

PLANNING COMMISSION AGENDA MAY 25, 2017



Commission Members

David Culbertson

Joe Foley

Bill Mansfield

David McFadden

Mark McKechnie

E. J. McManus

Patrick Miranda

Alex Poythress

Jared Pulver

Regular Planning Commission meetings

are held on the second and fourth

Thursdays of every month

Meetings begin at 5:30 PM

City of Medford

City Council Chambers

411 W. Eighth Street, Third Floor

Medford, OR 97501

541-774-2380



Planning Commission

Agenda

Public Hearing

May 25, 2017

5:30 PM

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

-
10. **Roll Call**
20. **Consent Calendar/Written Communications (voice vote)**
- 20.1 **LDS-16-152** Final Order for Lilybrook, a 14 lot residential subdivision on a 1.64 acre parcel located on the northeast corner of Agate Street and Hart Avenue within the SFR-10 (Single-Family Residential, 10 dwelling units per gross acre) zoning district (Clyde Akins, Applicant; CSA Planning Ltd./Mike Savage, Agent)
30. **Minutes**
- 30.1 Consideration for approval of minutes from the May 11, 2017, hearing.
40. **Oral and Written Requests and Communications**
Comments will be limited to 3 minutes per individual or 5 minutes if representing an organization. **PLEASE SIGN IN.**
50. **Public Hearings**
Comments are limited to a total of 10 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. All others will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. **PLEASE SIGN IN.**
- New Business**
- 50.1 **ZC-17-041** Consideration of a zone change from SFR-6 (Single Family Residential – 6 dwelling units per gross acre) to MFR-20 (Multi-Family Residential – 20 dwelling units per gross acre) on 0.22 acres located on the southwest corner of Howard Avenue and Bayberry Drive (372W13CB5900). (James Mendolia, Applicant; Milan Hanson, Agent)
60. **Reports**
- 60.1 Site Plan and Architectural Commission
- 60.2 Joint Transportation Subcommittee
- 60.3 Planning Department
70. **Messages and Papers from the Chair**
80. **Remarks from the City Attorney**
90. **Propositions and Remarks from the Commission**
100. **Adjournment**

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

IN THE MATTER OF A TENTATIVE PLAT APPROVAL FOR)
)
LILYBROOK SUBDIVISION) **ORDER**
)
 [LDS-16-152])

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

A 14 lot residential subdivision on a 1.64 acre parcel located on the northeast corner of Agate Street and Hart Avenue within the SFR-10 (Single-Family Residential, 10 dwelling units per gross acre) zoning district.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.265 through 10.267; and
2. The Medford Planning Commission has duly held a public hearing on the request for tentative plat approval for *Lilybrook Subdivision* as described above, with the public hearing a matter of record of the Planning Commission on May 11, 2017.
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted for tentative plat approval for *Lilybrook Subdivision* as described above and directed staff to prepare a final order with all conditions and findings set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat approval for *Lilybrook Subdivision* stands approved per Planning Commission Report dated May 11, 2017, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Planning Commission Report dated May 11, 2017.

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

Accepted and approved this 25th day of May, 2017.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



Planning Department

Working with the community to shape a vibrant and exceptional city

PLANNING COMMISSION REPORT

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

PROJECT Clyde Akins & Lilybrook Subdivision
 Applicant: Clyde Akins; Agent: CSA Planning

FILE NO. LDS-16-152

DATE May 11, 2017

BACKGROUND

Proposal

Consideration of Lilybrook, a 14 lot residential subdivision on a 1.64 acre parcel located on the northeast corner of Agate Street and Hart Avenue within the SFR-10 (Single-Family Residential, 10 dwelling units per gross acre) zoning district, and a zone change from SFR-10 (Single Family Residential, 10 dwelling units per gross acre) to SFR-00 (Single Family Residential, one dwelling unit per existing lot) on a 1,334 square foot strip of land located on the north side of Agate Street approximately 200 feet east of Hart Avenue (Tax Lots 382W01AB 700 & 800)

Subject Site Characteristics

Zoning:	SFR-10	Single-Family Residential – 10 dwelling units per gross acre
GLUP:	UR	Urban Residential
Existing Use:	Single-family home and several outbuildings	

Surrounding Site Characteristics

North	SFR-10	Vacant-recently approved Merlot Valley Subdivision (23 lots, LDS-15-095)
South	SFR-00 SFR-6	Single Family Residential – 1 dwelling unit per existing lot Single Family Residential – 6 dwelling units per gross acre McKennell Subdivision (31 lots, LDS-04-119 & LDS-05-116)
East	SFR-00 SFR-4	Residential Single Family Residential – 4 dwelling units per gross acre
West	SFR-10	Residential

Related Projects

A-02-225	Annexation
ZC-05-024	Zone change from County RR-5 to City SFR-10

PUD-05-134	Fairchild Village (23 lots) (approved/expired)
E-05-209	Eliminate park strips (approved/expired)
PUD-06-059	Fairchild Village (19 attached/detached units) (denied)
LDS-06-355	Fairchild Village (15 lots) (approved/expired)
E-06-356	Allow five through lots (approved/expired)
PLA-17-036	Property Line Adjustment of 1,334 square foot of land

Applicable Criteria

Medford Land Development Code Section 10.227 Zone Change Approval Criteria

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

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

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

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

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

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

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

(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one (1) proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements

needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs:

- (a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two (2) years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or*
- (b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.*
- (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.*
- (c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction or covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:
 - (i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,*
 - (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,*
 - (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.**

Medford Land Development Code Section 10.270: Land Division Approval Criteria

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

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

ISSUES AND ANALYSIS

Background

On March 8, 2007, the Planning Commission adopted a final order of approval for a subdivision of the subject property and an exception request to allow five through lots. The subdivision consisted of 15 lots including eight duplex lots. The subdivision approval and exception request expired on March 8, 2008.

Project Summary

The applicant is proposing a zone change from SFR-10 to SFR-00 to allow a property line adjustment to accommodate the proposed 14-lot single-family residential subdivision. The subject property is within the SFR-10 zoning district. Subdivision lots range in size from 3,828 square feet to 7,152 square feet. One flag lot is proposed.

The applicant is proposing to develop the subdivision in four phases. As permitted by the Medford Land Development Code, phased subdivisions may be approved for up to a total of

five years. The applicant is requesting the development be permitted the full five-year time period in which to complete all phases.

Code Compliance

Zone Change

Staff determined that the property at 808 Agate Street was zoned SFR-10 by the zone change application ZC-07-157 and that the zone change ZC-17-037 was not needed. The agent withdrew the application (Exhibit X).

The applicant requests approval of a zone change from SFR-10 to SFR-00 on a 1,334 square foot strip of land on the east side of Tax Lot 700, the 1.67 acre parcel located on the northeasterly corner of Agate Street and Hart Avenue. The sole purpose of the zone change is to accommodate a property line adjustment with the adjacent SFR-00 zoned property to the east, Tax Lot 800. According to the applicant's findings, the property line adjustment is necessary in order to implement an agreement with the neighboring property owner that will secure a utility easement to serve a concurrently proposed infill project on the subject Tax Lot 700.

While split zoned properties are not prohibited under the code, the criteria for a property line adjustment in Medford Land Development Code (MLDC) Section 10.297(B)(3) precludes adjusting property lines across zoning boundaries:

The adjustment will not result in a unit of land that overlaps the city limit line, urban growth boundary, or zoning districts.

It is highly unusual to have an applicant request SFR-00 zoning. It is a holding zone, typically applied at the time of annexation. MLDC 10.307 defines the SFR-00 zone:

The primary purpose of this zoning district is to provide a holding zone for properties that are changing from County to City zoning and have not yet been tested for facility adequacy to allow development to urban level densities and intensities. These parcels will primarily be located within the City's urbanizable area, and where necessary, within the City limits. In addition to one dwelling unit, one accessory dwelling unit (ADU) will be allowed per existing parcel.

While it is an unusual request, the Code does not prohibit the Commission from making such a decision. The 1,334 square feet have already been analyzed for facility adequacy at SFR-10 density. From a practical perspective, the result of an approval would be that the same area would be analyzed again at the time of a future zone change of Tax Lot 800.

Analysis

The proposal to change the zoning from SFR-10 to SFR-00 on the subject area of 1,334 square feet meets the approval criteria found in MLDC 10.227. The proposed zone of SFR-00 is

permitted within the UR (Urban Residential) GLUP (General Land Use Plan) map designation. The subject area is adjacent to land currently zoned SFR-00 and will not be creating a pocket, or enclave of this zone. The request is also consistent with the Transportation System Plan (TSP). In regards to facility adequacy, the agency reports in Exhibits M, N, O, P and S demonstrate that Category "A" Urban Services and Facilities are available to serve the site at the time of issuance of building permits.

Land Division

Density

Based on the 1.90 gross acre subject area the minimum number of units required for the site is 11 and the maximum number permitted is 18. The applicant has proposed a total of 14 units for all phases of Lilybrook Subdivision, which is within the density range.

Street Circulation

The subject site is located within the adopted Southwest Medford Circulation Plan. The plan proposes the extension of Hart Avenue south to Agate Street. Public right-of-way currently exists for Hart Street along the frontage of the subject site. The applicant proposes a residential lane in the subdivision which will be designed and constructed to the standards of MLDC 10.430(3). Additionally, an east-west residential lane is proposed with a street stub at the easterly boundary of the subdivision.

Analysis

An itemized analysis of the proposed tentative plat based on the criteria outlined in Medford Land Development Code Section 10.270 cited above is as follows:

(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;

The subject tentative plat meets all design standards set forth in MLDC Articles IV and V. The proposed street layout of Lilybrook Subdivision extends all existing street alignments currently stubbed out at the property line as to extend through the development. The subdivision is consistent with maximum block length and maximum block perimeter standards of Article IV as well as the Southwest Medford Circulation Plan. The Planning Commission can find that the tentative subdivision plat meets Criterion 1.

(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;

With the creation of Lilybrook Lane, the applicant will not prevent future development of the remainder of this property or of adjoining lands. The Commission can find that Criterion 2 is met.

(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;

The applicant's findings of fact and conclusions of law provide that the subject plat will bear the name of "Lilybrook Subdivision", which is a unique name within the City of Medford. The Commission can find Criterion 3 is met.

(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;

As noted above, the proposed development creates a new residential lane named Lilybrook Lane, which will be stubbed at the project's easterly boundary. Lilybrook Lane is designed to tie into a future southerly extension of Lillian Street from Merlot Subdivision to the north. The continuation of these residential streets and proposed streets are consistent with the Adopted Southwest Medford Circulation Plan. The Commission can find that Criterion 4 is met.

(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;

The Applicant's Findings note that there are no private streets or alleys are proposed. Criterion 5 is not applicable to the subject land division.

(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.

There are no EFU lands adjoining the subject property. Criterion 6 is not applicable to the subject land division.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibits B and C) and recommends the Commission adopt the applicant's findings as submitted, with the exception of those supplied for the Property Line Adjustment. Property Line Adjustments are a Class E decision under MLDC 10.102. MLDC 10.135 designates the Planning Director as the approving authority for Class D and E decisions.

As noted above, zone change ZC-17-037 was not needed. The agent withdrew the application (Exhibit X).

The boundary of the tentative plat was slightly changed to accommodate an agreement that was made between the subject property owner and the adjacent property owner at 808 Agate Street. The property owner at 808 Agate Street provided written comment (Exhibit W), stating that he would like the original agreement upheld. The agent for the subject property then submitted additional written comments (Exhibit X), stating that the applicant agrees to the terms of the original agreement thus changing the boundary of the tentative plat.

The property line adjustment (PLA-17-036) will be revised to illustrate the original agreement (Exhibit X).

The Agent requested that the public improvements on Hart Street be reduced to include the east half of right-of-way plus eight feet along the frontage of the property located at 2091 S. Peach Street to accommodate the structure on the rear of the property.

ACTION TAKEN

Adopt the findings as recommended by staff, and allow half of right-of-way plus eight feet of improvement along Hart Street, and direct staff to prepare Final Orders for approval and LDS-16-152 per the staff report dated May 4, 2017, including Exhibits A through X.

EXHIBITS

- A Conditions of Approval
- B Applicant's Findings of Fact and Conclusions of Law received November 29, 2016
- C Applicant's Findings of Fact and Conclusions of Law received March 14, 2017
- D Tentative Plat for Lilybrook Subdivision received May 2, 2017
- E Conceptual Grading and Drainage Plan received May 2, 2017
- F Approved Merlot Subdivision Street Layout received November 29, 2016
- G Adopted Southwest Medford Circulation Plan
- H General Land Use Plan Map received November 29, 2016
- I Zoning Map received November 29, 2016
- J Surrounding Area Development Patterns received November 29, 2016
- K Property Line Adjustment Map received March 14, 2017
- L Jackson County Assessors Map received November 29, 2016
- M Public Works Department Staff Report for LDS received January 4, 2017
- N Public Works Department Staff Report for ZC received April 19, 2017
- O Medford Water Commission Staff Memo received January 6, 2017
- P Medford Water Commission Staff Memo received April 19, 2017
- Q Medford Fire Department Land Development Report received January 4, 2017
- R Medford Fire Department Land Development Report received April 19, 2017
- S Letter from Rogue Valley Sewer Services received December 27, 2016
- T E-mail correspondence from Oregon Department of Aviation received December 29, 2016 and April 10, 2017
- U Traffic Impact Analysis Form received March 19, 2017

- V Density Calculation
- W Comments from Property Owner at 808 Agate St received May 10, 2017
- X Comments from Agent, CSA Planning received May 11, 2017
Vicinity map

MEDFORD PLANNING COMMISSION

Patrick Miranda, Chair

PLANNING COMMISSION AGENDA:

MAY 11, 2017
MAY 25, 2017

RECEIVED

MAY 10 2017

Planning Dept.

May 10, 2017

To: City of Medford Planning Department
Public Hearing File No: LDS-16--152/ZC-17-037
Attn: Liz Conner
Lausmann Annex
200 South Ivy Street
Medford, OR 97501

From: Mark Hocken
808 Agate Street
Medford OR 97501

As discussed with Liz Conner on May 10, 2017, I was planning on attending the public meeting May 11, 2017. I was called out town to Forest Fire back east, so I can not attend the meeting. In case I can not find a representative, please except this response for development at 840 Agate Street Medford, OR 97501.

I am one of the adjacent land owners with lot line adjustment. I approve of the proposal at 840 Agate Street subdivision as long as written agreement between land owners of 840 Agate and 808 Agate Street Medford, OR 97501 is followed. This agreement between Clyde Akins of 840 Agate Street and Bryan Barge/ Mark Hocken 808 Agate Street is to adjust the lot lines as indicated in written agreement with map in attached document which indicates the lot line adjustments to 808 Agate St from 840 Agate Street. 808 Agate Street will then grant easement as indicated in the agreement and map. The map illustrates the lot line adjust and easements to be adjusted.

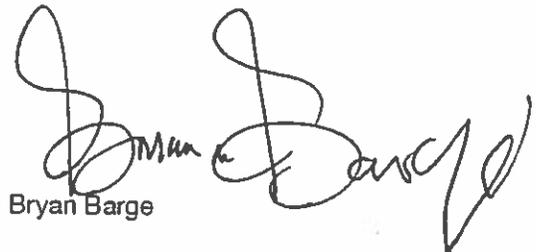
I would hope the Agate Street In front of the proposed subdivision property would be paved. I would also request the city to install a speed bump on Agate to the ever increasing speed on Agate Street between Peach Street and Kings Hwy. The increased speed is getting ridiculous on Agate Street due the increased traffic on Garfield and addition of South Medford High School. Please consider a 25 mile an hour speed bump on Agate between Peach and Kings Highway as part of this development to reduce speeding on Agate.

I would like to request transcripts and web link to the transcripts from the public hearing, since I can not make the Public Hearing on May 11, 2017. I can be reached at 541-778-1930 and/ or Torchhocken@yahoo.com. Thank you for your consideration of my comments and keep both owners Bryan Barge and Mark Hocken of 808 Agate Street Medford Oregon 97501 property owners in good standing during this subdivision process.

Sincerely



Mark Hocken



Bryan Barge

SALE AGREEMENT

(Lot Line Adjustment)

THIS SALE AGREEMENT ("Agreement") is entered into by and among CLYDE AKINS ("Seller"), and MARK E. HOCKEN and BRYAN M. BARGE, as tenants in common (collectively "Buyer").

RECITALS:

- A. Seller owns the property known as 840 Agate Street, Medford, Oregon, more particularly described on Exhibit A attached hereto ("Seller's Property").
- B. Buyer owns the property to the east of Seller's property, known as 808 Agate Street, Medford, Oregon, more particularly described on Exhibit B attached hereto ("Buyer's Property").
- C. Seller desires to obtain a storm water and sewer easement across Buyer's Property in order to facilitate development on Seller's Property.
- D. Buyer desires to acquire the strip of land depicted on Exhibit C from Seller ("Property").
- E. Seller has agreed to sell the Property to Buyer and Buyer has agreed to convey a storm water and sewer easement to Buyer under the terms and conditions as set forth herein.

AGREEMENT:

NOW, THEREFORE, for valuable consideration, the parties agree as follows:

1. Sale and Purchase. Seller agrees to convey the Property to Buyer in exchange for Buyer granting Seller a storm water and sewer easement in substantially the form attached hereto as Exhibit D.
2. Creation of Legal Description for Property. Upon execution of this Agreement, Buyer shall engage a professional land surveyor to create a legal description for the Property.
3. Lot Line Adjustment. Both parties agree to participate in obtaining a lot line adjustment on the Property, which will adjust the lot line of the Property such that the Property will become a part of Buyer's Property. Both parties also agree to proceed with diligence to complete the lot line adjustment. The expense for such lot line adjustment shall be borne solely by Seller.
4. Preliminary Title Report. Seller has provided Buyer with the PAR report number 7165-2652798 prepared by First American Title Insurance Company ("First American Title").

All other exceptions to title are acceptable to Buyer and shall be deemed Permitted Exceptions under this Agreement.

5. Conditions. The closing of the sale of the Property from Seller to Buyer is conditioned on the following:

5.1 Seller obtaining a preliminary plat approval from the City of Medford, Oregon, for a 14-lot subdivision with conditions that are satisfactory to Seller.

5.2 Buyer executing the storm water and sewer easement in substantially the same form as Exhibit C.

6. Closing. If all of the conditions have been satisfied or waived, closing shall occur within ten (10) business days of the date in which the lot line adjustment has been approved by the City of Medford, Oregon, and all deeds, surveys and maps of the lot line adjustment have been executed and are ready to be filed with the Jackson County Recorder. Closing shall take place at the offices of First American Title Insurance Co., 1225 Crater Lake Ave. #101, Medford, OR 97501 (the "Closing" or "Closing Date"). The escrow officer shall be Phyllis Strosser. Buyer shall pay all of the escrow and title insurance fees, documentary stamp taxes, recording fees, and any other costs associated with Closing this sale.

7. Deed. On the Closing Date, Seller shall execute and deliver to Buyer a statutory warranty deed conveying the Property to Buyer free and clear of all liens and encumbrances except for conditions, easements, restrictions and reservations of record, and all zoning, building, housing and other regulatory ordinances and laws, building restrictions, and reservations in federal patents and state deeds and taxes due and payable for the current tax year. In the event there is a mortgage, trust deed, or other financial encumbrance affecting the Property prior to Closing, Seller shall execute any and all appropriate documents to release the Property from such mortgage, trust deed, or other financial encumbrance.

8. Taxes. Both parties acknowledge and agree that as a part of obtaining the lot line adjustment that the taxes for both Seller and Buyer need to be paid in full. This may require the parties to prepay their property taxes. Both parties covenant and agree to prepay such taxes if necessary. Real property taxes for the current tax year shall be prorated as of the Closing Date.

9. Condition of Property. Seller make no warranties, express or implied, as to the Property or the condition or state of repair thereof, it being understood by all parties that the Property will be conveyed to the Buyer "AS-IS" with all faults. Buyer agrees that Buyer has ascertained, from sources other than Seller, or any agent or representative of Seller, the condition of the Property and its suitability for Buyer's purposes, the applicable zoning, building, housing and other regulatory ordinances and laws, and that Buyer accepts the Property with full awareness of these ordinances and laws as they may affect the present use or any intended future use of the Property, and Seller have made no representations with respect to such condition or suitability of the Property or such laws or ordinances.

10. Possession. Buyer shall be entitled to possession immediately upon Closing.

11. Binding Effect. This Agreement is binding on and will inure to the benefit of Seller, Buyer, and their respective heirs, legal representatives, successors, and assigns.
12. Attorney Fees. In the event action is instituted to enforce any term of this Agreement, the prevailing party shall recover from the losing party reasonable attorney fees incurred in such action as set by the trial court and, in the event of appeal, as set by the appellate courts.
13. Notices. All notices and communications in connection with this Agreement shall be given in writing and shall be transmitted by certified or registered mail, return receipt requested, to the appropriate party at the address first set forth above. Any notice so transmitted shall be deemed effective on the date it is placed in the United States mail, postage prepaid. Either party may, by written notice, designate a different address for purposes of this Agreement.
14. Entire Agreement. This Agreement sets forth the entire understanding of the parties with respect to the purchase and sale of the Property. This Agreement supersedes any and all prior negotiations, discussions, agreements, and understandings between the parties. This Agreement may not be modified or amended except by a written agreement executed by both parties.
15. Applicable Law. This Agreement shall be construed, applied, and enforced in accordance with the laws of the State of Oregon.
16. Seller's Remedies. In the event that the transaction fails to close on account of Buyer's fault or Buyer's inability to close, Seller shall be entitled to such remedies for breach of contract as may be available under applicable law, including (without limitation) the remedy of specific performance.
17. Buyer's Remedies. In the event that the transaction fails to close on account of Seller's fault or Seller's inability to close, Buyer shall be entitled to such remedies for breach of contract as may be available under applicable law, including (without limitation) the remedy of specific performance.
18. Survival of Covenants. All representations, warranties and disclosures made by Seller herein will be true and correct in all material respects as of Closing with the same effect as though made at that time, except for changes contemplated, permitted or required by this Agreement. All representations, warranties and indemnity agreements contained herein shall survive Closing and the conveyance of the Property to Buyer.
19. Representation. This Agreement has been prepared by the law firm of Foster Denman, LLP, which represents only the Seller.
20. Counterparts; Electronic Signatures. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. This Agreement, any and all amendments hereto or

thereto, to the extent signed and delivered by means of email, a facsimile machine or other means of electronic transmission, shall be treated in all manner and respects and for all purposes as an original signature, agreement or instrument and shall be considered to have the same binding legal effect as if it were the original signed version thereof delivered in person.

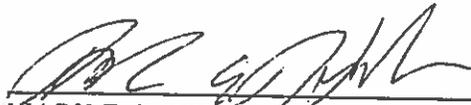
21. STATUTORY DISCLOSURE. THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

The effective date of this Agreement shall be the date the last party signs below.

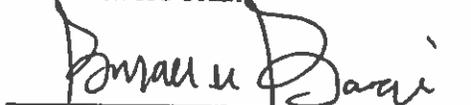

CLYDE AKINS

Dated: 10-13-16

"Seller"


MARK E. HOCKEN

Dated: 10-17-16


BRYAN M. BARGE

Dated: 10-17-2017

"Buyer"

Exhibits:

- A: Seller's Property**
- B: Buyer's Property**
- C: Land to be Acquired From Seller**
- D: Form of Easement**
- E: PAR Report**

EXHIBIT A

Seller's Property

The West 2/3 of Block 21, of the Amended Plat of Blocks 2, 3, 5, 7, 8, 11, 12, 13, 14, 16, 17, 20, 22, and 23, OAKDALE PARK ADDITION, to the City of Medford, Jackson County, Oregon. Together with those portions of Pearl Street and the Alley, vacated by order recorded November 21, 1960, in Volume 498, Page 476, Jackson County deed records, which inures by law thereto.

EXHIBIT B

Buyer's Property

The East one-third of Block 21, AMENDED PLAT OF OAKDALE PARK ADDITION, in the City of Medford, Jackson County, Oregon.

ALSO, the south half of vacated Pearl Street adjacent to the north line of subject property and the west half of Lincoln Street adjacent to the east line of subject property, record notice of which appears in instrument recorded in volume 498, page 476, Deed Record of Jackson County, Oregon.

Exhibit C

Land to be Acquired From Seller

Legal description to be supplied

Exhibit C – Land to Be Acquired From Seller

EXHIBIT D

Form of Easement

After recording, return to:

Tim Jackle
Foster Denman, LLP
PO Box 1667
Medford, OR 97501

SEWER AND STORM WATER EASEMENT AGREEMENT

This Sewer Line Easement Agreement ("Agreement") is effective as of the date the last party signs below, and is by and between MARK E. HOCKEN and BRYAN M. BARGE (collectively "Grantor") and CLYDE AKINS ("Grantee").

Recitals:

A. The Grantor owns real property located at 808 Agate Street, Medford, Jackson County, Oregon, as more particularly described on Exhibit "A" attached hereto and incorporated herein by reference (the "Burdened Property").

B. Grantee owns adjacent real property located at 840 Agate Street, Medford, Jackson County, Oregon, as described on Exhibit "B" attached hereto and incorporated herein by reference (the "Benefitted Property").

C. Grantee desires to develop its real property in a manner which would require the installation and maintenance of sewer and storm water lines on the Burdened Property. Such sewer and storm water lines are for the benefit of Grantee and the Public Grantees. The term "Public Grantees" means any public entity within Jackson County that accepts an assignment or dedication of the sewer or storm drain facilities constructed by Grantee.

D. Grantor agrees to grant Grantee and Public Grantees a perpetual easement for the installation and maintenance of a sewer and storm water line on the Burdened Property in exchange for Grantee's conveyance of property to Grantor.

NOW, THEREFORE, the parties hereby agree as follows:

1. **Grant of Sewer and Storm Water Line Easements.** Grantor hereby grants and conveys to Grantee and Public Grantees a non-exclusive, perpetual easement for purposes of the installation, operation, maintenance, repair and replacement of a sewer line and a storm water line and necessary appurtenances associated with such utility lines (the "Easement"). The location of the Easement shall be over, across, and under that portion of the Burdened Property as more particularly described and depicted on attached Exhibit "C", which exhibit is incorporated herein by reference and made a part hereof. The Easement shall include the right of ingress and egress as necessary to accomplish the purposes of the Easement. No buildings shall be constructed which encroach on the location of the Easement. The Easement shall run with the land.

2. **Consideration.** In consideration for Grantor's grant of the Easement, Grantee agrees to convey unto Grantor a strip of land located on Grantee's land as depicted on Exhibit C attached.

3. **Indemnification.** Grantee shall indemnify and defend Grantor from any claim, loss, or liability, including any attorney's fees and costs arising out of or related to any activity of Grantee, Grantee's agents, construction workers, servants, customers, tenants, subtenants and licensees on the Burdened Property or for any condition of the Burdened Property in any way related to Grantee's work on the Burdened Property, including, but

Exhibit D – Form of Easement
Page 1 of 5

not limited to, the Easement. Grantee's indemnity obligation shall cease upon the acceptance of the sewer line and storm water line and commencement of the use of such lines by Public Grantees.

4. Maintenance. Until the acceptance of the sewer line and storm water line and commencement of the use of such lines by Public Grantees, Grantee shall be solely responsible for all maintenance and repair of the sewer lines and appurtenances associated with such utility lines.

5. Restoration of the Property. To the extent Grantee, or Grantee's agents, construction workers, servants, customers, tenants, subtenants, and licensees, alter the condition of the Burdened Property by use of the Easement or the exercise of rights granted hereunder, Grantee agrees to restore the Burdened Property to the condition that said property was in before such use or exercise of rights.

6. Attorney Fees. In the event of any litigation to enforce or interpret this Agreement, the prevailing party shall be entitled to recover from the losing party an award of the prevailing party's attorney's fees as determined by the trial court, or by the appellate court upon any appeal or petition therefrom.

7. Successors in Interest. This Easement shall inure to the benefit of, and bind, the parties hereto, the Third Party Beneficiaries, their successors and assigns in perpetuity.

8. Counterparts. This Agreement may be executed in counterparts, each of which will be considered an original and all of which together will constitute one and the same Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands on the date and year set forth below their signatures.

Exhibit – Do not Sign
CLYDE AKINS

Dated: _____

"Grantor"

Exhibit – Do not Sign
MARK E. HOCKEN

Dated: _____

Exhibit – Do not Sign
BRYAN M. BARGE

Dated: _____

"Grantee"

STATE OF OREGON)

County of Jackson) ss.
)

Personally appeared the above-named CLYDE AKINS, and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

Exhibit – Do not Sign
Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
) ss.
County of Jackson)

Personally appeared the above-named MARK E. HOCKEN, and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

Exhibit – Do not Sign
Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
) ss.
County of Jackson)

Personally appeared the above-named BRYAN M. BARGE, and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

Exhibit – Do not Sign
Notary Public for Oregon
My Commission Expires: _____

Exhibits:

Exhibit "A": Grantor's Property (Burdened Property)
Exhibit "B": Grantee's Property (Benefitted Property)
Exhibit "C": Description and Depiction of Easement

Exhibit "A"

Grantor's Property (Burdened Property)

The following described real property in the State of Oregon and County of Jackson:

The East one-third of Block 21, AMENDED PLAT OF OAKDALE PARK ADDITION, in the City of Medford, Jackson County, Oregon.

ALSO, the south half of vacated Pearl Street adjacent to the north line of subject property and the west half of Lincoln Street adjacent to the east line of subject property, record notice of which appears in instrument recorded in volume 498, page 476, Deed Record of Jackson County, Oregon.

Exhibit "B"

Grantee's Property (Benefited Property)

The following described real property in the State of Oregon and County of Jackson:

The West 2/3 of Block 21, of the Amended Plat of Blocks 2, 3, 5, 7, 8, 11, 12, 13, 14, 16, 17, 20, 22, and 23, OAKDALE PARK ADDITION, to the City of Medford, Jackson County, Oregon. Together with those portions of Pearl Street and the Alley, vacated by order recorded November 21, 1960, in Volume 498, Page 476, Jackson County deed records, which inures by law thereto.

Exhibit "C"

Description and Depiction of Easement

Description to be supplied

[Depiction Attached on Next Page]

Depiction of Easement:

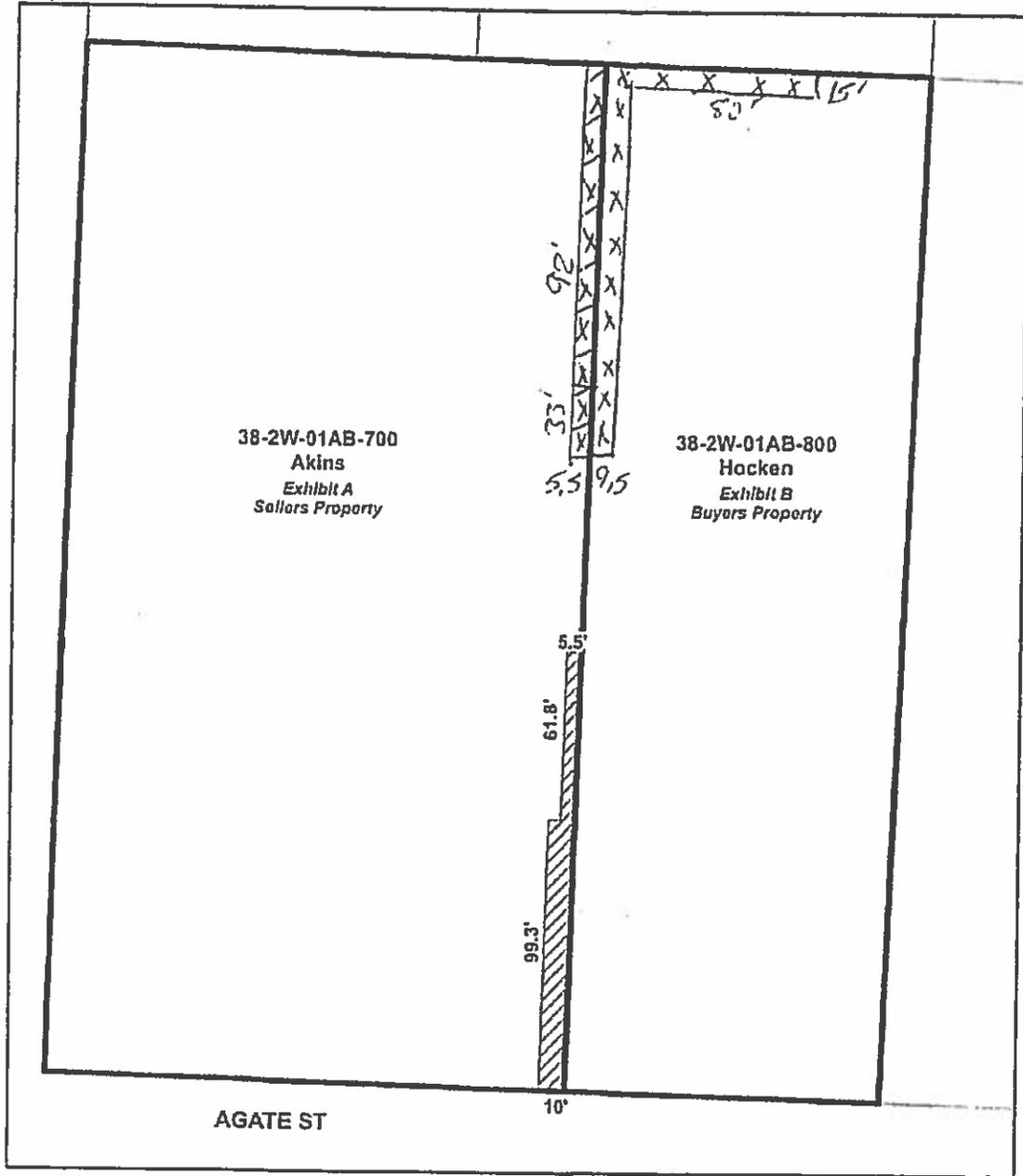


EXHIBIT C

Legend

- Land to Be Conveyed From Seller to Buyer (.03 ac)
- Lots 700 & 800
- Tax Lots
- Easement

50 25 0 50 Feet

AGATE ST

Exhibit C - Sewer and Storm Water Easement Agreement,
Page 2 of 2



*First
American*

*First American Title Company of
Oregon* 1225 Crater Lake Ave, Ste 101
Medford, OR 97504
Phn - (541)779-7250
Fax - (866)400-2250

Exhibit E

PAR REPORT

Foster Denman LLP
3521 E Barnett RD PO BOX 167
Medford, OR 97501

May 16, 2016
File Number: 7161-2652798

Attn: Tim Jackie

Re:

Fee \$170.00

According to a search of our tract indices for the following described property, First American Title Company of Oregon (hereinafter referred to as "The Company" certifies as follows):

Legal Description of the property:

The land referred to in this report is described in Exhibit A attached hereto.

and as of May 04, 2016 at 8:00 a.m.

We find that the last deed of record runs to:

Mark E. Hocken and Bryan M. Bargem, as tenants in common as to Parcel I and Clyde Akins as to Parcel
II

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

-NONE-

Recorded voluntary liens and tax information:

- Deed of Trust and the terms and conditions thereof.

Grantor/Trustor:	Mark E Hocken, a single man, and Bryan M Barge, a single man		
Grantee/Beneficiary:	Mortgage Electronic Registration Systems, Inc., MERS solely as a nominee for United Wholesale Mortgage, its successors and assigns		
Trustee:	Krista L. White, Esq.		
Amount:	\$180,000.00		
Recorded:	March 22, 2016		
Recording Information:	Document	No.	2016-008509
(Affects Parcel I)			

NOTE: Taxes for the year 2015-2016 PAID IN FULL

Tax Amount: \$2,937.70
Map No.: 382W01AB 800
Property ID: 1-045484-7
Tax Code No.: 49-01

(Affects Parcel I)

NOTE: Taxes for the year 2015-2016 PAID IN FULL

Tax Amount: \$2,166.71
Map No.: 382W01AB 700
Property ID: 1-045485-3
Tax Code No.: 49-01

(Affects Parcel II)

NOTE: The address of the properties described herein is:

840, 808 Agate Street, Medford, OR 97501

NOTE: The 2015-2016 tax assessed value for the herein described property is as follows:

Land: \$ 117,430.00
Improvements: \$ 95,840.00
Parcel No.: 1-045484-7

NOTE: The 2015-2016 tax assessed value for the herein described property is as follows:

Land: 160,190.00
Improvements: \$ 26,990.00
Parcel No.: 1-045485-3

THIS IS NOT a title report since no examination has been made of the title to the above described property. This report does not purport to show all encumbrances and no representation is made as to the sufficiency of the title of the above parties. Liability of the Company for this lien search is limited to the charge made thereof.

Exhibit "A"

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

PARCEL I:

THE EAST ONE-THIRD OF BLOCK 21, AMENDED PLAT OF OAKDALE PARK ADDITION, IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED IN VOLUME 3, PAGE 9 OF PLAT RECORDS.

ALSO, THE SOUTH HALF OF VACATED PEARL STREET ADJACENT TO THE NORTH LINE OF SUBJECT PROPERTY AND THE WEST HALF OF LINCOLN STREET ADJACENT TO THE EAST LINE OF SUBJECT PROPERTY, RECORD NOTICE OF WHICH APPEARS IN INSTRUMENT RECORDED IN VOLUME 498, PAGE 476, DEED RECORD OF JACKSON COUNTY, OREGON.

PARCEL II:

THE WEST 2/3 OF BLOCK 21, OF THE AMENDED PLAT OF BLOCKS 2, 3, 5, 7, 8, 11, 12, 13, 14, 16, 17, 20, 22, AND 23, OAKDALE PARK ADDITION, TO THE CITY OF MEDFORD, JACKSON COUNTY, OREGON ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED IN VOLUME 3, PAGE 9 OF PLAT RECORDS. TOGETHER WITH THOSE PORTIONS OF PEARL STREET AND THE ALLEY, VACATED BY ORDER RECORDED NOVEMBER 21, 1960, IN VOLUME 498, PAGE 476, JACKSON COUNTY DEED RECORDS, WHICH INURES BY LAW THERETO.

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

After recording, return to:

Tim Jackle
Foster Denman, LLP
PO Box 1667
Medford, OR 97501

SEWER AND STORM WATER EASEMENT AGREEMENT

This Sewer Line Easement Agreement ("Agreement") is effective as of the date the last party signs below, and is by and between MARK E. HOCKEN and BRYAN M. BARGE (collectively "Grantor") and CLYDE AKINS ("Grantee").

Recitals:

A. The Grantor owns real property located at 808 Agate Street, Medford, Jackson County, Oregon, as more particularly described on Exhibit "A" attached hereto and incorporated herein by reference (the "Burdened Property").

B. Grantee owns adjacent real property located at 840 Agate Street, Medford, Jackson County, Oregon, as described on Exhibit "B" attached hereto and incorporated herein by reference (the "Benefitted Property").

C. Grantee desires to develop its real property in a manner which would require the installation and maintenance of sewer and storm water lines on the Burdened Property. Such sewer and storm water lines are for the benefit of Grantee and the Public Grantees. The term "Public Grantees" means any public entity within Jackson County that accepts an assignment or dedication of the sewer or storm drain facilities constructed by Grantee.

D. Grantor agrees to grant Grantee and Public Grantees a perpetual easement for the installation and maintenance of a sewer and storm water line on the Burdened Property in exchange for Grantee's conveyance of property to Grantor.

NOW, THEREFORE, the parties hereby agree as follows:

1. Grant of Sewer and Storm Water Line Easements. Grantor hereby grants and conveys to Grantee and Public Grantees a non-exclusive, perpetual easement for purposes of the installation, operation, maintenance, repair and replacement of a sewer line and a storm water line and necessary appurtenances associated with such utility lines (the "Easement"). The location of the Easement shall be over, across, and under that portion of the Burdened Property as more particularly described and depicted on attached Exhibit "C", which exhibit is incorporated herein

by reference and made a part hereof. The Easement shall include the right of ingress and egress as necessary to accomplish the purposes of the Easement. No buildings shall be constructed which encroach on the location of the Easement. The Easement shall run with the land.

2. **Consideration.** In consideration for Grantor's grant of the Easement, Grantee agrees to convey unto Grantor a strip of land located on Grantee's land as depicted on Exhibit C attached.

3. **Indemnification.** Grantee shall indemnify and defend Grantor from any claim, loss, or liability, including any attorney's fees and costs arising out of or related to any activity of Grantee, Grantee's agents, construction workers, servants, customers, tenants, subtenants and licensees on the Burdened Property or for any condition of the Burdened Property in any way related to Grantee's work on the Burdened Property, including, but not limited to, the Easement. Grantee's indemnity obligation shall cease upon the acceptance of the sewer line and storm water line and commencement of the use of such lines by Public Grantees.

4. **Maintenance.** Until the acceptance of the sewer line and storm water line and commencement of the use of such lines by Public Grantees, Grantee shall be solely responsible for all maintenance and repair of the sewer lines and appurtenances associated with such utility lines.

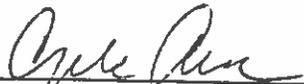
5. **Restoration of the Property.** To the extent Grantee, or Grantee's agents, construction workers, servants, customers, tenants, subtenants, and licensees, alter the condition of the Burdened Property by use of the Easement or the exercise of rights granted hereunder, Grantee agrees to restore the Burdened Property to the condition that said property was in before such use or exercise of rights.

6. **Attorney Fees.** In the event of any litigation to enforce or interpret this Agreement, the prevailing party shall be entitled to recover from the losing party an award of the prevailing party's attorney's fees as determined by the trial court, or by the appellate court upon any appeal or petition therefrom.

7. **Successors in Interest.** This Easement shall inure to the benefit of, and bind, the parties hereto, the Third Party Beneficiaries, their successors and assigns in perpetuity.

8. **Counterparts.** This Agreement may be executed in counterparts, each of which will be considered an original and all of which together will constitute one and the same Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands on the date and year set forth below their signatures.



CLYDE AKINS

Dated: 10-13-16

"Grantor"

Mark E. Hocken
MARK E. HOCKEN

Dated: 10-17-16

Bryan M. Barge
BRYAN M. BARGE

Dated: 10-17-2016

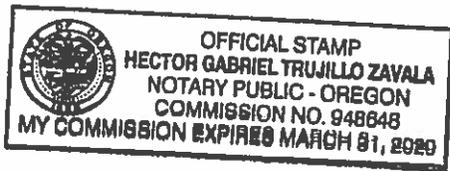
"Grantee"

STATE OF OREGON)
) ss.
County of Jackson)

Personally appeared the above-named CLYDE AKINS, and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

[Signature]
Notary Public for Oregon
My Commission Expires: 03 31 2020

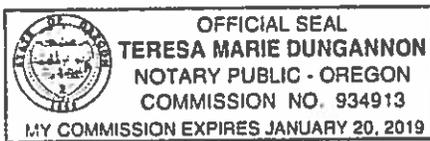


STATE OF OREGON)
) ss.
County of Jackson)

Personally appeared the above-named MARK E. HOCKEN, and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

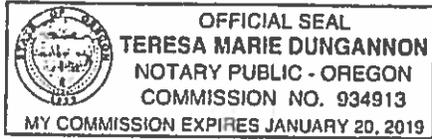
[Signature]
Notary Public for Oregon
My Commission Expires: Jan 20, 2019



STATE OF OREGON)
) ss.
County of Jackson)

Personally appeared the above-named BRYAN M. BARGE, and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:



Teresa Marie Dungannon

Notary Public for Oregon
My Commission Expires: Jan 20, 2019.

Exhibits:

- Exhibit "A": Grantor's Property (Burdened Property)
- Exhibit "B": Grantee's Property (Benefitted Property)
- Exhibit "C": Description and Depiction of Easement

Exhibit "A"

Grantor's Property (Burdened Property)

The following described real property in the State of Oregon and County of Jackson:

The East one-third of Block 21, AMENDED PLAT OF OAKDALE PARK ADDITION, in the City of Medford, Jackson County, Oregon.

ALSO, the south half of vacated Pearl Street adjacent to the north line of subject property and the west half of Lincoln Street adjacent to the east line of subject property, record notice of which appears in instrument recorded in volume 498, page 476, Deed Record of Jackson County, Oregon.

Exhibit "B"

Grantee's Property (Benefited Property)

The following described real property in the State of Oregon and County of Jackson:

The West 2/3 of Block 21, of the Amended Plat of Blocks 2, 3, 5, 7, 8, 11, 12, 13, 14, 16, 17, 20, 22, and 23, OAKDALE PARK ADDITION, to the City of Medford, Jackson County, Oregon. Together with those portions of Pearl Street and the Alley, vacated by order recorded November 21, 1960, in Volume 498, Page 476, Jackson County deed records, which inures by law thereto.

Exhibit "C"

Description and Depiction of Easement

Description to be supplied

[Depiction Attached on Next Page]

Depiction of Easement:

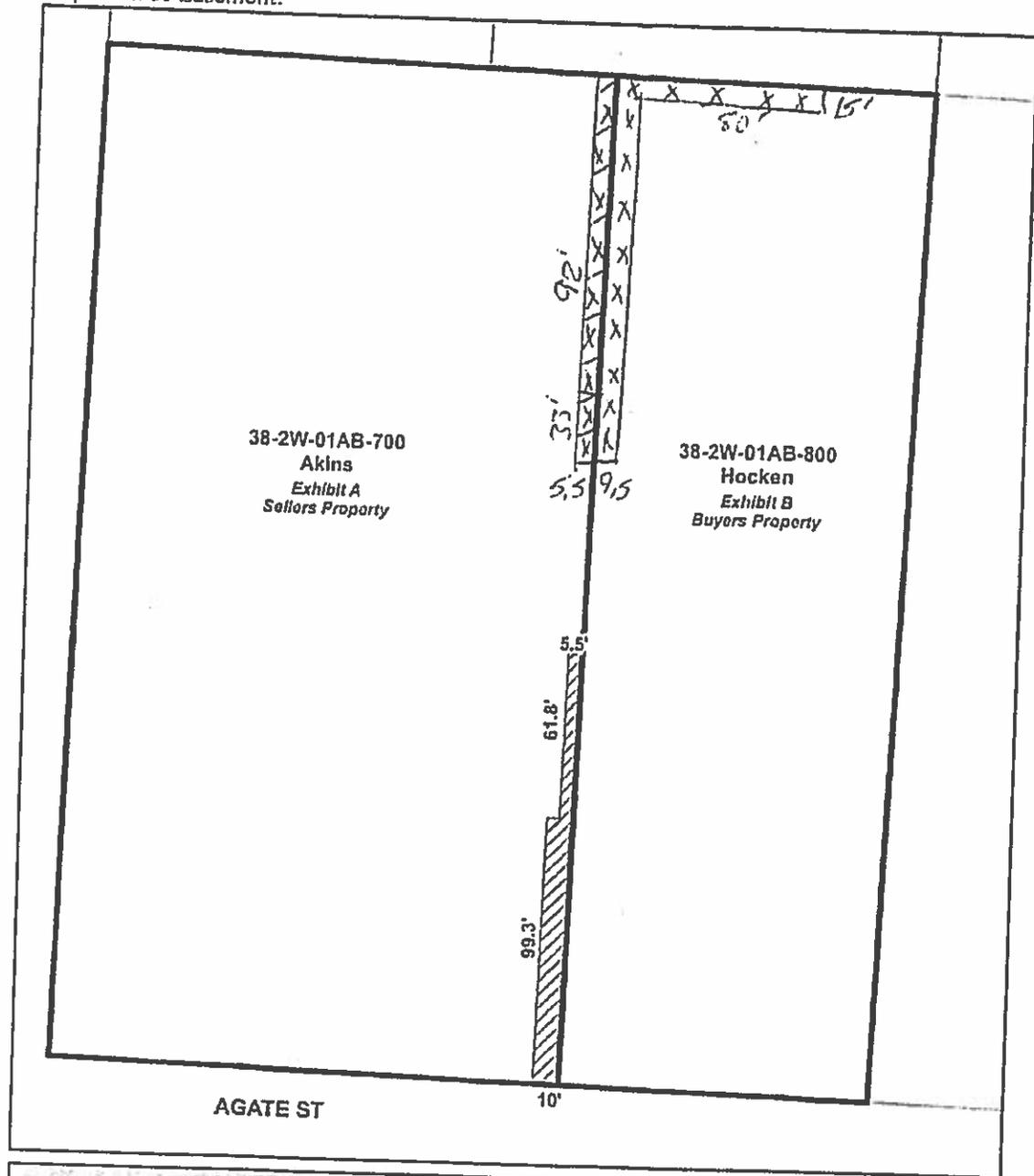


EXHIBIT C

Legend

- Land to Be Conveyed From Seller to Buyer (.03 ac)
- Lots 700 & 800
- Tax Lots
- Easement

50 25 0 50 Feet

Exhibit C - Sewer and Storm Water Easement Agreement, Page 2 of 2



CSA Planning, Ltd

4497 Brownridge, Suite 101
Medford, OR 97504

Telephone 541.779.0609
Fax 541.779.0114

Mike@CSAplanning.net

May 11, 2017

Liz Conner, Planner II
City of Medford Planning,
200 South Ivy Street,
Lausmann Annex, Room 240
Medford, Oregon 97501

RE: **Lilybrook Subdivision, Property Line Adjustment & Zone Change;
LDS-16-152, PLA-17-036 & ZC-17-037 / 38-2W-01AB-700**

Dear Ms. Conner,

In light of recent discoveries, we would appreciate the following actions related to the applications noted herein above.

1. **Zone Change Withdraw:** Pursuant to 2007 City File ZC-07-157 and adopting Order therein, the adjacent property identified as 38-2W-01AB-800 is zoned SFR-10, not SFR-00 as recently shown on City zoning maps. The SFR-00 is understood to be a mapping error. Since the adjacent property with which a property line adjustment is sought is of the same zone as the subject property, there is no need for a zone change. Thus, we herewith request withdrawal of Zone Change file ZC-17-037.
2. **Property Line Adjustment (PLA):** Based on recent correspondence related to Applicant's Exhibit 10, there appears to have been a minor misunderstanding related to the specific areas for which the adjustment is being sought. The initial PLA record reflects a request to adjust some 1330 square feet at the southeasterly portion of subject lot 700. Please update the adjustment request to also convey a strip of land 5.5' wide by 125' feet long, adjacent to the subject property northeast corner, from owners of subject lot 700 to owners of lot 800.
 - Please accept the revised PLA Map attached. Applicant continues to agree to stipulate to completion of the PLA prior to final plat.
3. **Tentative Plat Changes:** The above PLA change will trigger an insignificant change to the tentative plat.
 - Proposed Lot 14 will be 44.5' in width instead of 50'. The property will remain in compliance with the minimum lot width of 40' for the underlying SFR-10 zone.
 - The length of proposed Lilybrook Lane will be shortened by 5.5'. Applicant still agrees to provide a street plug at the easterly end of Lilybrook Lane. Both Lots 10 and 14 will continue to exceed the minimum lot frontage of 30 feet for the underlying SFR-10 zone.
 - Applicant's Exhibit 10 continues to demonstrate the legal feasibility for provision of utilities to the northeast. The above PLA changes have no bearing on said feasibility because the easements allow for the utilities despite a change in ownership.
 - Please accept the mark-up revisions to the Tentative Plat attached to this letter reflecting the changes noted above.
4. **Findings:** In light of withdrawing the Zone Change, we request the City incorporate and adopt Applicant's original Subdivision Findings, with the exceptions noted herein above and as included in our letter of May 3rd related to updated plans and phasing.
5. **Response to Mark Hocken Letter of May 10, 2017:** We appreciate Mr. Hocken's support for the subdivision yet however object to a condition that would require speed bumps to be installed on Agate Street at our client's expense. While our clients are certainly in favor of appropriate safety measures, there simply is inadequate information in the record



to conclude speed bumps are appropriate or necessary. Our clients intend to improve the appropriate portions of Agate Street in front of the proposed subdivision to relevant City standards.

Please accept this letter into the record for the Planning Commission. Should you have any questions, do not hesitate to contact me.

Very truly yours,

CSA Planning, Ltd.

A handwritten signature in black ink, appearing to read 'Michael Savage', written in a cursive style.

Michael Savage
Associate

cc. File



Planning Department

Continuous Improvement – Customer Service

City Hall – Lausmann Annex • Room 240 • 200 South Ivy Street • Medford, Oregon 97501

September 28, 2007

Terry and Cheryl Shreeve
16931 Ford Rd
Rogue River, OR 97537

RE: FILE NO.: ZC-07-157

The Medford Planning Commission at its regular meeting of September 27, 2007, approved the Final Order containing Findings of Fact relating to the approval of the following request: Changing the zoning from RR-5 (Single Family Residential – 1 dwelling per 5 acres) to SFR-10 (Single Family Residential - 10 units per acre) on a 1.01 acre parcel located on the north side of Agate Street approximately 615 feet west of Kings Highway.

This request was granted as per Staff Report dated August 31, 2007.

The final date for filing an appeal is 21 days from the date of the decision. The written appeal and filing fee must be received by the City Recorder no later than 5:00 p.m. on October 18, 2007. Appeals must be filed in the form prescribed, and will be decided based upon Medford Code Sections 10.051-10.056 (copies available).

A handwritten signature in black ink, appearing to read "Robert O. Scott".

Robert O. Scott, AICP
Planning Director

kg

Enclosure: Staff Report/Final Order/Legal Description

cc: Eric Johnson, 3010 Avenue A, White City, OR 97503
Affected Agency
Interested Parties

www.ci.medford.or.us • Telephone: (541) 774-2380 • Fax: (541) 774-2564 • e-mail: plnmed@ci.medford.or.us

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE)
ZC-07-157 APPLICATION FOR A ZONE CHANGE SUBMITTED) ORDER
BY TERRY AND CHERYL SHREEVE)

ORDER granting approval of a request for changing the zoning from RR-5 (Single Family Residential - 1 dwelling per 5 acres) to SFR-10 (Single Family Residential - 10 units per acre) on a 1.01 acre parcel located on the north side of Agate Street approximately 615 feet west of Kings Highway.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below from RR-5 (Single Family Residential - 1 dwelling per 5 acres) to SFR-10 (Single Family Residential - 10 units per acre) on a 1.01 acre parcel located on the north side of Agate Street approximately 615 feet west of Kings Highway; and

WHEREAS, the City Planning Commission has given notice of, and held, a public hearing, and after considering all the evidence presented hereby adopts the Staff Report dated August 31, 2007, Applicant's Findings - Exhibit "A," and Legal Description - Exhibit "B" attached hereto and hereby incorporated by reference; now, therefore,

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

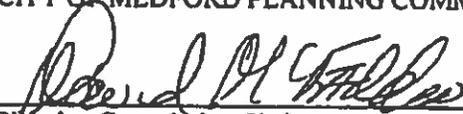
The zoning of the following described area within the City of Medford, Oregon:

38 2W 01AB Tax Lot 800

is hereby changed from RR-5 (Single Family Residential - 1 dwelling per 5 acres) to SFR-10 (Single Family Residential - 10 units per acre) zoning district.

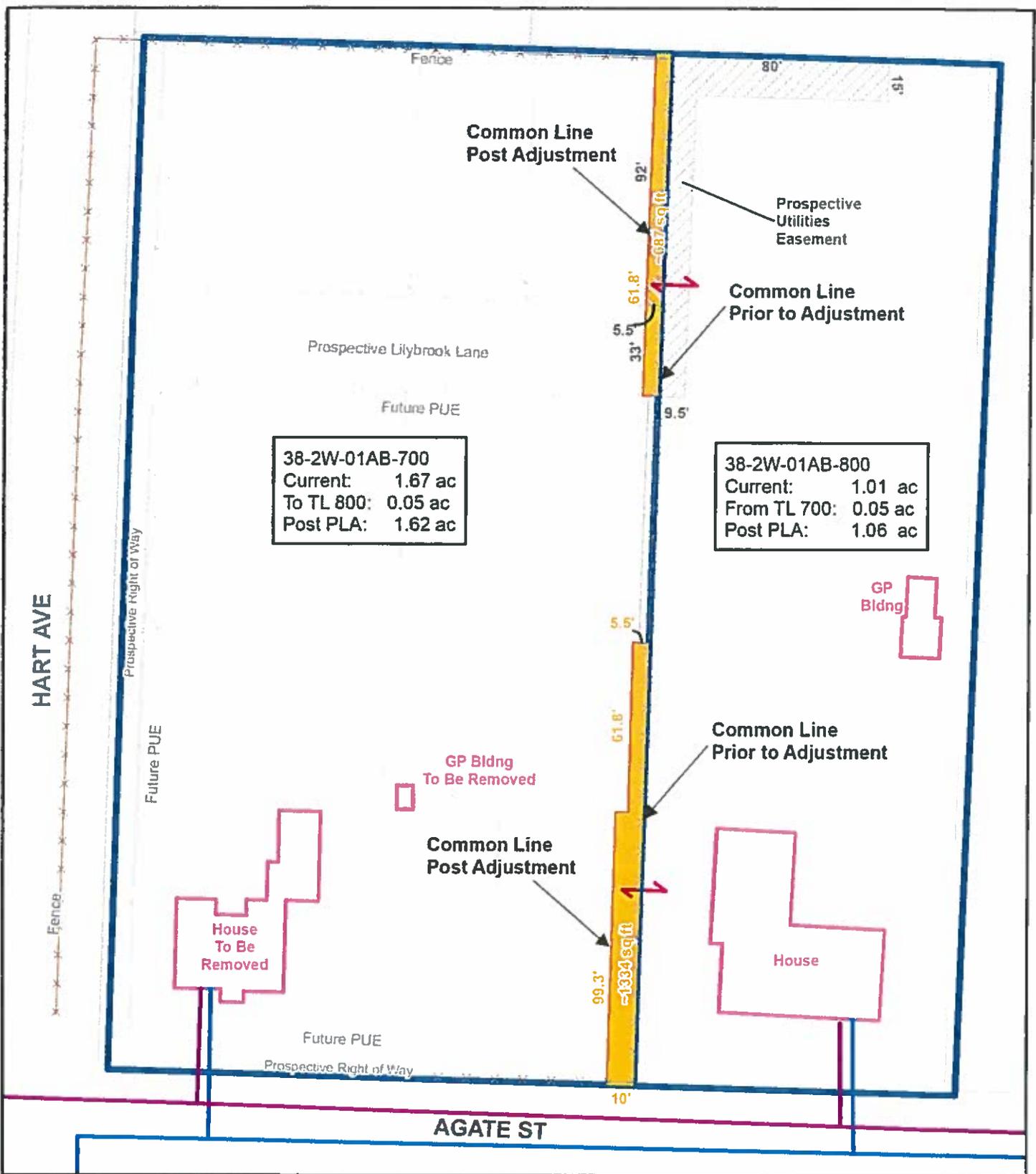
Accepted and approved this 27th day of September, 2007.

CITY OF MEDFORD PLANNING COMMISSION


Planning Commission Chair

ATTEST:


Planning Department Representative



	Subject Lots		Fence
	PLA Area		Prospective PUE
	Sewer		Prospective Utility Easements
	Water		Proposed Subdivision Lots
	Buildings		Future Right of Way
			Tax Lots

Proposed Property Line Adjustment

AKINS & HOCKIN
 38-2W-01AB-700 & 800
 840 Agate Street, Medford Or. 97501 &
 808 Agate Street, Medford Or. 97501

05-11-2016

CITY OF MEDFORD
 EXHIBIT #

50 25 0

5 of 5



Planning Commission

Minutes

From Public Hearing on **May 11, 2017**

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

Commissioners Present

Patrick Miranda, Chair
David McFadden, Vice Chair
David Culbertson
Joe Foley
Bill Mansfield
Mark McKechnie (departed at 8:30 p.m.)
E.J. McManus (arrived at 5:45 p.m.)
Alex Poythress
Jared Pulver

Staff Present

Kelly Akin, Assistant Planning Director
Carla Paladino, Principal Planner
Kevin McConnell, Deputy City Attorney
Alex Georgevitch, City Engineer
Greg Kleinberg, Fire Marshal
Kyle Kearns, Planner II
Sarah Sousa, Planner IV
Liz Conner, Planner II

10. Roll Call

20. Consent Calendar/Written Communications.

20.1 LDS-17-005 Final Order of a tentative plat for a 17-lot residential subdivision on 3.17 acres located on the south side of Hondeleau Lane approximately 430 feet east of Springbrook Drive and zoned SFR-6 (Single Family Residential, 6 dwelling units per gross acre). (371W08BD TL 100) (Dan Mahar, Applicant; Neathamer Surveying, Inc., Agent)

Motion: Adopt the consent calendar as submitted.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Voice Vote: Motion passed, 8-0.

30. Minutes

30.1. The minutes for April 13, 2017, were approved as submitted.

30.2. The minutes for April 27, 2017, were approved as submitted.

40. Oral and Written Requests and Communications. None.

Kevin McConnell, Deputy City Attorney, read the Quasi-Judicial Statement.

50. Public Hearings – New Business

50.1 DCA-17-007 Consideration of a code amendment to revise the size standards for mobile food vendors and to consider other impacts of the code on vendors when appropriate. (City of Medford, Applicant/Agent)

Kyle Kearns, Planner II, reviewed the purpose, background, proposal and criteria compliance. The applicable criteria are found in Medford Municipal Code Section 10.184(2) and is included in the staff report. Hard copies are available at the entrance of Council Chambers for those in attendance.

Commissioner Pulver asked, would a drive-in garage scenario fall under the same code requirements? Mr. Kearns stated that staff had received a request for a food cart center. These would fall under the commercial regulations and would not be considered a food truck. The outcome would probably be the same. If the food truck is mobile and moves then it would fall under the food truck standards.

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

Motion: The Planning Commission finds that based on the findings and conclusions that all of the approval criteria are either met or not applicable, forwards a favorable recommendation for adoption of DCA-17-007 to the City Council per the staff report dated May 4, 2017, including Exhibits A through J.

Moved by: Vice Chair McFadden

Seconded by: Commissioner McKechnie

Commissioner McKechnie stated that it seems to him that the seating and tables for accommodating guests is superfluous.

Chair Miranda replied that the only reason he would see the validity of including the seating and tables to ensure they do not take over an area or block a right-of-way.

Commissioner Foley commented that he believes that is currently in the Code.

Commissioner Pulver stated that if changing the measurement to an area for food production but allowing additional area for food production in the outdoor equipment concept does not make sense to him.

Commissioner McKechnie recommended taking out the seating and tables.

Commissioner Mansfield stated that he has previously explained why he is going to vote no and he will briefly explain again. To permit food trucks like this involves unfair competition to those in the food vending business who use brick and mortar building and pays expenses upon such activity. In some instances the City lets these vendors use

the property for little or no cost that seems to be an unfair competition to him. There are also some safety and traffic issues that have been described by the Police Department. He is aware there is an economic development goal in the goals for land use planning but he does not consider it to be the function of the Planning Department to subsidize business. That is to be done by other aspects of government. For those reasons he plans to vote no. He is opposed to the existing ordinances and will oppose any extension of it.

Roll Call Vote: Motion passed, 7-2, with Commissioner Mansfield and Commissioner Pulver voting no.

50.2 TF-17-012 The City proposes a transportation facility project to construct street improvements on Foothill Road between Hillcrest Road and East McAndrews Road to modified major arterial standards including: an increase in travel lanes, buffered bike lanes, multi-use path, sidewalks, medians, planter strips, street lights, and traffic signals. (City of Medford, Applicant/Agent)

Sarah Sousa, Planner IV, stated that the transportation facility development criteria are found in the Medford Land Development Code Section 10.207. It was included in the property owner notices, staff report and copies have been provided for the audience located at the entrance of Council Chambers for those in attendance. Ms. Sousa gave a staff report. Ms. Sousa mentioned that the owner of 1570 Foothill Road brought up concerns about the driveway relocation. They are in attendance this evening to testify. Ms. Sousa recognized a letter received this evening from Emily Mostue who is also in the audience to testify. Staff has not had a chance to review the letter but the Commissioners have a copy of the letter before them.

There are representatives from the Public Works Department to answer any questions that Ms. Sousa cannot answer.

Commissioner Foley asked, on the east side, is the multi-use path replacing the sidewalk? That is Ms. Sousa's understanding. Commissioner Foley, asked will meld into the sidewalk at some point? That is Ms. Sousa's understanding.

Alex Georgevitch, City Engineer, stated that the multi-use path will meld into a sidewalk.

Chair Miranda asked, are the materials used for the multi-use path and sidewalk different? Mr. Georgevitch reported that has not been determined at this point. Typically the multi-use path is made out of asphalt but they could use concrete. Sidewalks will be concrete.

Commissioner Foley asked, is the buffering on the bike lanes space and will there something on the surface to alert they are over the line? Mr. Georgevitch replied there

will not be anything on the surface, only striping. With the available right-of-way, environmental impacts and with the available dollars, it was determined to be the best solution in order to sweep the bike lane. If it was raised it could not be swept.

Commissioner Mansfield stated that the material that the Commissioner's received indicates there is apparently a substantial amount of right-of-way acquisition and consequential damages. Is Mr. Georgevitch in discussions on those matters? Mr. Georgevitch reported that they have had meetings with some of the property owners discussing impacts. They have not started any right-of-way negotiations. That will occur after the City Council gives approval. Public Works will be dealing with any adverse impacts to the properties. They will be paying for any damage to the property. These are all negotiated through the process after the Transportation Facility hearing. This is determining what they have to negotiate for. After approval from the City Council they start the process of finalizing the design and seeking right-of-way.

Commissioner McKechnie asked, is there only one access in the middle off each side of this transportation facility forever or will there be other roadways allowed as the two parcels develop? Mr. Georgevitch stated that this is the current public access that Public Works is planning. There will eventually be an east/west street that will serve Hillcrest Orchard side to the east as well as the property owned to the north by the Carpenter family. There will eventually be a street to the west coming through the Carpenter family property that could tie into the internal study area that was part of the urban growth boundary expansion process. Public Works envisioned Spring Street coming through the property and eventually tie into this location as well. This is envisioned to be the single signalized location along there. Ideally, Foothill Road will be a highly accessed managed facility that will move high volume of vehicles. He cannot tell what future access will be because it will depend on development patterns. They will be building needed infrastructure on each side of the street that will be able to tie into the east/west street. He cannot guarantee that at this time.

Commissioner McKechnie asked, is there any reason the driveway cannot stay at the signalized intersection at the access ramp to McAndrews? It looks like the driveway relocation will only have a right in/right out where now they have full movement. They would definitely have full movement if signalized. Mr. Georgevitch reported that is correct. The standard is not to use a single drive approach for single family residents across from a signalized intersection. It is unconventional. If Public Works is directed to do that, it can be done but it would not be advised by Engineering. They will try to work with all impacted property owners. Public Works is looking at U-turn locations if they can fit them in.

Commissioner McKechnie asked, is the Planning Commission offering suggestions to change this or requiring changes be made if they think changes should be done or accept this blindly and hope they fix something that looks like it is wrong? Chair

Miranda reported that it is the Planning Commission's purview and responsibility to look at it realistically and make a recommendation.

Commissioner McKechnie suggested that in this particular space that Public Works consider doing a shortened street on the other side that they could tie into. There are some other houses there and there may be some in the future that would benefit from a stub of a street.

Mr. Georgevitch responded that the Planning Commission is a recommending body to the City Council. If that is a recommendation, please make sure it is the motion. Public Works is going to do what is required of them after the City Council hearing. Tonight, the recommendation moves it forward to the City Council. How the City Council deals with it he cannot say. Public Works puts together their best recommendation and now they are waiting to hear the feedback from the public, Planning Commission and eventually to see how the City Council weighs in on all the information.

Chair Miranda asked, are the concerns basically from the intersection signalization? Mr. Georgevitch replied, that is correct.

Commissioner McKechnie asked, what is the logic of putting the multi-use path on the east side of the southern part of this project (Sections D, E and F area)? Mr. Georgevitch reported that trees are historic in nature that goes with the Hillcrest Orchard property. Those trees are just as important as the buildings that are part of that property so they had to do everything they could to avoid them. If they end up having to take out the trees it will probably delay the project one to two years. They started looking for alternatives. They started working with State Historical Preservation Office (SHPO), Oregon Department of Transportation (ODOT) and property owners to find a way to satisfy the needs of the road and still minimize impacts to the historic property. Between working with the property owners and the other agencies, this is what they came up with as the most reasonable approach. It allows for the bike movements if they want to stay on this facility opposed to a sidewalk because it is wider than normal along this portion. It preserves the trees. They are working with the property owner to install some kind of buffer between the path and the existing building on cross section F. They feel they have come to a reasonable compromise for all parties involved and believes this can be approved by SHPO primarily.

Commissioner McKechnie stated that he does not have a problem with the location but on this side of the roadway for Sections D, E and F there are two bike paths transitioning into a sidewalk in Sections A, B and C. Having a bike path is fine but why another one in the street? Mr. Georgevitch stated the reason they did this is that there are different types of cyclists and they are trying to accommodate a broader portion of the public that wants to ride their bikes. There is the fearless cyclists that will stay on Foothill Road. The people that want to ride on the sidewalk as a pedestrian there is no way to

transition them off the sidewalk. Further north there will be a planter strip and the sidewalk goes back to the 5 foot standard which exists throughout the community. Public Works originally was considering a multi-use path only and realized there was no way to transition down.

Commissioner McManus asked, is Jackson County asking to transfer the jurisdiction outside of the project section? Mr. Georgevitch reported that their agreement is to whenever a road is improved to City standards they will take it into City jurisdiction. This will be the section from Hillcrest to McAndrews.

Vice Chair McFadden stated that the right-of-way is going through the trees. They have a life span. It will raise the question in the future who takes care of the trees and what happens to the trees when and if the inevitable happens. He suggested increasing the road right-of-way width to the backside of the path so that the City takes jurisdiction of the trees for maintenance.

Vice Chair McFadden asked, do the three houses at the south McAndrews off ramp take access from that one access point? Mr. Georgevitch replied that there are three, maybe four properties that will be taking access there.

Vice Chair McFadden asked, how is that done? Is it still undecided? Mr. Georgevitch stated that Public Works will design and reconstruct the driveway and obtain any easements required to allow cross access if that is approved by the City Council. At this point, Public Works is leaning towards moving the driveway south and then creating an internal roadway for all four properties to use.

Vice Chair McFadden asked, how does Public Works foresee the access to the Carpenter home on the hill, come back into the new intersection? Mr. Georgevitch replied that the house on the hill will have its own driveway near the irrigation canal. It will be right in/right out. The Carpenters are fine with that.

Vice Chair McFadden asked, has Mr. Georgevitch had a chance to read the letters submitted at this evening meeting? Mr. Georgevitch replied yes.

Vice Chair McFadden asked, will the City replace the fencing that will be removed during construction? Mr. Georgevitch reported that all that will be negotiated through right-of-way process. If Public Works impact they will either pay or reconstruct. Typically, on fencing Public Works wants to pay and let the property owner reconstruct.

Vice Chair McFadden stated that he is sure the City will not have a problem with maintaining access to farming equipment during construction of this project. Mr. Georgevitch stated that there will be a few times where that may be challenging but they will work as closely as they possibly can. These projects always have impact to the

surrounding community. This community is a farming community. Public Work always strives to do what they can. When they are paving they need to consider the fact that vehicles cannot cross. Public Works has discussed this with the family and they understand there will be times this may be difficult. Public Works will do what they can to give advance notification. One of the concerns is when hay needs to be cut there is no exact date. When it needs to be cut it needs to be dried and picked up quickly. Public Works will do their best to work with the family and contractor to work around any type of impact.

Vice Chair McFadden asked about the discrepancy in the right-of-way and the issue of possibly giving back part of a right-of-way that has not been utilized. Will that take place during negotiation? Mr. Georgevitch reported with that one he is not exactly sure. Public Works met with the family and asked them to be as specific as they can of their concerns. It helps the Planning Commission make clear direction. When they go to the City Council, Mr. Georgevitch anticipates the same type of clear specific request they are making. If there is any excess right-of-way it would go through a vacation process. It would be a separate process through the City Council. Public Works will look into making sure they understand that prior to the City Council meeting.

Vice Chair McFadden asked, are there other areas affected by a permanent easement outside the right-of-way for tree plantings? Mr. Georgevitch stated there are concerns about the trees being an additional impact beyond the right-of way that could impact some of the farming operations. Again, if the City Council directs Public Works they will purchase that as right-of-way. If the best decision is to leave it as an easement then Public Works will purchase it as a permanent easement. If it goes way it would have to go through a quit claim.

Mr. Georgevitch pointed out that he was acting as the applicant. He feels he has taken his applicant time.

Commissioner McManus stated, regarding the driveway impact discussion Mr. Georgevitch mentioned the three new homes on the east side. That is not the same driveway at 1570 Foothill, correct? That is not being asked to be moved, correct? Mr. Georgevitch reported that the property at 1570 Foothill Road Public Works is proposing to relocate the driveway to the south and not have it cross the signal. The three houses have frontage and access further north.

Commissioner Poythress stated that Mr. Georgevitch strongly discouraged signal access to a single residence driveway but it looks like there are three residences in that same path. Can he speak to that? Mr. Georgevitch stated that the four parcels north that can take access off of Foothill Road, not across from the signal. They would be between the two ramped terminals. The 1570 Foothill Road driveway lies directly east of the off ramp. It would be unorthodox to signal that for a single family.

Commissioner Poythress reported that if three residences are already sharing one access at what point can it be made a residential road even if it is only 20 feet long. If three families continue to share that same access point, then it is no longer a single residence. Vice Chair McFadden stated what they are not seeing is an overall picture of all the properties. This is just showing the one access that is the only one across from the intersection. The rest come in differently which he thinks is confusing. There is less of an issue as far as the other properties than it is for the 1570 Foothill Road property.

Commissioner Pulver asked, will the issues in the letters received this evening from Ms. Allan and Ms. Mostue be addressed in the right-of-way acquisitions? Mr. Georgevitch stated that was a fair assessment.

Commissioner Pulver asked Ms. Sousa if she had an opportunity to read the letters from Ms. Allan and Ms. Mostue? Ms. Sousa replied, no.

It is Commissioner Pulver's opinion that it is important that Planning staff acknowledges they received and reviewed the letters and if they have any impact on staff's recommendation. It seems to him to be appropriate before the Planning Commission voted. Commissioner McKechnie stated that can be done by adding the letters to the exhibits. Commissioner Pulver reported that he is concerned that without Planning staff weighing in on the letters would they affect their recommendation to the Planning Commission.

The Public Hearing was opened.

a. Rick Pies, 1618 N. Foothill Road, Medford, Oregon, 97504. Mr. Pies testified that he did not get information regarding the project. His neighbors told him about the project and the hearing this evening. If he had known about the project he probably would not have bought the property back in September or he would have negotiated a lower price. He thinks he is going to lose money on his property. He has lived near signaled intersections and stop signs. At lights, there is a tremendous amount of noise. He does not know why there is going to be a signal at each end. The busiest times he has noticed is at 8:00 a.m. and 5:00 p.m. He will only have a right turn out from his property. He pulls a travel trailer a lot of the time. He does not know how he is going to get in and out of his driveway. A U-turn with a 25 foot trailer is not fun. Currently he has access either way.

b. Lacy Reen, P. O. Box 186, Medford, Oregon, 97501. Ms. Reen stated that she lives in the middle of the Foothill Road expansion project. Her concerns are water, increased noise and decreased property value from the signalization and the relocation of her driveway (inability to cross Foothill to access driveway). She needs City water. An Analysis and Abatement of Highway Traffic Noise Study is needed to determine how to mitigate the increase noise. She needs easy access to her driveway.

Vice Chair McFadden asked, does Mr. Georgevitch know the proximity of City water supply to the residences? Mr. Georgevitch stated that currently there is a Medford Water Commission line on the east side of the road. If they are in the County they cannot connect to City water but when they annex into the City they can connect to that line.

c. William Reen, 1570 N. Foothill Road, Medford, Oregon, 97504. Mr. Reen stated that he does not want or can afford to annex into the City. His property taxes would greatly increase that would be a hardship on him. He continued with their concerns of parking area, driveway and garage and view, privacy and functionality. They need City sewer and water. They have a straight easy access driving from Foothill to their garage. If moved 240 feet south there would be a huge grade level change and hazardous S-Curve to get into their garage. The value of their home is their view and usability. Relocating the driveway would significantly destroy views and bulldozing their trees to widen Foothill Road destroys their privacy.

d. Gwyn Reen, 1570 N. Foothill Road, Medford, Oregon, 97504. Ms. Reen referenced Medford Land Development Code 10.207 stating: "Projects should not prevent development of the remainder of the property under the same ownership". Moving her driveway to the opposite side, making her entire front a road greatly reduces her property. She cannot subdivide it. It is hugely impacting how the property currently is used. When the City makes plans for a signal they should determine how it affects adjoining homes. Twenty years ago the City wanted to move their driveway. They were given a map to mark their preference and guaranteed they would have input to the new location. Their driveway was installed without their input and access to their parking was severed. Ms. Reen referenced an apology letter from the City of Medford that she displayed on ELMO. They were assured a light post would not be placed directly in front of their house, however, it was. Again, Ms. Reen referenced an apology letter from the City of Medford dated August 29, 2000. When the City finished the project leaving a dangerous 100-15 foot drop off above their yard, they were awarded a guardrail that the City never installed. Ms. Reen referenced a City of Medford letter dated October 10, 2000. These letters that were referenced in Ms. Reen's testimony were not submitted into the record that evening.

Chair Miranda stated, regarding the challenging of the criteria, an answer needs to be provided from staff or Engineering. Mr. Georgevitch reported that they are questioning if their property is developable. They have frontage to a public street that is a requirement. They are currently outside the City limits. They would have to annex and get zoning. Through the zoning process the City would determine if there are adequate Category "A" facilities. They are currently at their maximum use of a single family dwelling unit under County zoning as he understands it. He does not believe their parcel is large enough to develop any further in the County. In either case they could

still develop but they may not be able to maintain the current residence depending on how that is situated on the property compared to where their lot lines would need to be. There are still several other criteria that he could not name off right now to determine if there would be adequate development rights. He believes their development rights are secure that they have access to the frontage. Beyond that, the rest is a burden on the applicant when they make their zoning application. They would have to determine adequate Category "A" facilities which includes streets, storm drain water and sewer.

e. Karen Allan, 2895 Hillcrest Road, Medford, Oregon, 97504. Ms. Allen testified that she is one of the members of the Rocky Knoll LLC which owns property on the west side of Foothill Road from Hillcrest to McAndrews and on the east side a 30 acre parcel in the middle going south to north. Ms. Allan has submitted a memo into the record. They have met with the City Engineer and other staff that have been very cooperative and willing to meet with them. The items that she is going to talk about tonight and in the memo are particular concerns that have to do with the negotiation part of compensation for things. They were encouraged to raise issues of concern. The issues of concern are access both during and after construction. They are farming both sides of the road so they have to get across Foothill Road. They are going to lose a couple of access points. The best way to replace them is an internal road along their property on the west side of Foothill Road that will not need to go all the way south but would need to go to the north end of the property. They have a rough road there now but it is not accessible when there is irrigation or rain. They will need an all-weather road. Mr. Georgevitch made reference to hay and getting across Foothill Road at various times. City staff has negotiated those issues with them. They are interested in getting arranged are the opposite of access protection from public access because this will encourage bicycles and pedestrians. There will be the intersection designed for future development which will potentially encourage cars to go onto the farming property. They need fences and gates to deal with those issues.

Commissioner Mansfield commented that it is enlightening to know that the City has a cooperative group of people that they can work with.

f. Emily Mostue, 612 Pierce Road, Medford, Oregon, 97504. Ms. Mostue stated that since the Commission has her memo she is not sure she needs to go through all the elements. She would like to underscore from what Ms. Allan stated was the frontage road is really important for a variety of reasons. On the north side of the hill is a pasture. That pasture has access from two gates from Foothill Road so that they can drive into that pasture. This will take away that access 100%. They will have no way getting into that pasture if they do not have a frontage road. There is a gate that comes into that pasture from Brookdale Meadows on the far west side of the property. There is a slough that goes through the middle so they cannot get from that side in the pasture all the way to Foothill Road. There is an easement and a sewer line that runs through

that pasture that belongs to the City. The City will have no access to that easement and sewer line if there is not a frontage road through there. It is an expensive item but it is key to them. The permanent easement is something they will have to deal with in negotiation. They were surprised to see all the trees were on the permanent easement and not on the right-of-way.

g. Laurence and Lisa Rubenstein, 801 N. Foothill Road, Medford, OR 97504. Mr. Rubenstein testified that they are in general supportive of the Foothill Road improvement project. However, they have some concerns about how the project will affect their driveway and their residence (which is a historically significant structure as evaluated by ODOT, located atop Rocky Knoll). Their driveway cannot realistically be re-situated. The City has taken account of this by identifying an exit onto Foothill Road from their driveway in the plans. They will only have a right in/right out. If an opportunity arises to develop a left-turn entry to their driveway, they would be grateful for the City's assistance in making a shorter route possible. They will need to maintain a safe entrance onto Foothill Road. A small on-ramp of some kind would be important, given the fact their driveway exit is at the top of the small hill between McAndrews Road and Hillcrest. Their utilities are situated near the expansion. Their large mailbox will need to be replaced. When the irrigation ditch is piped, as shown in the plans, they will need a different system for pumping and ditch access.

h. Mike Montero, 4497 Brownridge Terrace, Suite 202, Medford, Oregon, 97504. Mr. Montero is present tonight representing Cogswell Limited Partnership otherwise known as the Hillcrest property. They want to offer commendations to the City particularly to the Public Works staff. They have worked with them for approximately two years to coordinate the development of this project. His clients recognize the regional import of this project. This is not simply a Medford project. It has incredible need across the Valley. For that reason his client supports the project. What the Commission has heard in regard to specific concerns, his client has some too, but they want to couch it by saying the following. It is difficult to demand the kind of specificity they need when working from a 30% designed project. Public Works has worked with his clients particularly with regard to the Foothills frontage along the west side on the south end of the project. The Hillcrest family treasures the historic structures. The trees are part of the historic register. Navigating through this process with SHPO and ODOT are to be commended for the level of cooperation they made. The family wants to retain ownership of the trees, manage and maintain those as part of their historic structure. The area on the south side near the historic structures they have requested that the City of Medford work with their landscape architect, which they have agreed to do, on security fencing. The family will continue to own and utilize those structures; and to have a landscape buffer. They ask the Planning Commission acknowledge the commitment that City staff has made too allow them to submit the more specific landscape plans when they are available.

Vice Chair McFadden asked Mr. Montero if protecting the trees in a permanent easement on the property is suitable to the people he represents? Mr. Montero replied that it is.

i. Judson Parsons, 124 Stark Street, Medford, Oregon, 97504. Mr. Parsons is a shareholder of Hillcrest Corporation and Cogswell. He is only representing himself. He strongly supports what Mr. Montero testified about the historic structures and maintaining the trees through an easement. He pointed out that the power line is directly over the trees. This presents a problem. Any future trees should be shorter in height. Eventually the trees will die. At that time they will need to be replaced. He strongly supports the relocation of the Medford Irrigation District canal as long as Rocky Knoll owners agree. This will save water and maintenance for the Medford Irrigation District. He pointed out that there is a driveway north of the present crossing of the canal at Foothill Road and McAndrews that they use to haul fruit out of the orchards in August and September. Some arrangement will be needed to access that with their trucks.

Vice Chair McFadden asked about Mr. Parsons' concern about the access from the Hillcrest Orchards property onto Foothill Road. Is that a similar situation on the east side of the road as the west? Mr. Georgevitch reported that it would be a similar situation. That section has a raised median. All that will be negotiated as part of the right-of-way acquisition process. They have been working with the property owners to ensure they will be able to minimize any impact to their property. They also need to include farming operations as part of those impacts. When they widen the road to the east and create a large fill section they need to make sure that there is room for farming vehicles to pass going north/south. Public Works will work with the property owners on any access issues they have. Anything above and beyond what is being proposed tonight, which there are none at this time, would have to be negotiated prior to the City Council meeting with the exception of farming access. If it is only farming access, for a limited duration, the City creates a modified curb to drive over.

Vice Chair McFadden stated that the mid access point planned for future roadways drops off in neighboring properties. Could they block off that access point? Mr. Georgevitch stated that he anticipates they will want to block off both sides, but have the ability to gate it in order to access as they need, but to protect their resources.

Vice Chair McFadden asked, does most of the section at the Hilltop property have a 6 foot wide median? Mr. Georgevitch reported that it is a wall. They will not be able to cross it.

Vice Chair McFadden asked, would it be possible to widen from the south the roadway approach and create an island for a left turn lane at that location? Mr. Georgevitch stated that anything is possible. The dilemma there is that the City would push out

impacts further to the east and it would not be only the south. They would have to make sure the receiving side on the north side tapers down or tapers for the midpoint access. It is approximately 1000 feet. It would be the same if the allowed a left in or full movement.

Chair Miranda asked, what is the reasoning for the wall? Is it to stop the ingress and egress from those areas? Mr. Georgevitch reported that they never want to stop ingress and egress. It will limit the ingress and egress. It has to do with the volume and regional significance of this roadway. More importantly, the Transportation System Plan envisions major arterials have a raised median limiting access especially for residential. There will be significant impacts to the orchards to the east as well as overall cost of the project. It could be accommodated.

Commissioner Pulver asked Vice Chair McFadden, is the turn lane and the median in relation to the designed access in the middle or is this a separate part? Vice Chair McFadden stated that the width of the center turn lane is adequate for the proposed intersection. He is thinking in terms for the house that the 6 foot wide section could be opened enough to give it a left turn lane. The same is true for the 1570 Foothill Road property. It would be nice to have extra room to swing trailers etc. It seems to him that the impacts would warrant some type of flexibility in the design. He does not think a left turn lane going north to the house on the hill takes 500 feet of slow down area requires that much distance.

Commissioner McKechnie asked, is the City accommodating the driveway for the Carpenter house or do they have to go to the new intersection being proposed? Mr. Georgevitch reported that they will be accommodated. It will be right in/right out. All the driveways are shown on the plans.

Commissioner McKechnie asked, is the north pasture going to have access off of Foothill Road? Mr. Georgevitch stated that is something over the next month before they go before the City Council they will discuss with them. They are in a field section with a steep embankment. He is not sure how they are currently using that. Public Works will have to go out and evaluate it. They will be working with the property owner to find a solution at that location.

Commissioner Culbertson stated that the median seems to be causing a lot of turmoil. Is there a way to not build a wall and allow breaks for the different residences? It is affecting five accesses for the Hillcrest Orchard and five homes. Mr. Georgevitch reported that it is the City's proposal based on safety and following the Code. The Planning Commission's recommendation to the City Council and how the City Council chooses to deal with that is a wait and see. The dilemma is that the median currently takes up 6 feet. Going to a raised median is 14 feet. When reviewing the area instead of putting in a 14 foot median, if there is no access, they can reduce it to 6 feet. They

are trying to limit access onto a regionally significant facility that serves from Phoenix to Eagle Point. The County has plans to take Foothill Road across Highway 140 at Atlantic with a roundabout at Highway 140 in White City. This is a unique facility.

Commissioner McManus stated that Mr. Georgevitch made a comment earlier that it is not orthodox to serve one residence at the signal. If there was an option that the signal served the properties north of it by a parallel road to offer those lots a left out; would that be more reasonable to consider having not moving the driveway of the directly impacted lot? Mr. Georgevitch stated that if there was a public facility on the opposite side of the signal that would be much more reasonable even if serving a small number of homes. The dilemma is that the property at 1570 Foothill Road is directly impacted. The properties to the north are not connected with the roadway and there are no easements that he is aware of that go across them. The difficulty with creating an easement if they brought in a public right-of-way for a certain distance ends in a cul-de-sac or some other form of termination of a roadway. There is no real way without being a significant impact. He is not sure what a good balance is when they deal with single homes like this.

Mr. Georgevitch addressed questions that were brought up earlier. It was asked why Public Works is installing a traffic signal. There was a traffic study done when Bella Vista to the east of this project off McAndrews was developed. It showed both the ramp terminals were failing. They were supposed to build the two signals. They deposited money with Public Works and it is now up to the City to following through in building those. There have been several other traffic analyses that have looked at these two intersections and have shown they are failing as well. Through the Transportation System Plan they also are shown to be failing. This is a typical higher order street to a higher order street connection. This is a little unique because they are using the interchange.

There was a concern about noise. ODOT is their environmental consultant on this project. They are doing a noise analysis. If there is anything that comes out of that analysis they will have to mitigate that. This is a full federalized project. They are following all the environmental requirements that comes with a federal project.

There were several comments about access. It is not an easy job the Planning Commission has. Public Works struggles with making these decisions all the time. They recognize they are impacting but they have to balance the needs of currently approximately 11,000 vehicles a day on Foothill Road. They anticipate it to go to 18,000 in the near future. In their recommendation they have to balance that over the needs of the individual driveways.

There was a question about the Rubenstein's driveway that they were going to make sure they used the terminal ramp but they were concerned about site distance.

Whenever Public Works puts in a driveway they will make sure it meets adequate site distance. They will make sure there are adequate turning movements.

Chair Miranda asked, will Foothill Road maintain the 45 miles per hour speed limit through the project area? Mr. Georgevitch stated that speed limits are set by the State Speed Control Board. When Public Works designs a facility they do 10 miles per hour over for their design parameters. They are designing if for 55 miles per hour to maintain a 45 mile per hour speed zone.

Commissioner Pulver asked, is the median wall something he would see somewhere else in the community? He is having a hard time visualizing the wall. The concept baffles him. Mr. Georgevitch reported that a typical location is approaching bridges on the right side of the road, not in the middle of the road. One typically see these types of treatments on freeways with narrow medians and expressways. Chair McFadden reported there is one on Highway 62 in front of Hubbard's.

Commissioner Culbertson stated that the 6 foot median requires the wall. The 14 foot does not. Is that correct? Mr. Georgevitch stated that there will be a standard 6 inch curb along the section that is needed. Through design it could be as little as 2 feet on the left side of the driver as they are in a left turn lane or it could go up to 10 feet wide with 2 foot of shy distance on each side.

Commissioner Culbertson stated that Cross Section "A" impacts the majority of the houses; all five of them. One of the property owners is not here this evening. There is representation for the cluster of three as well as 1570. That section has a 14 foot median lane. Why wouldn't it be allowed to have a left/right across that median for those property owners that are clustered? Commissioner McKechnie made a great comment about giving the one home a signal on the other side for any impending development. It has to come before the Planning Commission for tentative plat and they could direct them to use that side of the signal. Mr. Georgevitch reported that the median is not shown on Cross Section "A". There will be a 2 foot median on the left side of the driver widening out to 10 feet as they transition out of a left turn pocket south to go down to the concrete barrier.

Commissioner Culbertson asked, how long is that left turn lane going to be needed? There is a long distance between the last driveway and going under the bridge getting to where they turn left. Mr. Georgevitch stated there is a raised median through there.

Commissioner Culbertson asked, why can't there be a break in the raised median? Mr. Georgevitch reported that it comes down to strictly safety. Making a left turn on a high speed, high volume facility on a new design Public Works would not promote that.

Commissioner Culbertson asked, is there any way around that? They are currently going across the road now. It is a county road. By the City adopting it into the City we are not cutting off access but we are severely limiting access. Mr. Georgevitch recommended that the Planning Commission make that recommendation to the City Council. They are the deciding body this. For the sake of the audience, he reminded everyone that tonight they are doing a recommendation to the City Council. There will be another public hearing at Council and he wanted to make sure everyone understands that the Planning Commission does a great job of putting together a recommendation but individual concerns, even though City staff will be passing them on, it is important that everyone consider showing up again if they have strong concerns they want to share.

The Public Hearing was closed.

Motion: The Planning Commission finds the approval criteria is met and forwards a favorable recommendation to the City Council with the exception of creating a cross intersection at the south McAndrews ramp light for TF-17-012, per the staff report dated May 4, 2017, including all conditions and exhibits.

Moved by: Commissioner McKechnie

Seconded by: Vice Chair McFadden

Vice Chair McFadden stated that they have heard Engineering's presentation. The Planning Commission can agree with it or they can try to change and approve it. Whether or not the City Council will hear any of their recommendations will be up to staff unless a Commissioner goes and to the City Council hearing and testifies as a concerned citizen. Commissioner McKechnie stated there needs to be some consideration for the property at 1570 Foothill Road.

Friendly Amendment made by Vice Chair McFadden: The City install access points and/or internal roadways to maintain internal property accesses for properties on both sides of the road. The City tries to find a way to widen the right-of-way to allow a turn lane into the home on the hill. Leave the trees along the roadway on private property and in permanent easements as much as possible and not brought into the City right-of-way. Minimize curbs and/or barricades beneath the McAndrews overpass to allow access to the homes on the east side. That the blocking of the accesses at midpoint onto adjoining properties or properties across the street are accessible possible within the City.

Commissioner Mansfield stated that he does not agree with Vice Chair McFadden. It is his opinion that he had several that dealt with allowing left turns. Does he understand that correctly? Chair Miranda replied that is correct.

Commissioner Mansfield reported that he disagrees with that and it should be voted on. He would like to understand Commissioner McKechnie's motion. If he could explain

that a little better so that he can understand it. Does it also involve allowing some more left hand turns?

Chair Miranda asked Commissioner McKechnie if he accepts Vice Chair McFadden's friendly amendment. Commissioner McKechnie replied no.

Commissioner McKechnie answered Commissioner Mansfield's question stating that he is not convinced moving the driveway 90 to 120 feet south solves any kind of problem. It is his opinion that it creates a problem for the current homeowners. If they do a bulb-out like they have further down that bisects the two properties that allows access for 1570 Foothill Road and the other couple of homes so they can have one-way in and out. It is signaled controlled. It helps the homeowners for sure and the City as well. That is already a highly traveled road and adding two more lanes it is going to be a very busy roadway. It gives the rest of us some safety that they do not have someone pulling out with a 25 foot trailer.

Commissioner Mansfield stated that Commissioner McKechnie indicated that it is not going to harm the entire plan to change the access on the east side as requested by several citizens. Before he can vote on it he would like to hear the Engineering staff argue for or against it. Can they give the Planning Commission a presentation that would help him understand it a little better? If it be true as Commissioner McKechnie concludes that it will not hurt their plan, he is all for it, for helping the people. He understands that it is all tied up in safety. He is not sure everyone is on board with the safety issue. At least he respectfully disagrees with him.

Mr. Georgevitch reported that there might be ways to create a reasonable access across from the signal. He does not know how much impact that will do to the property that slopes up the hill quickly. Unfortunately for tonight's recommendation moving forward he cannot do a design analysis but prior to the City Council hearing he definitely can do some design analysis to determine if it could safely be built and something that is palatable to the neighbors. Keep in mind that whatever Public Works does has a potential to impact those properties and will become right-of-way and therefore setbacks, landscape buffers or public utilities are all built off right-of-way. That is one of the benefits of using easements as opposed to right-of-way. Without having time to be able to look at that and determine what a minimum safe stacking distance is and what it would take to operate a signal at the leg of it to make it work, he would need to do some analysis that he cannot do off the top of his head tonight.

Commissioner Mansfield stated that his point is if Engineering does not know at this point, he is not demeaning Engineering for not knowing it, he is simply being careful, then how can the Planning Commission possibly decide that from here? They are not even experts. It is his opinion that it is premature. Commissioner McKechnie reported they are making a recommendation. Commissioner Mansfield does not think they have

a sound foundation on which to make a recommendation and therefore, they should not be undercutting staff at this point.

Commissioner Foley asked Commissioner McKechnie is his recommendation specific or general that the City Council look at it as a potential? He thinks that is something the Planning Commission could support without saying you should do this? Commissioner McKechnie replied they are recommending. The Planning Commission is not dictating they do that. The Planning Commission is passing a recommendation to the City Council that it is important enough to be considered.

Commissioner Mansfield asked, is it in the form that the City Council take a look at it? Chair Miranda replied yes. It is a recommendation for the City Council to review this and Engineering review this as a potential solution. Commissioner Mansfield stated that if it is worded that way, it is acceptable.

Chair Miranda stated they are flushing out issues so that the City Council can make an informed decision when it comes before them.

Vice Chair McFadden reported that roadways are not designed forever. They adjust. Since this project is getting federally funded through ODOT, how much of the curb lines, barricades, etc. are required by them and how much is the City's addition? That road does get a lot of traffic but there are times when there is not a lot of traffic. To pull in a trailer, cross the road into a driveway and roll over a curb to go into a field is still possible. In the future they may change but that is the future and something they do not have current insight to. Those conditions in the future may dictate that but he is not so sure they do now.

Mr. Georgevitch commented that federal requirements are not going to delve and tax. They will be more a City decision. Through this entire process there is an exception process that allows taking exception to design standards if needed. He does not say that is something the Planning Commission should use as a criteria to hold them back from making a recommendation.

Commissioner Pulver stated that when he interviewed for the Planning Commission one of the questions he asked was how do they see the relationship between the City Council and Planning Commission? One of the Council members answered they do not have a relationship but then went further to say "nor should we". We should be independent bodies working independently. He respects and understands that. The sense that he gets is that there is some concern depending on what the forward on or regardless of what they forward Council is going to do what Council wants to do. That is his personal opinion. He recommends to the body that if there is a consensus that there are issues that the Planning Commission specifically wants them to look at, whether they make them, include them, or whatever or not, they are going to make that

decision. The Planning Commission should call those out. He thinks Commissioner McKechnie was trying to do that at least with the one item he added to the recommendation. They are working on a 30% plan now. There are a lot of negotiations still to done between neighboring property owners. There has to be some trust in that process. If there are things the Planning Commission heard that they would like to accommodate or at least ask Public Works to take a further look at so they can specifically address those to Council, those should be sent to the City Council.

Commissioner McManus commented that he agrees. The City Council obviously serves the Planning Commission also as residents of Medford. He hopes their informed decision is based off of recommending bodies. Clarification of trying to iron out the issues would hopefully put weight on the decisions. Is Commissioner McKechnie's motion for staff's request asking for the other option to be considered as the Planning Commission is not in favor their proposed move of the driveway? Commissioner McKechnie stated yes, he thinks what he has offered is a better solution for that particular section of the roadway.

Commissioner Culbertson stated that Commissioner Pulver makes some good points. All these options should go to the City Council. The City Council is going to do what they want to do. If the Planning Commission could have it set one way the City Council could strip down whatever the Planning Commission wants to have. It is their latitude. Commissioner Mansfield should reconsider Commissioner McFadden's recommendations. They are simply recommendations. Commissioner Pulver brings it to light. The City Council needs to know the Planning Commission had these discussions, it needs to be on record and they need to consider them. Commissioner Mansfield respects Commissioner Culbertson's right to have his view. He simply does not agree with it. He believes that minority views should be expressed so that the City Council knows that is in the package; it is part of the menu. That is why he does not agree to go along with the majority. He likes to be an opponent.

Chair Miranda stated that the friendly amendment was rejected since there was no second.

Mr. McConnell reported that there was a motion, second and then a friendly amendment. Once a motion is seconded, whatever they are calling the friendly amendment, friendly or not, the body would vote on the proposed amendment.

Chair Miranda clarified that the Planning Commission would vote on the friendly amendment made by Commissioner McFadden and then the main motion made by Commissioner McKechnie.

Mr. McConnell stated that technically a friendly amendment is made before a second. Once a second is made it becomes the body's motion so the body decides. It is really a motion to amend.

Chair Miranda asked Vice Chair McFadden to repeat his friendly amendment so that the Commission understands what they are voting on.

Friendly Amendment made by Vice Chair McFadden: The City install access points and/or internal roadways to maintain internal property accesses for properties on both sides of the road. The City tries to find a way to widen the right-of-way to allow a turn lane into the home on the hill. Leave the trees along the roadway on private property and in permanent easements as much as possible and not brought into the City right-of-way. Minimize curbs and/or barricades beneath the McAndrews overpass to allow access to the homes on the east side. That the blocking of the accesses at midpoint onto adjoining properties or properties across the street are accessible possible within the City.

Roll Call Vote on the friendly amendment: Motion failed, 3-6, with Commissioner Foley, Commissioner Mansfield, Commissioner McKechnie, Commissioner McManus, Commissioner Poythress and Commissioner Pulver voting no.

Commissioner Pulver stated that he voted no because of the specificity. It is a bit of give and take.

Vice Chair McFadden reported that his friendly amendment is a recommendation. It is just saying the City should consider it. The engineers can figure it out if they get told to do it.

Commissioner Pulver stated that he thinks the people that purchased the Carpenter house specifically requested consideration of a left turn going north. The byproduct of that may be the right-of-way be expanded then it may impact the Hillcrest Orchard property or the Rocky Knoll people. One thing changes other things so it is a give and take. He would be more supportive of something that says the Planning Commission forwards a favorable recommendation with specific property owners being able to request additional accesses and allowing Public Works to consider them and outline the effects of those in front of the City Council so that the City Council could have a more complete picture when making a final decision. The Planning Commission has heard from a lot of people that would like additional or different accesses. He fully appreciates that. He thinks Public Works may not have known about some of them; specifically the pastureland.

Chair Miranda stated that the Planning Commission can vote on the main motion and then make an amendment to that motion if they feel it necessary.

Commissioner Mansfield responded to Commissioner Pulver's comment stating that is always available. They do not have to put it in a motion. It is simply true that anyone can apply for another access and the City can grant it if they see fit.

Commissioner Pulver's concerns is that there is some sympathy in the Planning Commission to some of the concerns raised by the private citizens in regards to access. Hopefully the audience will come back and testify at the City Council hearing. If the City Council was provided with a more complete picture they would be able to make a better decision. He does not think the Planning Commission has a complete picture to make a good decision and frankly he does not know Public Works does either in some of the specific requests.

Commissioner Foley echoed Commissioner Pulver's comments. His issue is with the specificity. The Planning Commission wants to raise concerns that the citizens brought tonight and make sure that City Council looks at all the alternative accesses.

The main motion is: The Planning Commission finds the approval criteria is met and forwards a favorable recommendation to the City Council with the exception of creating a cross intersection at the south McAndrews ramp stop light for TF-17-012, per the staff report dated May 4, 2017, including all conditions and exhibits.

Commissioner Mansfield stated that motion does not satisfy him. He thought it was a "look see" but he did not hear that in the motion. It is a requirement that he objects to.

Commissioner McKechnie reported that it is a recommendation.

Commissioner Mansfield is satisfied with the recommendation.

Roll Call Vote for the main motion: Motion passed, 8-1, with Commissioner Culbertson voting no.

Amend the main motion: To include additional recommendation that the City Council consider additional access points for neighboring residences and the impact to the overall plan.

Moved by: Commissioner Pulver

Seconded by: Commissioner Foley

Commissioner Mansfield understands the motion and argues against it. As he has mentioned before that permission already exists. The City has eminent power to do that. He believes the plan that the engineers have put together is designed to create the greatest amount of safety. He is sorry there is some inconvenience to property owners but that is part of the risks of life. He would rather save the lives of the people that are going to be saved from left turns than suffer the somewhat serious

inconveniences to these people. He feels sorry that is going to be happening. In the age of automobiles that is part of the cost of an automobile society.

Commissioner McManus wanted clarification that the amendment Commissioner Pulver is asking is basically to reconsider the motion that passed with his amendment. Commissioner Pulver stated it is the intent of an addition.

Chair Miranda reported it is a modification of the friendly amendment that failed.

Commissioner Foley stated that it is asking for additional consideration of other potential accesses.

Vice Chair McFadden stated to Commissioner Pulver that Commissioner Mansfield feels that this was a left turn issue. He did not hear that in Commissioner Pulver's motion. He thought he was looking at just access points. Commissioner Pulver reported that getting everything on the table is the reality of it. Commissioner Mansfield's concerns are legitimate. In the case of the home on the hill that has a right in/right out access. If they want to pursue an additional access like the left turn from the north that would be a left turn across traffic.

Roll Call Vote: Motion passed, 8-1, with Commissioner Mansfield voting no.

Commissioner Poythress stated that he wants the record to show that he does not consider where a citizen is forced to reengineer their entire property is simply a inconvenience mandated from the City Council as they consider this recommendation. His strongest recommendation is that the City finds an alternative than force the Reen family to restructure their entire property.

The Planning Commission took a ten minute recess. They reconvened at 8:34 p.m.

Commissioner McKechnie left the meeting during the recess.

50.3 LDS-16-152 / ZC-17-037 Consideration of Lilybrook, a 14 lot residential subdivision on a 1.64 acre parcel located on the northeast corner of Agate Street and Hart Avenue within the SFR-10 (Single-Family Residential, 10 dwelling units per gross acre) zoning district, and a zone change from SFR-10 (Single Family Residential, 10 dwelling units per gross acre) to SFR-00 (Single Family Residential, one dwelling unit per existing lot) on a 1,334 square foot strip of land located on the north side of Agate Street approximately 200 feet east of Hart Avenue (Tax Lots 382W01AB 700 & 800). (Clyde Akins, Applicant; CSA Planning Ltd./Mike Savage, Agent)

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

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

Liz Conner, Planner II, reported that the project originally included a zone change. However, they discovered there was a mapping error. The zone of the adjacent property was rezoned in 2007 to SFR-10. Therefore, the zone change is not necessary for the property line adjustment that the staff report spoke to. This presentation will only address the land division. Ms. Conner stated that the land division approval criteria are found in the Medford Land Development Code Section 10.270. The applicable criteria was included in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance.

The property owner at 808 Agate Street submitted a letter to the Planning Department late last night. This will be entered into the record as Exhibit W. The letter was emailed to the Planning Commissioners. The property owner approves the subdivision as long as the contract agreement between the two property owners are upheld. Ms. Conner deferred further comments of the agreement to the applicant's agent.

The agent for CSA Planning Ltd., Mike Savage, submitted additional information including the withdrawal of the zone change application. The information revises the tentative plat boundary description. Ms. Conner deferred further comments of that information to the applicant's agent. The information will be entered into the record as Exhibit X. The information was emailed to the Commissioners.

Ms. Conner gave a staff report.

The Public Hearing was opened.

a. Mike Savage, CSA Planning, Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504-9173. Mr. Savage reported that initially they were relying of the City's zoning map that had an error that reflected the property to the east as being SFR-00. In order to overcome obstacles related to storm drainage the clients worked out an agreement with the neighbor to the east in exchange for an easement to allow storm drainage to go through their property. They agreed to do a property line adjustment. After the fact they realized the development code stated that one cannot do a property line adjustment across different zones. The solution was to propose a zone change of a portion of the applicant's property to match the SFR-00. They realize now it is SFR-10. That is the reason for the withdrawal of the zone change.

Staff mentioned there was a letter submitted to the record by the owner of the adjacent property for which they have an agreement for a property line adjustment. There is a legitimate misunderstanding between both parties. The neighbor believed he was

getting a little more land than initially thought. Mr. Savage went back and reviewed the contract and he was correct. They have updated the property line adjustment plan to reflect the additional acreage that he originally believed to be getting. That had the effect of doing some minor changes to the subdivision plat.

Mr. Savage spoke with neighbors to the west of Hart Avenue. There are people in the audience that built a shop unknowingly close to the right-of-way line. The applicant is obligated to improve Hart Street half plus twelve. They will not be interfering with the existing shop that would put the applicant 3 feet off the shop. The Code allows half plus eight under certain circumstances. The applicant requests they build half plus eight to give them some buffer room behind the shop. He understands the Planning Commission is not obligated to do so but it would be neighborly to do until such time they are ready to do whatever they are going to do with their property.

Mr. Savage reserved rebuttal time.

b. Jed Remy, 2091 S. Peach Street, Medford, Oregon, 97501. Mr. Remy reported he is the property owner that the property line expansion appears to go to the back of the shop. He has had the property three years. Had the building permitted and built with all the inspections and approvals. The existing fence line and property line were there since 1975. Any consideration in giving him a little buffer would be appreciated. They currently have approximately 10 to 11 feet behind the shop to the existing fence.

Mr. Georgevitch reported that he is not sure how much of an impact the request for half plus eight would be. It is something they may be able to accommodate through the engineering drawing process. There will be transitions on both sides. He does not know how much it would be impacted. Without taking a good analysis of it he cannot say they are supportive or not. It is allowed in the Code under certain circumstances but that is typically when right-of-way is restricted not when there is adequate right-of-way. He is not for or against it.

Commissioner Pulver asked Mr. Georgevitch, are there other alternatives. It just seems like an unfortunate circumstance where there is newly constructed improvements that may or may not be in the right place. The road will eventually go somewhere. Mr. Georgevitch reported that it will serve the new development. An important question to ask is how the Fire Department would respond to this as well because it may be a primary access point. He recommends that they include the Fire Department in this. He is not sure, if he understood the applicant correctly it is not in the right-of-way. It is just close to the right-of-way. He wants to make sure it does not cause any issues for the traveling public between 8 and 12. If it is 8 entirely it would be one response. If it is 12 it would be an entirely different response. Wanting it across the frontage of the shed is a different response. It is a response that he cannot respond to looking at the aerial quickly.

Vice Chair McFadden asked, is the half street twenty? Mr. Georgevitch stated it is half plus eight. If doing eight, there will be no parking on the east side if the west side is 8 feet. If it is half plus twelve, there is parking on the east side and the west side allows a travel lane.

Greg Kleinberg, Fire Marshal, reported that there were requirements for some of the streets of no parking on one side. The fire code requires 20 feet. If that is reduced there has to be parking restrictions.

Vice Chair McFadden asked, would Mr. Kleinberg be agreeable to just doing the restriction only at the shop? In the Fire Department staff report it states: "Parking shall be posted as prohibited along both sides of Hart Avenue until the street is fully improved. Parking shall be posted as prohibited along one side of Lilybrook Lane. Parking shall be posted as prohibited along the narrow part of the minimum access driveway for lot #6."

The Public Hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare a Final Order for approval of LDS-16-152 per the staff report dated May 4, 2017, including Exhibits A through X, and striking the first paragraph of the applicant's findings under Criterion 1 on page 113 of the agenda packet and allowing for a half street plus eight development the length of Hart Street.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Culbertson

Roll Call Vote: Motion passed, 8-0.

60. Reports

60.1 Site Plan and Architectural Commission.

Commissioner Culbertson reported that the Site Plan and Architectural Commission met on Friday, May 5, 2017. The meeting was approximately 7 minutes. They had one item that was a continuance.

60.2 Report of the Joint Transportation Subcommittee.

Commissioner Pulver, reported that the Joint Transportation Subcommittee has not met since the last meeting.

60.3 Planning Department

Kelly Akin, Assistant Planning Director, welcomed the new Planning Commissioner, Alex Poythress.

The next Planning Commission study session is scheduled for Monday, May 22, 2017. There is no business at this time but staff will keep the Commissioner's informed.

There is business scheduled for the Planning Commission on Thursday, May 25, 2017 Thursday, June 8, 2017, and Thursday, June 22, 2017.

Vice Chair McFadden asked, when will the Planning Commission see larger projects? Ms. Akin replied, shortly. There is one land division. It is approximately 150 to 180 units. The Commission should see that in approximately six to eight weeks. There are several Planned Unit Development revisions.

At the next City Council meeting they will be deciding on allowing marijuana production in the heavy commercial zoning district.

Several weeks back Ms. Akin reported that the Urban Growth Boundary hearing was scheduled for Wednesday, May 17, 2017. Staff has requested a continuance because one of the County Commissioners is unable to attend that meeting. Staff wants to make sure all three are in attendance. It will probably be heard in June.

There is an OAP Conference in Eugene next Thursday. It is geared for Planning Commissioners. If anyone is interested please let staff know.

70. Messages and Papers from the Chair.

70.1 Chair Miranda stated that he will not be in attendance at the Thursday, June 8, 2017, Planning Commission meeting. He will follow-up with an email.

80. Remarks from the City Attorney. None.

90. Propositions and Remarks from the Commission. None.

100. Adjournment

The meeting was adjourned at 9:04 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Terri L. Rozzana
Recording Secretary

Patrick Miranda
Planning Commission Chair

Approved: May 25, 2017



Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT

for a Type-C quasi-judicial decision: **Zone Change**

Project James Mendolia Zone Change
 Applicant: James Mendolia; Agent: Milan Hanson

File no. ZC-17-041

To Planning Commission *for May 25, 2017 hearing*

From Liz Conner, Planner II

Reviewer Kelly Akin, Assistant Planning Director *KA*

Date May 18, 2017

BACKGROUND

Proposal

Consideration of a zone change from SFR-6 (Single Family Residential – 6 dwelling units per gross acre) to MFR-20 (Multi-Family Residential – 20 dwelling units per gross acre) on 0.22 acres located on the southwest corner of Howard Avenue and Bayberry Drive.

Subject Site Characteristics

Zoning	SFR-6	Single-Family Residential – 6 dwelling units per gross acre
GLUP	UH	Urban High Density Residential
Use	Single Family Dwelling	

Surrounding Site Characteristics

<i>North</i>	Zone:	SFR-6
	Use:	Single Family Dwelling
<i>South</i>	Zone:	MFR-20
	Use:	Multi-Family Dwellings
<i>East</i>	Zone:	SFR-6
	Use:	Single-Family Dwellings
<i>West</i>	Zone:	MFR-20
	Use:	Multi-Family Dwellings

Related Projects

None.

Applicable Criteria

ZONE CHANGE APPROVAL CRITERIA – MEDFORD LAND DEVELOPMENT CODE SECTION 10.227

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

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

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

- (2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the *Comprehensive Plan* "Public Facilities Element."
 - (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.
 - (b) Adequate streets and street capacity must be provided in one of the following ways:
 - (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or
 - (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required

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

- (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,
- (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

ISSUES AND ANALYSIS

Project Summary

The subject property consists of one parcel totaling 0.22 acres located on the southwest corner of Howard Avenue and Barberry Drive. The site is developed with a single family home with an accessory structure.

Transportation System

The Public Works Staff Report (Exhibit D) states that a Traffic Impact Analysis will not be required, and recommends no conditions pertaining to streets, street capacity, or access.

Sanitary Sewer Facilities

The Public Works Staff Report (Exhibit D) states there are currently capacity constraints on the sanitary sewer system and recommends that development be limited to not exceed the current zoning limitations, or make improvements to the downstream sanitary sewer system.

The Applicant has stipulated to develop no more than the equivalent of the one single family residential unit until downstream sanitary sewer is improved with sufficient capacity to serve potential future development. A condition of approval has been made accepting the applicant's stipulation (Exhibit A).

Storm Drainage Facilities

The subject site is within the Elk Creek Drainage Basin. Per the Public Works Staff Report (Exhibit D), there are sufficient storm drain facilities to support the proposed zoning designation. Stormwater quality and detention will be required at the time of development in accordance with the Medford Land Development Code (MLDC) Sections 10.729 and 10.486.

Water Facilities

Medford Water Commission currently has infrastructure and adequate capacity to serve the subject site (Exhibit E).

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibit B) and recommends the Planning Commission adopt the findings with the following modifications:

- Strike Applicant's Findings 2)(a) related to the sanitary sewer; and,
- Accept the applicant's stipulation to restrict development to one single family dwelling unit until the downstream sanitary sewer facility is improved with sufficient capacity to serve the potential future development (Exhibit C).

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of ZC-17-041 per the staff report dated May 18, 2017, including Exhibits A through O.

EXHIBITS

- A Conditions of Approval, dated May 18, 2017
- B Applicant's Findings of Fact received March 28, 2017
- C Applicant's email correspondence received May 15, 2017
- D Public Works Department Staff Report received May 3, 2017
- E Medford Water Commission Staff Memo received May 3, 2017
- F Medford Fire Department Report received May 3, 2017
- G Traffic Impact Analysis Form received March 28, 2017
- H General Land Use Plan Map received March 28, 2017
- I Zoning Map received March 28, 2017
- J Aerial photo received March 28, 2017
- K Water Department map received March 28, 2017
- L Jackson County Assessor's Account Detail received March 28, 2017
- M Jackson County Assessor's Map received March 28, 2017
- N Density Calculation for SFR-6 received May 15, 2017
- O Density Calculation for MFR-20 received May 15, 2017
Vicinity map

PLANNING COMMISSION AGENDA:

MAY 25, 2017

EXHIBIT A

James Mendolia Zone Change
ZC-17-041
Conditions of Approval
May 18, 2017

DISCRETIONARY CONDITIONS

1. Accept the Applicant's stipulation to develop no more than the equivalent of one single family residential unit until the downstream sanitary sewer is improved with sufficient capacity to serve the potential future development (Exhibit C).

CODE REQUIRED CONDITIONS

2. Within 30 days of the approval of the Final Order, the applicant shall produce a restrictive covenant, in a form acceptable to the City Attorney, and record such covenant stipulating to only develop an equivalent of one single family residential unit until the downstream sanitary sewer system is improved with sufficient capacity to serve the potential future development. MLDC 10.227(2)(c)

RECEIVED

MAR 28 2017

PLANNING DEPT.

KELLINGTON, RICHMOND, HANSON & THARP

JOHN R. HANSON, P.C.
KENNETH M. THARP, P.C.
ROBERT MILAN HANSON

800 WEST 8TH STREET
MEDFORD, OREGON 97501

TELEPHONE: 541-779-5175

FAX: 541-734-7465

BRUCE KELLINGTON - RETIRED
DOUGLAS J. RICHMOND - RETIRED

March 23, 2017

CITY OF MEDFORD PLANNING DEPARTMENT
200 SOUTH IVY STREET
MEDFORD OR 97501

SE: FINDINGS OF FACT (ADDRESSIGN CRITERIA OF 10.227

RE: ZONE CHANGE FOR 2419 HOWARD AVE FROM SFR-6 TO MFR-20

Dear City Planner:

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

The proposed zone is consistent with the Oregon transportation Planning Rule (OAR 660) and the General Land Use Plan Map designation. The address is abutted by two adjacent properties, map taxlot 372W13CB 500 and 37213CB 5918 have both been reclassified to multifamily residential. The property requesting the zone change is within the cities multifamily zoning overlay plan and is already surrounded by rezoned properties. A zone change to MFR-20 is very appropriate and within the cities plan.

- (a) For zone changes to SFR-2, the zoning shall be approved under either of the following circumstances:
 - if at least seventy percent (70%) of the area proposed to be rezoned exceeds a slope of fifteen percent (15%),
 - (ii) if other environmental constraints, such as soils, geology, wetlands, and flooding, restrict the capacity of the land to support higher densities.

1)(a) Not applicable.

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

1)(b) Not applicable.

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

- (i) The overall area of the C-N zoning district shall be three (3) acres or less in size and within or abutting on at least one (1) boundary residential zoning. In determining the overall area, all abutting property(s) zoned C-N shall be included in the size of the district.

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

(iii) The overall area of the C-R zoning district shall be over three (3) acres in size, shall front upon an arterial street or state highway, and shall be in a centralized location that does not otherwise constitute a neighborhood shopping center or portion thereof. In determining the overall area, all abutting property(s) zoned C-R shall be included in the size of the district. The C-R zone is ordinarily considered to be unsuitable if abutting any residential zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.

(iv) The C-H zone shall front upon an arterial street or state highway. The C-H zone may abut the General Industrial (I-G), Light Industrial (I-L), and/or any commercial zone. The C-H zone is ordinarily considered to be unsuitable if abutting any residential and I-H zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.

1)(c) Not applicable.

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

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

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

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

1)(d) Not applicable.

(e) For purposes of (1)(c) and (1)(d) above, a zone change may be found to be "suitable" where compliance is demonstrated with one (1) or more of the following criteria:

(i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows only one (1) zone;

(ii) At least fifty percent (50%) of the subject property's boundaries abut zones that are expressly allowed under the criteria in (1)(c) or (1)(d) above;

(iii) At least fifty percent (50%) of the subject property's boundaries abut properties that contain one(1) or more existing uses which are permitted or conditional uses in the zone sought by the applicant, regardless of whether the abutting properties are actually zoned for such existing uses; or

(iv) Notwithstanding the definition of "abutting" in Section 10.012 and for purposes of determining suitability under Section (1) (e), the subject property is separated from the "unsuitable" zone by a public right-of-way of at least sixty (60) feet in width.

1)(e) Not applicable.

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

2) Category "A" urban service and facilities are available and will be provided to adequately serve the subject properties with the permitted uses allowed under the proposed zoning.

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

2)(a) Storm drainage, sanitary sewer, and water facilities of Howard St are available and adequate in condition, capacity, and location to serve the property. Water is in Howard St and can be brought to said property by a 1" water pipe.

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

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

KELLINGTON, RICHMOND, HANSON & THARP

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

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

2)(c) Not applicable.

Very truly yours,



MILAN ROBERT HANSON

MRH/tc
Enclosures

Liz A. Conner

From: Milan Hanson <Milan@southernoregonlaw.com>
Sent: Monday, May 15, 2017 4:48 PM
To: Liz A. Conner
Cc: jamesmendolia@yahoo.com
Subject: Re: ZC-17-041 Baybarry Dr and Howard Ave
Attachments: image001.jpg; image002.jpg; image001.jpg; image002.jpg

Thank you Liz for everything you have done. I will look up the city code 10.708

Medford Municipal Code 10.230 Planned Unit Development

Also we **Accept the Applicant's stipulation to develop no more than the equivalent of one single family residential unit until the downstream sanitary sewer is improved with sufficient capacity to serve the potential future development.**

Thanks!

On Mon, May 15, 2017 at 4:05 PM Liz A. Conner <Elizabeth.Conner@cityofmedford.org> wrote:

Milan,

Please excuse the previous email I sent. I had sent it without the following information.

Per our phone conversation regarding the Public Works Staff Report recommendation to restrict development, I've included what our condition language will be.

Accept the Applicant's stipulation to develop no more than the equivalent of one single family residential unit until the downstream sanitary sewer is improved with sufficient capacity to serve the potential future development.

You can also find the Residential Density Section in 10.708 and it tells you how to calculate Density. I've attached out Density Calculation for your convenience.

Please respond to me letting me know that you would like to stipulate that the applicant will not develop more than one single family dwelling unit on the subject site until downstream sanitary sewer facilities are improved to sufficient capacity for potential future development.

Thank you,



Continuous Improvement Customer Service

CITY OF MEDFORD

LD Date: 5/3/2017
File Number: ZC-17-041

PUBLIC WORKS DEPARTMENT STAFF REPORT **2419 Howard Avenue** **(TL 5900)**

Project: Consideration of a zone change from SFR-6 (Single Family Residential – 6 dwelling units per gross acre) to MFR-20 (Multi-Family Residential – 20 dwelling units per gross acre) on 0.22 acres.

Location: Located on the southwest corner of Howard Avenue and Bayberry Drive. (372W13CB5900).

Applicant: Applicant, James Mendolia; Agent, Milan Hanson; Planner, Liz Conner.

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

I. Sanitary Sewer Facilities

The proposed zoning to MFR-20 has the potential to increase flows to the sanitary sewer system. The downstream sanitary sewer system currently has **capacity constraints**, and based on this information the Public Works Department recommends this zone change be denied, or the Applicant stipulate to only develop so the total sewer flows do not exceed current zoning limitations, or the Developer make improvements to the downstream sanitary sewer system to alleviate the capacity constraints.

II. Storm Drainage Facilities

This site lies within the Elk Creek Drainage Basin. The subject property currently drains to the northwest. The City of Medford has existing storm drain facilities in the area. This site would be able to connect to these facilities at the time of development. This site will be required to

provide stormwater quality and detention at time of development in accordance with Medford Land Development Code (MLDC), Section 10.729 and/or 10.486.

III. Transportation System

No traffic impact analysis (TIA) will be required for this zone change. The proposed application doesn't meet the requirements for a TIA, per Medford Municipal Code (MMC), Section 10.461 (3).

No conditions pertaining to streets, street capacity, or access are requested by Public Works at this time.

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

Prepared by: Doug Burroughs

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



Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: ZC-17-041

PARCEL ID: 372W23DB TL 7600

PROJECT: Consideration of a zone change from SFR-6 (Single Family Residential – 6 dwelling units per gross acre) to MFR-20 (Multi-Family Residential – 20 dwelling units per gross acre) on 0.22 acres located on the southwest corner of Howard Avenue and Bayberry Drive. (372W13CB5900) Applicant, James Mendolia; Agent, Milan Hanson; Planner, Liz Conner.

DATE: May 3, 2017

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

COMMENTS

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 MWC system does have adequate capacity to serve this property.
4. Off-site water facility construction may be required depending on future land development review.
5. On-site water facility construction may be required depending on future land development review.
6. MWC-metered water service does exist to this property. There is a ¾" water meter along the east property line along the Howard Avenue street frontage that serves the existing home at 2419 Howard Avenue.
7. Access to MWC water lines for connection is available. There is an existing 6-inch water line in both Howard Avenue and also in Bayberry Drive.
8. Static water pressure is expected to at or above 80 psi. Installation of Pressure Reducing Valves (PRV) is required per Uniform Plumbing Code for static water pressure over 80 psi.



0 25 50 100
Feet

Scale: 1"=100'

Water Facility Map for ZC-16-041

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:

- C** Control Station
- P** Pump Station
- R** Reservoir



Map prepared by: [unreadable] Date: 05/15/2017





Medford Fire Department

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

LAND DEVELOPMENT REPORT - PLANNING

To: Liz Conner

LD Meeting Date: 05/03/2017

From: Fire Marshal Kleinberg

Report Prepared: 04/27/2017

File #: ZC - 17 - 41

Site Name/Description:

Consideration of a zone change from SFR-6 (Single Family Residential - 6 dwelling units per gross acre) to MFR-20 (Multi-Family Residential - 20 dwelling units per gross acre) on 0.22 acres located on the southwest corner of Howard Avenue and Bayberry Drive. (372W13CB5900) Applicant, James Mendolia; Agent, Milan Hanson; Planner, Liz Conner.

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

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

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

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

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

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

ZONE CHANGE APPLICATION

TRAFFIC IMPACT ANALYSIS FORM

2419 Hammond Ave Med OR 97501

A. Form to be filled out and signed by a representative from the Public Works Department - Traffic Section prior to submittal of this Zone Change application.

Map and Tax Lot(s) 372 W 13 CB 5900

Current Zoning District: SFR-6

Proposed Zoning District: MFR-20

0.22 AC * 6 * 10 = 13.2 ADU
0.22 AC * 20 * 6.65 = 29 ADU

B. Based upon the information submitted with this application:

A Traffic Impact Analysis is not required

A Traffic Impact Analysis is required and has been submitted to the Public Works - Traffic Section.

A Traffic Impact Analysis is required and has NOT been submitted to the Public Works - Traffic Section.

Insufficient information to determine if TIA is required.

Peter Trachprang
Printed Name

Peter Trachprang
Signature

Associate Traffic Engineer
Title

2419 Howard AVE



2419 HOWARD AVE Medford

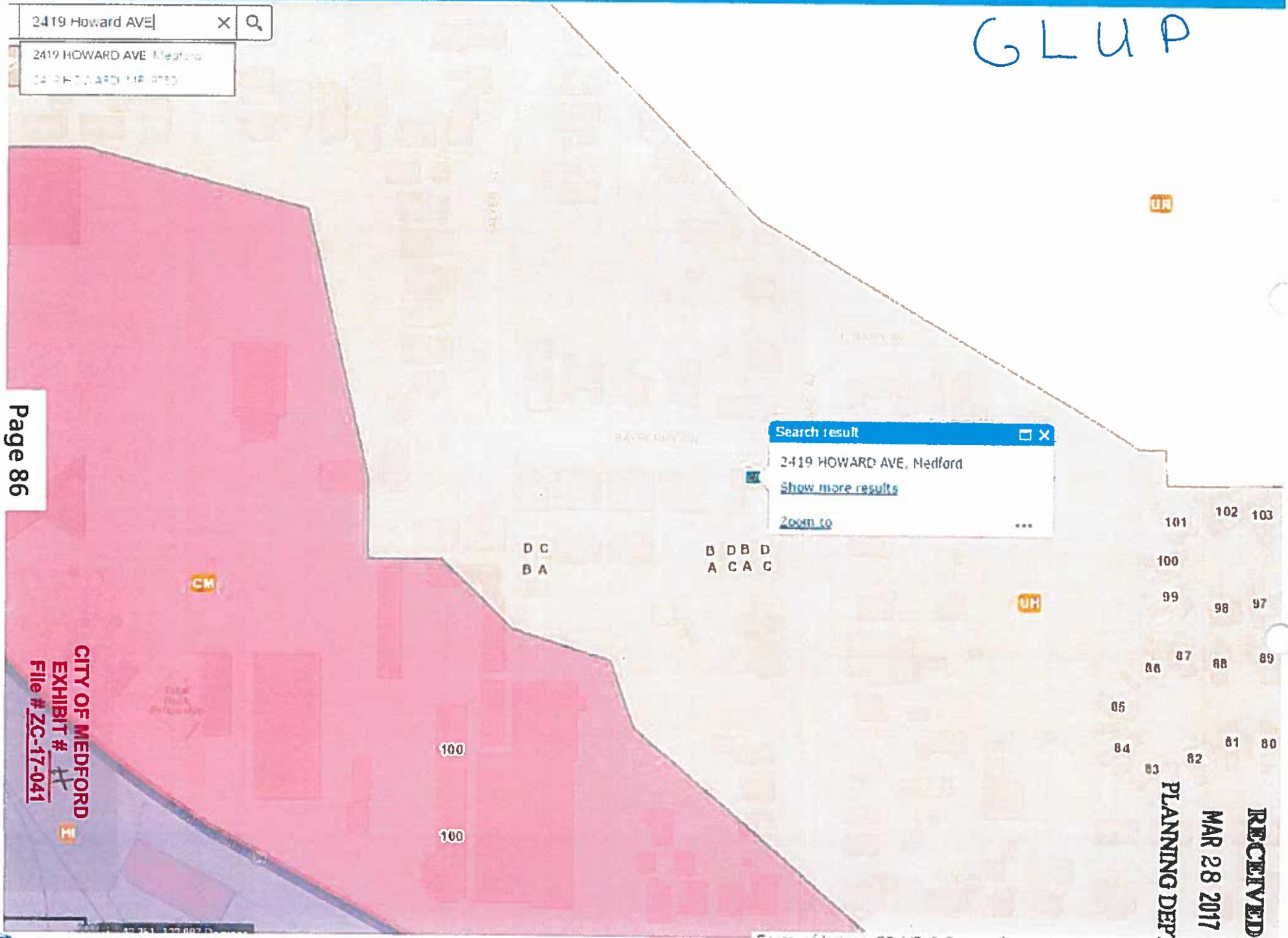
2419 HOWARD MEDFORD

GLUP

Page 86

CITY OF MEDFORD
EXHIBIT # 11
File # ZC-17-041

14



Search result □ ✕

2419 HOWARD AVE, Medford

[Show more results](#)

[Zoom to](#) ...

D C
B A

B D B D
A C A C

UH

UH

CM

101 102 103

100

99 98 97

86 87 88 89

85

84 82 81 80

83

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MAR 28 2017
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9 Howard AVE X Q

Search results for 2419 Ho

2461 Unit

2453 Unit

2441 Unit

2403 Unit

Page 87

CITY OF MEDFORD
EXHIBIT #
File # ZC-17-041

SALYER ST

MFR-20

BAYBERRY DR

150 Unit 182 Unit

160 Unit 182 Unit

170 Unit 172 Unit

180 Unit 182 Unit

140 Unit

142 Unit

2389 Unit B

2389 Unit C

2391 Unit

2380 Unit

2389 Unit B

2387 Unit

2382 Unit

2315 Unit

2521 Unit

2525 Unit

2522 Unit

2511 Unit

213 Unit

223 Unit

235 Unit

2451 Unit
2450 Unit

2503 Unit

2459 Unit

173 Unit

150 Unit

161 Unit

165 Unit

171 Unit

2448 Unit

2439 Unit

200 Unit

228 Unit

236 Unit

252 Unit

2424 Unit

SFR-6

2419 Unit

Search result

2419 HOWARD AVE, Medford

Show more results

Zoom to

Print

2395 Unit B

2395 Unit A

2395 Unit A

2395 Unit A

2385 Unit D

2385 Unit D

2385 Unit A

2385 Unit C

2400 Unit

2388 Unit

2378 Unit

2364 Unit

2383 Unit

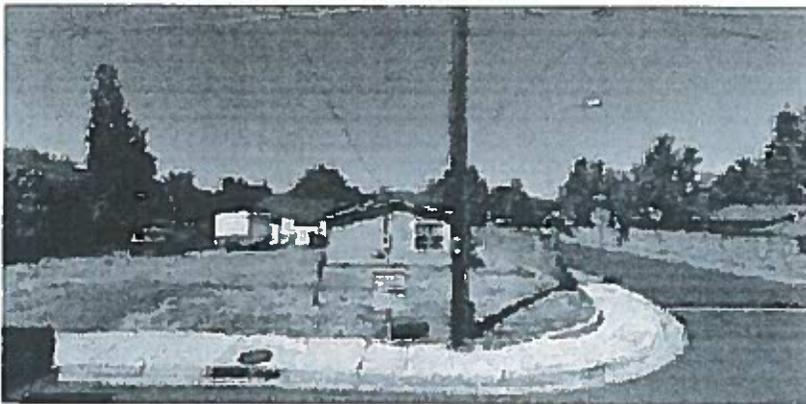
2381 Unit

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MAR 28 2017
PLANNING DEPT.

Google Maps 2419 Howard Ave



Imagery ©2017 Google, Map data ©2017 Google 50 ft



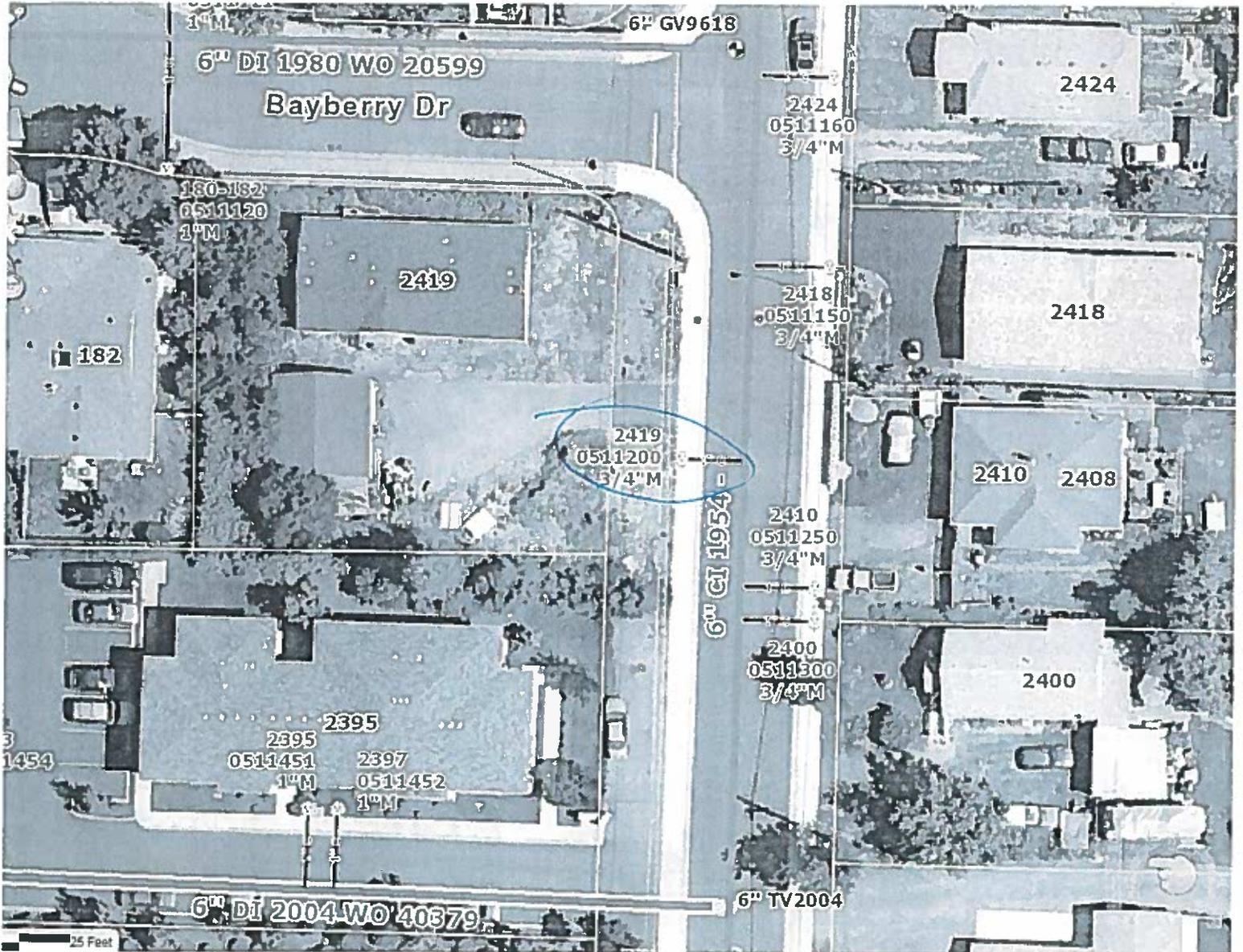
2419 Howard Ave
Medford, OR 97501



CITY OF MEDFORD
EXHIBIT # J
File # ZC-17-041

Water Dept

RECEIVED
MAR 28 2017
PLANNING DEPT.



Account Sequence	Map TL Sequence	Assessment Year 2016	Print Window	Clear Window
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Assessment info for Account 1-049149-0 Map 372W13CB Taxlot 5900
Report For Assessment Purposes Only Created March 02, 2017

PLANNING DEPT

Account Info		Tax Year 2016 Info		Tax Code 49-01	
Account	1-049149-0	Pay Taxes Online		Tax Code	49-01
Map	372W13CB 5900	Tax Report	Details	Acres	0.22
Taxlot		Tax Statement	Details	Zoning	
Owner	MENDOLIA JAMES V	Tax History	Details	Land Class	
2419 HOWARD AVE MEDFORD MS		Tax Code 49-01		Property Class	UNK 0.22 Ac
Mailing Address		Tax Type		Stat Class	100
MENDOLIA JAMES V		Due Date		Unit ID	170009
2419 HOWARD AVE		Amount		Maintenance Area	5
MEDFORD OR, 97501		11/15/16		Neighborhood	000
MEDFORD OR, 97501		\$1,859.34		Study Area	03
Associated Taxlots 2 Act		Tax Rate		Account Status	ACTIVE
49-01 MS 3-097778-8 372W13CB 5900 ACTIVE		16.0437		Tax Status	Assessabl
49-01 MS 3-037025-3 372W13CB 5900 PURGED		District Rates		Sub Type	NORMAL
Appraiser 158		District Amounts		MS Park ID	
		Tax Rate Sheet			

Sales Data (ORCATS)			
Last Sale (consideration > 0)	\$ 72,000	Sale Date	Nov 17, 2010
		Instrument Number	2010-38324

Value Summary Detail (For Assessment Year 2016)
Market Value Summary (For Assessment Year 2016)

Code Area	Type	Acres	RMV	M5	MAV	AV
49-01	LAND	0.22	\$ 68,260	\$ 68,260	\$ 69,470	\$ 68,260
49-01	IMPR	0.00	\$ 48,150	\$ 48,150	\$ 60,150	\$ 48,150
Value History			Total: \$ 116,410	\$ 116,410	\$ 129,620	\$ 116,410

Improvements									
Site	Building #	Code Area	Year Built	Est Year Built	Stat Class	Description	Type	SqFt	% Complete
	1	49-01	1928	1940	300	Residential Other Improvements	Residence	0	100 %
	2	49-01	2003	2003	952	Double wide	Manf Strct	1512	100 %

Images / Plans			
Image type	Item Number	Image Files	
RESIDENTIAL	1	2	
RESIDENTIAL	2	1	
ACCOUNT PHOTOS	3	6	

Improvement Comments
All in One Report

Building #1 Comments
03/15/04: OLD HOUSE WAS DEMOLISHED. DETACHED GARAGE REMAINS. ADDING NEW MH #3-097778-8 PER #104>>> 01/12/09 CORRECTED LEAN-TO; CONFIRMED GAR/LEAN-TO NOT ATT TO MOBILE #158>>>

Building #2 Comments
2/3/04: NEW MS INFORMATION ADDED TO THE 2004 ASSESSMENT ROLL...3/15/04: REDTAG INFORMATION ADDED TO THE 2004 ASSESSMENT ROLL, CHECK IN 05 FOR DECKS, LANDSCAPE & % COMPLETE PER APPR #104 >>> 4/18/05: CORRECTED DECK SQ FT PER #143. >>> A MARKET STUDY WAS CONDUCTED FOR 2005 WHICH DETERMINED THAT AN ADJ. FOR THE YR BUILT NEEDED TO BE ADDED TO REACH MARKET VAL 09/22/2007 REMOVAL OF -MS MINUS RMV ACCSSRY FACTOR IS NOT EXCEPTION>>> 01/12/09 REMOVED MINUS RMV--NO EXC #158>>>

Appraisal Maintenance
Account Comments

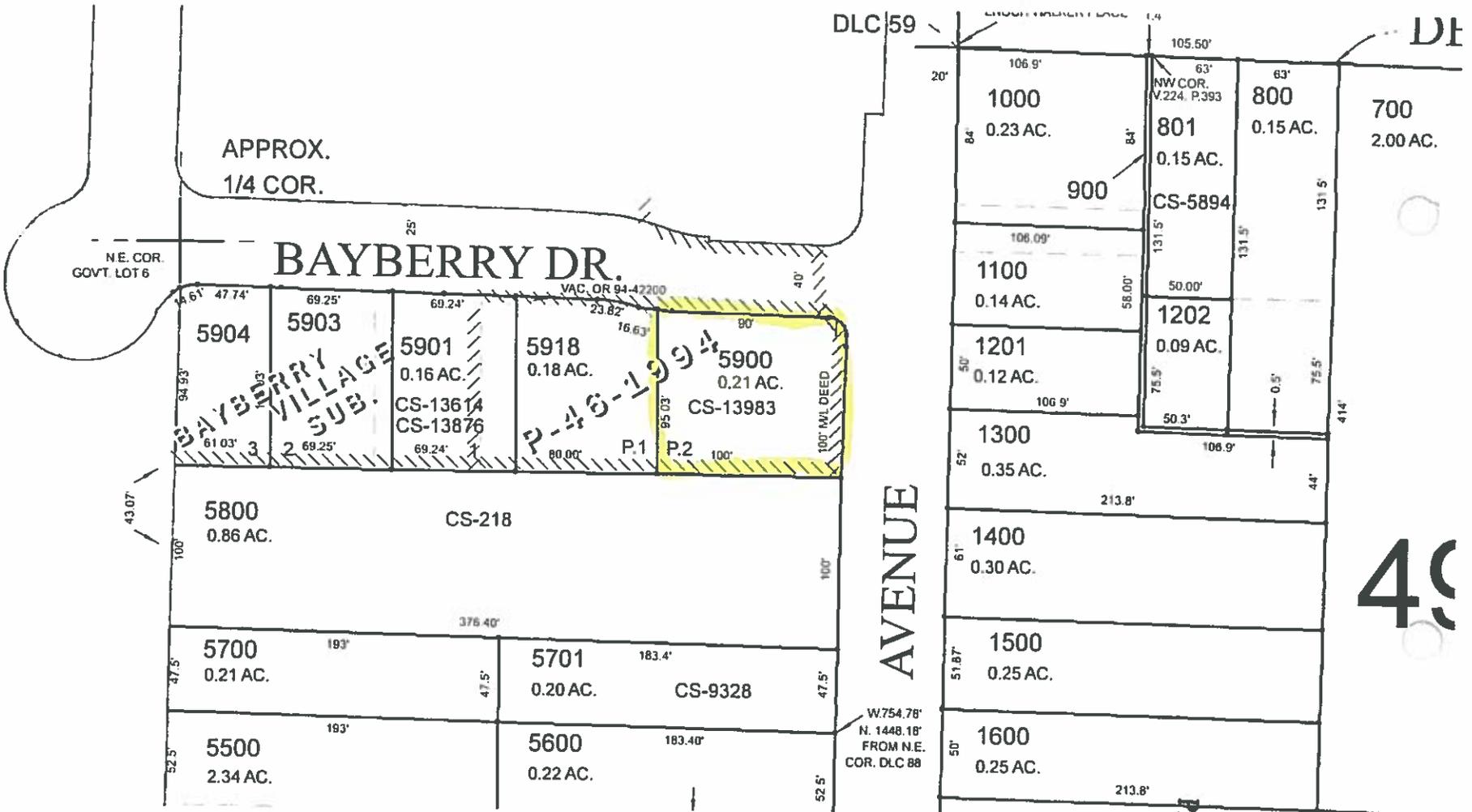
(1) ACREAGE CORRECTION +.16 ACRES (2) CREATE SEG TL 5918 -.21 ACRES....
03/15/04: CHANGED HS TO MS PER #104 >>>04/18/05 NO DECKS, LS, OR PATIOS #143>>> 8-3-05 CORRECTED THE 2004 TREND TABLES THAT WERE INCORRECT FOR THE PERIOD 2-05 THROUGH 8-05 PER #23 >>> 01/12/09 REMOVED NO WALK ADJ #158>>>

Exemptions / Special Assessments / Notations / Potential Liability			
Notations	Description	Tax Amount	Year Added Value Amount
	TAX RATE CORRECTION 2012		2013
	READ BEFORE DATA ENTRING EXCEPTION		2006
	BOPTA ORDER-REDUCTION 309.120		1995



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CITY OF MEDFORD
EXHIBIT # 6
File # ZC-17-041



RECEIVED
MAR 28 2017
PLANNING DEPT.

DENSITY CALCULATION FORM

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

File No.	ZC-17-041
Planner	Liz Conner
Date	May 15, 2017

GROSS ACREAGE

Tax Lot Numbers 372W13CB5900	0.22 AC
_____	_____ AC
_____	_____ AC
_____	_____ AC
_____	_____ AC
Existing ROW to Centerline	0.11 AC
Gross Acres	0.33 AC
Effective Acres (Gross - Subtracted)	0.33

SUBTRACTED ACREAGE

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

DENSITY RANGE

Zoning District	SFR-6
Density Range	
Minimum	4.00
Maximum	6.00
No. DU Proposed	_____
No. DU Permitted	1.00
Minimum	1.31
Maximum	1.97
Percentage of Maximum	0.00%

EXISTING R-O-W CALCULATION

	LF	Width (1/2 street)	SF	Acreage
Howard Ave	90.00	30.00	2,700.00	0.06
Bayberry Dr	100.00	20.00	2,000.00	0.05
(Street Name)	-	-	-	-
(Street Name)	-	-	-	-
			4,700.00	0.11

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

DENSITY CALCULATION FORM

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

File No.	ZC-17-041
Planner	Liz Conner
Date	May 15, 2017

GROSS ACREAGE	
Tax Lot Numbers	
372W13CB5900	0.22 AC
_____	_____ AC
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SUBTRACTED ACREAGE	
Large Lots for Existing Development	- AC
Reserved Acreage	- AC
Other ¹	_____ AC
_____	_____ AC
_____	_____ AC
_____	_____ AC
Subtracted Acres	- AC

DENSITY RANGE	
Zoning District	MFR-20
Density Range	
Minimum	15.00
Maximum	20.00
No. DU Proposed	_____
No. DU Permitted	5 - 6
Minimum	4.92
Maximum	6.56
Percentage of Maximum	0.00%

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EXISTING R-O-W CALCULATION				
	LF	Width (1/2 street)	SF	Acreage
Howard Ave	90.00	30.00	2,700.00	0.06
Bayberry Dr	100.00	20.00	2,000.00	0.05
(Street Name)	-	-	-	-
(Street Name)	-	-	-	-
			4,700.00	0.11

CITY OF MEDFORD
 EXHIBIT # 0
 File # ZC-17-041

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



City of Medford Planning Department

Vicinity
Map

File Number:
ZC-17-041



Project Name:

James Mendolia Zone Change

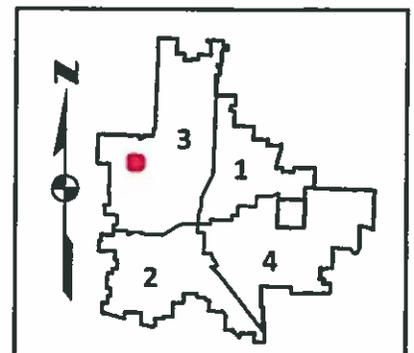
Map/Taxlot:

372W13CB TL 5900



Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots



03/30/2017