nearest to the student's home. 2/3 of the students use the bus for transportation to and from the Academy. The school day starts at 7:30 for all students and student pick up is staggered between 3:10 ending at 5:30.

The traffic impact of 621 ADT at full enrollment of 450 students is substantially less that potential of 2,658 ADT of the properties as recognized by the trip generations methodology of the ITE manual and the City of Medford.
The definition of the Austin Street frontage of the parking lot has been reconfigured by the design team to enhance the drop off and pick up function of the campus. Entrances, exits and drive isles of the parking lot have been designed to accommodate both passenger cars and the busses serving the campus.

Conclusions of Law

The Planning Commission can conclude the application is consistent with the Medford Land Development Code. The conditional use of the proposed Charter School is permitted in the zoning districts and the master plan proposes a balance between any conflicting uses.

Additional Criteria

*10.249 Conditional Use Permits, Mitigation of Impacts*
*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.*

The Medford Comprehensive Plan (Comp Plan) recognizes the need for public schools and classified public schools as Category B Facilities. The planning for School District Facilities is contained within the following Comp Plan excerpt:

*PUBLIC SCHOOL DISTRICT FACILITIES PLANNING Long-Range Planning for Public School Facilities Long-range school facilities planning is an important and somewhat complex process requiring the cooperation and coordination of school districts, local governments and citizens. Long-range planning by the Medford and Phoenix-Talent School Districts is continuous. It is a different type of planning, however, from the long-range planning activities of local "general-purpose" governments, whose responsibility is to direct the location and intensity of community growth and development, and to perform functions of community and regional planning that fall within their jurisdictional and statutory authority. Conversely, school districts are "special-purpose" government entities, whose role is to coordinate with city and county agencies, and react appropriately to the*

*service demands generated by the growth and development policy decisions of general-purpose governments. State statutes, particularly ORS 195.110, define the City's role and responsibilities in the required facilities planning of large (defined by ORS 195.110 as having more than 2,500 students) school districts.*

Findings of Fact

This application is required to be consistent with at least one of the criteria listed above. This application is consistent with subsection 2 and 3.

KU Academy is a nonprofit entity providing a service to the immediate area or community, consistent with Criterion 2. The improvements proposed with this application will provide a significant enhancement to this blighted section of Medford.

Many of these families attending the Academy live in the same neighborhood as the campus. The intent is to improve the neighborhood from the inside out, providing personal enrichment to the families with our services and physical improvement to the neighborhood with these facilities. This means upgrading existing facilities while providing new functional and attractive buildings and site improvements.

The property is an infill development constrained by adjacent uses, development patterns and ownerships not affiliated with the applicant. The approval of this CUP will provide opportunities for enhanced facilities and programs for this neighborhood.

Improving and expanding the facilities will allow the academy to increase enrollment from the current 300 students to 450 students at the proposed full build out.

The Academy is chartered to provide an educational program with extended hours and extended summer schedule to serve working families who have limitations to obtain qualified supervision or access to after school activities for their school age families.

The Academy serves approximately 1,000 meals daily. The meals are prepared on site and represent a vital nutritional requirement for the students. The full build out and enrollment of K-8 grades will increase the student enrollment to 450 students and meals to an average of 1,350 per day.

The development of KU is an intensive urban use. KU is an urban hub, providing education, meals and supervised activities for disadvantaged youth in the City. The program provides both an extended daily schedule and annual schedule to serve working families where qualified child care is always a problem. Intensifying the use of the campus as detailed in this application will provide a public service to the community.

Conclusions of Law

The Planning Commission can conclude Kids Unlimited is a nonprofit entity providing a needed use and services to the immediate area and community.

Exceptions

The implementation of the Master Plan associated with this CUP application requires the approval of multiple Exception requests granting relief from the strict application of the MLDC. The campus is comprised of 13 individual tax lots bounded with improved and unimproved streets all 4 sides of the Campus with a public alley bisecting the area of the campus.

This is infill development with buildings dating to 1910. The existing streets were developed and improved under prior standards and do not meet current standards.

The granting of the following exceptions will provide for the implementation of the proposed Master Plan to provide an improved level of service for the community.

1. Lot Coverage
2. Right of Way (ROW) Reduction for Edwards
    a. Eliminate Public Utility Easement on Edwards.
    b. Street Section for Edwards
    c. Street Tree Plan
3. Right of Way reduction for Austin Street to the current ROW width
4. Setback Exception for New Multipurpose Building

*10.253 Criteria for an Exception*

*No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority having jurisdiction over the 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 approving authority shall have the authority to impose conditions to assure that this criterion is met. (Effective Dec. 1, 2013).*

*(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.*

Lot Coverage

The MLDC maximum lot coverage in each the C-C, MFR-20 and the SFR-10 zoning district is 40% lot coverage.

*10.706 Maximum Coverage Calculation*

*The maximum lot coverage shall be determined by multiplying the lot area by the zoning district coverage factor (the percent of the lot area that may be covered by structures):*

The primary KU building was constructed over property lines and with zero building setbacks on the public alley to the south and Edwards Street to the north. Tax lot 3200 is current developed at 100% lot coverage; tax lot 3300 is built to approximately 85% lot coverage.

The existing development on the campus, before any anticipated right of way dedications, is at 32% lot coverage. After right of way dedications and with the completion of the development of the proposed master plan, the lot coverage would be 42%.

This application includes an exception request for 45% lot coverage. The approval of the exception for lot coverage for the Campus will permit the proposed Master Plan development at 42% lot coverage and provide for future expansion of approximately 2,100 square feet of future building lot coverage.

The approval of the exception request for 45% lot coverage with this application would facilitate future development to be submitted for the City process with just a revision of the CUP and would not require an additional exception application at that time.

*(1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural*

*resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met.*

Findings of Fact

Granting the exception will have no detrimental impact to any adjacent natural resources, there are no adjacent natural resources. A school is a permitted as conditional use in the SFR-10, MFR-20 and the C-C zoning districts. Granting the Exception for Lot Coverage is in harmony with the intent of the regulations imposed by the code, just a little denser.

Increasing the lot coverage of the Campus in this urban setting will allow the KU to increase the utilization of the facilities to better serve the community. The school was established in an area of intense urban development which constrains the ability to obtain additional properties while serving this inner city location.

The current facilities are near maximum capacity to provide the level of service. The Charter for the school limits classroom size to 25 students. The Charter limiting the class size to 25 students is intended to provide an enriched educational experience for the students. The scheduled expansion to include grades 6, 7 and 8 require additional classrooms and facilities as proposed with the multipurpose kitchen and classroom addition.

The Modulars proposed with the master plan will provide for the immediate demand of two more class rooms and the accessory use of an onsite health center. Granting the exception request for lot coverage will improve the safety of the campus by allowing the proposed student enrollment to be served entirely within the area between Austin, Edwards, Niantic Streets and Riverside Avenue without the need for students to cross public streets in the course of the school day.

Conclusions of Law

The Planning Commission can conclude the granting of the exception is in harmony with the general purpose and intent of the regulations of the Code and it is not injurious to the general area or detrimental to the health safety and welfare, or adjacent natural resources.

*(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

Granting the exception request for lot coverage will not permit a use which is not permitted in the zoning districts. A school is permitted as a Conditional Use for the C-C, MFR-20 and SFR-10 zoning district which comprise the campus.

The approval of the accompanying Conditional Use Permit application will provide the necessary review and approval of the proposed use of the facilities as a school. The approval of the exception request will allow for the development of the proposed facilities within the requested 45% lot coverage.

Conclusions of Law

The Planning Commission can conclude the granting of the exception will not permit a use that is not permitted in the zoning district.

*(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.*

Findings of Fact

The area of the campus is comprised of properties in three zoning districts and has extensive existing development. The campus is bordered by public streets and the requested exception will allow for the intensification and use of the properties as a school.

The unusual circumstances involved with the request are KU is establishing a school in the middle of substantial existing development. This is infill development constrained by the availability of additional contiguous property. The location of the campus in this blighted section of the City will provide urban renewal and place the services where the services are most needed.

Without the requested exception for lot coverage KU would not be able to develop the campus as submitted in the master plan and KU will not be able to provide the services, at the proposed 450 student capacity. The hardship would be incurred not only by KU, but by the students that would not be able to attend this specialized charter school serving this significantly disadvantaged population of the City.

Conclusions of Law

The Planning Commission can conclude the need for this exception is unique to this infill development and necessary to establish the conditional use as a school providing the proposed level of service.

*(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.*

Findings of Fact

This application for a Conditional Use Permit and Exception request will establish a Master Plan for the Kids Unlimited Academy. The existing properties have non-confirming elements, including lot coverage up to 100%. These conditions were preexisting non-conforming conditions.

The CUP and Exception applications have been submitted to bring the properties into compliance with the MLDC, with full knowledge of the standards and were not the result of an illegal act.

Conclusions of Law

The Planning Commission can conclude 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.

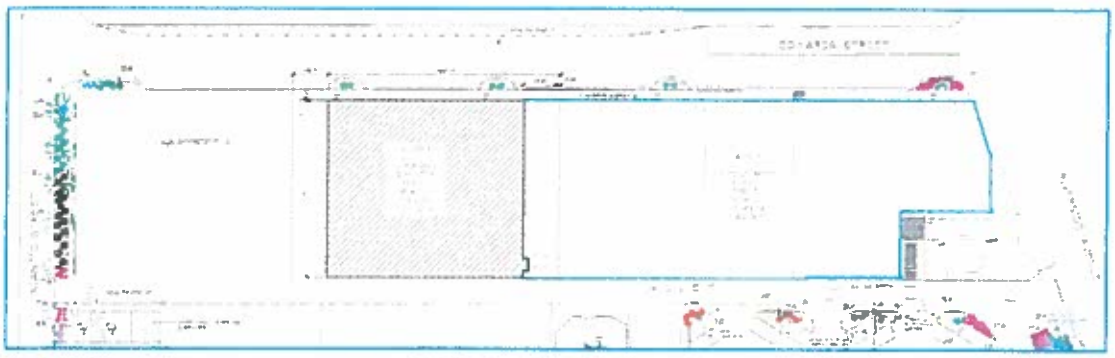
Right of Way Reduction for Edwards

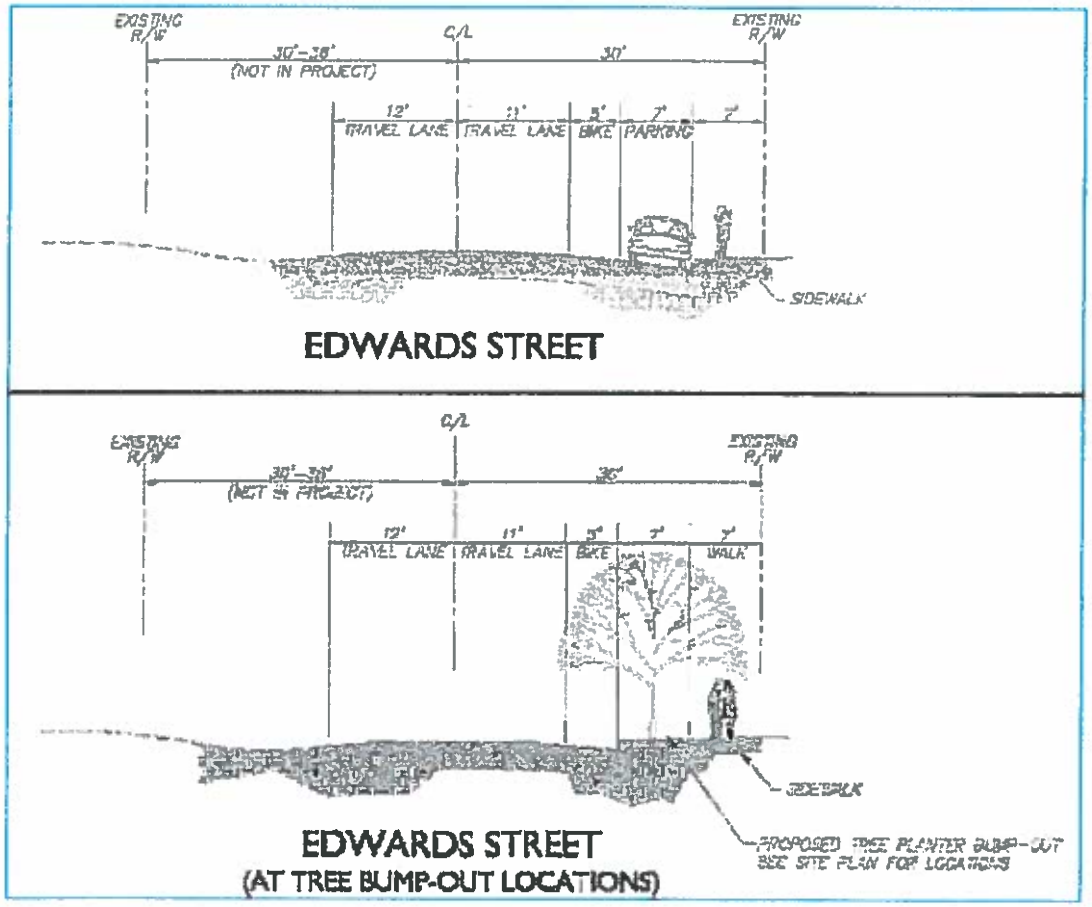
a. Right of Way (ROW) Reduction for Edwards
    i. Street Section for Edwards
    ii. Street Tree Plan
    iii. Eliminate Public Utility Easement on Edwards.

Edwards Street is classified as a minor collector in the adopted Medford Transportation System Plan (TSP). A minor collector has a right of way width of 72 feet, and a half street profile of 36 feet that includes a 5 foot sidewalk, an 8' planter strip, 7 foot parking, 5 foot bike lane and an 11 foot travel lane.

The existing KU building is built to a zero setback and has a 30 foot right of way to the center line of Edwards Street. The existing development prevents the dedication of right of way to permit a 36 foot minor collector street improvement.

This exception request proposes a reduction of right of way width to 30 feet and the use of the proposed Edwards Street Streetscape.





This plan reduces the overall width of the south of centerline right of way from 36 feet to 30 feet from Riverside Avenue to Niantic Street. The street profile provides a 7 foot sidewalk and a 7 foot area that accommodates on street parking and provides intermittent bump out for street tree planters. The section also provides a full 5 foot bike land and 11 foot travel lane.

The diagram above proposes a street tree plan to improve the pedestrian scale of the right of way with trees and maintain on street parking. This approval of the exception request would reduce the total right of way width and also eliminate a Public Utility Easement (PUE) on this segment of Edwards.

Where the existing building was developed to a zero setback there was no place for a PUE. The applicant opened a dialog with Alex Georgevitch, the City Engineer, regarding the elimination of the PUE and Alex stated in order to consider Public Works support, the applicant would need to contact the primary utilities, Pacific Power, Century Link, Charter Communication, and Avista Utilities, and seek their approval. The public utilities agreed and the letters are attached with this application.

*(1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met. (Effective Dec. 1, 2013).*

Findings of Fact

Granting the exception will have no detrimental impact to any adjacent natural resources, there are no adjacent natural resources.

Currently, Edwards Street has a zero setback from the existing building. The granting the requested exception would also approve a non-standard street section that has been designed to improve safety and general welfare of the public in this area. The sidewalk has been increased from 5 feet to 7 feet and the planter strip and parking lanes have merged to allow on street parking and provide street trees for shade and streetscape interest in a reduced right of way.

The attached Utility Exhibit indicates the current utilities in place and are currently located in the public right of way. Eliminating the public utility easement on the Edwards Street front and would not be an impact. The attached letters from Pacific Power,

Century Link, Charter Communications and Avista Utilities indicate the Utilities support the request.

Conclusions of Law

The Planning Commission can conclude the granting of the exception is in harmony with the general purpose and intent of the regulations of the Code and it is not injurious to the general area or detrimental to the health safety and welfare, or adjacent natural resources.

*(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

Granting the exception request for the reduction of the right of way width, the approval of the streetscape and the elimination of the Public Utility Easement coverage will not permit a use which is not permitted in the zoning districts.

The proposed use of a school is permitted as a Conditional Use for the C-C, MFR-20 and SFR-10 zoning district which comprise the campus.

The approval of the accompanying Conditional Use Permit application will provide the necessary review and approval of the proposed use of the facilities as a school.

Conclusions of Law

The Planning Commission can conclude the granting of the exception will not permit a use that is not permitted in the zoning district.

*(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.*

Findings of Fact

The unique circumstances which apply to this infill development site are the existing development was developed under prior standards with the existing building constructed to a zero setback to the property line and the public right of way. Additionally, there is no Public Utility Easement on this segment of Edwards Street and the street is developed, the applicant is not creating a new street.

The primary utilities for gas, power, phone and cable are typically the utilities located in a Public Utility Easement. In this circumstance, all utilities are currently available in the public right of way.

Edwards Street was classified as a minor collector after the development of the street and the KU buildings. The standards for the collector street do not fit within the available right of way creating a non-conforming condition.

The standard for the current minor collector street could not be imposed without the demolition of the existing building, which would be an undue hardship. The approval of this exception request will allow for a consistent streetscape for the entire segment of Edwards from Riverside Avenue to Niantic Street.

Conclusions of Law

The Planning Commission can conclude the need for this exception is unique to this infill development and imposing the strict application of the code would create an undue financial hardship.

*(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.*

Findings of Fact

This application for a Conditional Use Permit and Exception request will establish a Master Plan for the Kids Unlimited Academy. The existing properties have non-confirming elements, including street right of way widths and requirements for a Public Utility Easement. These conditions were preexisting non-conforming conditions.

The CUP and Exception applications have been submitted to bring the properties into compliance with the MLDC, with full knowledge of the standards and were not the result of an illegal act.

Conclusions of Law

The Planning Commission can conclude 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.

Right of Way Reduction for Austin Street to the Current ROW width

The current right of way width of Austin Street between Riverside Avenue and Niantic Street is 50 feet, 25 feet on each side of the centerline. Austin Street is an existing improved street with a paved section and storm water facilities.

The segment of Austin between Putnam and Niantic is an improved street with a paved section and curb and gutter. The approval of this exception request will reduce the north half of the right of way from 27.5 feet to the existing 25 feet. The width of the planter strip would be reduced by 2.5 feet.

As indicated in the Master Plan Schedule section of these findings, with the development of the KU properties fronting Austin in this segment, sidewalks and frontage landscaping will be installed per plan.

The segment of Austin Street north of the center line between Putnam Street and Riverside Avenue is the existing KU Parking Area. The access to the existing parking area is currently unrestricted and undefined, essentially a 280 foot driveway approach.

The Master Plan and Landscape Plan submitted with this application indicate the establishment of parking lot controls. The drive isles will be improved and sidewalks will be installed with the specified street trees and landscaping. This landscape plan is developed for a 25 foot north side right of way.

*(1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met. (Effective Dec. 1, 2013).*

Findings of Fact

Granting the exception will have no detrimental impact to any adjacent natural resources, there are no adjacent natural resources.

The approval of the right of way reduction is in harmony with the general purpose and intent of the standards for public improvements. The plan will utilize an existing paved section and existing curb and gutter. The standard for a minor residential street includes a 28' paved section. The current paved section is 34 feet.

The Master Plan will provide sidewalks and landscaping to improve, or establish, pedestrian facilities on this segment of Austin Street. The reduction of the right of way will not be detrimental to safety and general welfare for all in the area and utilize the

existing improvements, currently in the public right of way and the right of way will be consistent for this segment of Austin Street.

Conclusions of Law

The Planning Commission can conclude the granting of the exception is in harmony with the general purpose and intent of the regulations of the Code and it is not injurious to the general area or detrimental to the health safety and welfare, or adjacent natural resources.

*(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

Granting the exception request for the reduction of the right of way width, the approval of the streetscape contained in the Master Plan and Landscape Plan will not permit a use which is not permitted in the zoning districts.

The proposed use of a school is permitted as a Conditional Use for the C-C, MFR-20 and SFR-10 zoning district which comprise the campus. The reduction of 2-1/2 feet of right of way will not create any non-permitted uses.

Conclusions of Law

The Planning Commission can conclude the granting of the exception will not permit a use that is not permitted in the zoning district.

*(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.*

The unusual circumstances of this exception request is the existing right of way has is currently improved with a paved section and curb and gutter. The standards for streets in the MLDO apply to new and unimproved streets. Austin Street was improved under previous standards for right of way width and public improvements in the public right of way.

The strict application of the Standard would require the dedication of an additional 2-1/2 feet of property and removal of 3 feet of pavement and curb and gutter and replacing the curb three feet closer to the centerline at considerable and peculiar hardship.

Conclusions of Law

The Planning Commission can conclude the need for this exception is unique to this infill development and imposing the strict application of the code would create an undue financial hardship.

*(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.*

Findings of Fact

This request for an exception to reduce the required right of way width for Austin Street, north of the centerline between Riverside Avenue and Niantic Street is not a result of an illegal act. The standards for development of the existing public improvements have changed since these improvements were installed.

The using the current standards for public improvements in this segment would result in a construction project to reduce the existing paved section, on the applicants frontages and not the frontages of the adjacent property owners resulting in a lack of continuity and misalignment of public facilities.

The costs of compliance with the current standards would be borne by the applicant however the negative results of differing standards for these public improvements would be an impact for all users of these facilities.

The CUP and Exception applications have been submitted with full knowledge of the standards and were not the result of an illegal act.

Conclusions of Law

The Planning Commission can conclude 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.

Setback Exception for New Multipurpose Building

This application includes submittals for the review of an addition to the primary building of the campus. The proposed addition is a Multipurpose building housing 10 new

classrooms, a large indoor recreation area and a flex area to expand the seating area for serving meals. The addition project includes a significant renovation of the kitchen and meal preparation area of the campus.

With the current enrollment of 300 students from kindergarten through 5th grade, KU serves 1,000 meals per day. The facilities to produce three meals a day for the current student body are taxed and overcrowded. Adding 150 additional students requires additional facilities. At full enrollment, KU will be preparing and serving a projected 1,350 meals per day.

The constraints of this infill site, existing rights of way, and the need to maintain safe conditions by keeping the campus within the same block require KU to maximize the development potential of every property in the campus.

The existing building was constructed with zero setbacks to the public rights of way on Edwards Street on the north and the public alley on the south as permitted under previous land development standards. The approval of this request will allow for the addition and remodel to be developed to the same zero setbacks.

The west side of the building is proposed to be built to the property line of taxlots 16200 and 16300. These properties are in different zoning districts and also different General Land Use Plan (GLUP) Map designations. These properties are both owned by KU and are included in this CUP application to create a Campus Master Plan. The approval of this application would resolve the setback issue of this boundary.

Approving this exception request to build to the property line will allow a regulation length basketball court layout in the recreation space of the addition. The ability for the students of the Academy to practice and compete on a regulation court will enhance the ability for students to compete at High School and College level athletics.

The experience of practicing and competing on a regulation court will improve these inner city youths to access to scholarship opportunities for high education.

The Multipurpose building includes 10 new classrooms. The classrooms will be configured as 5 classrooms on each of two floors on the west side of the addition. The Charter for the Academy limits classroom size to 25 students maximum. The addition of these classrooms will accommodate the full enrollment of K-8th grades.

*(1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural*

*resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met. (Effective Dec. 1, 2013).*

Granting the exception will have no detrimental impact to any adjacent natural resources, there are none.

The approval of the setback exception for the multipurpose addition will be in harmony the general purpose of the Code and compatible with the existing development of the Campus concept for the KU Academy.

The existing building is currently a zero setback for the new addition to the existing building from the public Right of Way. Granting this exception will provide a zero setback for the new building and match the existing condition. Currently, the Edwards right of way is developed with a public sidewalk in a damaged condition. The applicant proposed the replacement of the existing sidewalk adjacent to the existing building as well as installing new sidewalk for the proposed addition. The replacement of the sidewalk will rectify several grade issues on the entire length of the sidewalk, thus improving public safety in this segment of Edwards.

The school is a conditional use for the C-C zoning district. The applicant has submitted an application for a Conditional Use Permit as required for this use in this zoning district. Granting this exception will allow for the proposed building, a gym and multi-use classroom addition to be constructed flush with the exterior of the existing building on the site.

Also within the proposed building addition are classrooms, including areas for the associated programmatic uses, and expansion of the commercial kitchen facilities which provide up to 1,350 meals per day for students and other residents in the Liberty Park area. Without this program the closest meal program for students is Jackson School, a considerable distance for the local residents.

Conclusions of Law

The Planning Commission can conclude the granting of the exception is in harmony with the general purpose and intent of the regulations of the Code and it is not injurious to the general area or detrimental to the health safety and welfare, or adjacent natural resources.

*(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

Granting the exception request for the reduction building setbacks to allow a zero setback will not permit a use which is not permitted in the zoning districts.

The proposed use of a school is permitted as a Conditional Use for the C-C, MFR-20 and SFR-10 zoning district which comprise the campus. The reduction of the setbacks will not create any non-permitted uses.

Conclusions of Law

The Planning Commission can conclude the granting of the exception will not permit a use that is not permitted in the zoning district.

*(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.*

For 18 years, Kids Unlimited has provided high quality youth and community development services to Southern Oregon families. Having recognized the need for an educational option that would more fully meet the needs of children, from working families, who are struggling to meet state standards in the Medford School District, Kids Unlimited opened a new charter school in the Medford School District in the fall of 2013. Kids Unlimited Academy is an extended day, extended year program that combines best practice curriculum with a staff dedicated to fully meeting the educational needs of its students.

The facility is a Charter school, which is a unique use. The extended schedule, 7:30 to 5:30 increases the demands on all facilities and requires the applicant to maximize any available land for facilities. This Charter school has been approved by the public school district, and improved with both facilities and programs in an existing blighted neighborhood. The school serves grades k-5, provides meals and is an anchor in the neighborhood for a safe and supervised environment for many working and or disadvantaged families. Currently, the School accommodates 300 students and ultimately, 450 students.

Many of these families live in the same neighborhood as our campus. We intend to improve the neighborhood from the inside out, providing personal enrichment to the families with our services and physical improvement to the neighborhood with our facilities. This means upgrading existing facilities while providing new functional and attractive buildings and site improvements.

The property is an infill development constrained by adjacent uses, development patterns and ownerships not affiliated with the applicant. Granting an exception for the zero setbacks for the proposed addition will maximize the opportunities for providing

facilities and programs for this neighborhood. The granting of the exception will allow for a greater density and intensity of uses in a constrained campus.

Incorporating this space into the building addition allows us more efficient use of space, thereby saving construction cost and increasing available classroom courtside space. The result is that we will be able to meet our classroom needs with fewer buildings and more open space when considered in the context of our overall campus.

Another unusual circumstance associated with exception request is the existing building, approximately 300 feet, is currently developed with a zero setback. The Edwards ROW is on the north property line and a dedicated alley is on the south. Vacating the alley would allow for additional area for development, however several adjacent properties not in the control of the applicant uses the alley for access and granting a vacation request would be detrimental to their uses. An expansion of the facilities on the alley frontage is not feasible.

Conclusions of Law

The Planning Commission can conclude the need for this exception is unique to this infill development and imposing the strict application of the code would create an undue financial hardship.

*(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.*

Findings of Fact

This request for an exception to reduce the setback requirement for the proposed building addition is not a result of an illegal act. The standards for development of the existing proposed construction have changed since the existing building was developed.

The using the current standards for setbacks would limit development of the addition and remodel to no more than 8 classrooms and the indoor recreation would either not have sufficient buffer areas surrounding the court to insure spectator and participant safety or the size of the court would be reduces and the students would not have access to regulation facilities.

The limits of space would have a direct impact on the Academy's ability to prepare and serve up to 1,350 meals daily for the students. The impact of the exception request is

not about increased profit, it's about providing an enriched educational, nutritional, and recreational experience to 450 disadvantaged students in a blighted section of the City.

The CUP and Exception applications have been submitted with full knowledge of the standards and were not the result of an illegal act.

Conclusions of Law

The Planning Commission can conclude 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.

Application Summary and Conclusion

This application for a Conditional Use Permit and accompanying Exceptions request will provide the necessary approvals to establish a Master Plan and Campus for the Kids Unlimited Academy, a public Charter School serving disadvantaged youths in a blighted area of the City of Medford.

The approval of these applications will provide a significant Urban Renewal project for the City and allow an enhanced educational experience for up to 450 students and their families.

This submittal includes the required applications, fees and documentation as identified in the Medford Land Development Ordinance Section 10.248 for Conditional Use Permits and 10.253 for Exceptions.

On behalf of the applicant, I respectfully request the approval of these applications.

Regards,

Scott Sinner

Scott Sinner Consulting, Inc.

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PARKS & RECREATION
HEALTHY LIVES. HAPPY PEOPLE. STRONG COMMUNITY.

To: Desmond McGeough, Planning Department

From: Pete Young, Park Planner and Project Manager

Subject: CUP 16-022, Kids Unlimited of Oregon

Date: April 20, 2016

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We have reviewed the applicant's Street Tree plan and have one recommendation. The City Arborist recommends the dogwood shown on the corner of Austin Street and Riverside be replaced with a more sun tolerant species such as a pistachio, pear, or ash tree.

CITY OF MEDFORD
EXHIBIT # "N"
File # CUP-16-022 | E-16-023
1 of 1

Continuous Improvement Customer Service

**CITY OF MEDFORD**

Revised Date: 4/28/2016
File Number: CUP-16-022/E-16-023

# PUBLIC WORKS DEPARTMENT STAFF REPORT
## Kids Unlimited of Oregon

**Project:** Consideration of a request for a Conditional Use Permit for the Kids Unlimited Public Charter School Master Campus Plan to allow for the expansion of existing facilities; including but not limited to 18,000 square foot multipurpose building, a two classroom modular building and outdoor athletic field. The Applicant has submitted an associated Exception Application requesting relief from street side setbacks, maximum lot coverage, and reduction of public right-of-way for Edwards Street and Austin Street.

**Location:** The subject site is located west of Riverside Avenue, South of Edward Street, East of Niantic Street and north of Austin Street. The campus is located in the SFR-10 (Single Family Residential -10 units per gross acre), MFR-20 (Multiple-Family Residential – 20 units per gross acre and C-C (Community Commercial) zoning districts and encompasses approximately 2.8 net acres.

**Applicant:** Kids Unlimited of Oregon, Applicant (Scott Sinner Consulting, Inc., Agent). Desmond McGeough, Planner.

**NOTE:**

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

**Prior to issue of the first building permit, the following items shall be completed and accepted:**

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

CITY OF MEDFORD
EXHIBIT # "O"
File # CUP-16-022/E-16-023
1 of 10



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

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

## A. STREETS

### 1. Dedications

**North Riverside Avenue** is classified as a Major Arterial Street. Prior to issuance of any permit for construction, the developer shall dedicate for public right-of-way, sufficient width of land along the frontage of this development to accommodate a 5-foot wide sidewalk with a 10-foot wide planter strip, in accordance with Medford Land Development Code (MLDC), Section 10.428. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

**Edwards Street** is classified as a Minor Collector Street within MLDC, Section 10.428. 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 36-feet. **The Developer's surveyor shall verify the amount of additional right-of-way required.** The portion of right-of-way adjacent to the existing building is exempt from this requirement per MLDC 10.541.

The developer will receive S.S.D.C. (Street System Development Charge) credits for the public right-of-way dedication on North Riverside Avenue and Edwards Street, 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.**

**Niantic Street** is classified as a Standard Residential Street within the MLDC, Section 10.430. 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 Developer's surveyor shall verify the amount of additional right-of-way required.**

**Austin Street** is classified as a Standard Residential and Commercial Street within the MLDC, Section 10.430 & 10.429. 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 Developer's surveyor shall verify the amount of additional right-of-way required.**

The **Public Alley** requires a total right-of-way width of 20-feet, in accordance with MLDC, Section 10.430(A). The developer shall dedicate for public right-of-way, sufficient width of land



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"0"
2 of 10

along the frontage of this development to comply with the total width of right-of-way. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

In accordance with MLDC 10.471, **the property owner shall dedicate a 10 foot wide public utility easement** (PUE) adjacent to the proposed right-of-way line along this Developments entire frontage with the exception of the Public Alley.

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.

An **exception request** has been submitted, which includes a reduction of right-of-way for Edwards Street and Austin Street, as well as the elimination of the PUE requirement on Edwards Street which will eliminate the planter strip along the majority of the frontage of Edwards Street with the exception of three (3) "bump-outs" to accommodate some street trees. The right-of-way reduction on Austin Street will appear to allow a reduced planter strip. Elimination of the PUE will restrict the benefitting utility locations to be only within the public right-of-way. **If the exception request is denied the Developer shall dedicate the additional rights-of-way and PUEs as noted above.**

2. **Public Improvements**

   a. **Public Streets**

**North Riverside Avenue** is currently improved with pavement, curb, gutter, sidewalk and street lights. **No additional improvements are required.**

The Developer shall improve **Edwards Street** to Minor Collector Street standards in accordance with the MLDC, Section 10.428. The roadway improvements shall include 23-feet of paving from the centerline to the south curb face and a minimum of 12-feet wide north of centerline or to the existing edge of paving, whichever is greater. Improvements shall also include a 10-foot planter strip, 5-foot sidewalk and street lights along this development's frontage. The City will pay S.S.D.C. credits per MMC, Section 3.815.

**Niantic Street** is currently improved in partial conformance to Standard Residential Street standards. However, there is currently no sidewalk along this developments frontage. **The developer shall provide a 5-foot wide sidewalk located adjacent to the newly dedicated right-of-way** which also will provide for a planter strip along this developments frontage.

**Austin Street** is currently improved in partial conformance to Standard Residential Street standards, except for approximately the easterly 225-feet. However, there is currently no sidewalk along the rest of the developments frontage. **The developer shall provide a 5-foot wide sidewalk located adjacent to the newly dedicated right-of-way** which also will provide "D"



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for a planter strip along the portion of this developments frontage that has existing curb and gutter. **The easterly portion of this developments frontage shall be improved in accordance with MLDC, Section 10.430.**

The Developer shall improve the **Public Alley**, to conform with MLDC, Section 10.430(A).

An **exception request** has been submitted, which includes a proposed alternate street section for Edwards Street which will eliminate the planter strip along the majority of the frontage with the exception of three (3) "bump-outs" to accommodate some street trees. It also includes an proposed alternate street section for Austin Street which would reduce the planter strip. **If the exception request is denied the Developer shall construct the public improvements as noted above per MLDC 10.428 and 10.430.**

**b. 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 and Installed

A. 3 – 250 watt HPS on Edwards Street
B. 3 – 150 watt HPS (2 on Niantic Street and 1 on Austin Street)
C. 1 – Base Mounted Cabinet (BMC)
   a) In addition, two PP&L luminaries and arms to be removed.

Numbers are subject to change if changes are made to the plans. All street lights shall be installed per City standards and be shown on the public improvement plans. Public Works will provide preliminary street light locations upon request.

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 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 streets 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



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submitted to the City Engineer with the submittal of the preliminary construction drawings.

### 3. 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.

### 4. Access and Circulation

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

A. School officials shall work with Public Works Engineering and the Police Department to develop a School Route Plan. The School Route Plan shall be based on the guidance in Chapter 7 of the 2009 MUTCD and shall be prepared by a Professional Engineer registered in the State of Oregon. The School Route Plan shall include the following at minimum:
   a. A map showing streets, the school, existing traffic controls, established school walk routes, proposed school walk routes, established school crossings, and proposed school crossings to assist in the determination of the need for, and extents of, a potential School Speed Zone.

   b. A school traffic control plan to allow for the orderly review of school area traffic control needs, and the coordination of school/pedestrian safety education and engineering measures. Engineering measures alone do not always result in the intended change in student and road user behavior. The school traffic control plan shall include at minimum:

      i. School area traffic control devices, both permanent and temporary. School area traffic control devices include but are not limited to signage, striping, and flashing yellow lights.
      ii. Provisions to prevent drop off and pick-up queues from spilling out onto the public streets.
      iii. Proposed bus loading and parking areas, including parking restrictions that may be needed.

B. The School Route Plan shall be completed prior to building permits being issued so there is adequate time to engineer and incorporate any changes into final plans. All improvements identified in the School Route Plan shall be installed, at the expense of the applicant, prior to occupancy of the school.

### 5. Phasing

The Applicants Findings of Facts notes that this development will be developed in phases. Any public improvements needed to serve a particular phase or fronting a tax lot being developed shall be improved at the time each corresponding phase or tax lot is 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. All of the public improvements and "O"



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dedications to Edwards Street shall be completed in conjunction with the construction of the Multipurpose Addition/Remodel phase of development. Public Alley improvements and dedications along the frontage of tax lots 12100, 3400, 3500, 3600 and 3700 shall be completed prior to or in conjunction with development of the Multipurpose Addition/Remodel or the Parking Lot Improvement phase of development, whichever occurs first. Any public improvements identified within the School Route Plan shall be constructed with the first phase of development.

### 6. MLDC Section 10.668 Analysis

Notwithstanding any other provisions of this Chapter 10, an applicant for a development permit shall not be required, as a condition of granting the application, to dedicate land for public use or provide public improvements unless: (1) the record shows that there is an essential nexus between the exaction and a legitimate government purpose, and that there is a rough proportionality between the burden of the exaction on the developer and the burden of the development on public facilities and services so that the exaction will not result in a taking of private property for public use, or (2) a mechanism exists and funds are available to fairly compensate the applicant for the excess burden of the exaction to the extent that it would be a taking.

1. Nexus to a legitimate government purpose.
The purposes for these dedications and improvements are found throughout the Medford Code, the Medford Transportation System Plan, and the Statewide Planning Rule, and are supported by sound public policy. Those purposes and policies include, but are not limited to: development of a balanced transportation system addressing all modes of travel, including motor vehicles, transit, bicycles, and pedestrians. It can be found that the listed right-of-way dedications and improvements have a nexus to these purposes and policies.

2. Rough proportionality between the required dedications and improvements, and the impacts of development.
No mathematical formula is required to support the rough proportionality analysis. Also, the City is allowed to consider the benefits to the development from the dedication and improvements when determining "rough proportionality."

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

**North Riverside Avenue, Edwards Street, Niantic Street, Austin Street and Public Alley**:

The additional right-of-way and improvements will provide the needed width for on-street parking, bike lanes, planter strips and sidewalks. The planter strip moves pedestrians a safe distance from the edge of the roadway. These streets will be a primary route for pedestrians traveling to and from this development. North Riverside Avenue is a 30 mile per hour facility, which currently carries approximately 12,900 vehicles per day. Edwards Street is a 25 mile per hour facility, which currently carries approximately 1,400 vehicles per day. Niantic Street speed is not posted and no traffic counts are available. Austin Street speed is not posted and no traffic "6"



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counts are available.

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

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

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

## B. SANITARY SEWERS

The proposed development is situated within the Medford sewer service area. It is unclear where the existing or proposed sanitary sewer laterals are located. A Site/Utility Plan shall be submitted with the building permit application to show the location of the existing or proposed sanitary sewer lateral for the proposed buildings. Separate tax lots requiring sewer service shall be served by an individual service lateral. All unused laterals adjacent and stubbed to the development shall be capped at the main. No additional sewer connections are indicated on the plans.

## C. STORM DRAINAGE

### 1. Drainage Plan

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

The Developer shall provide copies of either a Joint Use Maintenance Agreement or a private stormdrain easement for any stormwater draining onto or from adjacent private property.

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

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

2. **Grading**

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

3. **Detention and Water Quality**

Stromwater quality and detention facilities shall be required in accordance with MLDC Section 10.481 and 10.729. If a combined system is desired, then it will need to be privately maintained, located on private property and a Release of Liability will need to be signed and recorded. Alternatively, public detention facilities can be designed separate from private facilities.

4. **Certification**

Upon completion of the project, and prior to certificate of occupancy of the building, the developer's design engineer shall certify that the construction of the stormwater quality and detention system was constructed per plan. Certification shall be in writing and submitted to the Engineering Division of Public Works. Reference Rogue Valley Stormwater Quality Design Manual, Appendix I, Technical Requirements.

5. **Erosion Prevention and Sediment Control**

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

**D. <u>General Conditions</u>**

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 "6"



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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. Site Improvements

All on-site parking and vehicle maneuvering areas related to this development shall be paved in accordance with MLDC, Section 10.746, prior to issuance of certificate of occupancy for any structures on the site. Curbs shall be constructed around the perimeter of all parking and maneuvering areas that are adjacent to landscaping or unpaved areas related to this site. Curbs may be deleted or curb cuts provided wherever pavement drains to a water quality facility.

### 5. System Development Charges

Buildings in this development are subject to street, sanitary sewer treatment, collection and stormdrain system development charges (SDC). All SDC fees shall be paid at the time individual building permits are issued.

Prepared by: Doug Burroughs



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# SUMMARY CONDITIONS OF APPROVAL

**Kids Unlimited of Oregon** - CUP-16-022/E-16-023

**A. Streets:**

1. **Street Dedications to the Public:**
   - Dedicate additional public right-of-way on **North Riverside Avenue** for future 10' planter and 5' sidewalk. Unless conditioned otherwise through the exception.
   - Dedicate additional public right-of-way on **Edwards Street** for a 36' right-of-way half width. Unless conditioned otherwise through the exception.
   - Dedicate additional public right-of-way on **Niantic Street** for a 31.5' right-of-way half width. Unless conditioned otherwise through the exception.
   - Dedicate additional public right-of-way on **Austin Street** for a 31.5' right-of-way half width. Unless conditioned otherwise through the exception.
   - Dedicate additional public right-of-way on the **Public Alley** for a 20' right-of-way width.
   - Dedicate 10 foot Public Utility Easement (PUE) along all frontages. Unless conditioned otherwise through the exception.

2. **Improvements:**

   **Public Streets**
   - **North Riverside Avenue** – No additional improvements are required.
   - **Edwards Street** – Improve half plus 12-feet. Requires public improvement plan submittal. Unless conditioned otherwise through the exception.
   - **Niantic Street** – Provide sidewalk with planter strip.
   - **Austin Street** – Provide sidewalk with planter strip for existing curb & gutter section and half plus 12-feet for easterly section. Unless conditioned otherwise through the exception.
   - **Public Alley** – Provide 18' total pavement width.

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

   **Other**
   - Provide pavement moratorium letters.
   - Provide soil report.
   - Provide a School Route Plan.

**B. Sanitary Sewer:**
- Ensure or construct separate individual sanitary sewer connection.
- Cap remaining unused laterals at the main.

**C. Storm Drainage:**
- Provide a comprehensive grading and drainage plan.
- Provide water quality and detention facilities, calculations and O&M Manual.
- Provide engineers certification of stormwater facility construction.
- Provide copy of an approved Erosion Control Permit (1200C) from DEQ for this project.

**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.**

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BOARD OF WATER COMMISSIONERS

# Staff Memo

**TO:** Planning Department, City of Medford

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

**SUBJECT:** CUP-16-022 & E-16-023

**PARCEL ID:** 371W19CB TL 3200, 3300, 3400, 3500, 3600, 3700,
372W24DA TL 16000, 16100, 16200, 169300
372W24DD TL 11600, 11900, 12100

**PROJECT:** Consideration of a request for a Conditional Use Permit for the Kids Unlimited Public Charter School Master Campus Plan to allow for the expansion of existing facilities; including but not limited to 18,000 square foot multipurpose building, a two classroom modular building and outdoor athletic field. The Applicant has submitted an associated Exception Application requesting relief from street side setbacks, maximum lot coverage, and reduction of public right-of-way for Edwards Street and Austin Street. The subject site is located west of Riverside Avenue, South of Edward Street, East of Niantic Street and north of Austin Street. The campus is located in the SFR-10 (Single Family Residential -10 units per gross acre), MFR-20 (Multiple-Family Residential – 20 units per gross acre and C-C (Community Commercial) zoning districts and encompasses approximately 2.8 net acres; Kids Unlimited of Oregon, Applicant (Scott Sinner Consulting, Inc., Agent). Desmond McGeough, Planner.

**DATE:** April 13, 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.

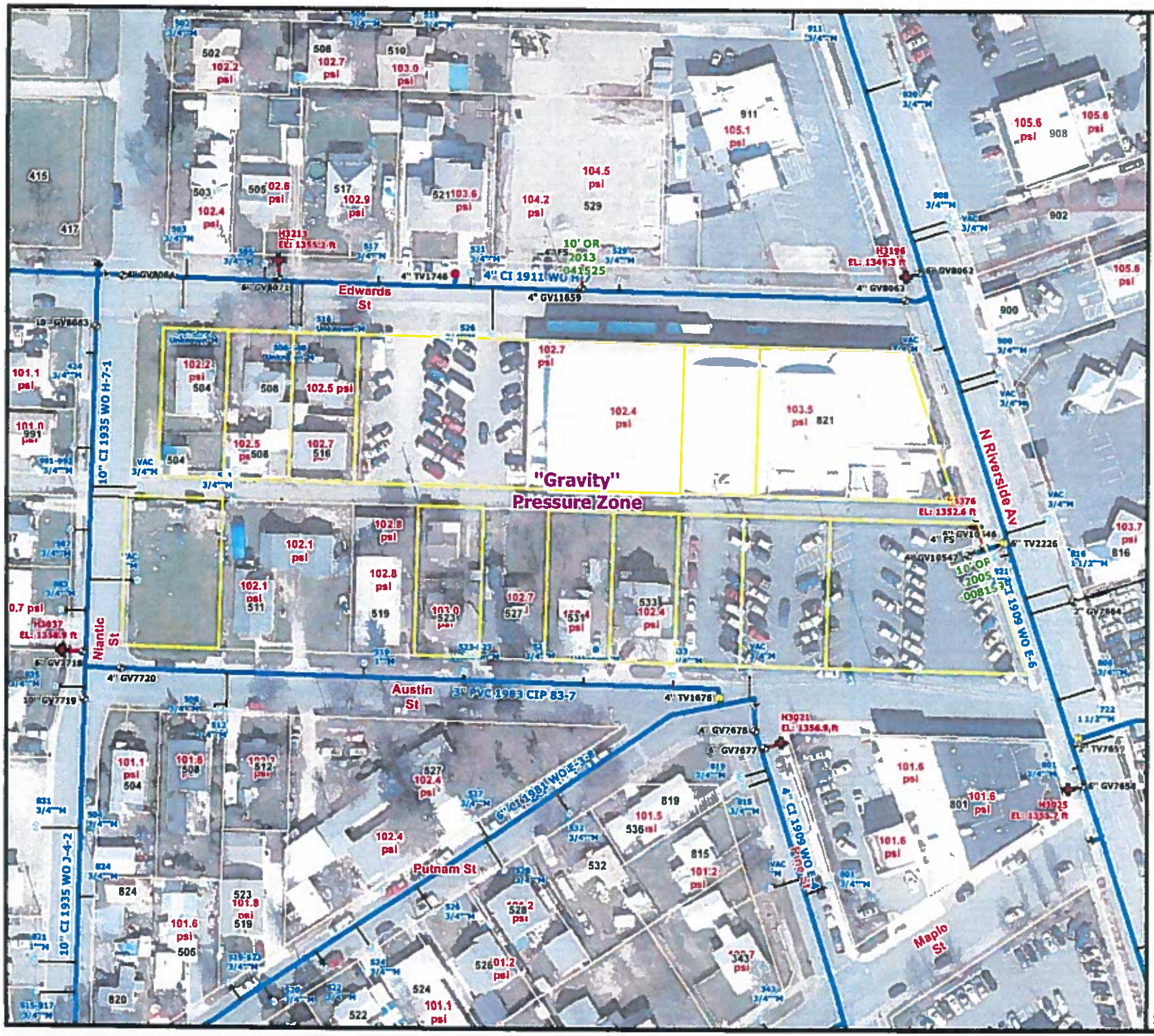
3. The existing water meters that are currently serving the tax lots that are a part of this proposed re-development are required to be abandoned, unless otherwise arranged with MWC. Applicants' civil engineer shall coordinate with MWC Engineering Department staff for which water meters to be abandon.

4. Installation of an MWC approved backflow device is required for all commercial, industrial, municipal, and multi-family developments. New backflow devices shall be tested by an Oregon certified backflow tester. See MWC website for list of certified testers at the following web link http://www.medfordwater.org/Page.asp?NavID=35 .

CITY OF MEDFORD
EXHIBIT # "P"
File # CUP-16-022 E-16-023
1 of 3

**COMMENTS**

1. Off-site water line installation may be required depending on Fire Department requirements.
2. On-site water facility construction is not required.
3. MWC-metered water service does exist to this property. (See Condition 3 above)
4. Static water pressure is expected to be approximately 102 psi. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".
5. Access to MWC water lines is available. There is an existing 4-inch water line in Edwards Street, a 3-inch water line in Austin Street between Niantic Avenue and Pine Street, and there is a 6-inch water line in N Riverside Avenue.


Edwards St
Austin St
Putnam St
Maple St
Niantic St
N Riverside Av
"Gravity" Pressure Zone
10" CI 1935 WO H-7-1
10" CI 1935 WO J-4-2
4" CI 1911 WO M-7
3" PVC 1983 CIP 83-7
6" CI 1981 WO E-3-9
4" CI 1909 WO E-5
10" CI 1909 WO E-6
4" GV11659
4" GV7720
4" TV1746
4" TV1676
4" GV7678
4" GV8062
4" GV10547
4" GV10146
6" GV7677
6" GV7658
6" GV7718
6" GV8063
6" TV2226
2" GV7684
2" TV7657
10" GV7719
H3213
H3196
H3037
H3021
H3025
10' OR 2013 041525
10' OR 2005 008153
502 102.2 psi
508 102.7 psi
510 103.0 psi
911 105.1 psi
105.6 psi 908
105.6 psi
415
417
503 102.4 psi
505 102.6 psi
517 102.9 psi
521 103.6 psi
104.2 psi
104.5 psi 529
902
900
105.6 psi
101.1 psi
101.0 991 psi
102.2 psi 504
508
102.5 psi
102.5 psi 508
102.7 516
102.7 psi
102.4 psi
103.5 psi 821
504
103.7 psi 816
102.1 psi
102.8 psi
102.1 psi 511
102.8 psi 519
103.0 523 psi
102.7 527
531 102.4 psi
0.7 psi
101.1 psi 504
101.8 508
512 102.2 psi
527 102.4 psi
102.4 psi
819
101.5 536 psi
815 101.2 psi
532
101.6 psi
801 101.6 psi
101.6 psi
824
523 101.8 psi 519
101.6 psi 506
526 101.2 psi
343 101.7 psi
524
522
101.1 psi
820
Legend
Air Valve
Sample Station
Fire Service
Hydrant
Reducer
Blow Off
Plugs-Caps
Water Meters:
Active Meter
On Well
Unknown
Vacant
Water Valves:
Butterfly Valve
Gate Valve
Tapping Valve
Water Mains:
Active Main
Abandoned Main
Reservoir Drain Pipe
Pressure Zone Line
Boundaries:
Urban Growth Boundary
City Limits
Tax Lots
MWC Facilities:
Control Station
Pump Station
Reservoir
N
Feet
0 25 50 100
Scale: 1"=100'
Water Facility Map for CUP-16-022 & E-16-023
MEDFORD WATER COMMISSION

# 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:** Desmond McGeough

**LD Meeting Date:** 04/13/2016

**From:** Greg Kleinberg

**Report Prepared:** 04/04/2016

**Applicant:** Kids Unlimited of Oregon, Applicant(Scott Sinner Consulting, Inc., Agent)

**File #:** CUP - 16 - 22

**Associated File #'s:** E - 16 - 23

**Site Name/Description:**

Consideration of a request for a Conditional Use Permit for the Kids Unlimited Public Charter School Master Campus Plan to allow for the expansion of existing facilities; including but not limited to 18,000 square foot multipurpose building, a two classroom modular building and outdoor athletic field. The Applicant has submitted an associated Exception Application requesting relief from street side setbacks, maximum lot coverage, and reduction of public right-of-way for Edwards Street and Austin Street. The subject site is located west of Riverside Avenue, South of Edward Street, East of Niantic Street and north of Austin Street. The campus is located in the SFR-10 (Single Family Residential -10 units per gross acre), MFR-20 (Multiple-Family Residential - 20 units per gross acre and C-C (Community Commercial) zoning districts and encompasses approximately 2.8 net acres; Kids Unlimited of Oregon, Applicant (Scott Sinner Consulting, Inc., Agent). Desmond McGeough, Planner.

| DESCRIPTION OF CORRECTIONS | REFERENCE | |
|---|---|---|
| **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 will be required to be added midpoint between the two existing fire hydrants on Edwards Street.

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

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

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

| | | |
|---|---|---|
| **Requirement FD ACCESS TO BUILDINGS AND FACILITIES** | **OFC** | **503.1.1** |

There is insufficent access at the South side of the proposed building expansion. If the public alley is increased to a minimum of 20' width and designed for fire apparatus loads, then there will be sufficent access to within 150' of all portions of the exterior walls.

CITY OF MEDFORD
EXHIBIT # Q
File # CUP-16-022 / E-16-023
1 of 4

# 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:** Desmond McGeough **LD Meeting Date:** 04/13/2016

**From:** Greg Kleinberg **Report Prepared:** 04/04/2016

**Applicant:** Kids Unlimited of Oregon, Applicant(Scott Sinner Consulting, Inc., Agent)

**File #:** CUP - 16 - 22 **Associated File #'s:** E - 16 - 23

**Site Name/Description:**

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

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

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

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

**Requirement FD APPARATUS ACCESS ROAD DESIGN** **OFC** **503.2.1**

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches. The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under section 503.2.1, shall be maintained at all times. The fire apparatus access road shall be constructed as asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 60,000 pounds.
(See also OFC 503.4; D102.1)

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

**Requirement AERIAL APPARATUS ACCESS** **OFC** **D105**

Aerial fire apparatus access shall be provided along one entire side of the building on Edwards St. as per the requirements listed below.

# 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: Desmond McGeough** | **LD Meeting Date: 04/13/2016**

**From: Greg Kleinberg** | **Report Prepared: 04/04/2016**

**Applicant: Kids Unlimited of Oregon, Applicant(Scott Sinner Consulting, Inc., Agent)**

**File #: CUP - 16 - 22** | **Associated File #'s: E - 16 - 23**

**Site Name/Description:**

SECTION D105-AERIAL FIRE APPARATUS ACCESS ROADS

D105.1 Where required. Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility
and power lines shall not be located within the aerial fire apparatus access roadway.

D105.2 Width. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.

D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building.

**Requirement "NO PARKING-FIRE LANE" SIGNS REQUIRED** **OFC 503.3**

Parking shall be posted as prohibited along the public alley and as required for the aerial fire apparatus area on Edwards St.

Fire apparatus access roads 20-26' wide shall be posted on both sides as a fire lane. Fire apparatus access roads more than 26' to 32' wide shall be posted on one side as a fire lane (OFC D103.6.1).

Where parking is prohibited for fire department vehicle access purposes, NO PARKING-FIRE LANE signs shall be spaced at minimum 50' intervals along the fire lane (minimum 75' intervals in residential areas) and at fire department designated turn-around's. The signs shall have red letters on a white background stating "NO PARKING FIRE LANE TOW AWAY ZONE ORS 98.810 to 98.812" (See handout).

Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths (20' wide) and clearances (13' 6" vertical) shall be maintained at all times (OFC 503.4; ORS 98.810-12).

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

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

"Q"

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.



"Q"
4 of 4

# Memo

**To:** Desmond McGeough, Planner, Planning Department

**From:** Chad Wiltrout, Building Department (541) 774-2363

**CC:** Kids Unlimited of Oregon, Applicant (Scott Sinner Consulting, Inc., Agent).

**Date:** April 13, 2016

**Re:** April 13, 2016 LDC Meeting: CUP-16-022

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***Please Note:***

***This is not a plan review. Unless noted specifically as Conditions of Approval, general comments are provided below based on the general information provided; these comments are based on the 2014 Oregon Structural Specialty Code (OSSC) unless noted otherwise. Plans need to be submitted and will be reviewed by a commercial plans examiner, and there may be additional comments.***

***Fees are based on valuation. Please contact Building Department front counter for estimated fees at (541) 774-2350 or building@cityofmedford.org.***

***For questions related to the Conditions or Comments, please contact me, Chad Wiltrout, directly at (541) 774-2363 or chad.wiltrout@cityofmedford.org.***

***General Comments:***

1. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.

2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" for information.

3. A site excavation and grading permit will be required if more than 50 cubic yards is disturbed.

4. A separate demolition permit will be required for demolition of any structures not shown on the plot plan.

***Comments:***

5. Proposed construction in proximity to property lines shall comply with table 602 and code section 705 of the Oregon Structural Specialty Code.

6. The building and building appurtenances shall be designed by an Oregon licensed design professional in accordance with 107.1 and 107.3.4 OSSC.

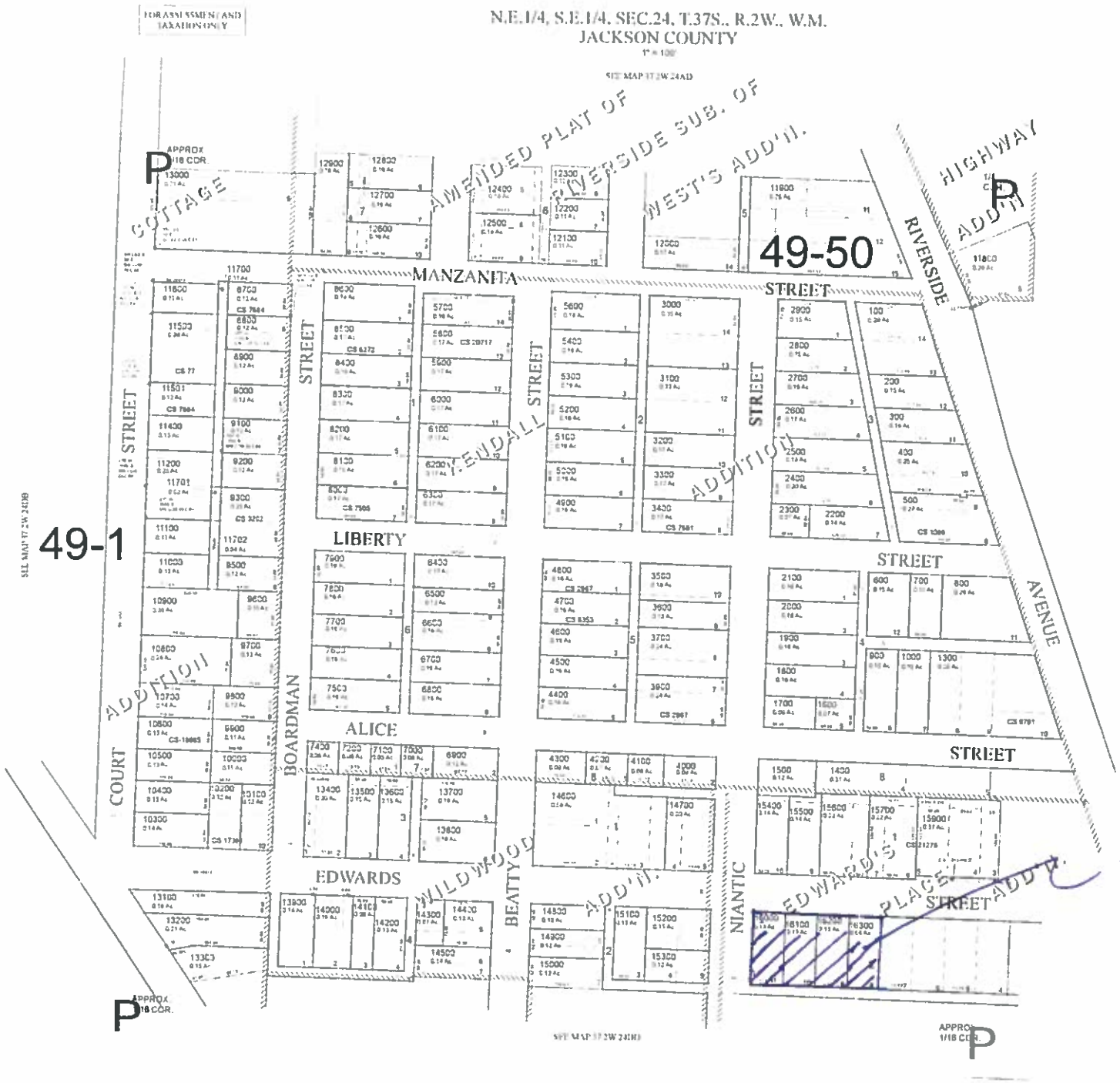
7. A geotechnical engineer shall provide a design for soils at building locations pursuant to 1803 of the Oregon Structural Specialty Code.

8. A code analysis providing occupant load type of construction, type of occupancy, occupant load, notation of sprinkled or non-sprinkled, separated or non-separated use, etc., will be required.

CITY OF MEDFORD
EXHIBIT # R11
FILE # CUP-16-022 / E-16-025
lot 2

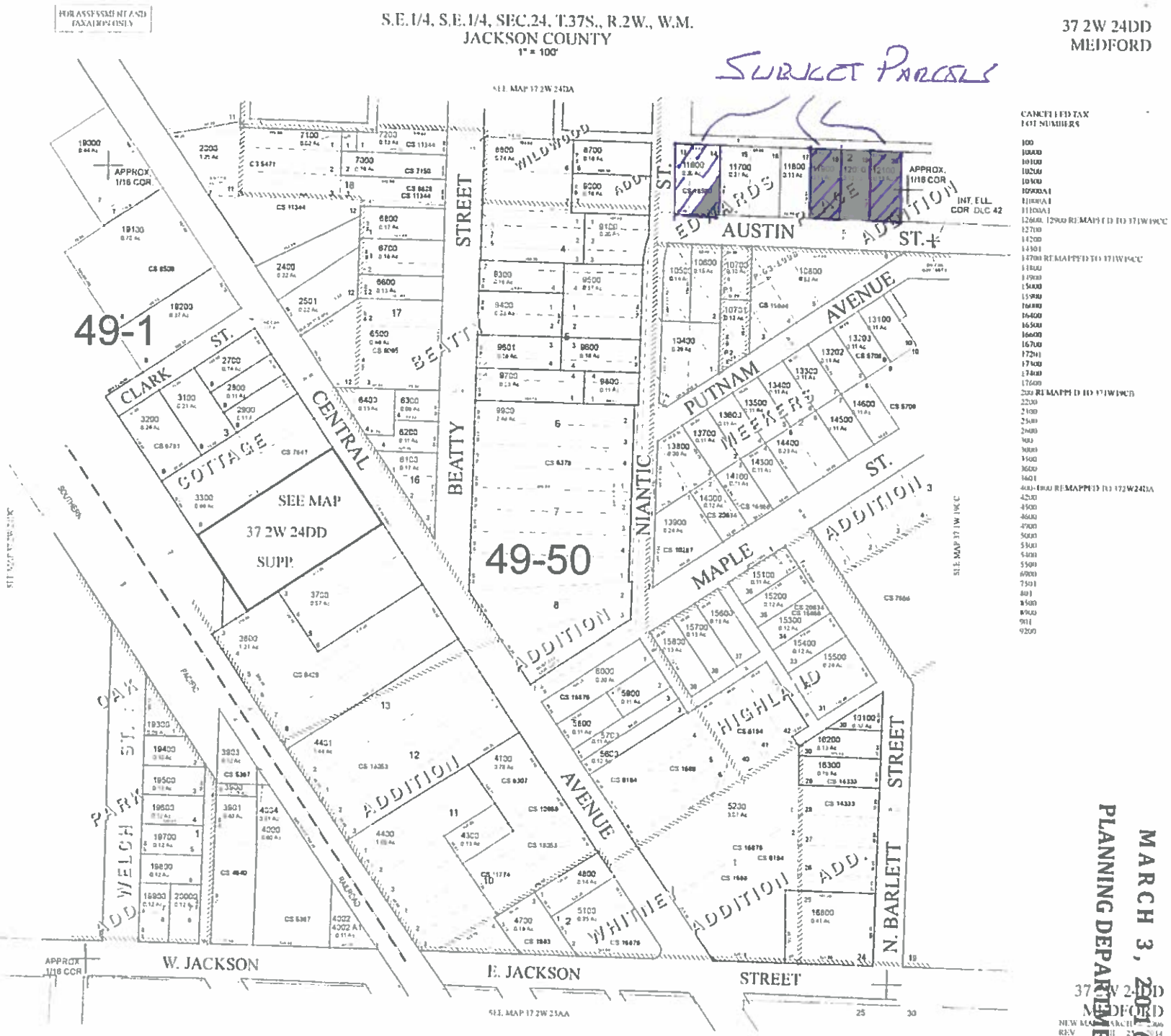
9. Building additions and the existing building they are attached to shall comply with the requirements of 3403 OSSC.

10. ADA parking spaces shall be required in accordance with code section 1106 of the Oregon Structural Specialty Code.




RECEIVED
MARCH 3, 2016
PLANNING DEPARTMENT

CITY OF MEDFORD
EXHIBIT # 5
File # CUP-16-022 / E-16-023




RECEIVED
MARCH 3, 2016
PLANNING DEPARTMENT

37 2W 24DD
MEDFORD

CITY OF MEDFORD
EXHIBIT # 5
File # CUP-16-022 / E-16-023

Page 312

FOR ASSESSMENT AND TAXATION ONLY

N.W.1/4, S.W.1/4, SEC.19, T.37S., R.1W., W.M.
JACKSON COUNTY
1" = 100'

37 1W 19CB
MEDFORD

RECEIVED
MARCH 3, 2016
PLANNING DEPARTMENT

Surplus Parcels

CITY OF MEDFORD
EXHIBIT # 5
File # CUP-16-022 / E-16-023
3 of 3
13

SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC
112 Monterey Drive | Medford, Or. 97504 | Phone 541.941.4148 | Fax 541.535.6873 | Email: Kwkp1@Q.com

RECEIVED
MAY 04 2016
Planning Dept.

April 27, 2016

Medford Planning Commission
411 W. 8th Street
Medford, OR 97501

RE: Conditional Use Permit Traffic Evaluation

Southern Oregon Transportation Engineering, LLC was retained by Kids Unlimited to evaluate site circulation and stacking as a result of an increase in student enrollment from 300 to 450 students over the next three years. Pursuant to the city's CUP standard (Medford Land Development Code 10.248), impacts (including traffic) for the proposed CUP amendment must not be significant. The following analysis goes to that issue:

**Background**

Kids Unlimited is a public charter school with a current enrollment of 300 students. The school is unique in that students come and go almost entirely by bus or parent pick up/ drop off, and leave at the end of the day at various times between 3:00-5:45 p.m. This creates a longer p.m. peak period with no definitive p.m. peak hour. The regular school day ends at 3:00 p.m. and then there is an enrichment session from 3:00-4:45 p.m. for students who are not picked up by parents at 3:00 p.m. Students are allowed to stay after the enrichment session until 5:30 p.m., which is a bonus for working parents. Students who are bused home leave the school after the enrichment session at 4:45 p.m. All students at the end of the school day leave either by bus or are checked out by a guardian.

**Traffic Counts and On-site Queuing**

Parents drop off and pick up students using Riverside Avenue and Austin Street. The a.m. peak hour is busier than the p.m. peak hour because of the longer p.m. period that parents use to pick up students. Both peak periods were counted in late April of 2016. During the a.m. peak hour, most parents used the Austin Street access (85%) to drop off rather than the Riverside Avenue access (15%). For this reason, the queue length of vehicles coming from the Austin access was longer than the queue length from the Riverside access. No problems with queuing, however, were observed to occur from either access. The average queue length of drivers using the Austin access was two vehicles with a maximum of four, which never extended more than halfway down the parking aisle. The average queue length of drivers using the Riverside access was one



CITY OF MEDFORD
EXHIBIT # 1T
File # CUP-16-022 / E-16-029
1 of 18

vehicle with a maximum of two vehicles at any one time, with no queue length ever observed to reach Riverside.

During the p.m. peak period, parents started arriving to pick up students as early as 2:45 p.m. and continued until 5:45 p.m. so the number of trips was spread out over a long peak period. The actual peak hour on the count day was shown to occur from 4:15-5:15 p.m., and was not observed to produce any on-site queuing because all drivers were observed to park and walk inside to sign out their children. During this time, two parents were observed to come on foot and leave with their child. One of the two proceeded to the north along Riverside and then west on Edwards Street. The remaining parent and child walked across the parking lot to the south and continued west on Austin Street. No parents or children were observed to cross Riverside Avenue at pick up, but several pedestrians were observed to cross Riverside Avenue throughout the count.

**Proposed Expansion**

Kids Unlimited currently has 300 students enrolled, which is shown in counts to produce approximately 286 vehicular trips during the a.m. peak hour (inbound and outbound) and 144 during the p.m. peak hour. An increase of 150 students is estimated to produce approximately one-half more trips during each peak hour or one-half more vehicles in the queue during the a.m. drop off period. This is not anticipated to create any significant queuing impact based on what was observed under existing conditions but, to further ensure that there are no impacts, the revised site plan includes additional parking to the west. The larger parking area and additional parking aisle to the west will support more parking and provide an alternative aisle for stacking if any of the other parking aisles experience longer queues as a result of increased traffic.

**Riverside Avenue**

Riverside Avenue is a three-lane one-way arterial street adjacent to Kids Unlimited. It carries approximately 13,000 average daily trips (ADT) and has a posted speed of 30 miles per hour (mph). The measured 85$^{th}$ percentile speed was 33 mph in the a.m. peak hour and 32 mph in the p.m. peak hour. During both peak hours, large gaps in traffic were observed to occur for pedestrians (teenagers and adults) to cross the roadway in between Austin Street and Edwards Street. It is not anticipated that students from Kids Unlimited will be crossing Riverside unless crossing with an adult, but in the event that a student needs to cross Riverside, there appeared to be adequate gaps and low enough vehicular speeds to do so safely.

## Summary and Conclusions

The proposed Kids Unlimited conditional use permit was evaluated from a site circulation and traffic impact standpoint and not shown to create adverse impacts to the surrounding area. This determination was based on the following conclusions:

- On-site queuing only occurs during the a.m. peak hour and primarily impacts the parking aisle nearest Riverside Avenue that takes access from Austin Street. Unlike traditional elementary schools, parents start dropping off students as early as 7:15 a.m. and continue dropping off students until 8:30 a.m., rather than all showing up within a 15-30 minute drop off period. For this reason, queuing was not shown to be a problem even when school buses arrived via the Austin Street access and joined the drop off queue.

- The afternoon pick up time at Kids Unlimited is minimized by a longer pick up period (2:45-5:45 p.m.) and check out policy that requires parents to park and come inside to pick up their child. This decreases any potential for queuing and spreads out the traffic impact over three hours.

- Students were not observed to cross Riverside Avenue during either peak period, but pedestrians were observed to cross Riverside Avenue throughout both peak periods and did not appear to have trouble crossing safely. The 85th percentile speed on Riverside Avenue was slightly higher than the posted speed but not shown to be excessive, and large gaps in traffic were observed to occur for pedestrians to cross if necessary.

Based on the findings, it is concluded that the proposed conditional use permit for Kids Unlimited can be approved without creating significant or adverse safety impacts to the surrounding area.

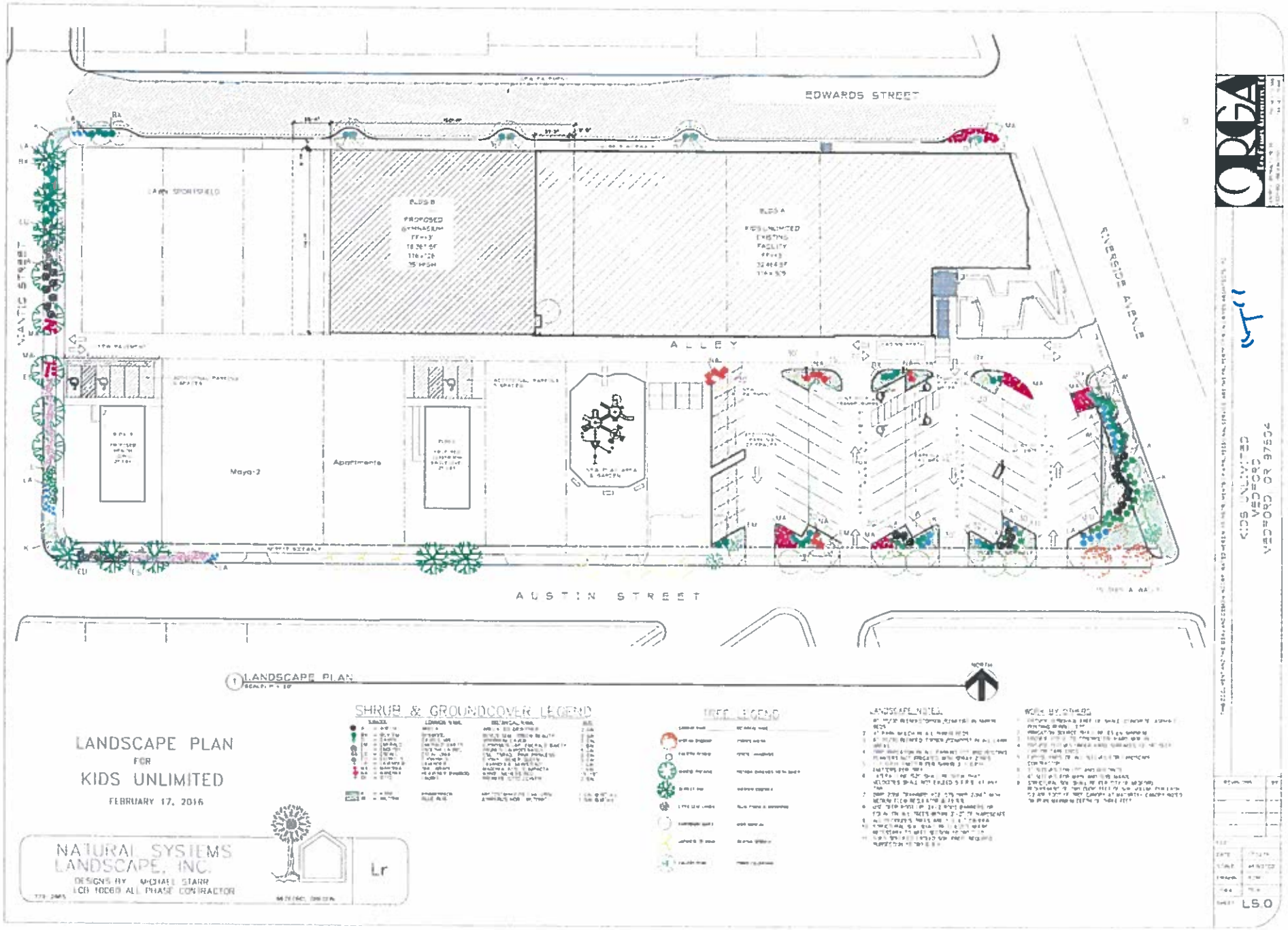
Please feel free to contact me with any questions or concerns.

Sincerely,

Kimberly Parducci, P.E. PTOE
*Southern Oregon Transportation Engineering, LLC*

Cc: Karl MacNair, Medford Public Works
Planning Department
Client

Attachments: Site Plan, Speed Study, Count Data


EDWARDS STREET
LAWN SPORTSFIELD
BLDG B
PROPOSED GYMNASIUM
BLDG A
KIDS UNLIMITED EXISTING FACILITY
RIVERSIDE AVENUE
ALLEY
Maya-2
Apartments
AUSTIN STREET
LANDSCAPE PLAN
SHRUB & GROUNDCOVER LEGEND
TREE LEGEND
LANDSCAPE NOTES
WORK BY OTHERS
LANDSCAPE PLAN
FOR
KIDS UNLIMITED
FEBRUARY 17, 2016
NATURAL SYSTEMS LANDSCAPE, INC.
DESIGNS BY MICHAEL STARR
LCB 10060 ALL PHASE CONTRACTOR
Lr
ORGA
KIDS UNLIMITED
VEDFORD
VEDFORD OR 97504
LS.0

4 of 18

Date: 4/26/16
Roadway: Riverside, 100' north of Austin (vehicles coming from the south)
Direction of Travel: Northbound Traffic Time: 7:30-8:30 am

| Number / Speed | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | Vehicle Sum | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 55 | | | | | | | | | | | | | | | | 0 | |
| 54 | | | | | | | | | | | | | | | | 0 | |
| 53 | | | | | | | | | | | | | | | | 0 | |
| 52 | | | | | | | | | | | | | | | | 0 | |
| 51 | | | | | | | | | | | | | | | | 0 | |
| 50 | | | | | | | | | | | | | | | | 0 | |
| 49 | | | | | | | | | | | | | | | | 0 | |
| 48 | | | | | | | | | | | | | | | | 0 | |
| 47 | | | | | | | | | | | | | | | | 0 | |
| 46 | | | | | | | | | | | | | | | | 0 | |
| 45 | | | | | | | | | | | | | | | | 0 | |
| 44 | | | | | | | | | | | | | | | | 0 | |
| 43 | | | | | | | | | | | | | | | | 0 | |
| 42 | | | | | | | | | | | | | | | | 0 | |
| 41 | 1 | 1 | | | | | | | | | | | | | | 2 | |
| 40 | | | | | | | | | | | | | | | | 0 | |
| 39 | 1 | | | | | | | | | | | | | | | 1 | |
| 38 | 1 | 1 | | | | | | | | | | | | | | 2 | |
| 37 | | | | | | | | | | | | | | | | 0 | |
| 36 | 1 | 1 | 1 | 1 | | | | | | | | | | | | 4 | |
| 35 | 1 | 1 | | | | | | | | | | | | | | 2 | |
| 34 | 1 | 1 | 1 | 1 | | | | | | | | | | | | 4 | |
| 33 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | | 12 | 85% |
| 32 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | 14 | |
| 31 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 15 | |
| 30 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | 13 | |
| 29 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | 14 | |
| 28 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | | | 11 | |
| 27 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | | | | | | 8 | |
| 26 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | | | | | | 8 | |
| 25 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | | | | | | 8 | |
| 24 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | | | | | | 8 | |
| 23 | 1 | 1 | | | | | | | | | | | | | | 2 | |
| 22 | | | | | | | | | | | | | | | | 0 | |
| 21 | 1 | | | | | | | | | | | | | | | 1 | |
| 20 | 1 | | | | | | | | | | | | | | | 1 | |
| 19 | | | | | | | | | | | | | | | | 0 | |
| 18 | | | | | | | | | | | | | | | | 0 | |
| 17 | | | | | | | | | | | | | | | | 0 | |
| 16 | | | | | | | | | | | | | | | | 0 | |
| 15 | | | | | | | | | | | | | | | | 0 | |
| | | | | | | | | | | | | | | | | | |
| Total | | | | | | | | | | | | | | | | 130 | |

AM Peak Hour
85th Percentile speed is 33 miles per hour (MPH)
Northbound (on Riverside)

17''
5 of 18

Date: 4/26/16
Roadway: Riverside, 100' north of Austin (vehicles coming from the south)
Direction of Travel: Northbound Traffic Time: 3:00-5:00 pm

| Number / Speed | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | Vehicle Sum | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 55 | | | | | | | | | | | | | | | | 0 | |
| 54 | | | | | | | | | | | | | | | | 0 | |
| 53 | | | | | | | | | | | | | | | | 0 | |
| 52 | | | | | | | | | | | | | | | | 0 | |
| 51 | | | | | | | | | | | | | | | | 0 | |
| 50 | | | | | | | | | | | | | | | | 0 | |
| 49 | | | | | | | | | | | | | | | | 0 | |
| 48 | | | | | | | | | | | | | | | | 0 | |
| 47 | | | | | | | | | | | | | | | | 0 | |
| 46 | | | | | | | | | | | | | | | | 0 | |
| 45 | | | | | | | | | | | | | | | | 0 | |
| 44 | | | | | | | | | | | | | | | | 0 | |
| 43 | | | | | | | | | | | | | | | | 0 | |
| 42 | | | | | | | | | | | | | | | | 0 | |
| 41 | 1 | | | | | | | | | | | | | | | 1 | |
| 40 | | | | | | | | | | | | | | | | 0 | |
| 39 | | | | | | | | | | | | | | | | 0 | |
| 38 | | | | | | | | | | | | | | | | 0 | |
| 37 | 1 | | | | | | | | | | | | | | | 1 | |
| 36 | 1 | 1 | 1 | | | | | | | | | | | | | 3 | |
| 35 | 1 | 1 | 1 | | | | | | | | | | | | | 3 | |
| 34 | 1 | | | | | | | | | | | | | | | 1 | |
| 33 | 1 | 1 | 1 | 1 | | | | | | | | | | | | 4 | |
| 32 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | | | | 10 | 85% |
| 31 | 1 | 1 | 1 | 1 | | | | | | | | | | | | 4 | |
| 30 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | | 12 | |
| 29 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | | | | | | | 7 | |
| 28 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | | | | | 9 | |
| 27 | 1 | 1 | 1 | 1 | 1 | | | | | | | | | | | 5 | |
| 26 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | 13 | |
| 25 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | | | | | 9 | |
| 24 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | | | | | | | 7 | |
| 23 | 1 | 1 | 1 | 1 | 1 | 1 | | | | | | | | | | 6 | |
| 22 | 1 | 1 | 1 | 1 | 1 | | | | | | | | | | | 5 | |
| 21 | 1 | 1 | 1 | 1 | 1 | | | | | | | | | | | 5 | |
| 20 | 1 | | | | | | | | | | | | | | | 1 | |
| 19 | 1 | | | | | | | | | | | | | | | 1 | |
| 18 | | | | | | | | | | | | | | | | 0 | |
| 17 | | | | | | | | | | | | | | | | 0 | |
| 16 | 1 | | | | | | | | | | | | | | | 1 | |
| 15 | | | | | | | | | | | | | | | | 0 | |
| | | | | | | | | | | | | | | | | | |
| Total | | | | | | | | | | | | | | | | 108 | |

PM Peak Period
85th Percentile speed is 32 miles per hour (MPH)
Northbound (on Riverside)

17"
6 of 18

*Southern Oregon Transportation Engineering, LLC*
112 Monterey Drive
Medford, Oregon 97504
*Kwkp1@q.com*

North-South: Riverside Avenue
East-West: Austin Street
Weather: Sunny, Cool
Veh Type: All Vehicles

File Name : Kids Unlimited drop off_AM
Site Code : 00000001
Start Date : 4/12/2016
Page No : 1

Groups Printed- Unshifted

| | From North | | | | | Riverside Access From East | | | | | Austin Access From South | | | | | From West | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Start Time | Left | Thru | Right | Peds | App Total | Left | Thru | Right | Peds | App Total | Left | Thru | Right | Peds | App Total | Left | Thru | Right | Peds | App Total | Int Total |
| 07:15 AM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 0 | 3 | 0 | 15 | 0 | 0 | 0 | 0 | 0 | 15 |
| 07:30 AM | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 4 | 24 | 0 | 6 | 0 | 30 | 0 | 0 | 0 | 0 | 0 | 34 |
| 07:45 AM | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 5 | 36 | 0 | 9 | 0 | 45 | 0 | 0 | 0 | 0 | 0 | 50 |
| Total | 0 | 0 | 0 | 0 | 0 | 9 | 0 | 0 | 0 | 9 | 72 | 0 | 18 | 0 | 90 | 0 | 0 | 0 | 0 | 0 | 99 |
| 08:00 AM | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 5 | 25 | 0 | 7 | 0 | 32 | 0 | 0 | 0 | 0 | 0 | 37 |
| 08:15 AM | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 4 | 14 | 0 | 4 | 0 | 18 | 0 | 0 | 0 | 0 | 0 | 22 |
| Grand Total | 0 | 0 | 0 | 0 | 0 | 18 | 0 | 0 | 0 | 18 | 111 | 0 | 29 | 0 | 140 | 0 | 0 | 0 | 0 | 0 | 158 |
| Apprch % | 0 | 0 | 0 | 0 | | 100 | 0 | 0 | 0 | | 79.3 | 0 | 20.7 | 0 | | 0 | 0 | 0 | 0 | | |
| Total % | 0 | 0 | 0 | 0 | 0 | 11.4 | 0 | 0 | 0 | 11.4 | 70.3 | 0 | 18.4 | 0 | 88.6 | 0 | 0 | 0 | 0 | 0 | |

7 of 18

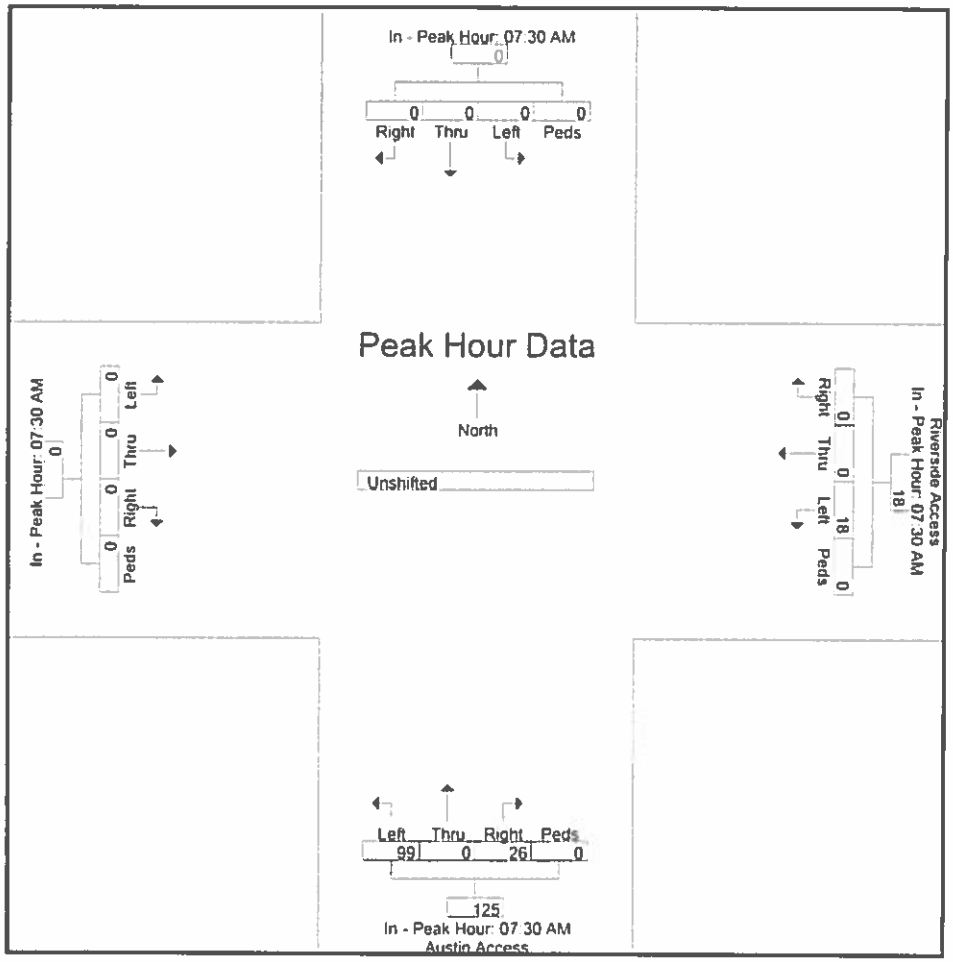
# Southern Oregon Transportation Engineering, LLC

112 Monterey Drive
Medford, Oregon 97504
*Kwkp1@q.com*


North-South: Riverside Avenue
East-West: Austin Street
Weather: Sunny, Cool
Veh Type: All Vehicles

File Name : Kids Unlimited drop off_AM
Site Code : 00000001
Start Date : 4/12/2016
Page No : 2

| | From North | | | | | Riverside Access From East | | | | | Austin Access From South | | | | | From West | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Start Time | Left | Thru | Right | Peds | App. Total | Left | Thru | Right | Peds | App. Total | Left | Thru | Right | Peds | App. Total | Left | Thru | Right | Peds | App. Total | Int. Total |
| Peak Hour Analysis From 07:30 AM to 08:15 AM - Peak 1 of 1 | | | | | | | | | | | | | | | | | | | | | |
| Peak Hour for Each Approach Begins at: | | | | | | | | | | | | | | | | | | | | | |
| | 07:30 AM | | | | | 07:30 AM | | | | | 07:30 AM | | | | | 07:30 AM | | | | | |
| +0 mins. | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 4 | 24 | 0 | 6 | 0 | 30 | 0 | 0 | 0 | 0 | 0 | |
| +15 mins. | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 5 | 36 | 0 | 9 | 0 | 45 | 0 | 0 | 0 | 0 | 0 | |
| +30 mins. | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 5 | 25 | 0 | 7 | 0 | 32 | 0 | 0 | 0 | 0 | 0 | |
| +45 mins. | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 4 | 14 | 0 | 4 | 0 | 18 | 0 | 0 | 0 | 0 | 0 | |
| Total Volume | 0 | 0 | 0 | 0 | 0 | 18 | 0 | 0 | 0 | 18 | 99 | 0 | 26 | 0 | 125 | 0 | 0 | 0 | 0 | 0 | 0 |
| % App. Total | 0 | 0 | 0 | 0 | | 100 | 0 | 0 | 0 | | 79.2 | 0 | 20.8 | 0 | | 0 | 0 | 0 | 0 | | |
| PHF | .000 | .000 | .000 | .000 | .000 | .900 | .000 | .000 | .000 | .900 | .688 | .000 | .722 | .000 | .694 | .000 | .000 | .000 | .000 | .000 | |




-T'' 8 of 18

*Southern Oregon Transportation Engineering, LLC*
112 Monterey Drive
Medford, Oregon 97504
*Kwkp1@q.com*

North-South: Riverside Avenue
East-West: Austin Street
Weather: Sunny, Cool
Veh Type: School Buses

File Name : Kids Unlimited drop off_AM
Site Code : 00000001
Start Date : 4/12/2016
Page No : 1

Groups Printed- Bank 2

| | From North | | | | | Riverside Access From East | | | | | Austin Access From South | | | | | From West | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Start Time | Left | Thru | Right | Cyclists | App Total | Left | Thru | Right | Cyclists | App Total | Left | Thru | Right | Cyclists | App Total | Left | Thru | Right | Cyclists | App Total | Int Total |
| 07:15 AM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 07:30 AM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 3 |
| 07:45 AM | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 2 | 0 | 0 | 3 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 5 |
| Total | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 2 | 0 | 0 | 6 | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 8 |
| 08:00 AM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 08:15 AM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Grand Total | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 2 | 0 | 0 | 6 | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 8 |
| Apprch % | 0 | 0 | 0 | 0 | | 100 | 0 | 0 | 0 | | 0 | 0 | 100 | 0 | | 0 | 0 | 0 | 0 | | |
| Total % | 0 | 0 | 0 | 0 | 0 | 25 | 0 | 0 | 0 | 25 | 0 | 0 | 75 | 0 | 75 | 0 | 0 | 0 | 0 | 0 | |

"7"
9 of 18

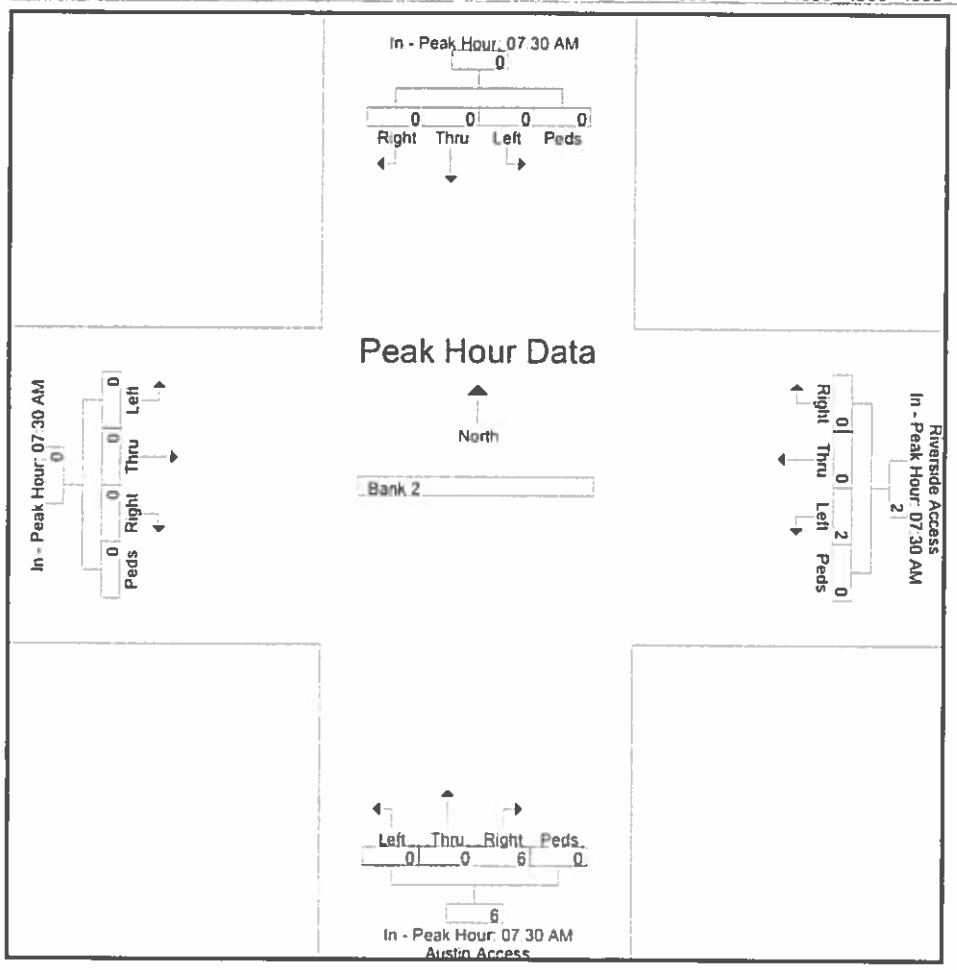
# Southern Oregon Transportation Engineering, LLC

112 Monterey Drive
Medford, Oregon 97504
*Kwkp1@q.com*


North-South: Riverside Avenue
East-West: Austin Street
Weather: Sunny, Cool
Veh Type: School Buses

File Name : Kids Unlimited drop off_AM
Site Code : 00000001
Start Date : 4/12/2016
Page No : 2

| | From North | | | | | Riverside Access From East | | | | | Austin Access From South | | | | | From West | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Start Time | Left | Thru | Right | Cyclists | App Total | Left | Thru | Right | Cyclists | App Total | Left | Thru | Right | Cyclists | App Total | Left | Thru | Right | Cyclists | App Total | Int Total |
| Peak Hour Analysis From 07:30 AM to 08:15 AM - Peak 1 of 1 | | | | | | | | | | | | | | | | | | | | | |
| Peak Hour for Each Approach Begins at: | | | | | | | | | | | | | | | | | | | | | |
| | 07:30 AM | | | | | 07:30 AM | | | | | 07:30 AM | | | | | 07:30 AM | | | | | |
| +0 mins. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | |
| +15 mins. | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 2 | 0 | 0 | 3 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | |
| +30 mins. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| +45 mins. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Total Volume | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 2 | 0 | 0 | 6 | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 0 |
| % App Total | 0 | 0 | 0 | 0 | | 100 | 0 | 0 | 0 | | 0 | 0 | 100 | 0 | | 0 | 0 | 0 | 0 | | |
| PHF | .000 | .000 | .000 | .000 | .000 | .250 | .000 | .000 | .000 | .250 | .000 | .000 | .500 | .000 | .500 | .000 | .000 | .000 | .000 | .000 | |




"4"
10 of 18

*Southern Oregon Transportation Engineering, LLC*
112 Monterey Drive
Medford, Oregon 97504
*Kwkp1@q.com*

Queue from Riverside Access
Kids Unlimited AM Drop Off
Weather: Sunny, Cool

File Name : Riverside_Queue Count_AM
Site Code : 00000002
Start Date : 4/26/2016
Page No : 1

| Ln | No | Joined Queue | Released From Queue | Delay |
|---|---|---|---|---|
| 1 | 1 | 7:29:01 AM | 7:29:03 AM | 2 |
| 1 | 2 | 7:29:17 AM | 7:29:26 AM | 9 |
| 1 | 3 | 7:43:40 AM | 7:44:30 AM | 50 |
| 1 | 4 | 7:44:40 AM | 7:44:47 AM | 7 |
| 1 | 5 | 7:45:48 AM | 7:46:14 AM | 26 |
| 1 | 6 | 7:51:58 AM | 7:52:19 AM | 21 |
| 1 | 7 | 7:54:03 AM | 7:54:26 AM | 23 |
| 1 | 8 | 7:54:21 AM | 7:55:34 AM | 73 |
| 1 | 9 | 7:56:15 AM | 7:56:56 AM | 41 |
| 1 | 10 | 8:01:54 AM | 8:01:58 AM | 4 |
| 1 | 11 | 8:09:28 AM | 8:10:17 AM | 49 |
| 1 | 12 | 8:10:53 AM | 8:11:33 AM | 40 |
| 1 | 13 | 8:12:25 AM | 8:12:41 AM | 16 |
| 1 | 14 | 8:12:54 AM | 8:13:39 AM | 45 |
| 1 | 15 | 8:14:43 AM | 8:14:58 AM | 15 |
| 1 | 16 | 8:18:43 AM | 8:19:14 AM | 31 |
| 1 | 17 | 8:21:21 AM | 8:21:38 AM | 17 |
| 1 | 18 | 8:28:51 AM | 8:29:12 AM | 21 |

**Summary Information:**

| 7:29:00 AM - 8:30:00 AM | Lane 1 |
|---|---|
| Total Vehicle Count: | 18 |
| Delayed Vehicle Count: | 18 |
| Through Vehicle Count: | 0 |
| Average Stopped Time: | 27.22 |
| Maximum Stopped Time: | 73 |
| Min. Secs. for Delay: | 0 |
| Average Queue: | 0.14 |
| Queue Density: | 1.01 |
| Maximum Queue: | 2 |
| Delay in Vehicle Hour: | 0.14 |
| Total Delay: | 490 |

"T"
11 of 18

# S.O.Transportation Engineering, LLC

*Medford, Oregon 97504*

Lane 1: Westerly Austin Access
Lane 2: Easterly Austin Access
Weather: Sunny, Cool

File Name : Austin Access Queues_AM
Site Code : 00000001
Start Date : 4/26/2016
Page No : 1

| Ln | No. | Joined Queue | Released From Queue | Delay |
|---|---|---|---|---|
| 1 | 1 | 7:31:21 AM | 7:31:24 AM | 3 |
| 2 | 1 | 7:30:00 AM | 7:30:04 AM | 4 |
| 2 | 2 | 7:30:15 AM | 7:30:17 AM | 2 |
| 2 | 3 | 7:30:48 AM | 7:31:27 AM | 39 |
| 2 | 4 | 7:31:34 AM | 7:32:50 AM | 76 |
| 2 | 5 | 7:32:10 AM | 7:32:57 AM | 47 |
| 2 | 6 | 7:32:15 AM | 7:33:17 AM | 62 |
| 2 | 7 | 7:36:42 AM | 7:37:10 AM | 28 |
| 2 | 8 | 7:37:07 AM | 7:37:28 AM | 21 |
| 2 | 9 | 7:37:25 AM | 7:37:49 AM | 24 |
| 2 | 10 | 7:38:01 AM | 7:38:21 AM | 20 |
| 2 | 11 | 7:38:05 AM | 7:38:30 AM | 25 |
| 2 | 12 | 7:38:41 AM | 7:39:28 AM | 47 |
| 2 | 13 | 7:39:33 AM | 7:40:01 AM | 28 |
| 2 | 14 | 7:39:51 AM | 7:40:27 AM | 36 |
| 2 | 15 | 7:40:41 AM | 7:41:00 AM | 19 |
| 2 | 16 | 7:40:51 AM | 7:41:13 AM | 22 |
| 2 | 17 | 7:41:03 AM | 7:41:17 AM | 14 |
| 2 | 18 | 7:41:07 AM | 7:41:31 AM | 24 |
| 2 | 19 | 7:41:22 AM | 7:42:11 AM | 49 |
| 2 | 20 | 7:41:42 AM | 7:42:24 AM | 42 |
| 2 | 21 | 7:41:53 AM | 7:42:38 AM | 45 |
| 2 | 22 | 7:42:43 AM | 7:43:17 AM | 34 |
| 2 | 23 | 7:42:55 AM | 7:43:36 AM | 41 |
| 2 | 24 | 7:43:05 AM | 7:44:09 AM | 64 |
| 2 | 25 | 7:43:21 AM | 7:44:32 AM | 71 |
| 2 | 26 | 7:44:28 AM | 7:44:46 AM | 18 |
| 2 | 27 | 7:44:58 AM | 7:45:33 AM | 35 |
| 2 | 28 | 7:45:36 AM | 7:45:37 AM | 1 |
| 2 | 29 | 7:45:52 AM | 7:46:16 AM | 24 |
| 2 | 30 | 7:46:00 AM | 7:46:21 AM | 21 |
| 2 | 31 | 7:46:42 AM | 7:47:10 AM | 28 |
| 2 | 32 | 7:47:28 AM | 7:47:58 AM | 30 |
| 2 | 33 | 7:47:42 AM | 7:48:24 AM | 42 |
| 2 | 34 | 7:48:09 AM | 7:48:28 AM | 19 |
| 2 | 35 | 7:48:18 AM | 7:48:53 AM | 35 |
| 2 | 36 | 7:48:19 AM | 7:49:15 AM | 56 |
| 2 | 37 | 7:48:38 AM | 7:49:24 AM | 46 |
| 2 | 38 | 7:49:07 AM | 7:49:44 AM | 37 |
| 2 | 39 | 7:49:14 AM | 7:49:49 AM | 35 |
| 2 | 40 | 7:50:16 AM | 7:50:34 AM | 18 |
| 2 | 41 | 7:50:33 AM | 7:50:35 AM | 2 |
| 2 | 42 | 7:51:03 AM | 7:51:14 AM | 11 |
| 2 | 43 | 7:51:06 AM | 7:51:30 AM | 24 |
| 2 | 44 | 7:51:07 AM | 7:51:35 AM | 28 |
| 2 | 45 | 7:51:11 AM | 7:52:00 AM | 49 |
| 2 | 46 | 7:51:22 AM | 7:52:09 AM | 47 |
| 2 | 47 | 7:51:56 AM | 7:52:28 AM | 32 |
| 2 | 48 | 7:51:59 AM | 7:52:50 AM | 51 |
| 2 | 49 | 7:52:38 AM | 7:53:01 AM | 23 |
| 2 | 50 | 7:52:40 AM | 7:53:03 AM | 23 |
| 2 | 51 | 7:52:51 AM | 7:53:06 AM | 15 |
| 2 | 52 | 7:52:52 AM | 7:53:33 AM | 41 |
| 2 | 53 | 7:53:15 AM | 7:54:03 AM | 48 |
| 2 | 54 | 7:53:18 AM | 7:54:06 AM | 48 |
| 2 | 55 | 7:53:27 AM | 7:54:17 AM | 50 |
| 2 | 56 | 7:54:00 AM | 7:54:39 AM | 39 |
| 2 | 57 | 7:55:20 AM | 7:55:45 AM | 25 |
| 2 | 58 | 7:55:30 AM | 7:56:33 AM | 63 |
| 2 | 59 | 7:55:57 AM | 7:56:40 AM | 43 |

"T" 12 of 18

# *S.O.Transportation Engineering, LLC*

*Medford, Oregon 97504*

Lane 1: Westerly Austin Access
Lane 2: Easterly Austin Access
Weather: Sunny, Cool

File Name : Austin Access Queues_AM
Site Code : 00000001
Start Date : 4/26/2016
Page No : 2

| Ln | No | Joined Queue | Released From Queue | Delay |
|---|---|---|---|---|
| 2 | 60 | 7:56:12 AM | 7:57:00 AM | 48 |
| 2 | 61 | 7:56:15 AM | 7:57:16 AM | 61 |
| 2 | 62 | 7:56:38 AM | 7:57:20 AM | 42 |
| 2 | 63 | 7:56:43 AM | 7:57:26 AM | 43 |
| 2 | 64 | 7:57:28 AM | 7:57:32 AM | 4 |
| 2 | 65 | 7:57:34 AM | 7:57:51 AM | 17 |
| 2 | 66 | 7:58:13 AM | 7:58:32 AM | 19 |
| 2 | 67 | 7:58:18 AM | 7:58:40 AM | 22 |
| 2 | 68 | 7:58:21 AM | 7:59:31 AM | 70 |
| 2 | 69 | 7:58:54 AM | 7:59:37 AM | 43 |
| 2 | 70 | 7:59:05 AM | 8:00:02 AM | 57 |
| 2 | 71 | 7:59:51 AM | 8:00:15 AM | 24 |
| 2 | 72 | 7:59:55 AM | 8:00:22 AM | 27 |
| 2 | 73 | 8:00:00 AM | 8:00:29 AM | 29 |
| 2 | 74 | 8:00:27 AM | 8:01:01 AM | 34 |
| 2 | 75 | 8:00:40 AM | 8:01:08 AM | 28 |
| 2 | 76 | 8:01:15 AM | 8:01:23 AM | 8 |
| 2 | 77 | 8:01:26 AM | 8:02:08 AM | 42 |
| 2 | 78 | 8:01:31 AM | 8:02:13 AM | 42 |
| 2 | 79 | 8:02:16 AM | 8:02:32 AM | 16 |
| 2 | 80 | 8:02:51 AM | 8:03:12 AM | 21 |
| 2 | 81 | 8:03:14 AM | 8:03:21 AM | 7 |
| 2 | 82 | 8:03:23 AM | 8:03:55 AM | 32 |
| 2 | 83 | 8:03:47 AM | 8:04:18 AM | 31 |
| 2 | 84 | 8:04:19 AM | 8:04:39 AM | 20 |
| 2 | 85 | 8:04:52 AM | 8:05:23 AM | 31 |
| 2 | 86 | 8:05:26 AM | 8:05:31 AM | 5 |
| 2 | 87 | 8:05:34 AM | 8:05:50 AM | 16 |
| 2 | 88 | 8:06:51 AM | 8:07:22 AM | 31 |
| 2 | 89 | 8:07:10 AM | 8:07:45 AM | 35 |
| 2 | 90 | 8:07:24 AM | 8:08:03 AM | 39 |
| 2 | 91 | 8:07:51 AM | 8:08:14 AM | 23 |
| 2 | 92 | 8:09:34 AM | 8:09:38 AM | 4 |
| 2 | 93 | 8:09:42 AM | 8:10:00 AM | 18 |
| 2 | 94 | 8:10:02 AM | 8:10:21 AM | 19 |
| 2 | 95 | 8:10:05 AM | 8:10:31 AM | 26 |
| 2 | 96 | 8:10:16 AM | 8:10:55 AM | 39 |
| 2 | 97 | 8:11:40 AM | 8:12:05 AM | 25 |
| 2 | 98 | 8:12:36 AM | 8:12:56 AM | 20 |
| 2 | 99 | 8:12:45 AM | 8:13:16 AM | 31 |
| 2 | 100 | 8:13:00 AM | 8:14:11 AM | 71 |
| 2 | 101 | 8:13:14 AM | 8:14:22 AM | 68 |
| 2 | 102 | 8:14:23 AM | 8:14:27 AM | 4 |
| 2 | 103 | 8:14:31 AM | 8:14:47 AM | 16 |
| 2 | 104 | 8:15:04 AM | 8:15:23 AM | 19 |
| 2 | 105 | 8:15:43 AM | 8:16:15 AM | 32 |
| 2 | 106 | 8:16:38 AM | 8:17:00 AM | 22 |
| 2 | 107 | 8:16:58 AM | 8:17:35 AM | 37 |
| 2 | 108 | 8:19:35 AM | 8:19:52 AM | 17 |
| 2 | 109 | 8:20:12 AM | 8:20:51 AM | 39 |
| 2 | 110 | 8:20:23 AM | 8:20:54 AM | 31 |
| 2 | 111 | 8:20:38 AM | 8:21:10 AM | 32 |
| 2 | 112 | 8:21:11 AM | 8:21:28 AM | 17 |
| 2 | 113 | 8:21:26 AM | 8:21:43 AM | 17 |
| 2 | 114 | 8:21:55 AM | 8:22:31 AM | 36 |
| 2 | 115 | 8:22:18 AM | 8:22:54 AM | 36 |
| 2 | 116 | 8:22:58 AM | 8:24:05 AM | 67 |
| 2 | 117 | 8:23:23 AM | 8:24:24 AM | 61 |
| 2 | 118 | 8:25:08 AM | 8:25:36 AM | 28 |
| 2 | 119 | 8:25:27 AM | 8:25:44 AM | 17 |

"T" 13 of 18

# *S.O.Transportation Engineering, LLC*

*Medford, Oregon 97504*

Lane 1: Westerly Austin Access
Lane 2: Easterly Austin Access
Weather: Sunny, Cool

File Name : Austin Access Queues_AM
Site Code : 00000001
Start Date : 4/26/2016
Page No : 3

| L. n. | No. | Joined Queue | Released From Queue | Delay |
|---|---|---|---|---|
| 2 | 120 | 8:25:53 AM | 8:26:08 AM | 15 |
| 2 | 121 | 8:28:51 AM | 8:29:38 AM | 47 |
| 2 | 122 | 8:30:31 AM | 8:31:03 AM | 32 |

**Summary Information:**

| 7:30:00 AM - 8:32:00 AM | Lane 1 | Lane 2 |
|---|---|---|
| Total Vehicle Count: | 1 | 122 |
| Delayed Vehicle Count: | 1 | 122 |
| Through Vehicle Count: | 0 | 0 |
| Average Stopped Time: | 3.00 | 31.975 |
| Maximum Stopped Time: | 3 | 76 |
| Min. Secs. for Delay: | 0 | 0 |
| Average Queue: | 0.67 | 1.065 |
| Queue Density: | 1.00 | 1.625 |
| Maximum Queue: | 1 | 4 |
| Delay in Vehicle Hour: | 1.00 | 1.064974 |
| Total Delay: | 3 | 3901 |

117

14 of 18

*Southern Oregon Transportation Engineering, LLC*
112 Monterey Drive
Medford, Oregon 97504
*Kwkp1@q.com*

North-South: Riverside Avenue
East-West: Austin Street
Weather: Sunny, Cool
Veh Type: All Vehicles

File Name : Kids Unlimited drop off_PM
Site Code : 00000001
Start Date : 4/26/2016
Page No : 1

Groups Printed- Unshifted

| | From North | | | | | Riverside Access From East | | | | | Austin Access From South | | | | | From West | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Start Time | Left | Thru | Right | Peds | App Total | Left | Thru | Right | Peds | App Total | Left | Thru | Right | Peds | App Total | Left | Thru | Right | Peds | App Total | Int Total |
| 02:45 PM | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 3 | 11 | 0 | 3 | 0 | 14 | 0 | 0 | 0 | 0 | 0 | 17 |
| Total | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 3 | 11 | 0 | 3 | 0 | 14 | 0 | 0 | 0 | 0 | 0 | 17 |
| 03:00 PM | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 2 | 10 | 0 | 4 | 0 | 14 | 0 | 0 | 0 | 0 | 0 | 16 |
| 03:15 PM | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 2 | 0 | 1 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 4 |
| 03:30 PM | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 2 | 5 | 0 | 1 | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 8 |
| 03:45 PM | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 6 | 0 | 1 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 8 |
| Total | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 0 | 0 | 6 | 23 | 0 | 7 | 0 | 30 | 0 | 0 | 0 | 0 | 0 | 36 |
| 04:00 PM | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 2 | 6 | 0 | 3 | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 11 |
| 04:15 PM | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 11 | 0 | 12 | 0 | 23 | 0 | 0 | 0 | 0 | 0 | 24 |
| 04:30 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 0 | 20 | 0 | 0 | 0 | 0 | 0 | 20 |
| 04:45 PM | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 7 | 0 | 1 | 0 | 8 | 0 | 0 | 0 | 0 | 0 | 9 |
| Total | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 4 | 34 | 0 | 26 | 0 | 60 | 0 | 0 | 0 | 0 | 0 | 64 |
| 05:00 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 9 | 0 | 19 | 0 | 0 | 0 | 0 | 0 | 19 |
| 05:15 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 7 | 0 | 20 | 0 | 0 | 0 | 0 | 0 | 20 |
| 05:30 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 2 | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 5 |
| Grand Total | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 13 | 94 | 0 | 54 | 0 | 148 | 0 | 0 | 0 | 0 | 0 | 161 |
| Apprch % | 0 | 0 | 0 | 0 | | 100 | 0 | 0 | 0 | | 63.5 | 0 | 36.5 | 0 | | 0 | 0 | 0 | 0 | | |
| Total % | 0 | 0 | 0 | 0 | 0 | 8.1 | 0 | 0 | 0 | 8.1 | 58.4 | 0 | 33.5 | 0 | 91.9 | 0 | 0 | 0 | 0 | 0 | |

"T"

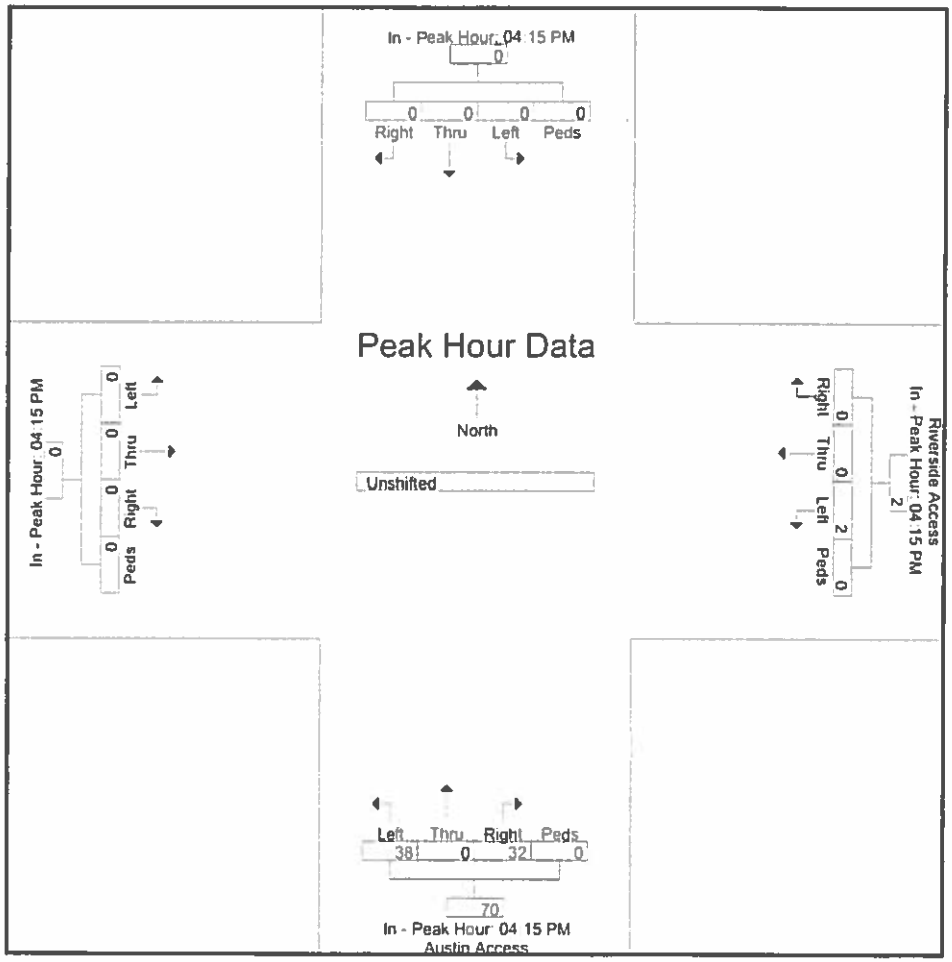
15 of 18

*Southern Oregon Transportation Engineering, LLC*
112 Monterey Drive
Medford, Oregon 97504
*Kwkp1@q.com*

North-South: Riverside Avenue
East-West: Austin Street
Weather: Sunny, Cool
Veh Type: All Vehicles

File Name : Kids Unlimited drop off_PM
Site Code : 00000001
Start Date : 4/26/2016
Page No : 2

| | From North | | | | | Riverside Access From East | | | | | Austin Access From South | | | | | From West | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Start Time | Left | Thru | Right | Peds | App Total | Left | Thru | Right | Peds | App. Total | Left | Thru | Right | Peds | App. Total | Left | Thru | Right | Peds | App. Total | Int. Total |
| Peak Hour Analysis From 04:15 PM to 05:00 PM - Peak 1 of 1 | | | | | | | | | | | | | | | | | | | | | |
| Peak Hour for Each Approach Begins at: | | | | | | | | | | | | | | | | | | | | | |
| | 04:15 PM | | | | | 04:15 PM | | | | | 04:15 PM | | | | | 04:15 PM | | | | | |
| +0 mins. | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 11 | 0 | 12 | 0 | 23 | 0 | 0 | 0 | 0 | 0 | |
| +15 mins. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 0 | 20 | 0 | 0 | 0 | 0 | 0 | |
| +30 mins. | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 7 | 0 | 1 | 0 | 8 | 0 | 0 | 0 | 0 | 0 | |
| +45 mins. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 9 | 0 | 19 | 0 | 0 | 0 | 0 | 0 | |
| Total Volume | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 2 | 38 | 0 | 32 | 0 | 70 | 0 | 0 | 0 | 0 | 0 | |
| % App. Total | 0 | 0 | 0 | 0 | | 100 | 0 | 0 | 0 | | 54.3 | 0 | 45.7 | 0 | | 0 | 0 | 0 | 0 | | |
| PHF | .000 | .000 | .000 | .000 | .000 | .500 | .000 | .000 | .000 | .500 | .864 | .000 | .667 | .000 | .761 | .000 | .000 | .000 | .000 | .000 | |




"T"

16 of 18

*Southern Oregon Transportation Engineering, LLC*
112 Monterey Drive
Medford, Oregon 97504
*Kwkp1@q.com*

North-South: Riverside Avenue
East-West: Austin Street
Weather: Sunny, Cool
Veh Type: School Buses

File Name : Kids Unlimited drop off_PM
Site Code : 00000001
Start Date : 4/26/2016
Page No : 1

Groups Printed- Bank 2

| | From North | | | | | Riverside Access From East | | | | | Austin Access From South | | | | | From West | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Start Time | Left | Thru | Right | Cyclists | App Total | Left | Thru | Right | Cyclists | App Total | Left | Thru | Right | Cyclists | App Total | Left | Thru | Right | Cyclists | App Total | Int. Total |
| 02:45 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 03:00 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 03:15 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 03:30 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 03:45 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| 04:00 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 04:15 PM | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 1 | 0 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 3 |
| 04:30 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| 04:45 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 1 | 0 | 2 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 4 |
| 05:00 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 05:15 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 05:30 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Grand Total | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 1 | 0 | 3 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 5 |
| Apprch % | 0 | 0 | 0 | 0 | | 100 | 0 | 0 | 0 | | 25 | 0 | 75 | 0 | | 0 | 0 | 0 | 0 | | |
| Total % | 0 | 0 | 0 | 0 | 0 | 20 | 0 | 0 | 0 | 20 | 20 | 0 | 60 | 0 | 80 | 0 | 0 | 0 | 0 | 0 | |

15"



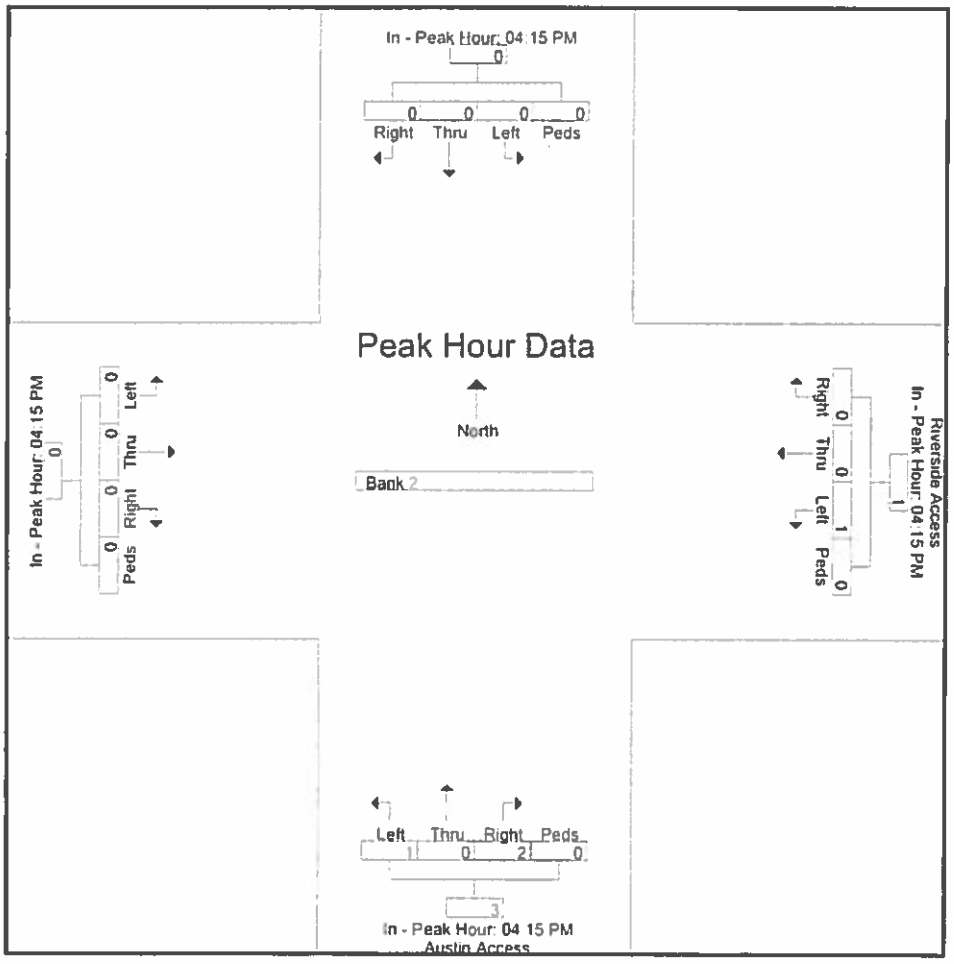
17 of 18

*Southern Oregon Transportation Engineering, LLC*
112 Monterey Drive
Medford, Oregon 97504
*Kwkp1@q.com*

North-South: Riverside Avenue
East-West: Austin Street
Weather: Sunny, Cool
Veh Type: School Buses

File Name : Kids Unlimited drop off_PM
Site Code : 00000001
Start Date : 4/26/2016
Page No : 2

| | From North | | | | | Riverside Access From East | | | | | Austin Access From South | | | | | From West | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Start Time | Left | Thru | Right | Cyclists | App Total | Left | Thru | Right | Cyclists | App Total | Left | Thru | Right | Cyclists | App Total | Left | Thru | Right | Cyclists | App Total | Int Total |
| Peak Hour Analysis From 04:15 PM to 05:00 PM - Peak 1 of 1 | | | | | | | | | | | | | | | | | | | | | |
| Peak Hour for Each Approach Begins at: | | | | | | | | | | | | | | | | | | | | | |
| | 04:15 PM | | | | | 04:15 PM | | | | | 04:15 PM | | | | | 04:15 PM | | | | | |
| +0 mins. | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 1 | 0 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | |
| +15 mins. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | |
| +30 mins. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| +45 mins. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Total Volume | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 1 | 0 | 2 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | |
| % App. Total | 0 | 0 | 0 | 0 | | 100 | 0 | 0 | 0 | | 33.3 | 0 | 66.7 | 0 | | 0 | 0 | 0 | 0 | | |
| PHF | .000 | .000 | .000 | .000 | .000 | .250 | .000 | .000 | .000 | .250 | .250 | .000 | .500 | .000 | .375 | .000 | .000 | .000 | .000 | .000 | |



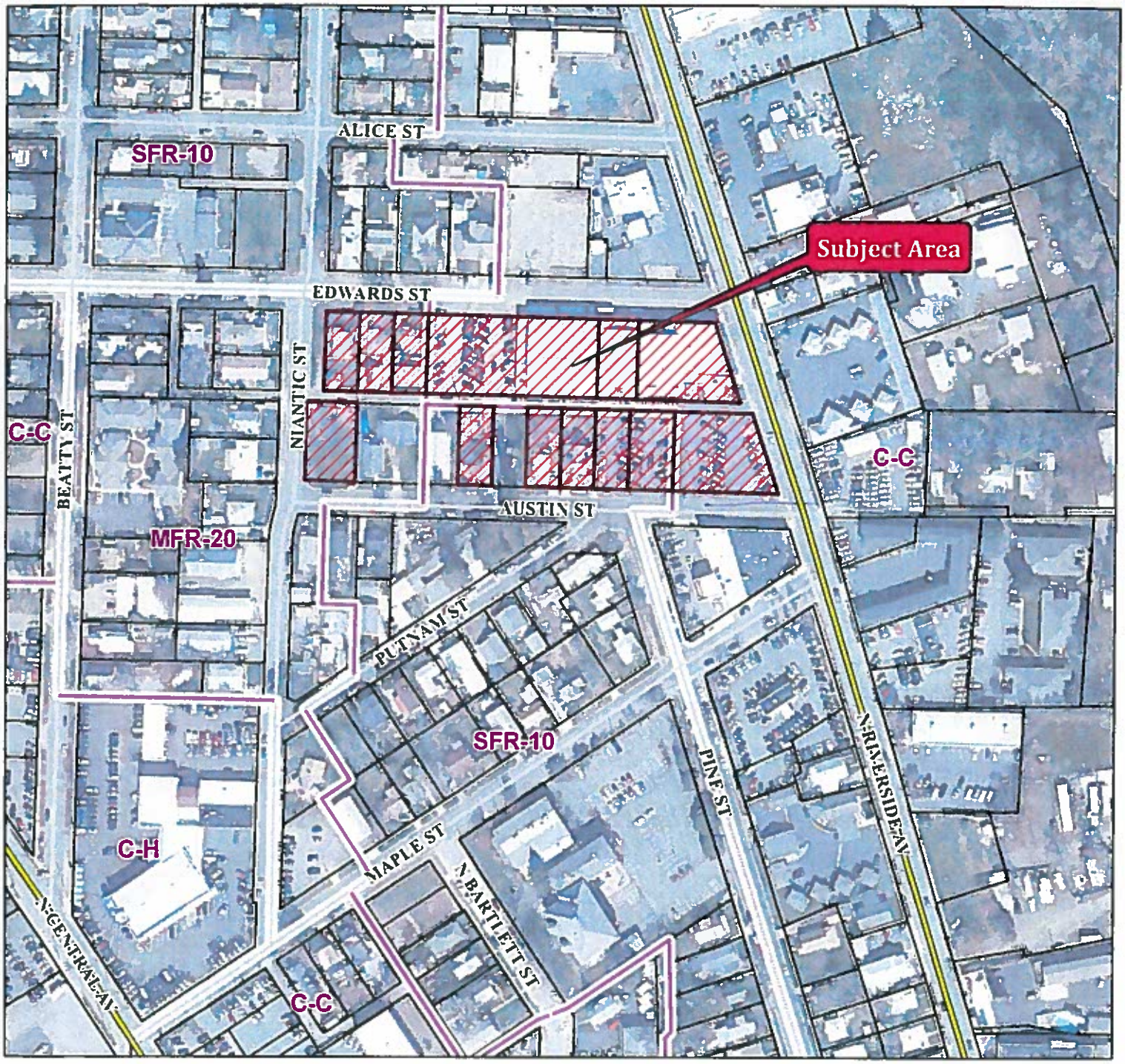

4"
18 of 18

City of Medford

# Planning Department

Vicinity Map

File Number:
**CUP 16-022**
**E 16-023**



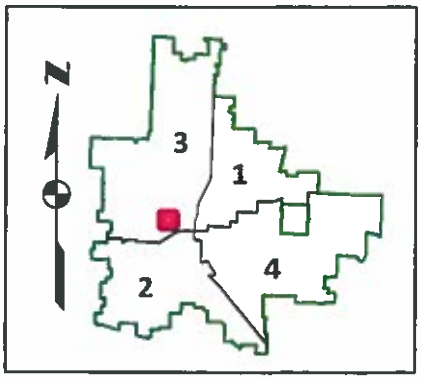

Project Name:

**Kids Unlimited Academy**

Map/Taxlot:
**371W19CB TL 3200, 3300, 3400, 3500, 3600, 3700**
**372W24DA TL 16000, 16100, 16200, 16300**
**372W24DD TL 11600, 11900, 12100**

0 50 100 200 300 400 Feet

*03/07/2016*

## Legend

- Subject Area
- Medford Zoning
- Tax Lots
- Streets