

# PLANNING COMMISSION AGENDA JUNE 28, 2018



## Commission Members

David Culbertson  
Joe Foley  
Bill Mansfield  
David McFadden  
Mark McKechnie  
E. J. McManus  
Patrick Miranda  
Alex Poythress  
Jared Pulver

Regular Planning Commission meetings  
are held on the second and fourth  
Thursdays of every month  
Meetings begin at 5:30 PM

City of Medford  
City Council Chambers  
411 W. Eighth Street, Third Floor  
Medford, OR 97501  
541-774-2380



## Planning Commission

# Agenda

**Public Hearing**

**June 28, 2018**

**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 **PUD-18-031/  
ZC-18-036/  
LDS-18-044** Final Orders of a Preliminary PUD Plan for Springbrook Park Planned Unit Development, including a request for tentative plat approval for a 51-lot residential subdivision, and a request for a change of zone from SFR-6 (Single-Family Residential, six dwelling units per gross acre) to MFR-15 (Multiple Family Residential, fifteen dwelling units per gross acre) on an approximate 9.51-acre portion of the property; on a 19.66-acre tract of land located at the corner of Springbrook Road and Hondeleau lane within the SFR-6 zoning district (371W08BD500). Applicant: Springbrook Park, LLC; Agent: Steven Swartsley; Planner: Dustin Severs.
  - 20.2 **LDS-18-037** Final Order of a tentative plat for a replat of Lot 4 & Tract "A" for Stowe Industrial Park on approximately 2.25 acres located 175 feet south of the intersection of Stowe Avenue and Parsons Drive within the Light Industrial (I-L) zoning district. (372W23DA 127 & 170) Applicant: Kevin Miles & Jeremy Richmond; Agent: Richard Stevens & Associates, Inc.; Planner: Steffen Roennfeldt.
  - 20.3 **LDS-17-079/  
E-17-080** Consideration of a minor change for the approval of Cherrybrook Subdivision, a 4-lot residential subdivision located on the northeast side of the Cherry Street & Prune Street intersection within the SFR-10 (Single-Family Residential – 6 to 10 dwelling units per gross acre) zoning district. Applicant: Rick Schiller; Agent: Amy Gunter, Rogue Planning & Development Services, LLC; Planner: Steffen Roennfeldt.
  30. **Minutes**
  - 30.1 Consideration for approval of minutes from the May 24, 2018, hearing.
  40. **Oral and Written Requests and Communications**  
Comments will be limited to 3 minutes per individual or 5 minutes if representing an organization. **PLEASE SIGN IN.**
  50. **Public Hearings**  
Comments are limited to a total of 10 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. All others will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. **PLEASE SIGN IN.**

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Meeting locations are generally accessible to persons with disabilities. To request interpreters for hearing impaired or other accommodations for persons with disabilities, please contact the ADA Coordinator at (541) 774-2074 or [ada@cityofmedford.org](mailto:ada@cityofmedford.org) at least three business days prior to the meeting to ensure availability. For TTY, dial 711 or (800) 735-1232.

**New Business**

- 50.1 **CUP-18-053** Consideration of a request for a Conditional Use Permit (CUP) to allow for the operation of Valley School of Southern Oregon, a public school, within an existing facility on a 2.95 acre parcel located at 857 & 861 Valley View Drive in a Single-Family Residential – 4 dwelling units per gross acre (SFR-4) zoning district (371W20DB4500). Keith Arnston/Valley School of Southern Oregon, Applicant; Scott Sinner, Agent; Steffen Roennfeldt, Planner.
  - 50.2 **LDS-18-049** Consideration of tentative plat approval for Hogue Heaven Estates, a proposed 7-lot residential subdivision on a 41,700 square foot parcel located north of Nicholas Lee Drive and east of North Ross Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (372W23DD4400); Applicant, Billy Hogue; Agent, Scott Sinner Consulting, Inc.; Planner, Dustin Severs.
- 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 PLANNING COMMISSION FILE PUD-18-031 APPLCATION )  
FOR A PLANNED UNIT DEVELOPMENT SUBMITTED BY SPRINGBROOK PARK LLC ) ORDER

ORDER granting approval of a preliminary Planned Unit Development plan for *Springbrook Park*, described as follows:

A Preliminary PUD Plan for Springbrook Park Planned Unit Development, including a request for tentative plat approval for a 51-lot residential subdivision, and a request for a change of zone from SFR-6 (Single-Family Residential, six dwelling units per gross acre) to MFR-15 (Multiple Family Residential, fifteen dwelling units per gross acre) on an approximate 6.76-acre portion of the property; on a 19.66-acre tract of land located at the corner of Springbrook Road and Hondeleau lane within the SFR-6 zoning district (371W08BD500), as provided for in the City of Medford Land Development Code.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.230 Application, Planned Unit Development, and
2. The Medford Planning Commission has duly held a public hearing on the matter of an application for approval of a preliminary PUD plan for *Springbrook Park*, as described above, with a public hearing a matter of record of the Planning Commission on June 14, 2018.
3. At the public hearing on said application, evidence and recommendations were received and presented by the applicant's representative and Planning Department staff; and
4. At the conclusion of said public hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded, granted preliminary plan approval for a Planned Unit Development for *Springbrook Park*, as described above, and directed staff to prepare a final order with all conditions and findings set forth for the granting of the Preliminary Plan approval.

THEREFORE LET IT BE HEREBY ORDERED that the application for approval of a preliminary PUD plan for *Springbrook Park*, as described above, stands approved subject to compliance with the conditions stated in the Planning Commission Report dated June 14, 2018.

AND LET IT FURTHER BE OF RECORD that the action of the Planning Commission in approving this application, for preliminary plan approval for a planned unit development, for *Springbrook Park*, as described above is hereafter supported by the findings adopted by the Planning Commission and any additional findings contained in the Planning Commission Report dated June 14, 2018.

Accepted and approved this 28th day of June, 2018.

CITY OF MEDFORD PLANNING COMMISSION

\_\_\_\_\_  
Planning Commission Chair

ATTEST:

\_\_\_\_\_  
Planning Department Representative

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

IN THE MATTER OF PLANNING COMMISSION FILE ZC-18-036 APPLICATION )  
FOR A ZONE CHANGE SUBMITTED BY SPRINGBROOK PARK LLC ) **ORDER**

ORDER granting approval of a request for a zone change for *Springbrook Park*, described as follows:

Change of zone from SFR-6 (Single-Family Residential, six dwelling units per gross acre) to MFR-15 (Multiple Family Residential, fifteen dwelling units per gross acre) on an approximate 6.76-acre portion of the property; on a 19.66-acre tract of land located at the corner of Springbrook Road and Hondeleau lane within the SFR-6 zoning district.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning for *Springbrook Park*, as describe above; and

WHEREAS, the City Planning Commission has given notice of, and held, a public hearing, and after considering all the evidence presented, finds that the zone change is supported by, and hereby adopts the Planning Commission Report dated June 14, 2018, and the Findings contained therein – Exhibit “A,” and Legal Description – Exhibit “B” attached hereto and hereby incorporated by reference; now, therefore,

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

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

37 1W 08BD Tax Lot 500

is hereby changed as described above.

Accepted and approved this 28th day of June, 2018.

CITY OF MEDFORD PLANNING COMMISSION

\_\_\_\_\_  
Planning Commission Chair

ATTEST:

\_\_\_\_\_  
Planning Department Representative

Exhibit 

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

PARCEL 1:

The East Half of the Southeast Quarter of the Northwest Quarter of Section 8, Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon. EXCEPTING THEREFROM the following: Beginning at a 5/8 inch iron pin on the North-South centerline of Section 8, Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon, said point being South 0° 06' 35" East, 1335.39 feet from the North Quarter corner of Section 8; thence North 89° 40' 05" West, 653.90 feet to a 5/8 inch iron bar at the intersection of Hondeleau Lane and a 60 foot North-South roadway; thence South 0° 06' 35" East, 665.60 feet; thence South 89° 40' 05" East, 426.95 feet; thence South 56° 28' 05" East, 131.68 feet; thence South 79° 58' 05" East, 119.16 feet to intersect said North-South centerline of Section 8; thence North 0° 06' 35" West, along said line, 758.05 feet to the point of beginning.

PARCEL 2:

The West 10 acres of the East 30 acres of the Southeast Quarter of the Northwest Quarter of Section 8, Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon. EXCEPTING THEREFROM that portion lying within the boundaries of a strip of land 60 feet in width conveyed to Jackson County, Oregon by Resolution and Deed recorded as Document No. 68-04440, Official Records, Jackson County, Oregon.

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

IN THE MATTER OF TENTATIVE PLAT APPROVAL OF SPRINGBROOK PARK )  
FILE NO. LDS-18-044 ) **ORDER**

ORDER granting approval of a request for tentative plat for *Springbrook Park*, described as follows:

A 51-lot residential subdivision on a 19.66-acre tract of land located at the corner of Springbrook Road and Hondeleau lane within the SFR-6 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 a tentative plat for *Springbrook Park*, as described above, with the public hearing a matter of record of the Planning Commission on June 14, 2018.
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat for *Springbrook Park*, as described above and directed staff to prepare a final order with all conditions and findings set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for *Springbrook Park*, stands approved per the Planning Commission Report dated June 14, 2018, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Planning Commission Report dated June 14, 2018.

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

Accepted and approved this 28th day of June, 2018.

CITY OF MEDFORD PLANNING COMMISSION

\_\_\_\_\_  
Planning Commission Chair

ATTEST:

\_\_\_\_\_  
Planning Department Representative



City of Medford

# Planning Department

*Working with the community to shape a vibrant and exceptional city*

## PLANNING COMMISSION REPORT

for a Type-C quasi-judicial decision: Preliminary PUD, Land Division and Zone Change

PROJECT Springbrook Park - PUD/Zone Change/Land Division  
Applicant: Springbrook Park, LLC.  
Agent: Steven Swartsley

FILE NO. PUD-18-031/ZC-18-036/LDS-18-044

DATE June 14, 2018

### BACKGROUND

#### Proposal

Consideration of a Preliminary PUD Plan for Springbrook Park Planned Unit Development, including a request for tentative plat approval for a 51-lot residential subdivision, and a request for a change of zone from SFR-6 (Single-Family Residential, six dwelling units per gross acre) to MFR-15 (Multiple Family Residential, fifteen dwelling units per gross acre) on an approximate 6.76-acre portion of the property; on a 19.66-acre tract of land located at the corner of Springbrook Road and Hondeleau lane within the SFR-6 zoning district (371W08BD500).



Subject Site Characteristics

Zoning	SFR-6	Single Family Residential – 6 dwelling units per gross acre
GLUP	UR	Urban Residential
	UM	Urban Medium Density Residential
Overlay	AC	Airport Area of Concern
Use(s)	Vacant land	

Surrounding Site Characteristics

<i>North</i>	Zone: SFR-6 Uses: Single-Family Residential
<i>South</i>	Zone: SFR-6 Use: Single-Family Residential
<i>East</i>	Zone: Jackson County Exclusive Farm Use (EFU) Uses: Vacant (former orchard)
<i>West</i>	Zone: SFR-6 Uses: Single-Family Residential

Applicable Criteria

**Planned Unit Development, §10.235(D)**

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

1. *The proposed PUD:*
  - a. *preserves an important natural feature of the land, or*
  - b. *includes a mixture of residential and commercial land uses, or*
  - c. *includes a mixture of housing types in residential areas, or*
  - d. *includes open space, common areas, or other elements intended for common use or ownership, or*
  - e. *is otherwise required by the Medford Land Development Code.*
  
2. *The proposed PUD complies with the applicable requirements of this Code, or*
  - a. *the proposed modified applications of the Code are necessary for the project to be consistent with the criteria in Section 10.235(C)(1)(a-e), and*
  - b. *the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and*
  - c. *the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.*

3. *The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria there under:*
  - a. *Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.*
  - b. *Public Facilities Strategy pursuant to ORS 197.768 as amended.*
  - c. *Limited Service Area adopted as part of the Medford Comprehensive Plan.*
4. *The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.*
5. *If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D) (8)(c), the applicant shall alternatively demonstrate that either:*
  - 1) *demands for the Category "A" public facilities listed below are equivalent to or less than for one or more permitted uses listed for the underlying zone, or*
  - 2) *the property can be supplied by the time of development with the following Category "A" public facilities which can be supplied in sufficient condition and capacity to support development of the proposed use:*
    - a. *Public sanitary sewerage collection and treatment facilities.*
    - b. *Public domestic water distribution and treatment facilities.*
    - c. *Storm drainage facilities.*
    - d. *Public streets.*

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

6. *If the Preliminary PUD Plan includes uses proposed under Subsection 10.230(D)(8)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.248.*
7. *If approval of the PUD application includes the division of land or the approval of other concurrent development permits applications as authorized in Subsection 10.230(C), approval of the PUD shall also be subject to compliance with the substantive approval criteria in Article II for each of the additional development applications.*

#### **Zone Change Approval Criteria, §10.227**

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

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

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

*\*\*\**

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **MLDC 10.270: Land Division Criteria**

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

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;
- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;
- (3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;

- (4) *If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property unless the approving authority determines it is in the public interest to modify the street pattern;*
- (5) *If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;*
- (6) *Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.*

Corporate Names

Springbrook Park, LLC is the owner of the subject property. The Oregon Secretary of State Business registry lists Springbrook Park, LLC as a registered business addressed at 1175 E Main Street in the City of Medford, and lists Tom Becker as the registered agent.

**ISSUES AND ANALYSIS**

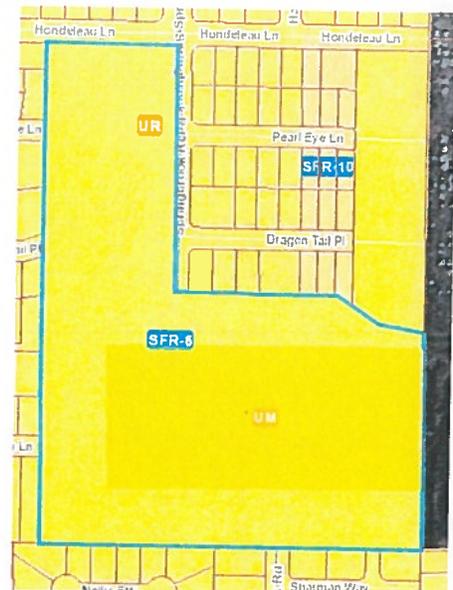
Background

*History*

FILE #	DATE	DESCRIPTION
CP-13-032	January, 2014	General Land Use Plan (GLUP) amendment (UR to UM)
PA-18-002	February, 2018	Pre-application to discuss subject request

In January of 2014, the subject property was part of a larger Internal Study Area (ISA) within the City’s urban growth boundary for the purpose of maximizing the capacity of land within the boundary, which resulted in a General Land Use Plan Amendment of an approximate 6.76-acre portion of the subject site being changed from UR to UM.

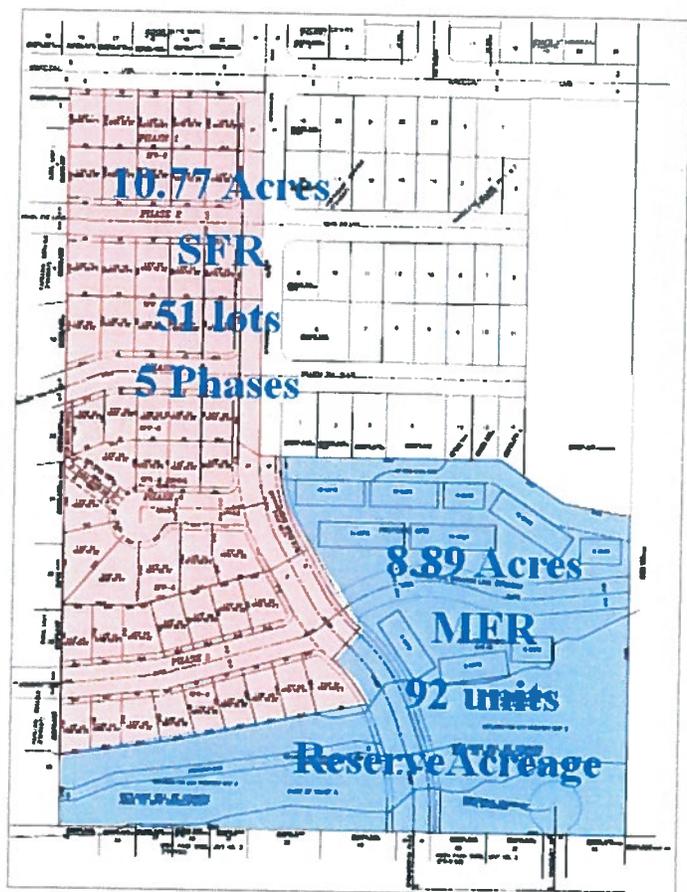
In February of 2018, the applicant applied for a pre-application conference to discuss a proposal for the creation of a 55-lot residential subdivision – with a portion of the site proposed for MFR – on the subject property. At the pre-application conference, staff explained that while the entire property was zoned SFR-6, the site – due to the ISA approval from 2014 - contained two separate General Land Use Plan (GLUP) designations: UR, which permits SFR zones; and UM, which permits the MFR-15 zone. As the



applicant's conceptual plan showed single-family lots overlapped into the UM GLUP areas and multi-family units overlapped into the UR GLUP areas of the site, it was further explained that development could not occur on the property until land use actions were approved to bring the site's GLUP designations and underlying zoning into compatibility. So in order to rezone the site to accommodate the future development of MFR and to allow the conceptual layout of the proposed SFR development, the applicant would first be required to apply for a Comprehensive Plan amendment in order to change/adjust the GLUP areas on the site: a major legislative act approved by City Council. Staff explained that another option would be to develop the property as a Planned Unit Development (PUD), which allows developments to mix and match GLUP and zoning classifications within the boundaries of the project, precluding the applicant from having to apply for a Comprehensive Plan amendment.

### *Current Proposal*

With the subject request, the applicant is now proposing to develop the site as a Planned Unit Development (PUD), with the proposed Springbrook Park PUD split between two tracts of land: a 10.77-acre tract proposed as a 51-lot SFR subdivision to be developed in five phases; and a 8.89-acre tract proposed – split-zoned with MFR-15 zoning to the east of Springbrook Road and SFR-6 to the west of Springbrook Road – as a future (conceptual) 92-unit MFR development (MFR proposed exclusively within the easterly MFR-15 zoned portion of the 8.89-acre tract), and designated as Reserve Acreage. As suggested by staff, the applicant is proposing to mix and match the areas of the site's two GLUP designations in order to accommodate the PUD's proposed plat layout. The result is a parallel, three-part request: an application for the approval of the Springbrook Park PUD, a mixed use residential development containing a common area and a pedestrian walkway; an application for approval of a 51-lot SFR subdivision within the PUD, which includes the designation of 8.89-acres of the site as Reserve Acreage to be partially developed as a future MFR development; and an application for a change of zone (SFR-6 to MFR-15) in order to bring the site's underlying zoning classifications into compliance with the site's two GLUP designations. The approval of the Springbrook PUD is contingent on the approval of all three concurrent requests.



Residential Density

**Residential Density**

<b>Zone</b>	<b>Gross Acreage</b>	<b>Minimum/Maximum Dwelling Units per Acre</b>	<b>Minimum Dwelling Units</b>	<b>Maximum Dwelling Units</b>	<b>Proposed Dwelling Units</b>
SFR-6	12.88	4/6	52	77	51
MFR-15	6.76	10/15	68	101	92
<b>Totals</b>	<b>19.6</b>	<b>NA</b>	<b>119</b>	<b>178</b>	<b>143</b>

The applicant is proposing 51 dwellings units as part of the single-family subdivision on the 12.88-acre portion of the site located within the SFR-6 zoning district, and 92 multi-family dwelling units within the 6.76-acre portion of the site located within the MFR-15 zoning district identified as a future phase on the submitted tentative plat: a total 143 units. As shown on the Residential Density Table above, the total number of dwelling units proposed for the PUD meets the density requirements as prescribed per the Code.

Reserve Acreage

The submitted tentative plat (Exhibit C) identifies the 8.89-acre tract of land, set aside as a future multi-family development, as reserve acreage. MLDC 10.708(A)(3)(a) defines reserve acreage as the portion of a lot which is not intended to be part of the development and can be separately developed at a later time, and allows areas designated as reserve acreage to be removed from the density calculation, at the discretion of the developer. As the applicant did not submit design plans for the multi-family units, identified as a future development on the submitted plans and contained within the reserve acreage portion of the site, approval from the Site Plan & Architectural Commission (SPAC) will be required for this future multi-family phase of the PUD. The construction of public improvements identified within the area designated as reserve acreage on the plans, including the street extensions of Monarch Lane and Kingsbury Drive – identified as conceptual on the submitted plans – and the construction of the 20-foot wide pedestrian walkway, will also be required as part of the SPAC review for the future multi-family development.

Common Elements

Per MLDC 10.23(E), a multi-family PUD must include a minimum of 20% of the land area as common area for the purpose of providing protection for natural features, common recreational space, landscaped area, or commonly enjoyed amenities other than parking areas or private streets. The submitted PUD plan identifies the 3.96-acre wetland located along the site’s southerly boundary, which includes a future 20-foot pedestrian easement, as common area. The 3.96-acre wetland identified on the plat – totaling 20.1% of the site’s land area – will

provide protection for the site’s natural features, and will include a landscaped area along the corridor of the future pedestrian easement located within the wetland area..

Proposed Modifications of Standards

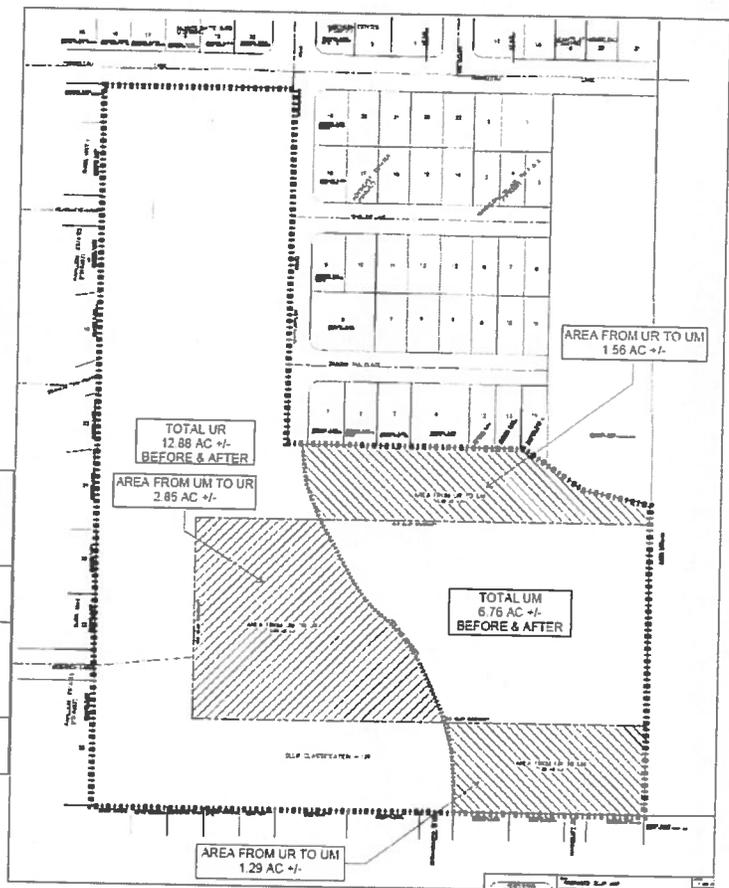
Per MLDC 10.230(D), the approval of PUDs may include modifications which vary from the strict standards of the Code, which are limited to specific categories. In their submitted findings, the applicant has requested the following modification from the strict standards of the code:

*Mixed Land Use Designation*

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

General Land Use (GLUP) Designation	Acreege
Urban Residential (UR)	12.88 AC
Urban Medium Density Residential (UM)	6.76 AC
Total	19.6 AC

Exhibit G



The proposed relocation of the existing GLUP designations are illustrated in Exhibit G above, and demonstrate that the proposed relocations of the GLUP areas on the subject site will result in the GLUP designations maintaining the same area as what currently exist on the property, consistent with the provisions per MLDC 10.230(D)(8).

Agricultural Buffering

The subject site shares a common boundary of approximately 555 feet along its easterly property line with property located outside of city limits and within the Exclusive Farm Use (EFU) zoning district of Jackson County (This land is also located within the MD-3 urban reserve, which is scheduled to be incorporated into the City’s Urban Growth Boundary as part of the recent approval of the UGB expansion). Per MLDC 10.801, land proposed for urban development which abuts and has a common lot line with other land which is zoned EFU requires agricultural buffering.

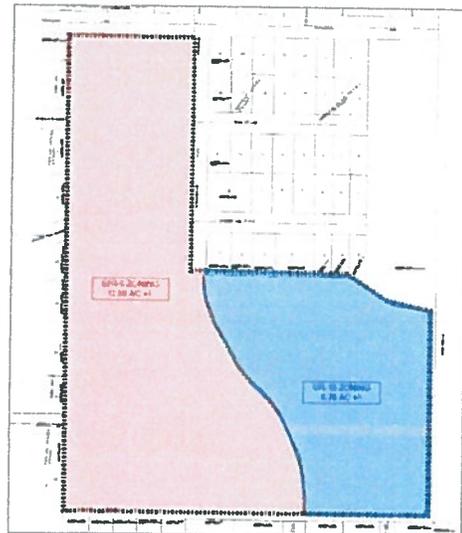


Pursuant to MLDC 10.801(C), the applicant has included an Agricultural Impact Assessment (AIA) Report (Exhibit L) consistent with requirements of MLDC 10.801(A-E). The submitted AIA found that the abutting EFU land is not under intensive day-to-day management and therefore is classified as Passive Agriculture. New developments abutting EFU land classified as Passive Agriculture require that measures be undertaken by the applicant in order to minimize or mitigate the adverse potential impacts associated with the proximity of urban and agricultural land uses. These measures include the following: the construction of a fence or masonry wall to serve as a buffer between the uses, a Deed Declaration identifying the maintenance and care responsibilities for the agricultural buffer consistent with the requirements outlined in MLDC 10.801(D)(2)(c), and irrigation runoff mitigation. Said mitigation measures will be required prior to the issuance of building permits for the future MFR phase of the PUD identified as reserve acreage on the submitted tentative plat.

Zone Change

Consolidated with the Preliminary PUD Plan for the Springbrook Park PUD is an application requesting a change of zone of the subject PUD of an approximate 6.76-acre area of land from SFR-6 to MFR-15.

MLDC 10.230(D)(8) allows PUD’s that have more than one General Land Use Plan (GLUP) designation the flexibility to mix and relocate the GLUP designations within the boundaries of the PUD; however, the resultant modifications must maintain the same GLUP designations, and at the same coverage area, as what existed prior to the changes. As the result of mixing and relocating the boundary lines of the GLUP designations within a PUD, changes to the underlying zoning classifications must follow in order to maintain



consistency between the site's GLUP designations and zoning classifications. As such, the proposed zone change simply follows the proposed mix and relocation of the PUD's GLUP designations in order to maintain consistency between the site's GLUP and zoning classifications, and to coincide with the PUDs uses as proposed in the Preliminary PUD Plan.

### Block Length

MLDC 10.426, titled *Street Circulation Design and Connectivity*, establishes maximum block and perimeter length. In order to assure that developments will ultimately result in complete blocks bound by a network of public streets, and/or private streets constructed to City standards, new developments contained within City blocks may be required to dedicate/construct public streets within the development in order to comply with block length standards.

The subject 19.66-acre site exceeds the block perimeter as required for developments within residential zones; however, MLDC 10.426(2), shown below, provides built-in relief for developments that exceed the maximum block and/or perimeter standards, contingent on the applicant effectively demonstrating in their submitted findings that certain constraints and/or conditions exist in which the approving authority may find acceptable.

### MLDC 10.426(2)

2. The approving authority may find that proposed blocks that exceed the maximum block and/or perimeter standards are acceptable when it is demonstrated by the findings that one or more of the constraints, conditions or uses listed below exists on, or adjacent to the site:
- a. Topographic constraints, including presence of slopes of 10% or more located within the boundary of a block area that would be required by subsection 10.426 C.1..
  - b. Environmental constraints including the presence of a wetland or other body of water.
  - c. The area needed for a proposed Large Industrial Site, as identified and defined in the Medford Comprehensive Plan Economic Element, requires a block larger than provided by section 10.426 C.1.e. above. In such circumstances, the maximum block length for such a Large Industrial Site shall not exceed 1,150 feet, or a maximum perimeter block length of 4,600 feet.
  - d. Proximity to state highways, interstate freeways, railroads, airports, significant unbuildable areas or similar barriers that make street extensions in one or more directions impractical.
  - e. The subject site is in SFR-2 zoning district.
  - f. Future development on adjoining property or reserve acreage can feasibly satisfy the block or perimeter standards.
  - g. The proposed use is a public or private school, college or other large institution.
  - h. The proposed use is a public or private convention center, community center or arena.
  - i. The proposed use is a public community service facility, essential public utility, a public or private park, or other outdoor recreational facility.
  - j. When strict compliance with other provisions of the Medford Land Development Code produce conflict with provisions in this section.

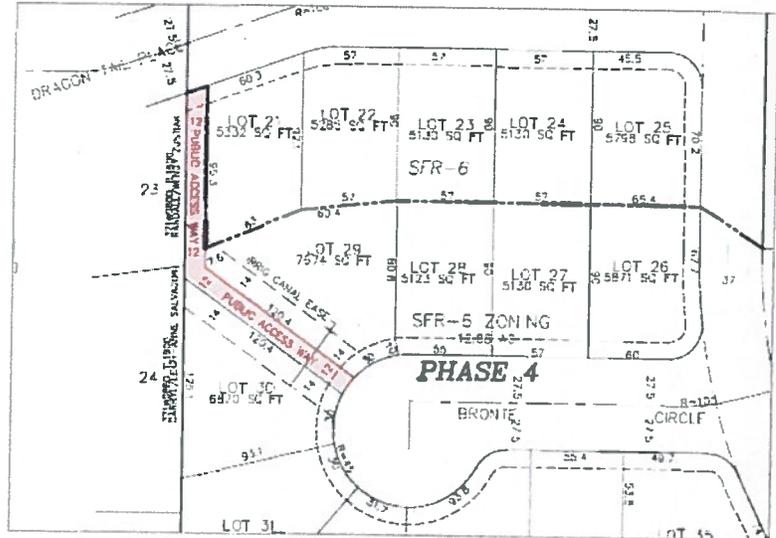
The applicant's submitted findings cite the presence of the approximate 3.96-acre wetland area located along the southern portion of the site as grounds for the granting of relief from complying with the strict standards of the code for block length, citing MLDC 10.426(2)(c) above. The applicant's findings further cites MLDC 10.426(2)(f) above as grounds for exceeding block length standards, as the future multi-family phase of the site is identified as a reserve acreage; however, the applicant does identify a conceptual extension of Monarch Lane running from the proposed Phase 5 of the SFR portion of the development and stubbed at the site's

easterly boundary, as well as a conceptual extension (cul-de-sac) of Kingsbury Drive, consistent with the block length standards of the Code.

### Accessways

An accessway is required to be constructed in lieu of a public street, and are reserved for situations where street connections are infeasible or inappropriate, pursuant to the granting of relief as per MLDC 10.426(2). Per MLDC 10.464, the purpose of an accessway is to provide safe and convenient pedestrian and bicycle access within developments, and requires a 12-foot wide right-of-way and an 8-foot wide paved surface.

The submitted tentative plat identifies a 12-foot accessway connecting Bronte Circle to Dragon Tail Place to the north, providing a reasonably direct walkway/bikeway connection between pedestrian destinations, consistent with the requirements per MLDC 10.464-465.



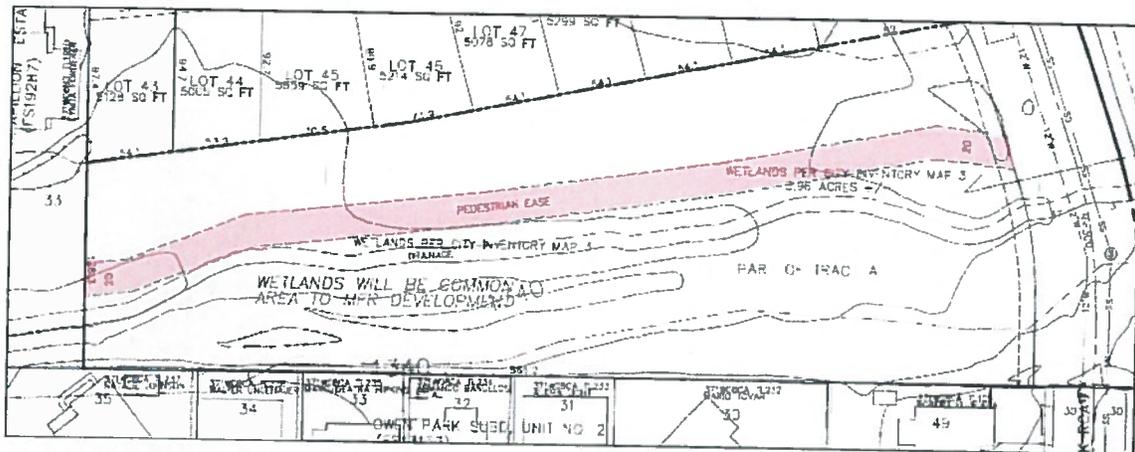
### Wetlands

There is a designated wetland identified on the Local Wetland Inventory map which shows the subject site partially impacted by the presence of an approximate 3.96-acre wetland located along the southern portion of the parcel. As required by ORS 227.350, staff forwarded the application to the Oregon Department of State lands (DSL) as a reviewing agency. At the time of this writing, staff has yet to receive a response from DSL.



### Pedestrian Walkway

At the request of the City’s Parks Department – citing the property as part of the Citywide Path and Trail Network found in the City’s Leisure Services Plan – the submitted tentative plat identifies a 20-foot wide pedestrian easement running from the future segment of Springbrook Road and terminating at the westerly boundary of the subject site. As per the report submitted by the Parks Department (Exhibit Q), a public access easement, public right-of-way dedication, or fee ownership land dedication to the City of Medford for the proposed pathway location will be required. The pathway will be no less than 20-feet in width to allow for a 10-foot paved pathway and 5-foot buffer on each side, and if the applicant opts for the pathway as a public easement, it will be the owner’s responsibility to maintain the pathway.



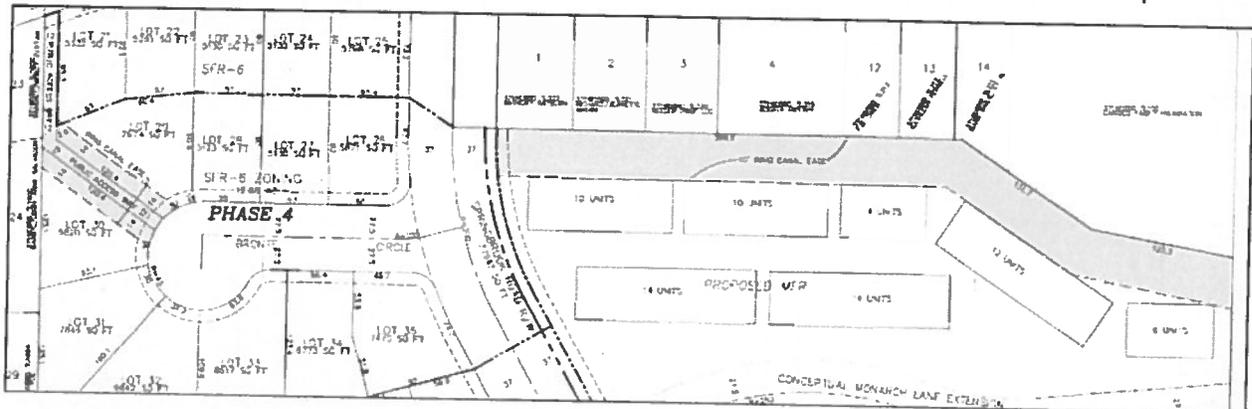
As the pedestrian walkway easement is shown as part of the future phase of the PUD identified as reserve acreage, the construction of the pedestrian walkway, along with the associated landscaping, will be required during the development of that future phase.

### Hopkins Irrigation Canal

The subject site is encumbered by the Hopkins irrigation canal, which enters onto the subject property from the west via a stormwater culvert pipe running underneath a paved easement within the abutting Papillon Estates Subdivision. From there the canal runs north through the subject site (open/uncovered) and then dips south through six residential lots within the abutting Northeast Estates subdivision located to the northeast of the site (closed/covered), and finally runs southeast through the subject property (open/uncovered) to where the canal flows onto the abutting EFU land to the east of the site. In the interest of avoiding the construction of lots over the irrigation canal (similar to the layout of Northeast Estates), the applicant is proposing to realign the canal, showing two proposed 40-foot irrigation canal easements on their submitted



plans: the first proposed easement is shown running between lots 29 and 30, as identified on the tentative plat below, connecting the proposed realigned pipe to the existing underground stormwater pipe at the site's westerly boundary, and then running underneath Bronte Circle – identified as a public street to be constructed in Phase 4 of the SFR tract – and finally running east through a second easement shown along the northerly boundary of the proposed future MFR area (the developer will remove and fill the existing canal running through Northeast Estates) and terminating at the site's easterly boundary. The westerly irrigation easement is proposed to double as the paved pedestrian/bike accessway as shown on the tentative plat.



Hopkins Canal is under the jurisdiction of the Rogue River Valley Irrigation District (RRVID), and the applicant has been working with the RRVID in its proposal to realign the canal. As a condition of approval, the applicant will be required to comply with all requirements of the Rogue River Valley Irrigation District (RRVID) (Exhibit U), prior to final plat approval.

### Traffic Analysis

MLDC 10.461(3) requires a Traffic Impact Analysis (TIA) to be conducted to evaluate development impacts to the transportation system if a proposed application has the potential of generating more than 250 net average daily trips (ADT) or the Public Works Department has concerns due to operations or accident history.

A scoping letter was submitted on behalf of the applicant to the Traffic Engineering Division of Public Works on April 6, 2018. In the letter submitted by Southern Oregon Transportation Engineering, it was determined that the resulting increase in trips is less than that stated in MLDC 10.461, therefore no additional traffic impact analysis was required (Exhibit U).

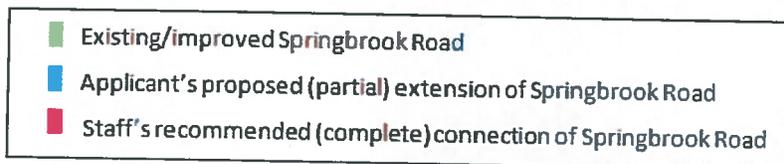
### Sewer Capacity

Per Public Work's staff report (Exhibit N), the proposed MFR-15 zoning has the potential to increase flows to the sanitary sewer system due to a number of capacity constraints with the downstream sanitary sewer system. Based on the current zoning, Public Works has calculated that only 74 multi-family units or 89 townhouse units can currently be built on the site without improvements being made to the downstream sanitary sewer system to alleviate the capacity constraints. As stated in their submitted findings, it is the applicant's intent to stipulate to develop only to the maximum amount of MFR units within the 6.76-acre MFR-15 portion of the

PUD dictated by the existing sewer constraints, so that the total sewer flows do not exceed current zoning limitations. However, it was the applicants understanding, based on conversations with the Public Works staff, that 92 units would be permitted. Accordingly, their findings state – and their plans show – 92 units within the MFR-15 portion of the site, unintentionally exceeded the 74 unit cap placed on the MFR portion of the site. As a condition of approval, the applicant will be required to submit revised plans showing a maximum of 74 MFR units or 89 townhouse units within the MFR-15 portion of the site consistent with the requirements of Public Work, prior to final plat approval of the applicable phase.

### Springbrook Road Connectivity

The applicant’s submitted tentative plat and PUD Plan shows Springbrook Road extended from its north terminus – serving the PUD’s proposed 5-phase SFR development – and stubbed just south of the proposed Monarch lane extension, leaving a gap (area of the site containing wetlands) of approximately 300 feet from the section of Springbrook road currently stubbed at the site’s southerly boundary. The applicant’s PUD findings (Exhibit I) state that the applicant is prepared to construct the the full connection of Springbrook Road, which will include the construction of a bridge crossing over the wetland portion of the site; however, the applicant desires that said construction be deferred until the development of the multi-family portion of the PUD, which is identified as reserve acreage on the tentative plat. The applicant’s findings go on to read, “It is applicant’s position that until the construction of the multi-family portion of the PUD, traffic impact on existing streets and intersections is insignificant. The proposed multi-family portion of the PUD is a substantial part of the whole parcel, and the deferment of the construction is not in any way an attempt to avoid said bridge construction.”



As per the staff report submitted by Public Works (Exhibit M), staff is not supportive of the applicant's request to partially extend Springbrook Road from its current north terminus, only to stub the road short of a complete street connection with Springbrook's current south terminus – currently stubbed and improved at the subject site's southerly boundary. Despite the applicant's designation of the 8.89-acre portion of the site as reserve acreage – the portion of the site which will contain the future segment of the Springbrook Road extension completing the connection between its two existing termini – within which the applicant proposes to delay the construction of the Springbrook Road connection until the time at which the MFR phase of the PUD is developed, it is nevertheless staff's position that the completion of the Springbrook connection be required as part of the development of the first phase of the SFR portion of the PUD. It is staff's view that the Springbrook connection will serve the development as a whole, including the SFR portion of the PUD, and is not related solely or even primarily to the development of the future MFR development. Therefore, the Springbrook Road connection is proportional with the SFR phase and not just the future MFR phase, as it is likely that all of the PUD will predominately use the southern Springbrook connection, not just the residents of the future MFR development. Furthermore, the increase traffic load on Springbrook Road with the approval of 51 additional dwelling units, without a connection with the Springbrook Road terminus to the south, will place a disproportional reliance on Arrowhead Drive for all traffic having an origin or destination to the south. Finally, constructing Springbrook Road as part of the initial SFR phase of the PUD will minimize impacts on the surrounding neighborhood residential streets, provide a more direct route for emergency services, and result in a general reduction of vehicle miles traveled (VMT) for the public network as a whole.

In sum, it is staff's view that the addition of 51 dwelling units on the subject site with only a partial extension of Springbrook Road, as requested by the applicant, without a complete connection between the street's two existing termini, would adversely impact the public street network. As such, staff recommends as a condition of approval that the applicant be required to construct and improve the full connection of Springbrook Road between its two existing termini with the first phase of the development, prior to final plat approval.

#### Public Improvements

Per the agency comments submitted to staff (Exhibits M-P), it can be found that there are adequate facilities to serve the PUD.

#### Committee Comments

No comments were received from committees such as BPAC.

#### Neighbor Comments

At the time of this writing, staff has received written comments from two neighbors of the proposed development, which have been added into the record for the Commission's review (Exhibits W & X).

### Other Agency Comments

#### *Address Technician*

The memo received by staff from the City's Address Technician (Exhibit S) explained that one of the names proposed as a street within the PUD, Hayden Circle, shares a similar name to another street within the City, and requested that the applicant select an alternative name. The applicant has since revised the plat, and has changed the name of the street formerly identified as Hayden Place to Bronte Circle – an approved street name.

### **DECISION**

At the public hearing held on June 14, 2018, the Commission voted unanimously to approve the request while making the following modifications to staff's recommendations in their motion of approval:

- At the request of staff, condition #1 was modified to allow the full extension of Springbrook Road, connecting its two existing termini, to be constructed/improved with the 16<sup>th</sup> lot of the development. Originally, Public Works in their staff report had requested that the full extension be constructed with the first phase of development; however, in subsequent conversations with the applicant's agent, Public Works agreed to revise their recommendation, changing their recommendation to allow the applicant to develop the first 15 lots of the development prior to the full extension of Springbrook Road being completed (Revised Public Works report included as Exhibit M-1). Condition #1 has been modified accordingly in the revised conditions of approval included in the attached Exhibit A-1.
- The Commission expressed reservations in the Parks Department's requirement that the applicant construct a 20-foot wide pedestrian easement across the reserve acreage portion of the site from the westerly boundary of the site to the future extension of Springbrook Road. The Commission ultimately decided to require the applicant to record an easement over the site for the proposed pedestrian walkway; however, the final review/approval requiring the construction of the pedestrian walkway would be delegated to the Site Plan & Architectural Commission as part of the land use approval for the future proposed MFR development. Conditions #8 and #10 have been modified accordingly in the revised conditions of approval included in the attached Exhibit A-1.

### **FINDINGS AND CONCLUSIONS**

#### *Planned Unit Development*

Staff finds that the proposed PUD preserves an important natural feature of the land (wetland), and includes a mixture of housing types in residential areas; the proposed modifications enhance the development as a whole resulting in a more creative and desirable project; the property is not subject to a moratorium on construction or land development, Public Facilities

Strategy, or a Limited Service Area; the location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function; the proposed PUD does not include uses not allowed in the underlying zone; nor does it include proposed uses subject to compliance with the conditional use permit criteria; and the proposed 51-lot residential land division meets all the substantive approval criteria in Article II for each of the additional development applications.

#### *Zone Change*

Staff finds that, in regards to Criterion 1, there is adequate evidence in the record to demonstrate that the proposal is consistent with both the UR and UM General Land Use Plan Map designations and the Transportation System Plan, and that there are no locational criteria for a change of zone to MFR-15; in regards Criterion 2, the agency comments included as Exhibits M through Q demonstrate that there are adequate Category A facilities available to serve the subject site.

#### *Land Division*

Staff finds the partition plat consistent with the Comprehensive Plan and all applicable design standards set forth in Articles IV and V; will not prevent development of the remainder of the property under the same ownership or of adjoining land; all proposed street names have been reviewed and approved by the City's Address Technician; all proposed streets are laid out to be consistent with existing and planned streets with the plats of land divisions already approved for adjoining property; criteria 5 is inapplicable to the subject development; and the applicant has submitted an Agricultural Impact Assessment identifying future measures to be undertaken by the applicant in order to minimize or mitigate the adverse potential impacts associated with the proximity of urban and agricultural land uses.

Staff recommends that the Commission adopt staff's Findings of Fact.

#### **ACTION TAKEN**

Adopted the findings as recommended by staff and directed staff to prepare a Final Order for approval of PUD-18-031, ZC-18-036, and LDS-18-044 per the Planning Commission Report dated June 14, 2018, including Exhibits A through X.

#### **EXHIBITS**

- A-1 Conditions of Approval (revised), drafted June 14, 2018.**
- B Preliminary PUD Plan, received June 1, 2018
- C Tentative Plat, received June 1, 2018.
- D Conceptual Grading and Drainage Plan, received March 30, 2018.
- E Conceptual Utility Plan, received March 30, 2018.
- F Accessor's Map, received March 30, 2018.
- G GLUP Map, received May 9, 2018.
- H Zoning Map, received May 25, 2018.

- I Applicant’s Findings of Fact and Conclusions of Law (PUD), received May 24, 2018.
  - J Applicant’s Findings of Fact and Conclusions of Law (Zone Change), received May 24, 2018.
  - K Applicant’s Findings of Fact and Conclusions of Law (Land Division), received May 24, 2018.
  - L Agricultural Impact Assessment, received May 16, 2018.
  - M-1 Revised Public Works Department staff report (PUD & Land Division), received June 21, 2018.**
  - N Public Works Department staff report (Zone Change), received June 7, 2018.
  - O Medford Water Commission memo and associated map, received May 2, 2018.
  - P Fire Department memo, received May 2, 2018.
  - Q Parks Department memo, received May 7, 2018.
  - R Medford Airport email, received April 27, 2018.
  - S Address Technician memo, received May 1, 2018.
  - T Rogue River Valley Irrigation District email, received May 14, 2018.
  - U Traffic Engineering letter to applicant, drafted April 16, 2018.
  - V Applicant’s supplemental findings addressing pedestrian accessway, received May 25, 2018.
  - W Neighbor letter (Randy and Wendy Zustiak) (2 of 2), received May 2 & May 7, 2018.
  - X Neighbor letter (Kathleen Fennel), received May 18, 2018.
- Vicinity Map

**MEDFORD PLANNING COMMISSION**

**May 24, 2018**  
**June 14, 2018**  
**June 28, 2018**

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Patrick Miranda, Chair

## EXHIBIT A-1

Springbrook Park - PUD  
PUD-18-031/ZC-18-036/LDS-18-044  
Conditions of Approval  
June 14, 2018

### CODE REQUIRED CONDITIONS

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

1. **Construct and improve the full extension of Springbrook Road, connecting its two existing termini, with the 16<sup>th</sup> lot. Final plat approval for a maximum of 15 lots may be approved prior to the completion of Springbrook Road. The reserve acreage lot shall not count as part of the 15 lots.**
2. Comply with all conditions stipulated by the Medford Water Commission (Exhibit O).
3. Comply with all conditions stipulated by the Public Works Department (Exhibit M-N).
4. Comply with all requirements of the Medford Fire Department (Exhibit P).
5. Comply with all requirements of the Rogue River Valley Irrigation District (Exhibit T).
6. Comply with all requirements of the Department of State Lands (DSL) to insure the protection of any wetlands identified on the site.
7. Submit a revised tentative plat and PUD Plan showing a maximum of 74 MFR units or 89 townhouse units within the multi-family portion of the site, as per the requirements of the Public Works Department (Exhibit N).

Prior to final PUD Plan approval for each applicable phase, the applicant shall:

8. **Obtain approval from the Site Plan & Architectural Commission (SPAC) for the site design/architecture for the proposed MFR development, and for review/approval of the 20-foot pedestrian easement identified on the PUD plan within the reserve acreage portion of the site, as per MLDC 10.285-292.**
9. Provide staff with documentation, recorded in the official records of Jackson County and consistent with the requirements outlined in MLDC 10.230(E)(1-6), regarding the future maintenance and responsibilities of the common elements area identified on the PUD Plan.
10. **Comply with all requirements of the Parks Department regarding the installation of the 20-foot pedestrian easement identified on the PUD Plan (Exhibit Q). The applicant shall submit documentation to staff of the pedestrian easement, recorded in the official records of Jackson County, with the concurrent phase of development, while the review/approval of the construction of the pedestrian walkway shall be delegated to the Site Plan & Architectural Commission as part of the land use approval for the future proposed MFR development.**

**DISCRETIONARY CONDITIONS**

11. The approved tentative plat shall be authorized the maximum time period of five (5) years before its expiration, as permitted for phased developed pursuant to MLDC 10.269(2).



Medford – A fantastic place to live, work and play

## CITY OF MEDFORD

LD Date: 5/2/2018  
Commission Update: 6/21/2018  
File Numbers: PUD-18-031/LDS-18-044  
(Reference PA-18-002, PA-14-122)

### **PUBLIC WORKS DEPARTMENT STAFF REPORT** **Springbrook Park PUD & 51-Lot Subdivision** (371W08BD TL 500)

**Project:** Consideration of a Preliminary PUD Plan for Springbrook Park Planned Unit Development, including a request for tentative plat approval for a 55-lot residential subdivision, and a request for a change of zone from SFR-6 (Single-Family Residential, six dwelling units per gross acre) to MFR-15 (Multiple Family Residential, fifteen dwelling units per gross acre) on an approximate 9.51-acre portion of the property; on a 19.66-acre tract of land.

**Location:** Located at the corner of Springbrook Road and Hondeleau lane within the SFR-6 zoning district (371W08BD500).

**Applicant:** Applicant, Springbrook Park, LLC.; Agent, Steven Swartsley; Planner, Dustin Severs.

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

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

## **A. STREETS**

### **1. Dedications**

**Springbrook Road** is classified as a Major Collector street within the Medford Land Development Code (MLDC) Section 10.428. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the half width (37-feet) of right-of-way, from Hondeleau Lane south approximately 635-feet. Then, the Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the full width of right-of-way, which is 74-feet, from 635-feet south of Hondeleau Lane south to the project terminus.

The Developer will receive SSDC (Street System Development Charge) credits for the public right-of-way dedication on **Springbrook Road**, per the methodology established by the MLDC 3.815. **Should the Developer elect to have the value of the land be determined by an appraisal, a letter to that effect must be submitted to the City Engineer within sixty (60) calendar days of the date of the Final Order of the Planning Commission. The City will then select an appraiser, and a cash deposit will be required as stated in Section 3.815.**

**Hondeleau Lane** is classified as a Minor Residential street within the MLDC 10.430. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the half width of right-of-way, which is 27.5-feet. **No additional right-of-way appears to be required.**

**Pearl Eye Lane, Dragon Tail Place and Monarch Lane** are proposed as Minor Residential streets with a right-of-way width of 55-feet, consistent with the standard prescribed by MLDC 10.430.

**Hayden Circle** is proposed as a Minor Residential street within the MLDC 10.430. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the full width of right-of-way, which is 55-feet. The proposed cul-de-sac at the west terminus shall be dedicated per MLDC 10.450, and have a minimum 45-foot radius.

**Corner radii** shall be provided at the right-of-way lines of all intersecting streets per MLDC 10.445.

Streets, as shown on the Tentative Plat, in which any portion terminates to a boundary line of the Development shall be dedicated to within one foot of the boundary line, and the remaining one foot shall be granted in fee, as a non-access reserve strip to the City of Medford. Upon approved dedication of the extension of said streets, the one-foot reserve strip shall automatically be dedicated to the public use as part of said street without any further action by the City of Medford (MLDC 10.439).

**Public Utility Easements**, 10-feet in width, shall be dedicated along the street frontage of all the Lots within this development (MLDC 10.471).

The right-of-way and easement dedications shall be submitted directly to the Engineering

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

## 2. Public Improvements

### a. Public Streets

**Springbrook Road** shall be improved to Major Collector street standards in accordance with MLDC 10.428. A portion of the east half of Springbrook Road, from Hondeleau Lane south approximately 635-feet, was constructed with Northeast Estates Subdivision (P1479D). Along this portion, the Developer shall improve the west half of Springbrook from a point 1-foot inside the existing edge of pavement, plus a 10-foot park strip, 5-foot sidewalk along the frontage of this development. Then, from 635-feet south of Hondeleau Lane south to the project terminus, Springbrook Road shall be constructed to Major Collector street standards (full width). Springbrook Road shall be extended from its terminus at the south side of this project, across the creek with the first constructed phase of development.

**Commission Update:** The extension of Springbrook Road across the creek from its terminus at the south side of this project shall not be required until after the platting of the first 15 lots of this subdivision. The final plat that creates the 16<sup>th</sup> lot shall be required to provide the street connection.

The Developer shall receive Street System Development Charge credits for the public improvements on Springbrook Road per the value established by the Medford Municipal Code, Section 3.815.

**Hondeleau Lane** shall be improved to Minor Residential street standards, along the frontage of this development, in accordance with MLDC 10.430. The north half plus 12-feet south of Hondeleau Lane was constructed with Husker Butte Subdivision (P1143D). The Developer shall improve the south half of Hondeleau Lane from a point 1-foot inside the existing edge of pavement, plus an 8-foot park strip, 5-foot sidewalk along the frontage of this site.

**Pearl Eye Lane, Dragon Tail Place and Monarch Lane** shall be constructed to Minor Residential street standards, in accordance with MLDC 10.430.

**Hayden Circle** shall be constructed to Minor Residential street standards, in accordance with MLDC 10.430. The proposed cul-de-sac shall be constructed in accordance with MLDC 10.450.

### b. Street Lights and Signing

The Developer shall provide and install in compliance with Section 10.495 of the Medford Municipal Code (MMC). Based on the preliminary plan submitted, the following number of street lights and signing will be required:

Street Lighting – Developer Provided & Installed:

- A. 4 – Type C-250
- B. 5 – Type R-100
  - a. Base Mounted Cabinet – Utilize existing BMC at the corner of Springbrook Road and Dragon Tail Place. This BMC will need additional 2P breaker and contactor installed.
  - b. GE Breaker – TED12430
  - c. GE Contactor – CR360L302

Traffic Signs and Devices – City Installed, paid by the Developer:

- A. 4 – Stop signs
- B. 2 – Street name signs
- C. 1 – Speed limit sign

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

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

The Developer shall be responsible for the preservation and re-installation of all signs removed during demolition and site preparation work. The Developer’s contractor shall coordinate with the City of Medford Public Works, Maintenance and Operations Division to remove any existing signs and place new signs provided the Developer.

**c. Pavement Moratoriums**

There is no pavement cutting moratorium currently in effect along the respective frontages.

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

**d. Soils Report**

The Developer’s engineer shall obtain a soils report to determine if there is shrink-swell potential

in the underlying soils in this development. If they are present, they shall be accounted for in the roadway and sidewalk design within this Development. The soils report shall be completed by a licensed Geotechnical Engineer in the state of Oregon.

#### **e. Access and Circulation**

The application shows that the development of the reserve acreage can satisfy the requirements of MLDC 10.426 with extension of Monarch Lane extension to eastern property line. The extension of Kingsbury Drive can also be addressed by future development on the reserve acreage.

The pedestrian accessway shown connecting Hayden Circle to Dragon Tail Place shall be dedicated as public right-of-way per MLDC 10.464.

In accordance with MLDC 10.550, no driveway access on Springbrook Road shall be allowed for any parcel that abuts the right-of-way of a lower order street. Driveways shall conform to MLDC 10.550.

The applicant shall construct the extension of Springbrook Road, including a bridge over the creek, with the first constructed phase of development. Without this connection, the only access to this development from the south is via Hondeleau Lane and Dragon Tail Place, which are both built out as minor residential streets. Per MLDC 10.430, minor residential streets are intended to serve up to 100 dwelling units. This development will place an undue burden on the surrounding neighborhood if the 51 single-family units are built without the Springbrook Road connection.

**Commission Update:** The applicant shall construct the extension of Springbrook Road as noted under Section A(2) "Commission Update" of this report.

#### **f. Easements**

All public sanitary sewer or storm drain mains shall be located in paved public streets or within easements. A 12-foot wide paved access shall be provided to any public manholes which are not constructed within the street section.

Easements shall be shown on the final plat and the public improvement plans for all sanitary sewer and storm drain mains or laterals which cross lots, including any common area, other than those being served by said lateral. The City requires that easement(s) do not run down the middle of two tax lot lines, but rather are fully contained within one tax lot.

### **3. Section 10.668 Analysis**

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

#### **10.668 Limitation of Exactions**

*Notwithstanding any other provisions of this Chapter 10, an applicant for a development permit shall not be required, as a condition of granting the*

*application, to dedicate land for public use or provide public improvements unless:*

- (1) the record shows that there is an essential nexus between the exaction and a legitimate government purpose and that there is a rough proportionality between the burden of the exaction on the developer and the burden of the development on public facilities and services so that the exaction will not result in a taking of private property for public use, or*
- (2) a mechanism exists and funds are available to fairly compensate the applicant for the excess burden of the exaction to the extent that it would be a taking.*

#### 1. Nexus to a legitimate government purpose

The purposes for these dedications and improvements are found throughout the Medford Code, the Medford Transportation System Plan, and the Statewide Planning Rule, and supported by sound public policy. Those purposes and policies include, but are not limited to: development of a balanced transportation system addressing all modes of travel, including motor vehicles, transit, bicycles, and pedestrians, including travel to, from, and through the development. It can be found that the listed right-of-way dedications and improvements have a nexus to these purposes and policies.

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

No mathematical formula is required to support the rough proportionality analysis. It has been described as comparing apples to oranges. Further, we are allowed to consider the benefits to the development from the dedication and improvements when determining “rough proportionality.”

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

**Springbrook Road** is classified as a Major Collector street. Springbrook Road shall be improved/constructed in its entirety with the first phase of this development in order to provide a critical southerly connection to Owen Drive from the development. As a Major Collector, Springbrook Road will have one travel lane in each direction, a center-turn median, bike lanes in each direction, and sidewalks. Completing this connection with the first phase of development will provide safe travel for vehicles, bicycles, and pedestrians to, from, and through the development. This Springbrook Road connection serves the development as a whole, including the first phase, and is not related solely or even primarily to the development of the multifamily units. When the PUD is fully constructed, it is likely that all of the PUD will predominantly use the southern Springbrook Road connection, not just the residents of the multifamily units. Thus, the southern Springbrook Road connection is proportional with the first phase and not a future phase. As a higher order street, it is eligible for street SDC credits for both the right-of-way and roadway improvements, per MMC, Section 3.815 (5). Street SDC credits offset costs to the Developer and is the mechanism provided by the City of Medford to fairly compensate the applicant for the excess burden of dedicating for and constructing higher order streets.

**Hondeleau Lane, Dragon Tail Place, Hayden Circle, Monarch Lane and Pearl Eye Lane:** In determining rough proportionality, the City averaged the lineal footage of roadway per dwelling unit for road improvements and averaged square footage of right-of-way per dwelling unit for dedications. The proposed development has 51 dwelling units and will improve approximately 1,600 lineal feet of roadway which equates to 31 lineal feet per dwelling unit. Also the development will dedicate approximately 71,950 square feet of right-of-way which equates to approximately 1,410 square feet per dwelling unit.

To determine proportionality a neighborhood with similar characteristics was used. The development used was Heights at Hondeleau which is just north of this site and consisting of 21 dwelling units. The previous development improved approximately 1,017 lineal feet of roadway and dedicated approximately 25,136 square feet of right-of-way (GIS data used to calculate, approximations only). This equates to approximately 48 lineal feet of road per dwelling unit and approximately 1,197 square feet of right-of-way per dwelling unit.

As demonstrated above, the dedications and improvements recommended herein can be found to be roughly proportional to the impacts reasonably anticipated to be imposed by this development.

Further benefits include:

- a. Dedication and construction will ensure that new development and density intensification provides the current level of urban services. This development will create an additional 51 Lots within the City of Medford and increase vehicular traffic by approximately 481 average daily trips. The proposed street improvements will provide a safe environment of all modes of travel (vehicular, bicycles, & pedestrians) to, from and through this development.
- b. Dedication and construction will ensure adequate street circulation is maintained. The street layout and connectivity proposed in this development will provide alternate route choices for the residents that will live in this neighborhood. Further, by constructing Springbrook with the first phase, it will minimize impacts on the surrounding neighborhood residential streets. Without the connection being made with the first phase of construction all traffic will travel through the neighborhood to the west which places a disproportional reliance on Arrowhead Drive for all traffic having an origin or destination to the south (a significant portion). It also provides a more direct route for emergency services as well as general travel which reduces vehicle miles traveled (VMT).
- c. Dedication and construction will provide access and transportation connections at urban level of service standards for this development. Each Lot in this development will have direct access to a public street with facilities that will allow for safe travel for vehicles, bicycles and pedestrians. There is also sufficient space for on-street parking. The connections proposed in this development will enhance the connectivity for all modes of transportation and reduce trip lengths. As trip lengths are reduced, it increases the potential for other modes of travel including walking and cycling.

- d. Dedication and construction of connecting streets will decrease emergency response times and provide emergency vehicles alternate choices in getting to an incident and reducing VMT. This is of particular importance that the Springbrook Road connection be made with the first phase of development, and not implemented with a future, and yet to be determined, phase of development. Reduction of VMT also reduces the overall cost of maintenance of public roads which is paid for by all residents and business owners in Medford.
- e. Dedication of PUE will benefit development by providing public utility services, which are out of the roadway and more readily available to each Lot being served.
- f. The additional traffic of all modes of travel generated by this proposed development supports the dedication and improvements for all modes of travel and utilities. As indicated above, the area required to be dedicated and improved for this development is necessary and roughly proportional to that required in previous adjacent developments to provide a transportation system that meets the needs for urban level services.

## **B. SANITARY SEWERS**

The proposed development is situated within the Medford sewer service area. The Developer shall provide one service lateral to each platted lot prior to approval of the Final Plat. A 12-foot wide paved access shall be provided to any public sanitary sewer manholes which are not constructed within the street section.

Public sanitary sewer mains shall be extended on their courses to the exterior boundaries of this subdivision, such that future development can extend service without having to excavate back into the improvements provided by this subdivision.

## **C. STORM DRAINAGE**

### **1. Hydrology**

The Design Engineer shall provide an investigative report of the off-site drainage on the subdivision perimeter, a distance not less than 100 feet in all directions. All off-site drainage affecting the subdivision shall be addressed on the subdivision drainage plan. A hydrology map depicting the amount of area the subdivision will be draining shall be submitted with hydrology and hydraulic calculations. The opening of each curb inlet shall be sized in accordance with ODOT design standards. These calculations and maps shall be submitted with the public improvement plans for approval by the Engineering Division. Please include engineering for the infiltration trenches.

Roadway crossing Garrett Creek shall be designed to convey the 25-year storm with a foot of freeboard.

### **2. Easement**

Developer shall provide a minimum 20-foot drainage easement, centered on Garrett Creek, for

public maintenance of the creek.

### **3. Stormwater Detention and Water Quality Treatment**

This development shall provide stormwater detention in accordance with MLDC, Section 10.486, and water quality treatment in accordance with the Rogue Valley Stormwater Quality Manual per MLDC, Section 10.481. For developments over five acres, Section 10.486 requires that the development set a minimum of 2% of the gross area as open space to be developed as open ponds for stormwater detention and treatment.

Each phase will be required to have its own stormwater detention and water quality treatment. If the Developer desires to do so, a Stormdrain Masterplan may be submitted in lieu of requiring each phase to have separate stormwater detention and water quality treatment. The Stormdrain Masterplan shall be submitted and reviewed with each phase's construction plans and shall be constructed with any phase to be served by the facility.

Upon completion of the project, the Developer's design engineer shall provide written certification to the Engineering Division that construction of the water quality and detention facilities were constructed per plan. This letter shall be received by the City of Medford Public Works Engineering Department prior to acceptance of the subdivision.

The City is responsible for operational maintenance of the public detention facility. Irrigation and maintenance of landscape components shall be the responsibility of the Developer or a Home Owners Association (HOA). The Developers engineer shall provide an operations and maintenance manual for the facility that addresses responsibility for landscape maintenance prior to subdivision acceptance. Regarding water quality maintenance, the Rogue Valley Stormwater Quality Design Manual states: "Vegetation shall be irrigated and mulched as needed to maintain healthy plants with a density that prevents soil erosion."

### **4. Grading**

A comprehensive grading plan showing the relationship between adjacent property and the proposed subdivision will be submitted with the public improvement plans for approval. Grading on this development shall not block drainage from an adjacent property or concentrate drainage onto an adjacent property without an easement. The Developer shall be responsible that the final grading of the development shall be in compliance with the approved grading plan.

### **5. Mains and Laterals**

The Developer shall show all existing and proposed Storm Drain mains, channels, culverts, outfalls and easements on the Conceptual Grading and Drainage Plan and the final Construction Plans.

In the event the lot drainage should drain to the back of the lot, the Developer shall be responsible for constructing a private drain line, including a tee at the low point of each lot to provide a storm drain connection. All roof drains and foundation drains shall be connected

directly to a storm drain system.

A storm drain lateral shall be constructed to each tax lot prior to approval of the Final Plat. Easements shall be shown on the Final Plat for storm drain laterals crossing lots other than the one being served by the lateral.

All public storm drain mains shall be located in paved public streets or within easements. All manholes shall be accessible by paved, all-weather roads. All easements shall be shown on the Final Plat and the public improvement plans.

#### **6. Wetlands**

The Developer shall contact the Division of State Lands for approval of any work proposed in the wetlands on the south side of the property.

#### **7. Rogue River Valley Irrigation District (RRVID)**

The Developer shall coordinate with RRVID to discuss the Hopkins Canal which bisects a portion of this development.

#### **8. Erosion Control**

Subdivisions of one acre and greater require a run-off and erosion control permit from DEQ. The approved permit must be submitted to the Engineering Division prior to public improvement plan approval. The erosion prevention and sediment control plan shall be included as part of the plan set. All disturbed areas shall have vegetation cover prior to final inspection/"walk-through" for this subdivision.

### **D. SURVEY**

All survey monumentation shall be in place, field-checked, and approved by the City Surveyor prior to the final "walk-through" inspection of the public improvements by City staff.

Parent tract of land is platted with each phase (e.g., Phase one and reserved acreage platted). Phase 2 (less than Phase 1) and reserved acreage platted.

All streets shown to align with existing streets align by surveying standards and resolution is depicted within the mapping.

### **E. GENERAL CONDITIONS**

#### **1. Design Requirements and Construction Drawings**

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

#### **2. Construction Plans**

Construction drawings for any public improvements for this project shall be prepared by a

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

**Please Note:** If Project includes one or more Minor Residential streets, an additional Site Plan shall be submitted, noting and illustrating, one of the following design options to ensure fire apparatus access per MLDC 10.430(2):

- Clustered driveways,
- Building to have sprinklers,
- 33-foot paved width, or
- No parking signs.

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

### 3. Phasing

The Tentative Plat seems to illustrate that this subdivision will be developed in phases. Any public improvements needed to serve a particular phase shall be improved at the time each corresponding phase is being developed. Public improvements not necessarily included within the geometric boundaries of any given phase, but are needed to serve that phase shall be constructed at the same time. The applicant shall construct the extension of Springbrook Road, including a bridge over the creek, with the first constructed phase of development. Construction drawings for public improvements shall be submitted only for the improvements to be constructed with each phase.

**Commission Update:** The applicant shall construct the extension of Springbrook Road as noted under Section A(2) "Commission Update" of this report.

#### **4. Draft of Final Plat**

The Developer shall submit 2 copies of the preliminary draft of the final plat at the same time the public improvement plans (3 copies) are submitted. Neither lot number nor lot line changes shall be allowed on the plat after that time, unless approved by the City and all utility companies.

#### **5. Permits**

Building Permit applications for vertical construction shall not be accepted by the Building Department until the Final Plat has been recorded, and a "walk through" inspection has been conducted and approval of all public improvements as required by the Planning Commission has been obtained for this development.

Concrete or block walls built within a PUE, or within sanitary sewer or storm drain easements require review and approval from the Engineering Division of Public Works. Walls shall require a separate permit from the Building Department and may also require certification by a Professional Engineer.

#### **6. System Development Charges (SDC)**

Buildings in this development are subject to sewer collection, treatment and street SDCs. These SDC fees shall be paid at the time individual building permits are taken out.

This development is also subject to storm drain system development charges, the Developer is eligible for storm drain system development charge credits for the installation of storm drain pipe which is 24 inches in diameter or larger and is not used for storm drain detention in accordance with Medford Municipal Code (MMC), Section 3.891. The storm drain system development charge shall be collected at the time of the approval of the final plat

#### **7. Construction and Inspection**

Contractors proposing to do work on public streets, sewers, or storm drains shall 'prequalify' with the Engineering Division prior to starting work. Contractors shall work off a set of public improvement drawings that have been approved by the City of Medford Engineering Division. Any work within another agency's jurisdiction shall require a separately issued permit from that agency to perform that work.

For City of Medford facilities, the Public Works Maintenance Division requires that public sanitary sewer and storm drain mains be inspected by video camera prior to acceptance of these systems by the City.

Where applicable, the Developer shall bear all expenses resulting from the adjustment of manholes to finish grades as a result of changes in the finish street grade.

Prepared by: Doug Burroughs

**SUMMARY CONDITIONS OF APPROVAL**  
**Springbrook Park PUD & 51-Lot Subdivision**  
**(371W08BD TL 500)**

PUD-18-031/LDS-18-044

**A. Streets**

**1. Street Dedications to the Public:**

- Dedicate right-of-way on **Springbrook Road**, as required.
- No additional right-of-way on **Hondeleau Lane**.
- Dedicate full width right-of-way on **Pearl Eye Lane, Dragon Tail Place, Hayden Circle and Monarch Lane**.
- Dedicate 10-foot public utility easements (PUE).

**2. Improvements:**

**Public Streets**

- Construct/Improve **Springbrook Road** to Major Collector street standards.
- Improve **Hondeleau Lane** to Minor Residential street standards.
- Construct **Pearl Eye Lane, Dragon Tail Place and Monarch Lane** to Minor Residential street standards.
- Construct **Hayden Circle** to Minor Residential street standards, including the Cul-de-sac.

**Lighting and Signing**

- Developer supplies and installs all street lights at own expense.
- City installs traffic signs and devices at Developer's expense.

**Other**

- No pavement moratorium currently in effect along this frontage.
- Provide pavement moratorium letters.
- Provide soils report.
- Ensure access and circulation is in accordance with MLDC 10.550 and 10.426.

**B. Sanitary Sewer**

- Provide a private lateral to each lot.
- Provide easements.

**C. Storm Drainage**

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

**D. Survey**

- Provide all survey monumentation.
- Parent tract of land is platted with each phase (e.g., Phase one and reserved acreage platted). Phase 2 (less than Phase 1) and reserved acreage platted.
- All streets shown to align with existing streets align by surveying standards and resolution is depicted within the mapping.

**E. General Conditions**

- Provide public improvement plans and drafts of the final plat.
- = City Code requirement.
- = Discretionary recommendations/comments.

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

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

IN THE MATTER OF TENTATIVE PLAT FOR A REPLAT OF LOT 4 AND TRACT "A"     )  
FOR STOWE INDUSTRIAL PARK FILE NO. LDS-18-037                                     )     **ORDER**

ORDER granting approval of a request for tentative plat for a replat for *Stowe Industrial Park*, described as follows:

A replat of Lot 4 & Tract "A" for Stowe Industrial Park on approximately 2.25 acres located 175 feet south of the intersection of Stowe Avenue and Parsons Drive within the Light Industrial (I-L) zoning district. (372W23DA 127 & 170).

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 a tentative plat for *Stowe Industrial Park*, as described above, with the public hearing a matter of record of the Planning Commission on June 14, 2018.
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat for *Stowe Industrial Park*, as described above and directed staff to prepare a final order with all conditions and findings set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for *Stowe Industrial Park*, stands approved per the Staff Report dated June 5, 2018, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Staff Report dated June 5, 2018.

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

Accepted and approved this 28th day of June, 2018.

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*

## STAFF REPORT – WRITTEN COMMUNICATION

PROJECT Cherrybrook Subdivision  
Applicant: Rick Schiller

FILE NO. LDS-17-079 & E-17-080

To Planning Commission *for meeting of June 28, 2018*

From Steffen Roennfeldt, Planner III

Date June 8, 2018

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### Request

Consideration of a minor change for the approval of Cherrybrook Subdivision, a 4-lot residential subdivision located on the northeast side of the Cherry Street & Prune Street intersection within the SFR-10 (Single-Family Residential – 6 to 10 dwelling units per gross acre) zoning district.

### Background

The Planning Commission adopted the Final Order granting approval of the project on September 28, 2017. The applicant is requesting a minor change to the approved application.

### Project Review

The subject site is composed of one lot totaling 1.16 gross acres located within the SFR-10 zoning district. The applicant proposed a tentative plat consisting of four lots and an Exception request for lot dimensions.

At the time of the 2017 decision, neither the applicant nor staff requested the maximum five year approval period allowed for phased projects allowed under MLDC 10.269(2). The applicant is now requesting two phases for the proposed development. Phase 1 would include Parcel 1 (including the existing single-family residence) and Phase 2 would consist of Lots 2, 3 & 4 which are to be developed at a later time. Because of the relatively small impact that this request will have on the project, staff is recommending that the Commission authorize the maximum five year approval period.

### Recommended Action

Approve the minor modification to include 2 Phases for the Cherrybrook Subdivision Tentative Plant, for LDS-17-079 & E-17-080 per the Staff Report dated June 8, 2018.

**Exhibits**

- A Letter requesting phasing, received June 7, 2018
- B Modified Tentative Plat showing 2 phases.  
Vicinity Map



June 7, 2018

City of Medford Planning Commission  
200 South Ivy Street,  
Lausmann Annex, Room 240  
Medford, Oregon 97501

Dear Commissioners,

This letter is a request to modify the approval of the Cherrybrook Subdivision and the associated Exception request (LDS-17-079/E17-090) which was approved unanimously at the September 14, 2017 Planning Commission.

The request is to allow for a Phased Subdivision as permitted in MLDO 10.269.2 Expiration of Tentative Plat approval. A revised plat has been created. Lot 1 which contains the existing residence and outbuildings will have required street improvements installed or bonded for as required prior to signature of the survey plat. The remaining lot areas (Lots 2, 3 and 4) will be improved to the standards and in accordance with the conditions of approval from LDS-17-079 and E-17-090, and recorded before September 2024.

This request is made to accommodate for unforeseen personal circumstances, forcing a change in plans for the right-of-way and infrastructure improvements, delaying the subdivision finalization.

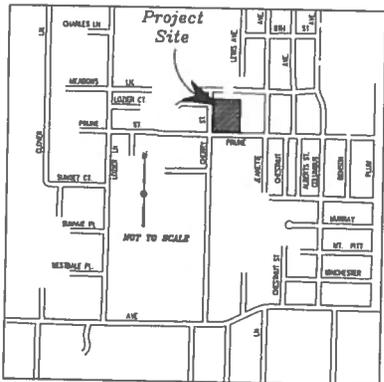
Thank you for your consideration.

Sincerely,

Amy Gunter  
[Amygunter.planning@gmail.com](mailto:Amygunter.planning@gmail.com)

Attachments:  
Modified Tentative Plat

VICINITY MAP



CHERRYBROOK SUBDIVISION  
TENTATIVE PLAT

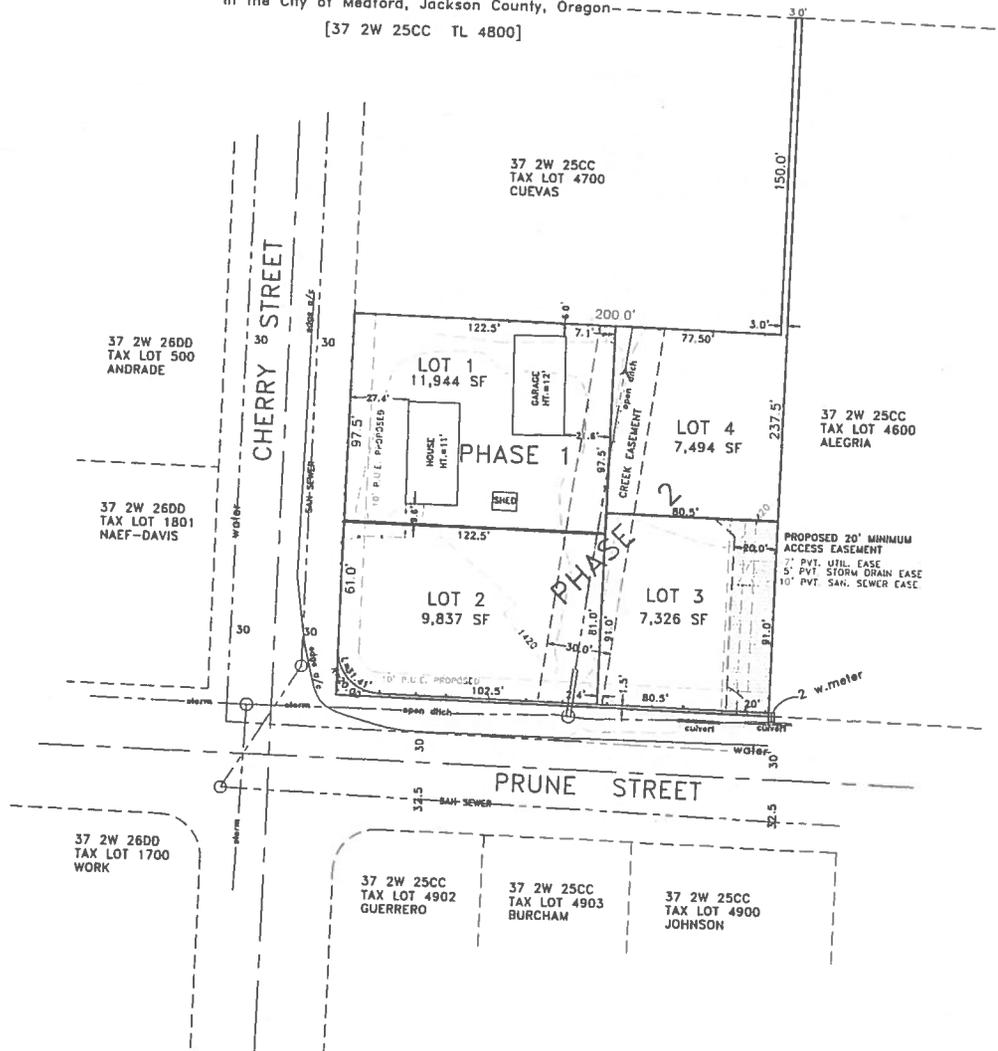
Situated in:  
The S.W. 1/4 of Section 25, T.37S., R.2W., W.M.,  
in the City of Medford, Jackson County, Oregon  
[37 2W 25CC TL 4800]

**OWNER/APPLICANT**  
RICK SCHILLER  
394 East Hersey Street  
Ashland, Or. 97520

**AGENT**  
Regus Planning and Development Services  
1424 S. Ivey Street  
Medford, Or. 97501  
541-951-4020

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

SCHOOL DISTRICT: 549C  
IRRIGATION DISTRICT: M.I.D.  
SANITATION DISTRICT: CITY OF MEDFORD  
AREA: 38,990 sq ft (0.85 AC.) (NET)  
AREA: 49,380 sq ft (1.13 AC.) (GROSS)  
ZONING: SFR-10  
EXISTING USE: RESIDENTIAL  
PROPOSED USE: RESIDENTIAL



Page 46

File # 195-17-079  
EXHIBIT # 2  
CITY OF MEDFORD

**UTILITY STATEMENT**  
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

37 2W 25CC TL 4800

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
**HOFFBUHR & ASSOCIATES, INC.**  
ELECTRONIC COPY  
OREGON  
FEBRUARY 4, 1983  
DARRELL L. HUCK  
2823  
Expires 6/30/2018



Contour Interval = 5 ft.

BY: DARRELL L. HUCK	LS 2023
PROJECT: SCHILLER	
DRAWING FILE NO.: 170121ENT R3.DWG	17-012
SCALE: 1" = 40'	FEBRUARY 24, 2017
REVISION NO.: 2	JUNE 6, 2018
REVISION DATE:	
SHEET OF 1	
BASIS OF BEARING:	FILED SURVEY NO. 22122
ELEVATION DATUM:	CITY OF MEDFORD
DRAWN BY: DLH	
REVIEWED BY: DLH	



Project Name:

**Schiller Subdivision**

Map/Taxlot:

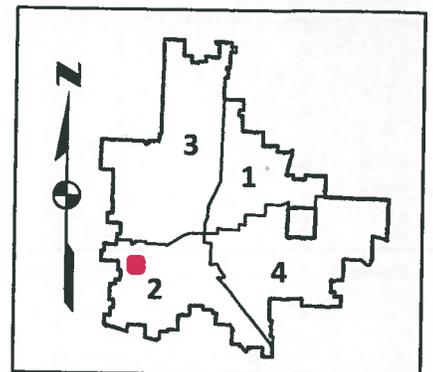
**372W25CC TL 4800**



07/07/2017

**Legend**

-  Subject Area
-  Medford Zoning
-  Tax Lots





## STAFF REPORT

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

Project Valley School of Southern Oregon  
Applicant: Keith Armston; Agent: Scott Sinner Consulting, Inc.

File no. CUP-18-053

To Planning Commission *for 06/28/2018 hearing*

From Steffen Roennfeldt, Planner III

Reviewer Kelly Akin, Assistant Planning Director *ka*

Date June 19, 2018

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### BACKGROUND

#### Proposal

Consideration of a request for a Conditional Use Permit (CUP) to allow for the operation of Valley School of Southern Oregon, a public school, within an existing facility on a 2.95 acre parcel located at 857 & 861 Valley View Drive in a Single-Family Residential – 4 dwelling units per gross acre (SFR-4) zoning district (371W20DB4500).

#### Vicinity Map



Subject Site Characteristics

Zoning	SFR-4	Single Family Residential (2.5 to 4 dwelling units per gross acre)
GLUP	UR	Urban Residential
Use	Vacant (used to be Living Opportunities)	

Surrounding Site Characteristics

<i>North</i>	Zone:	C-N (Neighborhood Commercial) & MFR-20 (Multi-Family Residential - 15 to 20 dwelling units per gross acre)
	Use:	Multi-Family Residential
<i>South</i>	Zone:	SFR-4
	Use:	Low Density Residential
<i>East</i>	Zone:	SFR-4
	Use:	Low Density Residential
<i>West</i>	Zone:	SFR-4
	Use:	Low Density Residential

Related Projects

CUP-74-152	CUP expanded the facility to its current size and operations.
CUP-15-045	Living Opportunities CUP
CUP-17-047	Southern Oregon Head Start CUP
PA-18-013	Pre-Application for CUP-18-053

Applicable Criteria

Medford Municipal Code

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

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

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

approving authority (Planning Commission) to produce a balance between the conflicting interests.

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

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

### Corporate Names

Amy Thuren is the Registered Agent for The Valley School of Southern Oregon according to the Oregon Secretary of State Business Registry. Brian Manthe is listed as the President and Jeanetta Woodside is listed as the Secretary.

Scott Sinner is the Registered Agent for Scott Sinner Consulting, Inc. according to the Oregon Secretary of State Business Registry. Scott Sinner is also listed as the President and Colleen Sinner is listed as the Secretary.

### **ISSUES AND ANALYSIS**

#### Background

The Valley School of Southern Oregon is a charter school currently operating at 1253 North Riverside Avenue in Medford. The school provides instruction for grades 6-8 with a maximum of 100 students.

The subject property was annexed in 1969 and Living Opportunities, a non-profit serving individuals with intellectual and development disabilities, has operated there since 1974. The Planning Commission approved a conditional use permit to expand the facility to its current size and operations on September 26, 1974 (CUP-74-152).

Living Opportunities applied and received approval for a CUP modification in 2015 (CUP-15-145) for the addition of office space and other site features. None of the approved modifications happened and Living Opportunities relocated about four years ago.

In 2017, Southern Oregon Head Start applied for a CUP to allow for a school at the location but ultimately withdrew the application.

The bulk of the property has been vacant ever since Living Opportunities moved its operations in 2014.

#### Existing Development

The northerly portion of the property is developed with buildings, 46 parking spaces, landscaping, pedestrian walkways and appurtenances. The southerly portion of the property is undeveloped, though it encompasses maintained landscape areas with turf grass and ornamental trees. This area may be used for potential future expansion.

#### Summary of Proposed Development

The School proposes to use the existing facilities and not propose any modifications to the existing site. All modifications will take place indoors as the interiors of the existing structures will be remodeled to provide for classrooms and offices. The northernmost building will be remodeled to house one classroom and one multipurpose room. The second main building will house two classrooms, four offices and one 'flex' space.

#### Access, Circulation and Parking

There are two existing points of ingress and egress serving the subject site. The applicant proposes to make the north driveway an ingress access and the south driveway an egress access. Parents arriving to drop-off or pick-up will enter through the north driveway, park or wait in line, then exit through the south driveway.

The current facility has 46 vehicular parking spaces available with four handicap accessible spaces included. With the facility operating at maximum capacity (proposed at 120 students and 11 staff members), the minimum amount of parking required is 13, which is already available.

### Potential Impacts and Site Activity

The Applicant's findings describe the general operational characteristics of the facility. The Valley School of Southern Oregon is a public Charter School serving 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> grade students and has a current enrolment of 100 students and 9 facility members. The School is considering increasing enrollment to 120 students which would increase the facility by two employees.

The normal hours of operation of the school are 7:45 am to 4:00 pm for the Medford School District annual calendar.

The property is 2.95 acres in size and is fenced on the north, west and south property lines. There is no fence along Valley View Drive, a standard residential street.

The Traffic Impact Analysis (TIA) submitted by the applicant (Exhibit F) concluded that *the proposed conditional use permit for the Valley School of Southern Oregon can be approved without creating significant or adverse safety impacts to the surrounding area.*

The TIA summary states that on-site stacking during student drop-off and pick-up peak times is shown to be more than adequate to handle school traffic without impacting Valley View Drive. It also states that the site driveways are shown to operate at level of Service 'A' with little to no delay with the addition of school traffic considered.

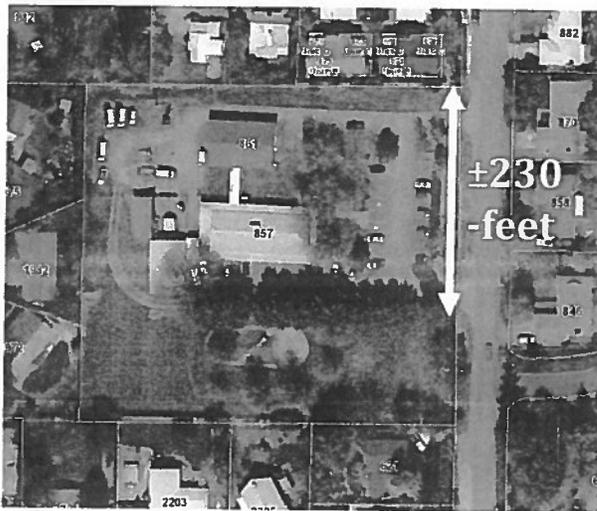
The Public Works Department (Exhibit G) did not identify any issues regarding the trip generation analysis but recommended the following conditions:

- The school's maximum allowed attendance shall be 120 students until the traffic impacts of a larger number of students have been studied.
- The school proposed to make the north access to the site an ingress access and the south access an egress access for efficient site circulation and flow. The north driveway shall include two regulatory "Entrance Only" signs and two arrows striped behind the sidewalk on the pavement pointing into the site. The south driveway shall include two regulatory "Exit Only" signs and two arrows striped behind the sidewalk on the pavement pointing away from the site.
- The school shall coordinate with the Traffic Engineering Section of the Public Works Department to establish a 20 mph School Zone along Valley View Drive and Ridge Way, in accordance with the Manual on Uniform Traffic Control Devices, prior to the start of school at this site.
- The proposed pedestrian connection from the sidewalk to the building shown on the north side of the site shall be moved to the south side of the site to allow for a more perpendicular vehicle crossing of the pedestrian connection and allow for more queuing space between the pedestrian crossing and the public roadway.

### Dedications and Public Improvements

Valley View Drive along the easterly property line is designated as a Standard Residential Street. Prior to construction, the developer shall dedicate public right-of-way along the eastern frontage to comply with the half-width right-of-way requirement of 31.5 feet. A 10-foot Public Utility Easement (PUE) will also be required along Valley View Drive.

Currently, Valley View Drive is not constructed to City standard, generally consisting of an approximate 22-foot wide paved section fronting the parcel. The developer will be required to construct Valley View Drive to the Standard Residential Street cross section per the MLDC 10.430 and 10.442. Other improvements required for the street include curb, gutter, sidewalk, landscape strip and street light.



The Public Works Staff Report states that “if the grass field with the concrete playground and basketball court on the southern portion of the property are not to be used as part of the CUP, then the improvements shall be along this development’s northern 230-feet± of frontage, otherwise the improvements shall be along this development’s entire frontage.”

### Committee Comments

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

No other issues were identified by staff.

### **FINDINGS AND CONCLUSIONS**

Staff has reviewed the applicant’s findings and conclusions (Exhibit D) and recommends the Commission adopt the findings as presented.

The approval criteria for Conditional Use Permit states that the Commission must conclude the application is consistent with either 10.248 (1) or (2). Staff concurs with the applicant’s assessment that this application complies with criterion 2 and is in the public interest:

*(2) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been*

*imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.*

Staff has reviewed the applicant's findings and conclusions (Exhibit D) and recommends that the Commission find that the application meets Criterion 2. Conditions of approval prepared by staff in Exhibit A do not pertain to mitigation of impacts associated with the conditional use, but are standard conditions of approval addressing site development requirements.

### **RECOMMENDED ACTION**

Adopt the findings as recommended by staff and direct staff to prepare the final order for approval of CUP-18-053 per the staff report dated June 19, 2018, including Exhibits A through N.

### **EXHIBITS**

- A Conditions of Approval, dated June 19, 2018
- B Topographic Survey, received April 26, 2018
- C Improvement Plans, received April 26, 2018
- D Findings of Fact and Conclusions of Law, received April 23, 2018
- E Supplemental Findings, received April 26, 2018
- F Summary of The Valley School Conditional Use Permit Traffic Findings, received May 10, 2018
- G Public Works Staff Report, revised June 8, 2018
- H Medford Water Commission Memo, dated May 30, 2018
- I Medford Fire Report, dated May 30, 2018
- J Medford Building Department Memo, dated May 30, 2018
- K Rogue Valley International Airport Email, received May 21, 2018
- L Assessor Map, received April 23, 2018
- M Jackson County GIS Maps, received April 23, 2018
- N Pre-Application Report, dated March 14, 2018  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**JUNE 28, 2018**

## **EXHIBIT A**

Valley School of Southern Oregon Conditional Use Permit  
CUP-18-053  
Conditions of Approval  
June 19, 2018

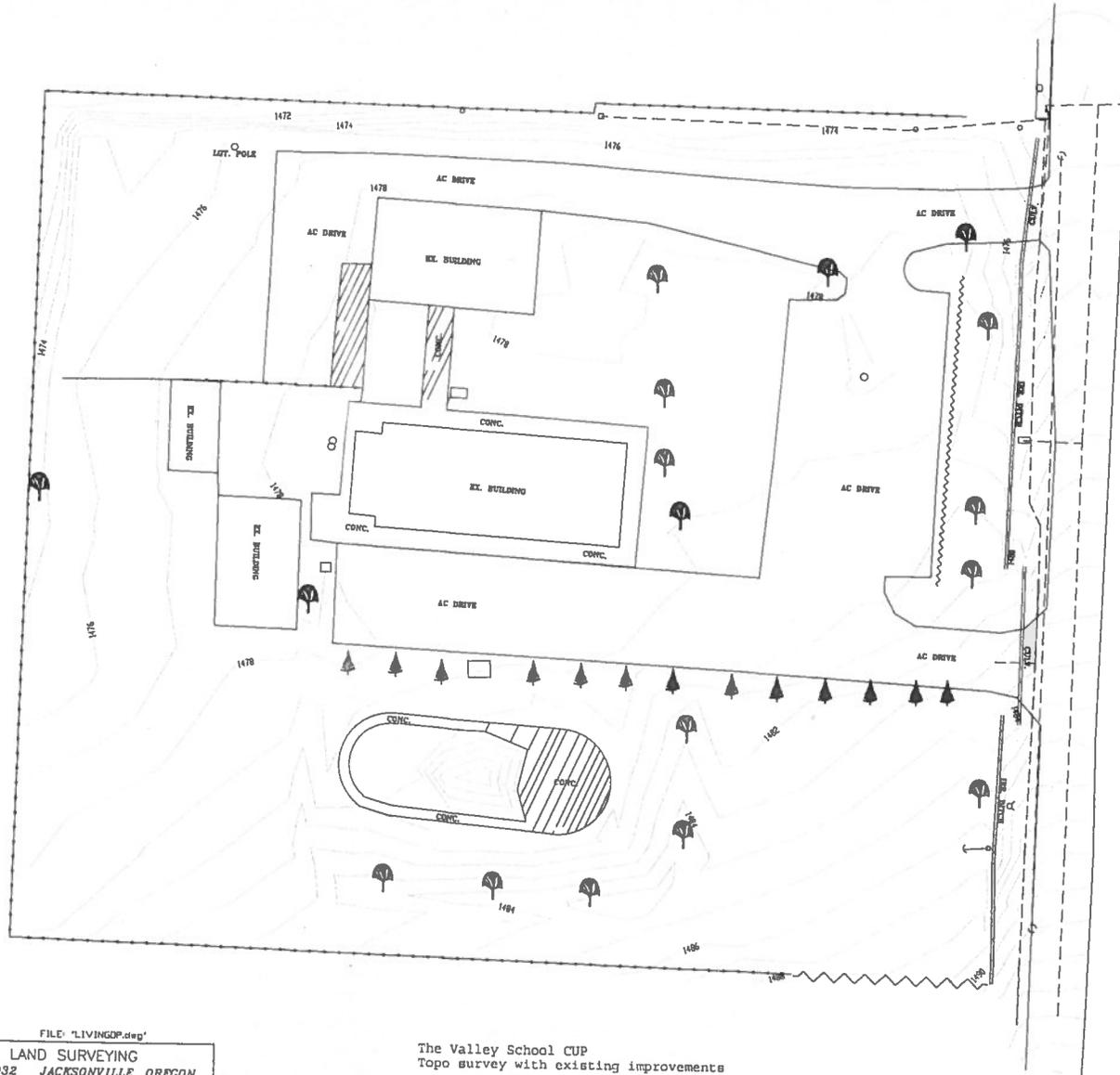
### **CODE CONDITIONS**

1. Comply with the Public Works Staff Report, revised June 8, 2018 (Exhibit G);
2. Comply with the Medford Water Commission Staff Memo, dated May 30, 2018 (Exhibit H).
3. Comply with the Email received from the Rogue Valley International Airport, dated May 21, 2018 (Exhibit K)

RECEIVED

APR 26 2018

PLANNING DEPT.



CITY OF MEDFORD  
 EXHIBIT # B  
 File # CUP-18-053

FILE: 'LIVINGDP.dwg'

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 1978-1998  
 RICHARD G. TEMPLIN  
 2332  
 MY CERTIFICATE EXPIRES  
 JUNE 30, 2016

RICHARD TEMPLIN LAND SURVEYING  
 P.O. BOX 1946 899-2032 JACKSONVILLE, OREGON

**TOPOGRAPHIC SURVEY**  
 LOCATED IN  
 TAX LOT 4500, T.37S.R.1W., SEC.20DB  
 CITY OF MEDFORD, JACKSON COUNTY, OREGON

FOR: LIVING OPPORTUNITIES  
 MEDFORD, OR. 97504      DATE: JULY 16, 2014

The Valley School CUP  
 Topo survey with existing improvements

This CUP application does not propose  
 and new development to the existing buildings  
 and parking areas. Buildings will receive Tentant  
 Improvements.



FINDINGS OF FACT

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

IN THE MATTER OF AN APPLICATION FOR	)	
CONDITIONAL USE PERMIT ON THE PROPERTY	)	FINDINGS OF FACT
IDENTIFIED AS 37-R1W-20DB-TL 4500	)	AND
KEITH ARNSTON / THE VALLEY SCHOOL APPLICANTS	)	CONCLUSIONS
<u>SCOTT SINNER CONSULTING, INC. AGENT</u>	)	OF LAW

I. BACKGROUND INFORMATION

Applicants:

The Valley School of Southern Oregon  
 Amy Thuren Director  
 1253 N Riverside Ave  
 Medford, OR 97501  
 amy.thuren@thevalleyschool.k12.or.us

Keith Arntson  
 515 G St # 221  
 Jacksonville OR 97530  
 keith arntson <arntson.keith@gmail.com>

Agent:

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

Property:

37 1W 20 DB TL 4500  
 Living Opportunities, Inc  
 857 Valley View Drive  
 Medford, OR 97504  
 SFR-4 zoning  
 2.95 Net acreage

Project Summary:

The Valley School of Southern Oregon is a charter school currently operating at 1253 North Riverside Avenue in Medford. The approval of this Conditional Use Permit Application (CUP) would allow the School to relocate to the subject property.

## FINDINGS OF FACT

The School provides instruction for grades 6-8 serving a maximum of 100 students. The hours of instruction are 7:45 to 3:30 with the typical schedule for school year.

The School is proposing to utilize the existing facilities on the subject property and does not propose any new development. The applicants will submit plans for interior tenant improvements to remodel interior spaces to suit the needs of the proposed use of the school. The interior tenant improvements will reconfigure the interior for 3 classrooms, approximately 4 offices and two flex or multipurpose spaces.

The subject property is 2.95 net acres within the SFR-4 zoning district. A school is a Conditional Use in the SFR-4 zoning district. This application will identify any impacts of the conditional use and any mitigation that may be deemed necessary to minimize the impacts identified.

The applicant has requested a waiver of submittal requirements for this application. There are no proposed improvements or renovations of the existing buildings, parking, maneuvering, or landscaping therefore the applicant had not generated a site plan.

This application includes a large format color aerial photograph clearly indicates the buildings, landscaping, parking and maneuvering areas and access to Valley View Drive. The waiver request was approved by Kelly Akin.

A topographic survey of the street frontage and existing improvements at the right of way has been contracted and scheduled at the time of submission of the application.

### Approval Criteria

The Medford Land Development Code (MLDC) Section 10.248 contains the approval criteria for a Conditional Use Permit:

#### *10.248 Conditional Use Permit Criteria*

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

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

*(2) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been*

## FINDINGS OF FACT

*imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.*

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

*(1) Limit the manner in which the use is conducted, including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.*

*(2) Establish a special yard or other open space or lot area or dimension requirement.*

*(3) Limit the height, size, or location of a building or other structure.*

*(4) Designate the size, number, location, or nature of vehicle access points.*

*(5) Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.*

*(6) Designate the size, location, screening, drainage, surfacing, or other improvement of parking or truck loading area.*

*(7) Limit or otherwise designate the number, size, location, height, or lighting of signs.*

*(8) Limit the location and intensity of outdoor lighting, or require its shielding.*

*(9) Require screening, landscaping, or other facilities to protect adjacent or nearby property, and designate standards for installation or maintenance thereof.*

*(10) Designate the size, height, location, or materials for a fence.*

*(11) Protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.*

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

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

## FINDINGS OF FACT

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

### Findings of Fact

#### *10.248 Conditional Use Permit Criteria*

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

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

The Conditional Use Permit (CUP) criteria states a CUP proposal must comply with either criteria 1 or 2. It is difficult to state a proposal has no significant adverse impact therefore these finding of fact impact will address Criterion 2 *The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.*

The subject of this CUP application is to allow a public school to operate in an existing facility on the subject property. The property is within the SFR-4 zoning district, and according to Medford Land Development Code section 10.314 6c, Institutional uses including Schools are a permitted as a Conditional Use.

The subject property was operated as Living Opportunities, a non-profit serving individuals with intellectual and developmental disabilities on the subject property since the 1970's. Living Opportunities was operating under a conditional use permit. The operations have relocated, and the bulk of the property has been vacant for 4 years.

## FINDINGS OF FACT

The Valley School of Southern Oregon is a public Charter School currently operating at 1253 N Riverside for 3 years serving 6<sup>th</sup>, 7<sup>th</sup>, and 8 grade students throughout the district. The current enrollment is 100 students with 9 facility members.

The School is considering increasing enrollment to 120 students which would increase the facility by 2 employees.

### Site / Facilities Description



The property is 2.95 net acres located approximately 675 feet south of Spring Street on Valley View Drive. The property is currently fenced on the north, west and south property lines, the east property line is the Valley View Drive frontage.

The School proposes to use the existing facilities and does not propose any modifications to the existing site. The interiors of the existing buildings will be remodeled to provide classrooms and offices.

The building labeled Building 1 will be receive interior remodeling to 2 classrooms, 4 offices and a flex space. Building 2 will be receive interior remodeling to 1 classroom and a multipurpose room.

The facility currently has 46 parking spaces in 3 parking areas. The total spaces included 4 ADA spaces. The existing buildings to be used by the school total 6,700 square feet if interior space. The large parking area between Building 1 and Valley View Drive is lit with a single downcast light.

## FINDINGS OF FACT

The buildings, covered breezeways, and extensive covered porches total approximately 11,000 square feet of building coverage for approximately 9% lot coverage.

The site has extensive mature landscaping. The south portion of the site is comprised of approximately 44,000 square feet of landscaped space suitable for outdoor recreation activities for the students.

The normal hours of operation of the school are 7:45 AM to 4:00 PM for the published Medford 549-C school district annual calendar.

### Adjoining Uses

The subject property is in an existing SFR-4 zoning district. The adjoining uses are as follows:

- West: 3 existing single family dwellings in the SFR-4 zoning district. All parcels have a fence on the common property line with the subject parcel. These properties take access from Bianca Court from Sunrise Avenue. 1975 and 1982 Bianca have extensive mature landscaping and a sight obscuring fence on the common lot line. 1972 Bianca has some mature landscaping and a sight obscuring fence.
- South: 4 existing single-family dwellings with extensive landscaping and sight obscuring fencing. These properties are adjacent to an outdoor landscaped space and have a mature Leland Cypress hedgerow screening the parking area and Building 1 on the subject property.
- North: there are 3 parcels and 3 different zoning districts on the adjoining properties to the North. The westerly property is a single-family dwelling with access from a private drive from Sunrise Avenue. This property has mature landscaping and a sight obscuring fence.

The middle property is in the C-N zoning district and addressed as 1810 Spring Street. It would appear the property was developed under a prior land development ordinance as there are 6 single family dwellings on a single tax lot in the C-N zoning district. The common property line has a sight obscuring fence and some mature landscaping.

The easterly development on the north property line is a multifamily development in the MFR-20 zoning district. There is a sight obscuring fence and some mature landscaping on the common boundary.

### Utilities

## FINDINGS OF FACT

### Water

The site is connected to the domestic water supply provided by the Medford Water Commission. There is an existing 1.5" water meter connection. The MWC maintains a 20" water line in Valley View Drive. A fire hydrant is located on the frontage of the property.

### Sanitary Sewer

The existing facility is within the Medford sanitary sewer service area. The existing building is connected to the public facility. This application does not propose any new development and does not propose any changes to the facility.

### Storm Sewer

This application does not propose any new construction or reconstruction of buildings or parking areas. The approval of the CUP will not impact the existing storm water management of the site.

According to the Public Works Comments provided in the applicant's preapplication conference for the project, future expansion will require a comprehensive drainage plan. The applicant will comply with all standards for development at the time of expansion of the existing facilities if proposed in the future.

### Transportation

Valley View Drive is classified as a standard residential street in the Medford Transportation System Plan (TSP). The existing right of way width at the subject property is 60 feet. The standard right of way width for a standard residential street in the TSP and Medford Land Development Code (MLDC) is 63 feet.

The segment of Valley View Drive in front of the subject property has a paved section, however there are no curbs, gutters or sidewalks. There is an open irrigation facility on the frontage.

The adjoining property to the north is a multifamily development. This development has a curb tight sidewalk. In the event the Planning Commission conditions frontage improvements, the applicant seeks direction for any sidewalk connectivity to this existing adjacent sidewalk.

The site is 2.95 net acres and 3.18 gross acres in the SFR-4 zoning district. The permitted uses in the zoning district would allow for 12 dwelling units. At 9.44 Average Daily Trips (ADT) per single family dwelling, the traffic potential for outright permitted uses 113 ADT.

FINDINGS OF FACT

According to the ITE Manual 10 for trip generation, the site will generate 2.13 ADT per student. At the current enrollment the traffic generation is 213 ADT. The School may potentially expand to 120 students which would generate a total of 255 ADT. The traffic impact of this application is the difference between the proposed use of 255 ADT and the permitted use of the zoning district of 113 ADT for a total impact of 153 net ADT.

The traffic impact is not significant and below the threshold of 250 ADT stated in the MLDC which would require a Traffic Study.

Parking

As stated above, the existing site has 46 parking spaces including 4 ADA spaces. The School currently employs 9 staff for the 100 students. In the event the enrollment expands to 120 students, there will be 11 staff members.

The existing buildings will be remodeled, and the site will have 3 classrooms. The parking standards in the MLDC for Schools, Kindergarten through 8<sup>th</sup> grade is 1 space per teacher and staff and 1 space per 2.4 classrooms minimum and 1 space per 1.8 classroom maximum.

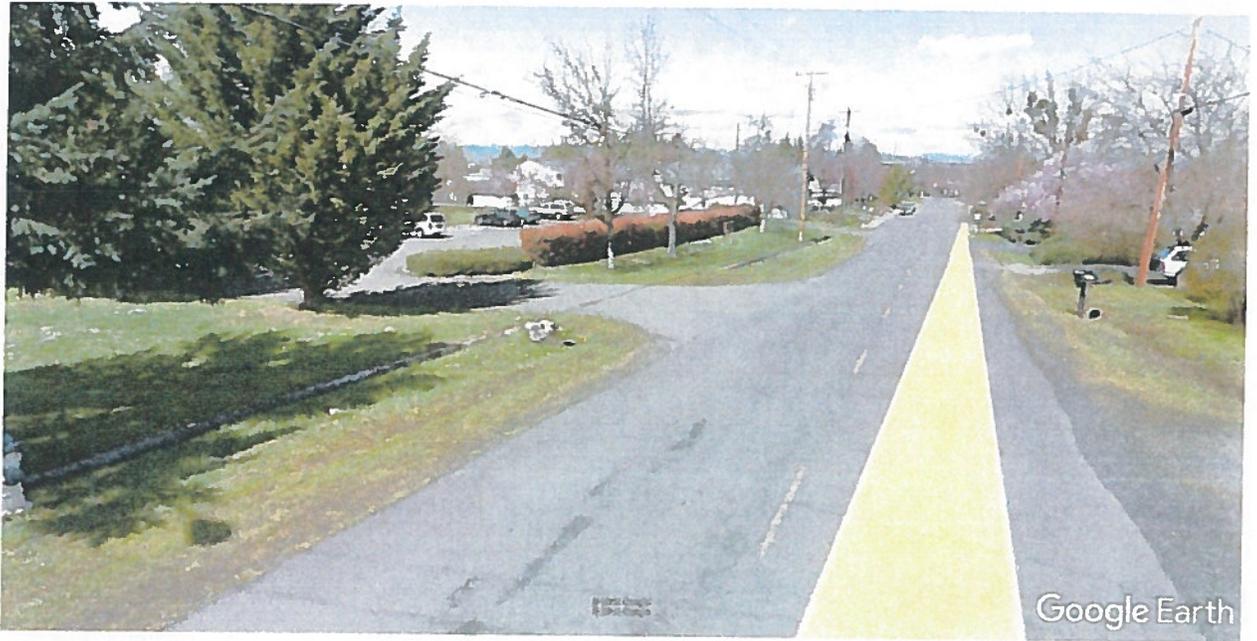
School, Elementary Kindergarten – 8th	1.0 space per teacher and staff plus 1.0 space per 2.4 classrooms	1.0 space per teacher and staff plus 1.0 space per 2.2 classrooms	1.0 space per teacher and staff plus 1.0 space per 1.8 classrooms
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The existing available parking exceeds the maximum parking allowed for the development of a new school. Since the parking is already available at the site, and the application does not propose any development outside the existing buildings, the applicant proposes to utilize the existing parking facilities without change.

Access

The site currently has two access points on Valley View Drive. Each access is approximately 20 feet wide and there is approximately 175 feet between the driveways.

## FINDINGS OF FACT



This image of the property frontage shows the access spacing and the existing mature frontage landscaping as well as the existing facilities. There is an existing vegetated roadside storm ditch that appears to be draining only the existing road surface.

Behind the storm ditch is the irrigation facility and power pole. The location of the existing landscaping allows clear view of traffic in both directions for vehicles leaving the site.

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

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

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

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

## FINDINGS OF FACT

*PUBLIC SCHOOL DISTRICT FACILITIES PLANNING Long-Range Planning for Public School Facilities Long-range school facilities planning is an important and somewhat complex process requiring the cooperation and coordination of school districts, local governments and citizens. Long-range planning by the Medford and Phoenix-Talent School Districts is continuous. It is a different type of planning, however, from the long-range planning activities of local "general-purpose" governments, whose responsibility is to direct the location and intensity of community growth and development, and to perform functions of community and regional planning that fall within their jurisdictional and statutory authority. Conversely, school districts are "special-purpose" government entities, whose role is to coordinate with city and county agencies and react appropriately to the service demands generated by the growth and development policy decisions of general-purpose governments. State statutes, particularly ORS 195.110, define the City's role and responsibilities in the required facilities planning of large (defined by ORS 195.110 as having more than 2,500 students) school districts.*

As recognized in the Comp Plan, schools are in the public interest and serve the residents of the City, consistent with MLDC 10.249 (2).

The site has historically operated as a Living Opportunities, non-profit with a public benefit since the 1970's. Approving the CUP to allow the Valley School of southern Oregon to commence operations in the existing facility.

The ability for the non-profit public School to operate in this location within the existing facilities minimizes impacts while providing a significant public benefit in a location that is well suited to serve the community consistent with criterion 3.

### Application Summary and Conclusion

These findings of fact have demonstrated the request for a Conditional Use Permit allowing the Valley School to operate at the proposed location is consistent with the Approval criteria contained in the Medford Land Development Code for the City of Medford.

The application will be operating in the existing facilities located at 857 Valley View Drive in Medford. The school proposed to use the existing facilities with out proposing changes to the site and existing buildings. The impact to the adjoining properties is minimal and the use is in the public interest as identified in the Medford Comprehensive Plan.

On behalf of the applicants I request approval of this Conditional Use Permit.

Scott Sinner



# Scott Sinner Consulting, Inc.

Land Use Planning, Conservation Consulting

RECEIVED

APR 26 2018

PLANNING DEPT.

April 26, 2018

Kelly Akin  
City of Medford Planning Department  
200 S Ivy St  
Medford, OR 97501

Re: CUP-18-053

Kelly,

The owner of the property, Living Opportunities, Inc, commissioned a topographic survey of the subject property and provided conceptual street frontage improvements CUP-15-145 for a revision to their CUP. The Planning Commission approved the application including the proposed Valley View Street improvements. This CUP application proposes the same Valley View Drive Street improvement approved under CUP-15-145

This exhibit supplements the application with the location of the existing facilities. The application does not propose any new development or expansion of the existing buildings or the parking and maneuvering areas. As stated in the findings of fact, the applicant will be remodeling the interior spaces of the existing buildings.

I have also submitted a conceptual street frontage improvement plan for the application. Valley View Drive is classified as a standard residential street with an existing 60' right of way. The applicant proposes a 1/2 plus 12' improvement from the south existing access of the subject property to the north property line.

The adjacent multifamily development to the north has an improved frontage with curb, gutter and curb tight sidewalk. The proposed plan provides a sidewalk behind a planter strip and then a connection to the curb tight sidewalk on the adjacent property.

The proposed street improvement provides sidewalk, planter strip curb and gutter from the north side of the south access point to the north property line. The proposed plan provides an A/C taper south of the south access and would not provide a sidewalk to the south from the south access.

CITY OF MEDFORD  
EXHIBIT # E  
File # CUP 18-053



4401 San Juan Drive, Suite G  
Medford, Oregon 97504

Phone and Fax 541-772-1494  
Cell 541-601-0917  
Email scottsinner@yahoo.com



## ***Scott Sinner Consulting, Inc.***

***Land Use Planning, Conservation Consulting***

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The site slopes significantly away from the public right of way in this area. Developing improvements to this section to provide a sidewalk connection would require significant fill and modifications to the existing mature landscaping on the site.

All properties to the south are currently developed at, or near, urban densities on this segment up to Capitol Avenue. Valley View Drive south from the subject parcel is paved, without curb and gutter on the west side and as a lower order street, will not be improved by the adjacent land owners.

The segment of Valley View Drive from Capitol to Hillcrest is the narrow segment lined with mature elm trees. Improvements to the segment, to install sidewalks or widen the paved section would likely be met with fierce opposition by the residents of the street.

The proposal to improve the applicant's frontage to include both existing access points and provide sidewalk connections to the improved sections to the north provides pedestrian connectivity to the north and preserves existing mature landscaping to the south where there are limited opportunities for sidewalk extensions to the south, consistent with the findings of fact approved under CUP-15-145.

Regards,



Scott Sinner, President  
Scott Sinner Consulting, Inc.



4401 San Juan Drive, Suite G  
Medford, Oregon 97504

Phone and Fax 541-772-1494  
Cell 541-601-0917  
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CUP-18-053

**Southern Oregon Transportation Engineering, LLC**

319 Eastwood Drive - Medford, Or. 97504 - Phone (541) 941-4148 - Email: Kim.parducci@gmail.com

May 10, 2018

Karl MacNair, Transportation Manager  
City of Medford  
Public Works/Engineering Division  
200 South Ivy Street, Lausmann Annex  
Medford, Oregon 97501

**RECEIVED**

MAY 10 2018

**CITY OF MEDFORD  
ENGINEERING**

RE: The Valley School Conditional Use Permit Traffic Findings

Dear Karl,

Southern Oregon Transportation Engineering, LLC prepared a traffic analysis for a proposed Valley School conditional use permit (CUP), which is required as a result of the school relocating from its current location at 1253 N. Riverside Avenue to 857 Valley View Drive in East Medford. Pursuant to the City's conditional use permit (CUP) standard, impacts for the proposed CUP, as a component of livability, must not be significant. See Medford Land Development Code (MLDC) 10.248. The following analysis goes to that issue.

**Background**

The Valley School of Southern Oregon is a charter school in Medford located along the west side of Riverside Avenue within the Cobblestone Village. The school currently has 100 students enrolled in grades 6<sup>th</sup>-8<sup>th</sup>, and is proposing to re-locate to a 2.95 acre site on the west side of Valley View Drive north of Ridge Way. The prior use at the new location was Living Opportunities Inc., which was a non-profit organization that provided basic needs and support to people with intellectual or physical disabilities. Access is provided to Valley View Drive through two access points (see Figure 1 for a vicinity map).

Schedule and Events

The Valley School starts at 8:30 a.m. and ends at 3:15 p.m. on Monday through Friday. Parents are required to pick up their children by 4:00 p.m., which is when staff leave for the day. Sports, such as track and field, are held at Central High (the old South Medford High School), and do not take place on campus. Evening activities such as game nights, movie nights, or student project presentations most commonly occur between 6:00-8:00 p.m. and are hosted approximately once every three months. In January, the school holds two orientations for new students, which take place on weekdays in the evenings (around 6:00 p.m.) for approximately one hour. One additional event that will take place during the school year is graduation for the 8<sup>th</sup> grade class. This occurs in June on a weekday usually around 4:00 p.m. for one hour, and is held for approximately 30 students. With the exception of the events mentioned, the school does not have any after school programs or activities that occur on a regular basis.

CITY OF MEDFORD  
EXHIBIT # 7  
File # CUP-18-053

Figure 1: Vicinity Map



## Surrounding Street System

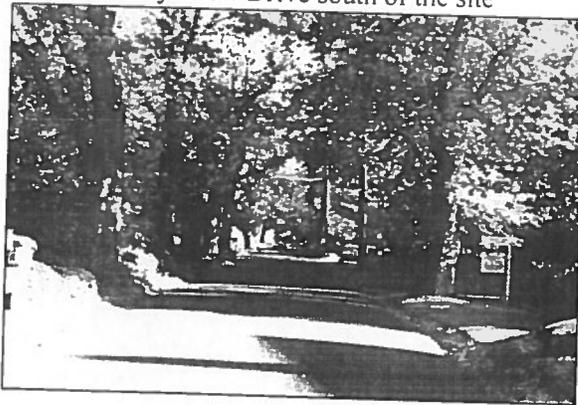
Valley View Drive is classified as a local street in the City of Medford Transportation Plan. It's currently unimproved between Hillcrest Road and the north property line of the proposed school site. North of the school site Valley View Drive has curb, gutter, and sidewalk along the west side for a short distance to Lawnridge Street. From Lawnridge Street to Spring Street, it returns to being unimproved. The posted speed is 25 miles per hour (mph).

Spring Street is approximately 650 feet north of the school site, and is the nearest higher order street. It's classified as a major collector with a posted speed of 35 mph. It has no curb, gutter, or sidewalks at Valley View Drive, but sidewalk starts on the north side approximately 120 feet to the east and extends to Modoc Avenue.

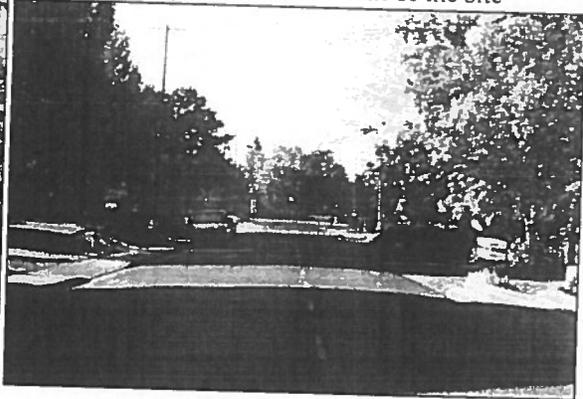
South of the school on Valley View Drive there are a number of local, east-west streets that connect through to Sunrise Avenue. These include Harrison Avenue, Aloha Avenue, and Capital Avenue. Ridge Way is a local, east-west street that connects through to Modoc Avenue. All of these streets are posted 25 mph.

Hillcrest Road is the nearest higher order street to the south and is approximately 1,100 feet away from the proposed school site. It's classified as a major collector and is fully improved to the west with curb, gutter, sidewalks, and bike lanes. To the east it's improved with curb and gutter, but only has sidewalks along the north side. It carries a posted speed of 30 mph.

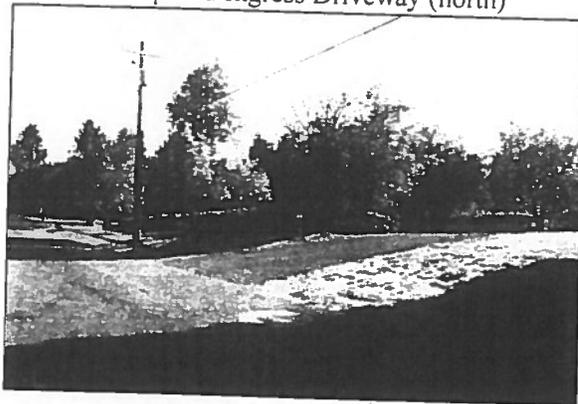
Valley View Drive south of the site



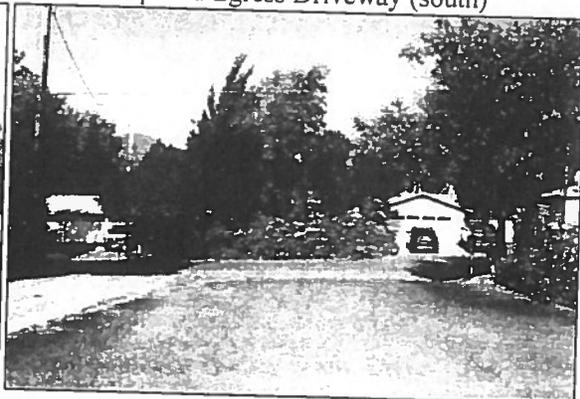
Valley View Drive north of the site



Proposed Ingress Driveway (north)



Proposed Egress Driveway (south)



## Analysis

### Trip Generation

Southern Oregon Transportation Engineering counted the existing school site on Riverside Avenue from 7:00-9:00 a.m. and 3:00-6:00 p.m. on Tuesday May 1<sup>st</sup>. The majority of trips occurred between 7:45-8:30 a.m. during the morning drop-off time and between 3:00-3:45 p.m. during the afternoon pick-up time. The a.m. peak hour of the school coincided with the a.m. peak hour of the adjacent street, but the school's p.m. peak hour occurred earlier than the peak hour of the adjacent street by approximately one hour. After 4:00 p.m., there were only two trips to/from the school site.

Trip generations were prepared for the Valley School utilizing the 10<sup>th</sup> Edition of the Institute of Transportation Engineers *Trip Generation Manual*, and local data. The two ITE land uses that were similar to The Valley School were land use 522 – Middle School / Junior High and 537 – Charter Elementary School. Neither land use was a strong match to a privately operated, publicly funded school with grades 6<sup>th</sup> – 8<sup>th</sup>. We gathered local data for comparison purposes. All three are summarized in Table 1 below.

**Table 1 – The Valley School of Southern Oregon - Trip Generations**

Land Use	Description	Unit	Size	Daily Rate	A.M. Rate	A.M. Peak Hour <sup>1</sup>			P.M. Rate	P.M. Peak Hour <sup>2</sup>		
						Total	In	Out		Total	In	Out
522	Middle School / Junior High	student	120	2.13	0.58	70	38	32	0.35	42	19	23
537	Charter Elementary School	student	120	1.85	fitted <sup>3</sup>	106	56	50	fitted <sup>4</sup>	81	37	44
Local	The Valley School	student	100	NA	1.03	103	54	49	0.73	73	34	39

Notes:

1 The a.m. peak hour used in Table 1 is the a.m. peak of the adjacent street

2 The p.m. peak hour used in Table 1 is the p.m. peak of the generator, which is higher than during the peak hour of the adjacent street

3 Fitted curve  $T = 1.17(X) - 34.68$

4 Fitted curve  $\ln(T) = 0.98\ln(X) - 0.30$

After counting The Valley School and comparing the traffic volumes to those provided in the ITE, the closest match was land use 537 – Charter Elementary School, which was shown to generate more peak hour trips than a standard middle school/junior high, but fewer daily trips per student. This was concluded to be the most accurate ITE data for the Valley School and was used in the analysis.

### Trip Distribution

Estimated trips for The Valley School were distributed to/from Valley View Drive in accordance with existing traffic splits from tube counts provided by the City of Medford (July 2016). Counts showed traffic splits of approximately 63% from the north and 36% from the south during the a.m. peak hour (8:00-9:00 a.m.). During the p.m. peak hour (3:00-4:00 p.m.), counts showed traffic splits of 45% from the north and 55% from the south. Trip distributions are provided in the attachments for further reference.

### Site Circulation

The proposed new school site currently has two access points on Valley View Drive. The Valley School proposes to make the north driveway an ingress access and the south driveway an egress access

to help with traffic flow. Parents arriving to drop-off or pick-up will enter through the north driveway, park or wait in line, then exit through the south driveway. The row of parking spaces along the east side of the school building will be utilized by staff because some of these spaces could be blocked temporarily when parents are waiting in line to drop-off or pick-up.

**Figure 2: Proposed Valley School Site Circulation**



A queuing analysis conducted at The Valley School existing site on Riverside Avenue showed a maximum of 2 and 3 vehicles waiting at any one time during the a.m. and p.m. peak hours, respectively. The a.m. peak hour had a higher number of parents waiting to drop off, but a shorter average wait time and queue length. Results are summarized below. The full delay study is provided in the attachments.

AM Peak Hour

40 total vehicles waited in a queue  
 Average stopped time/vehicle = 30 seconds  
 Max stopped time = 91 seconds  
 Max queue on-site = 2 vehicles

PM Peak Hour

15 total vehicles waited in a queue  
 Average stopped time/vehicle = 93 seconds  
 Max stopped time = 313 seconds  
 Max queue on-site = 3 vehicles

The proposed Valley View school site provides 150 feet of stacking north to south and an additional 75 feet east-west in the ingress driveway throat distance for an overall stacking distance of 225 feet. The maximum queue length estimated based on the queuing analysis is 50 feet in the a.m. peak hour (based on two vehicles at 25 feet per vehicle) and 75 feet in the p.m. peak hour. This is shown to be more than enough stacking to support school traffic during the a.m. and p.m. peak hours, without any concern for spilling out onto Valley View.

Driveway Operations

Valley View Drive was shown in City counts to carry approximately 70 trips during the a.m. peak hour and 90 trips during the p.m. peak hour north of Capital Avenue. The Valley School is estimated to generate approximately 106 trips during the a.m. peak hour and 81 trips during the p.m. peak hour,

using ITE land use 537, and assuming a maximum enrollment of 120 students. The Valley School is currently capped at 100 students, but is hoping to get approval from the Medford School District to increase enrollment to 120 students. Our analysis considered the higher number of students and evaluated the site driveways operationally to determine what level of delay might be expected on Valley View Drive with additional school trips. Results are summarized in Table 2.

**Table 2 – Year 2018 Intersection Operations**

Intersection	Performance Standard	A.M. Peak Hour	P.M. Peak Hour
North driveway / Valley View Dr	None	LOS A, 1.9 sec delay, (NBL/T)	LOS A, 1.7 sec delay, (NBL/T)
South driveway / Valley View Dr	None	LOS A, 9.0 sec delay (EBL/R)	LOS A, 8.9 sec delay (EBL/R)

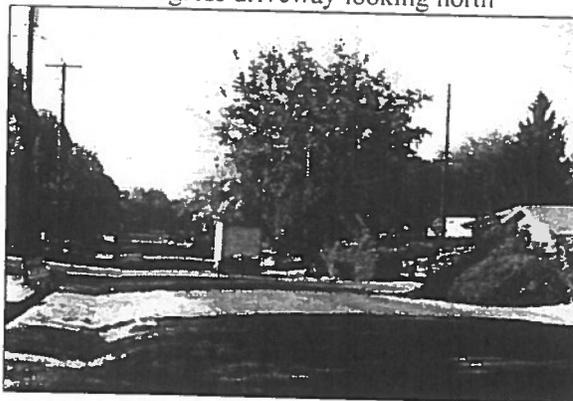
LOS = Level of Service. NBL/T = northbound left shared through, EBL/R = eastbound left shared right. sec = second

The results of the analysis show both driveways at The Valley School proposed site operating at a level of service (“A”) during the a.m. and p.m. peak hours with the addition of school traffic. The average delay at the south egress driveway for the eastbound left and right turn movements is 9 seconds (which is on-site delay). At the north ingress driveway, the average delay is 1.9 seconds in the a.m. peak hour and 1.7 seconds in the p.m. peak hour for the northbound left-shared-through movement (which is delay on Valley View). Level of service “A” is defined as free-flow traffic with individual users virtually unaffected by the presence of others in the traffic stream. This was further seen in a 95<sup>th</sup> percentile queuing analysis, which reported no queue length for any movement at either driveway during both peak hours. Refer to the attachments for Synchro and Simtraffic output.

Sight Distance

Sight distance at The Valley School proposed egress driveway on Valley View Drive was evaluated and shown to be unobstructed to the north to Spring Street and limited to the south by a vertical curve for exiting vehicles. The measured sight distance to the south was over 450 feet, which is shown to meet the desired intersection sight distance (using AASHTO methodology) for a Case B1 left turn movement, which has a minimum requirement of 280 feet within a 25 mile per hour (mph) speed zone. From field observations during the p.m. peak hour, traffic along Valley View Drive appeared to have many gaps for exiting vehicles. The a.m. peak hour was not observed, but was shown to have slightly lower traffic volumes in City counts.

From egress driveway looking north



From egress driveway looking south



### Parking

Valley View Drive currently has on-street parking along an improved section north of the subject property. The school will be adding curb, gutter, and sidewalk along the site frontage, which will create additional on-street parking for approximately 200 feet. The school internal parking lot has 46 spaces in three parking areas for staff and visitors. This is concluded to be adequate based on field observations during traffic counts at the existing school site. At the existing site, the number of occupied parking spaces ranged between 9 and 21 vehicles at any one time during the a.m. and p.m. peak hours. The highest number of occupied spaces occurred during the p.m. peak hour when parents were arriving to pick up their children. Based on this, the number of parking spaces provided at the new site on Valley View is expected to be more than adequate to support school traffic without the need to utilize on-street parking. This is also expected to be the case during special events.

### Pedestrians

Approximately 15% of students at The Valley School ride the bus and are picked up from Hedrick and McLoughlin. Remaining students are driven by parents, with a high percentage participating in car-pools. One difference between The Valley School and a traditional middle school is that students are not necessarily living within a specific school boundary or close proximity. For this reason, the number of students walking or biking to school is expected to be less. Whether or not students walk or ride to school will, therefore, be dependent on their proximity to this location. No adverse impacts are expected on Valley View Drive as a result of pedestrian traffic.

School Speed Zone?

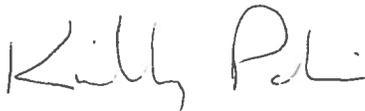
## Summary and Conclusions

The Valley School proposed location on Valley View Drive was evaluated from a safety standpoint and not shown to create adverse impacts to the surrounding area based upon the following conclusions:

- The school proposes to make the north access to the site an ingress access and the south access an egress access for efficient site circulation and flow. *→ sign it*
- On-site stacking during student drop-off and pick-up peak times is shown to be more than adequate to handle school traffic without impacting Valley View Drive.
- Sight distance is shown to be adequate in both directions for exiting vehicles at the south driveway.
- Site driveways are shown to operate at level of service "A" with little to no delay with the addition of school traffic considered.
- The amount of on-site parking provided in three parking areas is shown to be more than adequate to support school traffic without using on-street parking, which will decrease impacts to the surrounding residential area.

It is concluded that the proposed conditional use permit for The Valley School of Southern Oregon can be approved without creating significant or adverse safety impacts to the surrounding area. Please feel free to contact me with any questions or concerns.

Sincerely,



Kimberly Parducci PE, PTOE  
SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC

Cc: Peter Mackprang, Medford Engineering  
Scott Sinner, Scott Sinner Consulting  
Client

Attachments: Count Data  
Stopped Delay Data  
Volume Development  
Synchro/SimTraffic Output,  
ITE Graphs  
City Scoping Letter





Medford – A fantastic place to live, work and play

**CITY OF MEDFORD**

LD Date: 5/30/2018  
Revised Date: 6/8/2018  
File Number: CUP-18-053

**PUBLIC WORKS DEPARTMENT STAFF REPORT**  
**857/861 Valley View Drive**  
**Valley School of Southern Oregon**

- Project:** Consideration of a request for a Conditional Use Permit (CUP) to allow for the operation of Valley School of Southern Oregon, a public school, within an existing facility on a 2.95 acre parcel.
- Location:** Located at 857 & 861 Valley View Drive in a Single-Family Residential – 4 dwelling units per gross acre (SFR-4) zoning district (371W20DB4500).
- Applicant:** Keith Arnston/Valley School of Southern Oregon, Applicant; Scott Sinner, Agent; Steffen Roennfeldt, Planner.

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

**Prior to issue of the first building permit, the following items shall be completed and accepted:**

- Submittal and approval of plans for site grading and drainage, and detention, if applicable.
- Completion of all public improvements, if required. The Applicant may provide security for 120% of the improvements. Construction plans for the improvements shall be approved by the Public Works Engineering Division prior to acceptance of security.
- Items A – D, unless noted otherwise.

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

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

## **A. STREETS**

### **1. Dedications**

**Valley View Drive** is classified as a Standard Residential Street, and in accordance with Medford Land Development Code (MLDC) Section 10.430, it requires a total right-of-way width of 63-feet. The developer shall dedicate for public right-of-way, sufficient width of land along the entire frontage of this development to comply with the half width of right-of-way, which is 31.5-feet. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

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

The right-of-way and PUE dedications shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: right-of-way and PUE dedications, a copy of a current lot book report, preliminary title report, or title policy; a mathematical closure report (if applicable), and the Planning Department file number, all for review and signature acceptance by the City Engineer prior to recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or mortgages on the areas dedicated.

### **2. Public Improvements**

#### **a. Public Streets**

The Developer shall construct **Valley View Drive** to Standard Residential street standards in accordance with the MLDC, Section 10.430 and 10.442. The Developer shall improve the west half plus 12-feet east of the centerline, or to the far edge of the existing pavement, whichever is greater. If the grass field with the concrete playground and basketball court on the southern portion of the property are not to be used as part of the CUP, then the improvements shall be along this development's northern 230-feet± of frontage, otherwise the improvements shall be along this development's entire frontage.

As an option, the Developer may elect to provide evidence of the existing structural section to Public Works for consideration in order to determine if the extent of construction may be reduced. Depending on the results, the Developer still may be responsible for the improvements noted above or at minimum improve the remainder of the west half of Valley View Drive from a point 1-foot inside the existing edge of pavement.

#### **b. Street Lights and Signing**

The developer shall provide and install in compliance with Section 10.495 of the Medford Municipal Code (MMC). Based on the preliminary plan submitted, the following number of street lights and signage will be required:

Street Lighting – Developer Provided & Installed:

A. 2 – Type R-100

Traffic Signs and Devices – City Installed, paid by the Developer:

A. None

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

The Developer shall be responsible for the preservation and re-installation of all signs removed during demolition and site preparation work. The Developer’s contractor shall coordinate with the City of Medford Public Works, Maintenance and Operations Division to remove any existing signs and place new signs provided the Developer.

**c. Pavement Moratoriums**

There is no pavement cutting moratorium currently in effect along this frontage.

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

**d. Soils Report**

The Developer’s Engineer shall obtain a soils report to determine if there is shrink-swell potential in the underlying soils in this development. If they are present, they shall be accounted for in the roadway and sidewalk design within this Development. The soils report shall be completed by a licensed Geotechnical Engineer in the state of Oregon.

**3. Access to Public Street System**

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

**4. Transportation System**

Public Works received a report titled, “The Valley School Conditional Use Permit Traffic Findings,” dated May 10, 2018, from Southern Oregon Traffic Engineering. The report concluded that the proposed conditional use permit for The Valley School of Southern Oregon can be approved without creating significant or adverse impacts to the surrounding area. Based

upon the assumptions and conclusions of this traffic report, the following conditions are recommended:

- The school's maximum allowed attendance shall be 120 students until the traffic impacts of a larger number of students have been studied.
- The school proposes to make the north access to the site an ingress access and the south access an egress access for efficient site circulation and flow. The north driveway shall include two regulatory "Entrance Only" signs and two arrows striped behind the sidewalk on the pavement pointing into the site. The south driveway shall include two regulatory "Exit Only" signs and two arrows striped behind the sidewalk on the pavement pointing away from the site.
- The school shall coordinate with the Traffic Engineering Section of the Public Works Department to establish a 20 mph School Zone along Valley View Drive and Ridge Way, in accordance with the Manual on Uniform Traffic Control Devices, prior to the start of school at this site.
- The proposed pedestrian connection from the sidewalk to the building shown on the north side of the site shall be moved to the south side of the site to allow for a more perpendicular vehicle crossing of the pedestrian connection and allow for more queuing space between the pedestrian crossing and the public roadway.

#### 5. Section 10.668 Analysis

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

#### 10.668 Limitation of Exactions

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

- (1) the record shows that there is an essential nexus between the exaction and a legitimate government purpose and that there is a rough proportionality between the burden of the exaction on the developer and the burden of the development on public facilities and services so that the exaction will not result in a taking of private property for public use, or*
- (2) a mechanism exists and funds are available to fairly compensate the applicant for the excess burden of the exaction to the extent that it would be a taking.*

#### 1. Nexus to a legitimate government purpose

The purposes for these dedications and improvements are found throughout the Medford Code, the Medford Transportation System Plan, and the Statewide Planning Rule, and supported by sound public policy. Those purposes and policies include, but are not limited to: development of a balanced transportation system addressing all modes of travel, including motor vehicles, transit, bicycles, emergency services and pedestrians. Further, these rights-

of-way are used to provide essential services such as sanitary sewer, domestic water and storm drains to serve the developed parcels. It can be found that the listed right-of-way dedications and improvements have a nexus to these purposes and policies.

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

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

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

**Valley View Drive:**

The additional right-of-way will provide the needed width for a planter strip and sidewalk on **Valley View Drive**. The 8-foot planter strip moves pedestrians a safe distance from the edge of the roadway. Valley View Drive will be the primary routes for pedestrians traveling to and from this development. The development shall construct approximately 340 linear feet of sidewalk along the frontage of the property. All developments in Medford are required to construct their frontage sidewalk and therefore this is roughly proportional.

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

The additional street lighting on Valley View Drive will provide the needed illumination to meet current MLDC requirements.

Dedication of the Public Utility Easements (PUEs) will benefit development by providing public utility services, which are out of the roadway and more readily available to each lot or building being served. The additional traffic of all modes of travel generated by this proposed development supports the dedication and improvements for all modes of travel and utilities. As indicated above, the area required to be dedicated for this development is necessary and roughly proportional to that required in similar developments to provide a transportation system that meets the needs for urban level services.

## **B. SANITARY SEWERS**

The proposed development is situated within the Medford sewer service area. It is unclear where the existing or any proposed sanitary sewer laterals are located. The Developer shall provide one separate individual service lateral to the site or ensure that the site is served by an individual service lateral. All unused laterals adjacent and stubbed to the development shall be capped at the main.

## **C. STORM DRAINAGE**

### **1. Drainage Plan**

With future expansion, a comprehensive drainage plan showing the project's impacted site with sufficient information to determine the direction of runoff to the existing or proposed drainage system, and also showing elevations of the proposed drainage system (if applicable), shall be submitted with the first building permit application for approval. Any new or reconstructed area catch basins shall meet Department of Environmental Quality (DEQ) requirements, which include a down-turned elbow and sump.

The Developer shall provide copies of either a Joint Use Maintenance Agreement or a private stormdrain easement for any stormwater draining onto or from adjacent private property.

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

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

### **2. Grading**

With future expansion, a comprehensive grading plan showing the relationship between adjacent property and the proposed development will be submitted with the improvement plans for approval. Grading on this development shall not block drainage from an adjacent property or concentrate drainage onto an adjacent property without an easement. The Developer shall be responsible that the final grading of the development shall be in compliance with the approved grading plan.

### **3. Detention and Water Quality**

Stormwater quality and detention facilities shall be required in accordance with MLDC Section 10.481, 10.729 and 10.486 for any new or reconstructed impervious area, including the public street.

### **4. Certification**

Upon completion of the future expansion, and prior to certificate of occupancy of the building, the Developer's design Engineer shall certify that the construction of the stormwater quality and detention system was constructed per plan. Certification shall be in writing and submitted to the

Engineering Division of Public Works. Reference Rogue Valley Stormwater Quality Design Manual, Appendix I, Technical Requirements.

### **5. Erosion Prevention and Sediment Control**

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

### **6. Irrigation**

Irrigation facilities are located along the frontage of this parcel, running parallel to Valley View Drive. These facilities shall be piped and covered as part of the improvements along this frontage or it shall be relocated out of the public right-of-way. The Developer's Engineer shall determine adequate sizing for the pipe and will need to coordinate and obtain approval from the governing irrigation district and the City of Medford Engineering Department prior to installing.

Irrigation district approval shall be provided for any stormwater draining into their facilities.

## **D. GENERAL CONDITIONS**

### **1. Design Requirements and Construction Drawings**

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

### **2. Construction Plans**

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

collections.

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

### **3. Construction and Inspection**

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

Contractors proposing to do work on public streets, sewers, or storm drains shall 'prequalify' with the Engineering Division prior to starting work. Contractors shall work off a set of public improvement drawings that have been approved by the City of Medford Engineering Division. Any work within the County right-of-way shall require a separately issued permit from the County.

For City of Medford facilities, the Public Works Maintenance Division requires that public sanitary sewer and storm drain mains be inspected by video camera prior to acceptance of these systems by the City.

Where applicable, the Developer shall bear all expenses resulting from the adjustment of manholes to finish grades as a result of changes in the finish street grade.

### **4. Site Improvements**

All on-site parking and vehicle maneuvering areas related to this development shall be paved in accordance with MLDC, Section 10.746, prior to issuance of certificate of occupancy for any structures on the site. Curbs shall be constructed around the perimeter of all parking and maneuvering areas that are adjacent to landscaping or unpaved areas related to this site. Curbs may be deleted or curb cuts provided wherever pavement drains to a water quality facility.

### **5. System Development Charges (SDC)**

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

Prepared by: Doug Burroughs

## SUMMARY CONDITIONS OF APPROVAL

857/861 Valley View Drive

Valley School of Southern Oregon

CUP-18-053

### A. Streets:

#### 1. Street Dedications to the Public:

- Valley View Drive – Dedicate additional right-of-way.
- Dedicate 10-foot Public Utility Easement (PUE) along the frontage.

#### 2. Improvements:

##### Public Streets

- Improve Valley View Drive to Standard Residential street standards.

##### Lighting and Signing

- Developer supplies and installs all street lights at own expense.
- City installs traffic signs and devices at Developer's expense.

##### Access to Public Street System

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

##### Transportation System

- Comply with Conditions outlined.

##### Other

- No pavement moratorium currently in effect along this frontage to Valley View Drive.
- Provide pavement moratorium letters.
- Provide soils report.

### B. Sanitary Sewer:

- Ensure or construct separate individual sanitary sewer connection.
- Cap remaining unused laterals at the main.

### C. Storm Drainage:

- Provide a comprehensive grading and drainage plan.
- Provide water quality and detention facilities, calculations and O&M Manual.
- Provide Engineers certification of stormwater facility construction.
- Pipe irrigation canal and drainage ditches or relocate out of right-of-way.

- = City Code Requirement
- = Discretionary recommendations/comments

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

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P:\Staff Reports\CUP\2018\CUP-18-053 857\_861 Valley View Dr (TL 4500) Valley School of So OR\CUP-18-053 Staff Report-Revised.docx

Page 9

PUBLIC WORKS DEPARTMENT  
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET  
MEDFORD, OREGON 97501  
[www.ci.medford.or.us](http://www.ci.medford.or.us)

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



BOARD OF WATER COMMISSIONERS

**Staff Memo**

**TO:** Planning Department, City of Medford

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

**SUBJECT:** CUP-18-053

**PARCEL ID:** 371W20DB TL 4500

**PROJECT:** Consideration of a request for a Conditional Use Permit (CUP) to allow for the operation of Valley School of Southern Oregon, a public school, within an existing facility on a 2.95 acre parcel located at 857 & 861 Valley View Drive in a Single-Family Residential – 4 dwelling units per gross acre (SFR-4) zoning district (371W20DB4500). Keith Arnston/Valley School of Southern Oregon, Applicant; Scott Sinner, Agent; Steffen Roennfeldt, Planner.

**DATE:** May 30, 2018

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

**CONDITIONS**

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. The existing 1.5-inch water meter located approximately mid-lot along Valley View Drive shall remain in its current location and continue to serve the existing buildings and landscaping on-site.
3. Installation of an Oregon Health Authority approved backflow device is required for all commercial, industrial, municipal, and multi-family developments. New backflow devices shall be tested by an Oregon certified backflow assembly tester. See MWC website for list of certified testers at the following web link <http://www.medfordwater.org/Page.asp?NavID=35>.

**COMMENTS**

1. Off-site water line installation is not required.
2. On-site water facility construction is not required.
3. Static water pressure at this site is approximately 42 psi.
4. MWC-metered water service does exist to this property. There is an existing 1.5-inch water meter located approximately mid-lot along Valley View Drive.
5. Access to MWC water lines is available. There is an existing 20 welded steel water line on the east side of Valley View Drive.

CITY OF MEDFORD  
EXHIBIT # 4  
File # CUP-18-053 Page 2 of 1





Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 5/25/2018
Meeting Date: 5/30/2018

LD #: CUP18053

Planner: Steffen Roennfeldt

Applicant: Keith Arnston/Valley School of Southern Oregon, Applicant; Scott Sinner, Agent

Project Location: 857 & 861 Valley View Drive

ProjectDescription: Consideration of a request for a Conditional Use Permit (CUP) to allow for the operation of Valley School of Southern Oregon, a public school, within an existing facility on a 2.95 acre parcel located at 857 & 861 Valley View Drive in a Single-Family Residential - 4 dwelling units per gross acre (SFR-4) zoning district (371W20DB4500). Keith Arnston/Valley School of Southern Oregon, Applicant; Scott Sinner, Agent; Steffen Roennfeldt, Planner.

Specific Development Requirements for Access & Water Supply

Table with 3 columns: Reference, Comments, Conditions. Row 1: Approved, No additional requirements, (blank)

Construction General Information/Requirements

Development shall comply with access and water supply requirements in accordance with the Oregon 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 (fire 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 information provided only.

Design and installation shall meet the Oregon requirements of the International Fire, Building, Mechanical Codes and applicable NFPA Standards.

Medford Fire-Rescue, 200 S Ivy St. Rm 180, Medford OR 97501 541-774-2300

www.medfordfirerescue.org

CITY OF MEDFORD

EXHIBIT # 1

File # CUP-18-053



# Memo

**To:** Steffen Roennfeldt, Planning Department  
**From:** Chad Wiltrout, Building Department (541) 774-2363  
**CC:** Keith Arnston/Valley School of Southern Oregon, Applicant; Scott Sinner, Agent  
**Date:** May 30, 2018  
**Re:** May 30, 2018 LDC Meeting: CUP-18-053

---

**Please Note:**

*This is not a plan review. Unless noted specifically as Conditions of Approval, general comments are provided below based on the general information provided; these comments are based on the 2014 Oregon Structural Specialty Code (OSSC) unless noted otherwise. Plans need to be submitted and will be reviewed by a commercial plans examiner, and there may be additional comments.*

*Fees are based on valuation. Please contact Building Department front counter for estimated fees at (541) 774-2350 or [building@cityofmedford.org](mailto:building@cityofmedford.org).*

*For questions related to the Conditions or Comments, please contact me, Chad Wiltrout, directly at (541) 774-2363 or [chad.wiltrout@cityofmedford.org](mailto:chad.wiltrout@cityofmedford.org).*

**General Comments:**

1. For list of applicable Building Codes, please visit the City of Medford website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" for information.
3. A separate demolition permit will be required for demolition of any structures not shown on the plot plan.

**Comments:**

4. A code analysis prepared by an Oregon licensed design professional will be required to address the change of use. The code analysis shall address the following areas:
  - a. Occupancy classification and occupancy separation requirements per chapter 5 OSSC,
  - b. Fire rated construction requirements per chapter 7 OSSC,
  - c. Fire protection systems per chapter 9 OSSC,
  - d. Egress requirements per chapter 10 OSSC,
  - e. Bathroom fixture and drinking fountain requirements per chapter 29 OSSC.
  - f. ADA accessibility to affected areas of the building per chapter 11 and chapter 34 OSSC
  - g. Outdoor air and ventilation requirements per chapter 4 OMSC

CITY OF MEDFORD  
EXHIBIT # 7  
File # CUP18-053

**Steffen K. Roennfeldt**

**From:** Marcy Black <BlackMA@jacksoncounty.org>  
**Sent:** Monday, May 21, 2018 1:22 PM  
**To:** Steffen K. Roennfeldt  
**Subject:** File No. CUP-18-053 Project Name: Valley School of Southern Oregon

Steffen:

The Airport requests an Avigation, Noise and Hazard Easement be a requirement of this project. In addition, due to the proximity to the Airport, the applicant needs to contact the FAA regarding filing a 7460-1 Notice of Proposed Construction or Alteration. The FAA contact is: Paul Holmquist, phone (206) 231-2990.

I have inserted some information below from the FAA's website:

The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference CFR Title 14 Part 77.9.

You must file with the FAA at least 45 days prior to construction if:

- your structure will exceed 200ft above ground level
- your structure will be in proximity to an airport and will exceed the slope ratio
- your structure involves construction of a traverseway (i.e. highway, railroad, waterway etc...) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b)
- your structure will emit frequencies, and does not meet the conditions of the FAA Co-location Policy
- your structure will be in an instrument approach area and might exceed part 77 Subpart C
- your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
- your structure will be on an airport or heliport
- filing has been requested by the FAA

The tool below will assist in applying Part 77 Notice Criteria.

<b>Latitude:</b>	Deg M S
<b>Longitude:</b>	Deg M S
<b>Horizontal Datum:</b>	
<b>Site Elevation (SE):</b>	(nearest foot)
<b>Unadjusted Structure Height :</b>	<b>Structure Height :</b> (nearest foot)
<b>Height Adjustment:</b>	(nearest foot)
<b>Total Structure Height (AGL):</b>	(nearest foot)
<b>Traverseway:</b>	(Additional height is added to certain structures under 77.9(c)) User can increase the default height adjustment for Traverseway, Private Roadway and Waterway
<b>Is structure on airport:</b>	No Yes

CITY OF MEDFORD  
EX-100 K  
FILE CUP-18-053

## Results

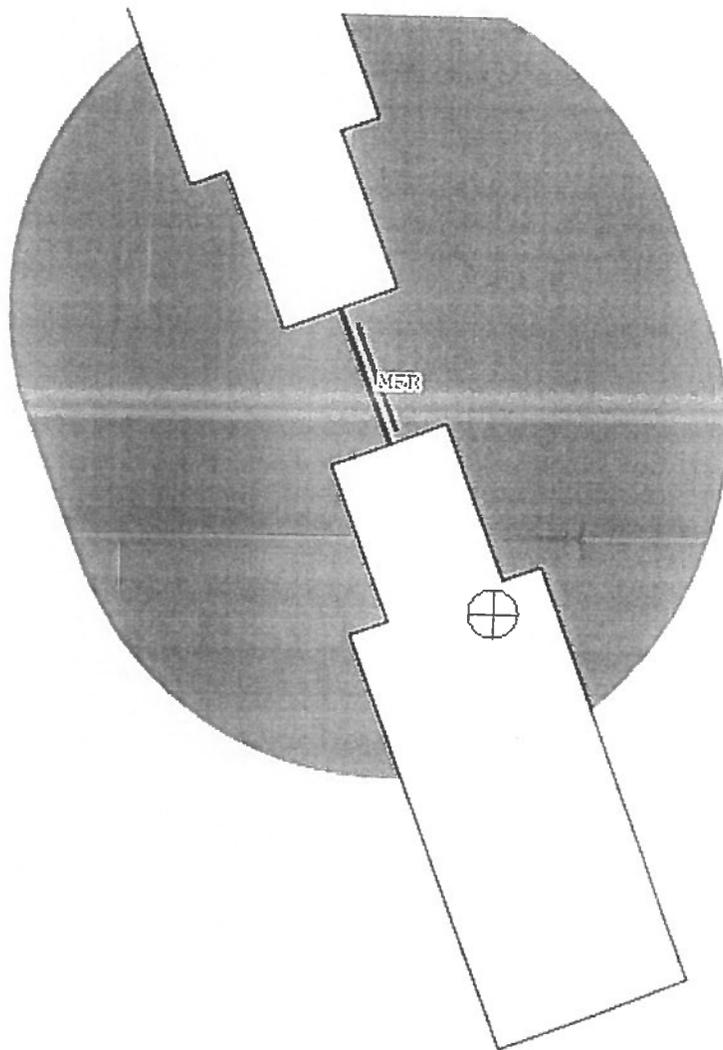
You exceed the following Notice Criteria:

Your proposed structure exceeds an instrument approach area by 76 feet and aeronautical study is needed to determine if it will exceed a standard of subpart C of 14CFR Part 77. The FAA, in accordance with 77.9, requests that you file.

Your proposed structure is in proximity to a navigation facility and may impact the assurance of navigation signal reception. The FAA, in accordance with 77.9, requests that you file.

77.9(b) by 67 ft. The nearest airport is MFR, and the nearest runway is 14LF/32RF.

The FAA requests that you file



[FAA.gov Home](#) | [Privacy Policy](#) | [Web Policies & Notices](#) | [Contact Us](#) | [Help](#)

If you require additional information regarding the filing requirements for your structure, please identify and contact the appropriate FAA representative using the [Air Traffic Areas of Responsibility map](#) for Off Airport construction, or contact the [FAA Airports Region / District Office for On Airport construction](#).

RECEIVED

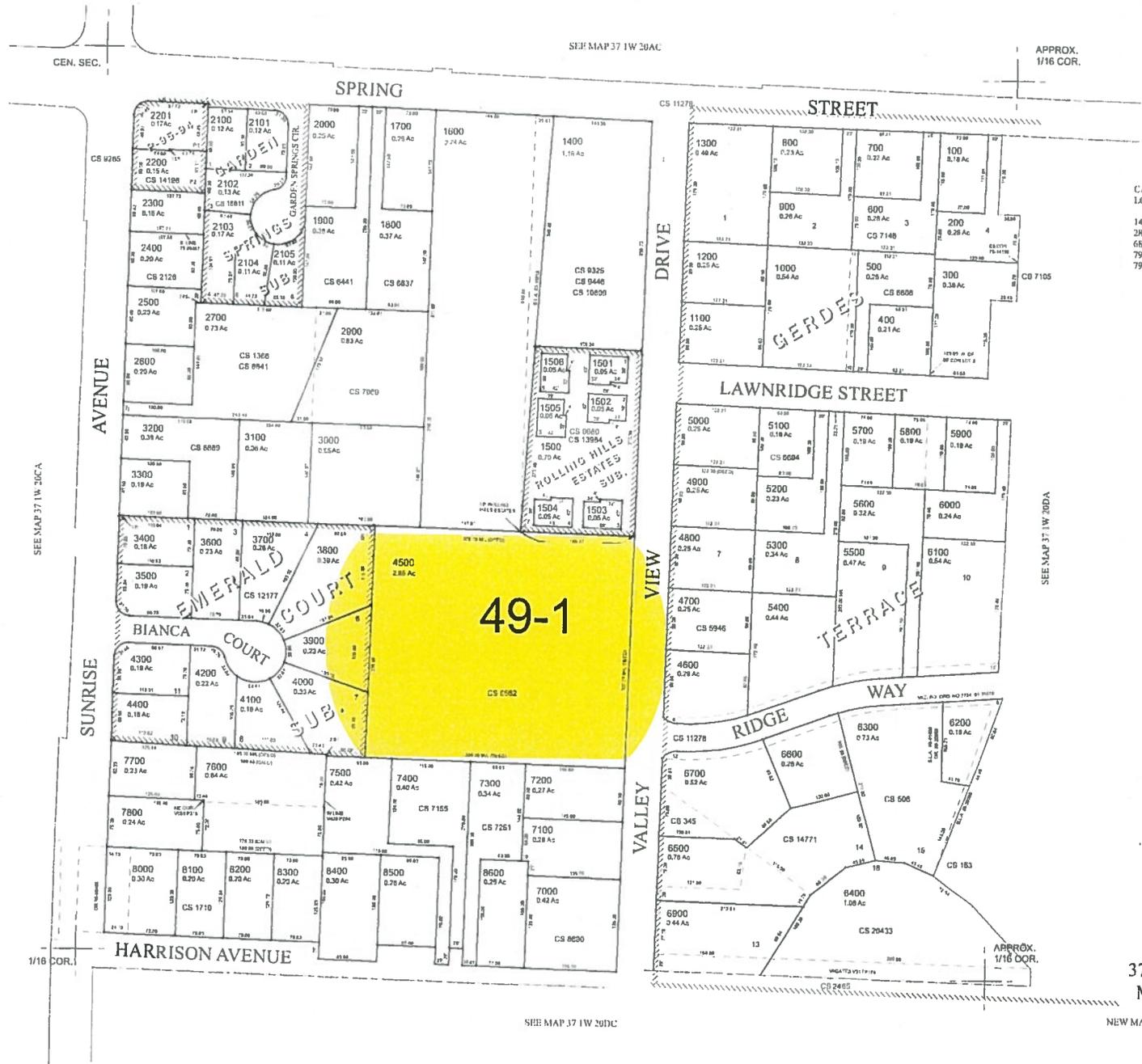
APR 23 2018

PLANNING DEPT.

FOR ASSESSMENT AND TAXATION ONLY

N.W.1/4, S.E.1/4, SEC.20, T.37S., R.1W., W.M. JACKSON COUNTY 1" = 100'

37 1W 20DB MEDFORD



GIS DATA 12/03/2009 8:33:43 AM AlstmdAJ

SEE MAP 37 1W 20CA

1/16 COR.

SEE MAP 37 1W 20DC

SEE MAP 37 1W 20AC

APPROX. 1/16 COR.

SEE MAP 37 1W 20DA

APPROX. 1/16 COR.

CANCELLED LOT NUMBERS  
1401  
2800  
6600  
7900  
7901

CITY OF MEDFORD EXHIBIT # File # CUP-18-053

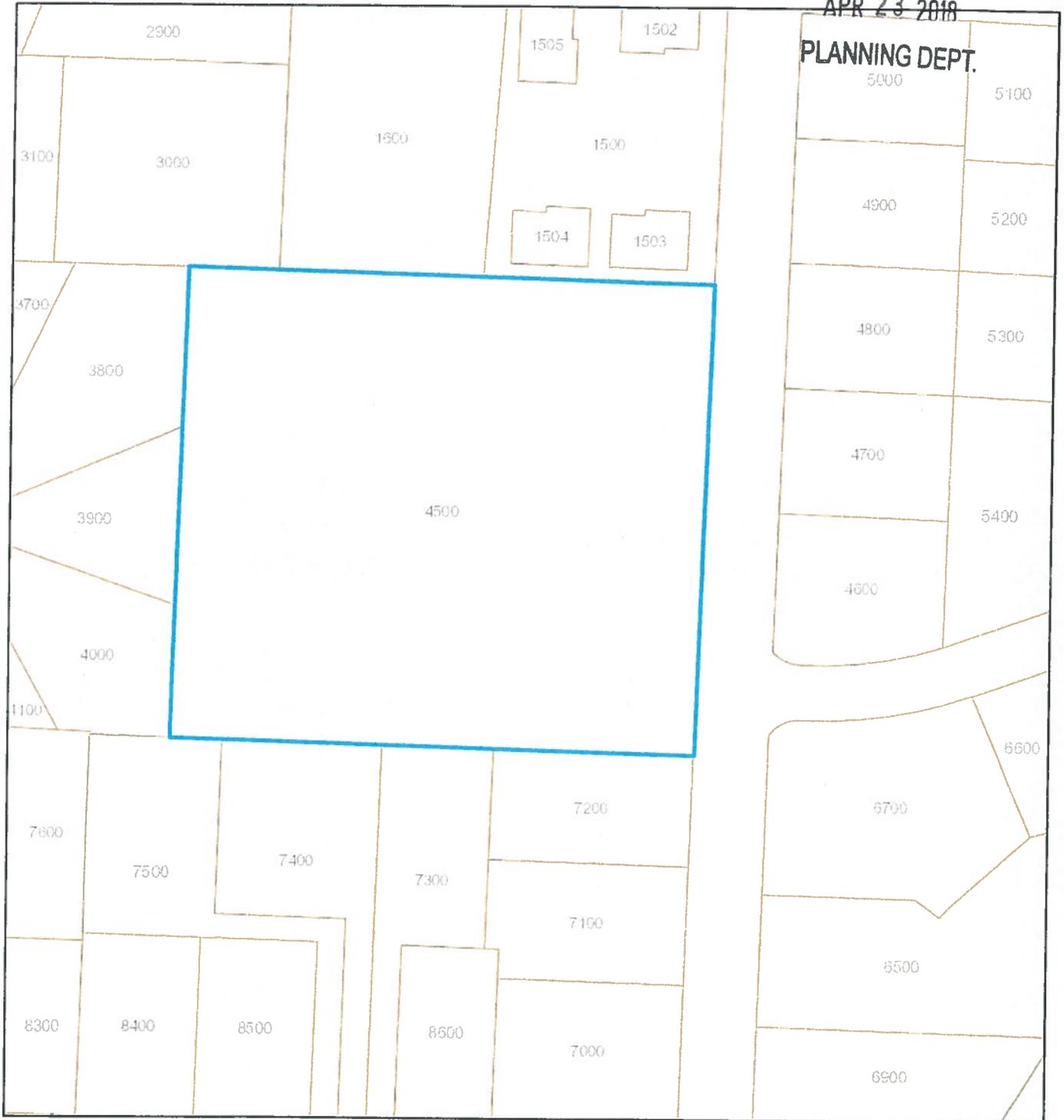
Page 93

37 1W 20DB MEDFORD

NEW MAP DECEMBER 03, 2009

APR 23 2018

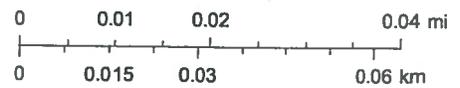
PLANNING DEPT.



April 19, 2018

1:1,200

- |  |   |   |
|--|---|---|
|  County Line          |  Butte Falls   |  Medford     |
|  Streets - Label Only |  Central Point |  Phoenix     |
|  Taxlots              |  Eagle Point   |  Rogue River |
| <b>City Limits</b>   |  Gold Hill     |  Shady Cove  |
|  Ashland              |  Jacksonville  |  Talent      |



CITY OF MEDFORD

EXHIBIT #



Jackson County GIS  
Jackson County 2018

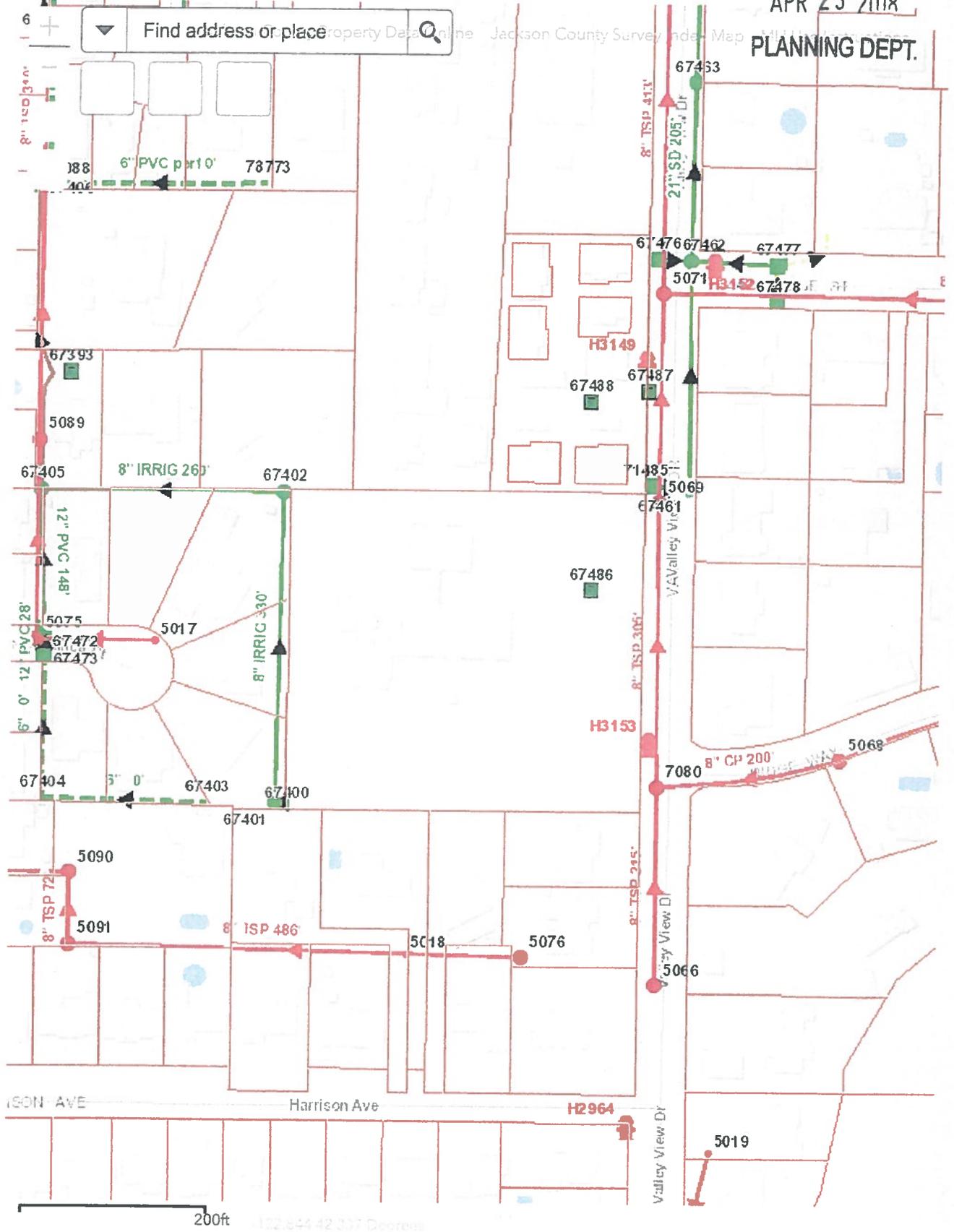
File # CUP-18-053



RECEIVED

APR 23 2018

PLANNING DEPT.



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City of Medford

# Planning Department

*Working with the community to shape a vibrant and exceptional city*

March 14, 2018

Keith Armiston  
515 G Street  
Jacksonville OR 97530

RE: Pre-Application Comments  
File No. PA-18-013

Dear Mr. Armiston:

Thank you for submitting a pre-application for the proposal described below. This letter contains the Planning Department comments and answers to your specific questions.

## Project Description

Pre-application to review a proposal for a charter school to be located at 861 Valley View Drive on a 2.95-acre lot in the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district (371W20DB TL 4500).

## Questions and Answers

1. *Identify the CUP process.*

A Conditional Use Permit (CUP) is a Class C authorization, which requires Planning Commission approval. This application type has a 30-day completeness period and is subject to the 120-day rule. The 120-day rule is statutory and requires the City to reach a final decision, including resolution of appeals, within 120 days from the date the application is deemed complete. At this time, our average processing time is 100 days from the date the application is submitted to the final decision. Filing fee for a CUP is \$950, but if the application is submitted within six months of the pre-application, the \$300 pre-application fee is credited toward the CUP fee.

2. *The current proposal is to utilize the existing buildings, what is the process to expand?*

A revision to the CUP will be required to expand the facility. The revision process is the same as noted above.

3. *What type of mitigation would be expected on the north, west and south property boundaries?*

Mitigation depends on the type of activities present. The applicant can propose mitigation types that seem appropriate and reasonable. The Planning Commission has authority to require mitigation in MLDC 10.248(2)(1) through (11).

4. *What is the street classification for valley View Drive at the site?*

See the Public Works report.

5. *Since there are no plans for new buildings at this time and the charter school would be within the existing buildings, what street dedication would be required?*

See the Public Works report.

6. *What street improvements would be required?*

See the Public Works report.

7. *Are offsite improvements necessary?*

- a. *Storm*
- b. *Sanitary*
- c. *Water*

See the Public Works report.

8. *Are outdoor lights permitted for outdoor recreational activities?*

Yes, however, the Planning Commission has the ability to require mitigation, such as hours of lighting and screening. MLDC 10.248(2)(1)

9. *Are hours of operation limited?*

The Planning Commission has the ability to limit hours of operation. MLDC 10.248(2)(1)

10. *We want to keep both driveways.*

See the Public Works report.

11. *Assuming no expansion of the facility, what would the stormwater detention and treatment requirements be?*

See the Public Works report.

12. a. *Would the existing parking and maneuvering areas be subject to detention and treatment?*

b. *What would trigger detention and treatment, and would any requirements apply to only new improvements or to the entire site?*

See the Public Works report.

13. *What would the fire alarm requirements for the existing buildings be if operating as a charter school?*

See the Fire Department report.

14. *Would fencing the front of the property for security of the students trigger any onerous conditions?*

No. Fencing is permitted in MLDC 10.732. The Planning Commission also has authority to designate size, height, materials or location of fencing in MLDC 10.248(2)(10).

Keith Armiston  
File no. PA-18-013  
March 14, 2018

---

15. *If the CUP was approved to use as a Charter School, would the applicant be able to apply for a Comprehensive Plan Amendment to the UH GLUP designation and zone change to the MFR-20 zoning district without impacting the CUP approval?*

Yes. Schools are permitted in the multi-family residential zones as conditional uses. MLDC 10.314(6)(c)

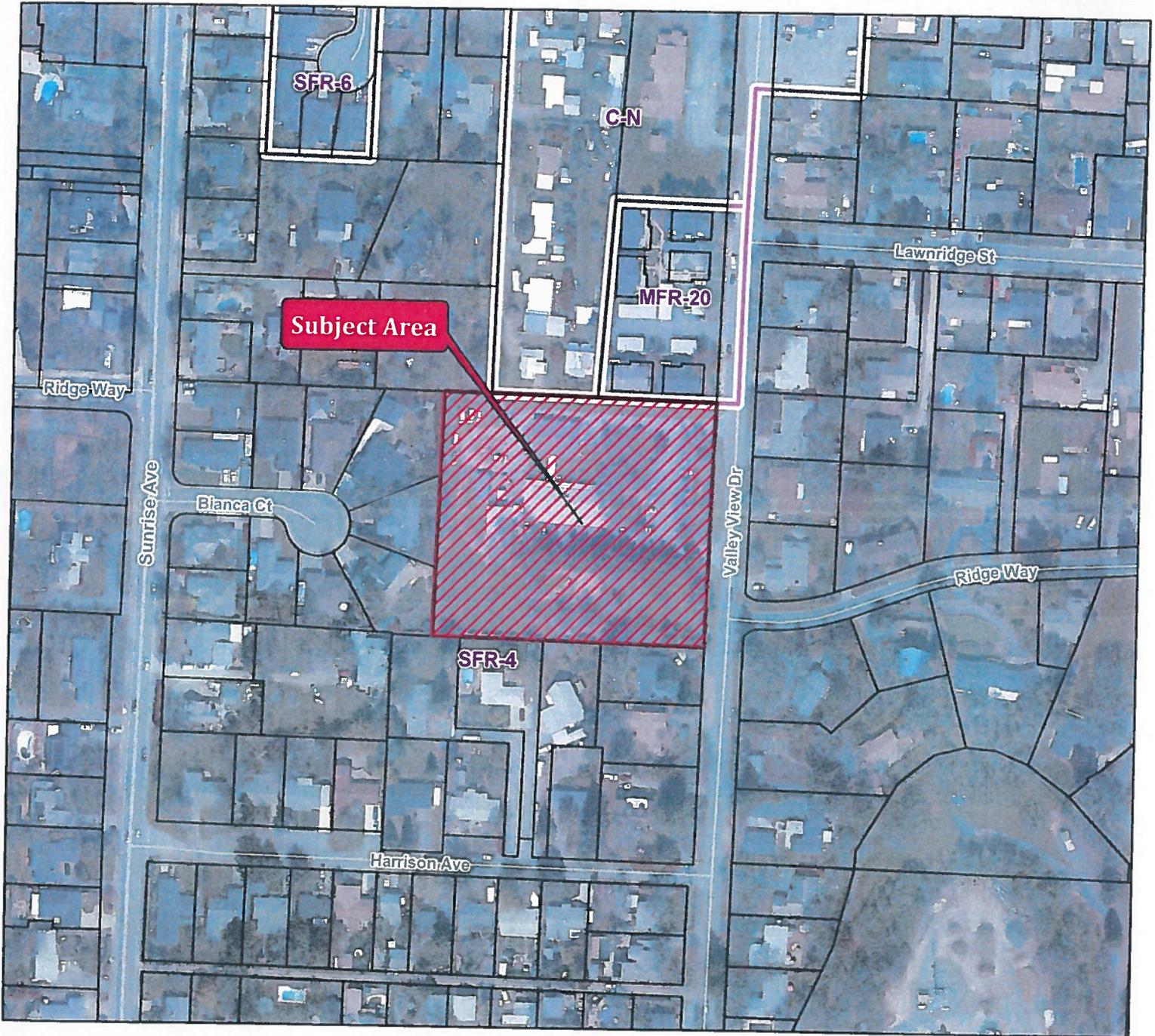
If you have any questions regarding this matter, please contact me at 541-774-2380 or via e-mail at [kelly.akin@cityofmedford.org](mailto:kelly.akin@cityofmedford.org).

Sincerely,

Kelly Akin  
Assistant Planning Director

:ka

c: Scott Sinner, 4401 San Juan Drive Suite G, Medford OR 97504



Project Name:

**Valley School of  
 Southern Oregon**

Map/Taxlot:

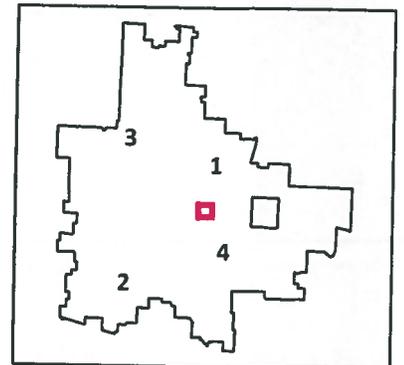
**371W20DB TL 4500**

**Legend**

-  Subject Area
-  Zoning Districts
-  Tax Lots



04/30/2018





City of Medford

# Planning Department

*Working with the community to shape a vibrant and exceptional city*

## STAFF REPORT

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

PROJECT Hogue Heaven Estates  
Applicant: Billy Hogue  
Agent: Scott Sinner Consulting, Inc.

FILE NO. LDS-18-049

TO Planning Commission

*for June 28, 2018 hearing*

FROM Dustin Severs, Planner III

REVIEWER Kelly Akin, Assistant Planning Director

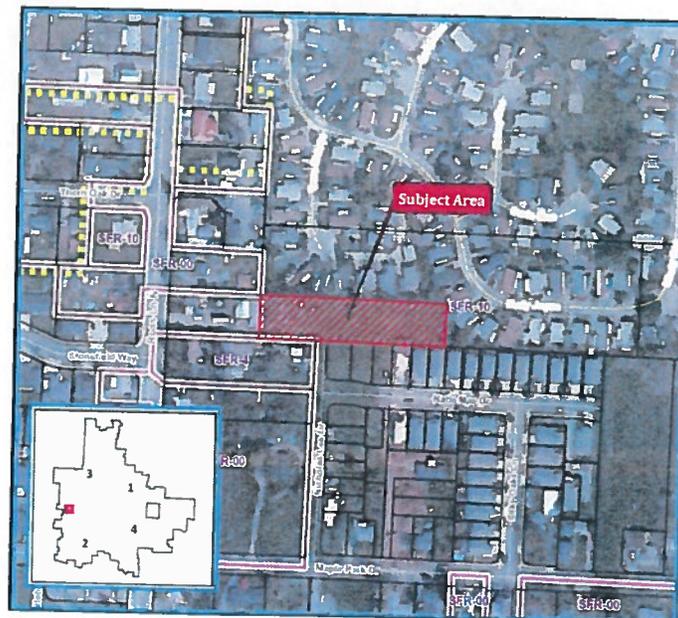
DATE June 21, 2018

## BACKGROUND

### Proposal

Consideration of tentative plat approval for Hogue Heaven Estates, a proposed 7-lot residential subdivision on a 41,700 square foot parcel located north of Nicholas Lee Drive and east of North Ross Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (372W23DD4400).

### Vicinity Map



Subject Site Characteristics

Zoning: SFR-10 (Single-Family Residential, ten dwelling units per gross acre)  
GLUP: UR (Urban Residential)  
Overlay(s): AC (Airport Area of Concern)  
Use(s): Vacant

Surrounding Site Characteristics

*North* Zone: SFR-10 & SFR-00 (Single-Family Residential – 1 dwelling unit per lot)  
Use(s): single-family residential, Manufactured Home Park

*South* Zone: SFR-10 & SFR-4 (Single-Family Residential – four dwelling units per gross acre)  
Use(s): single-family residential (Silky Oaks Subdivision)

*East* Zone: SFR-10  
Use(s): Manufactured Home Park

*West* Zone: SFR-10 & SFR-00  
Use(s): single-family residence

Related Projects

ZC-05-198 Zone Change  
LDP-17-155 Two-lot Partition

Applicable Criteria

**MLDC 10.270: Land Division Criteria**

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

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;*
- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;*
- (3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or*

*unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;*

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

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

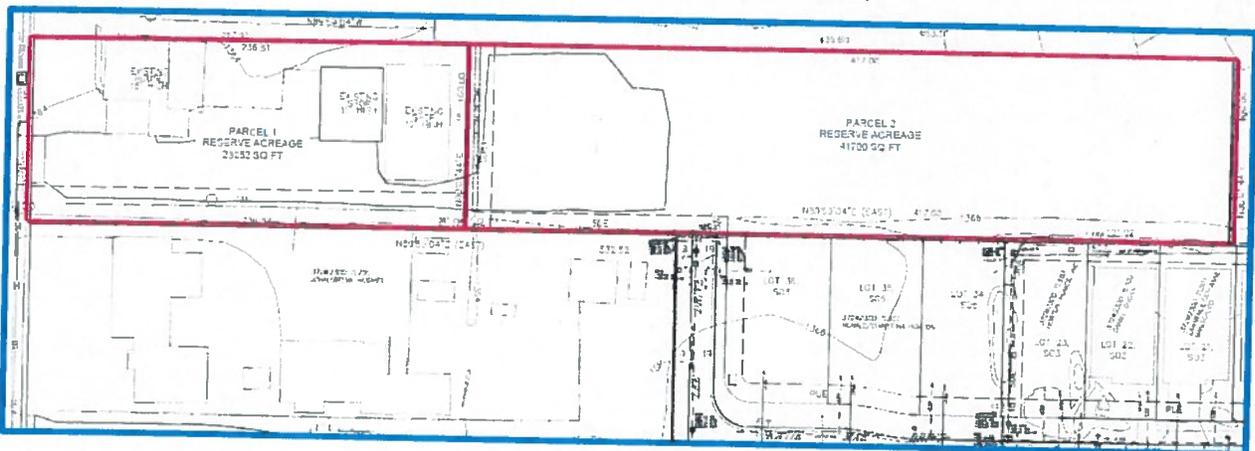
*(6) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.*

## ISSUES AND ANALYSIS

### Project Summary

#### *Site History*

#### Approved Tentative Plat (LDP-17-155)



#### Aerial view of approved 2-lot partition

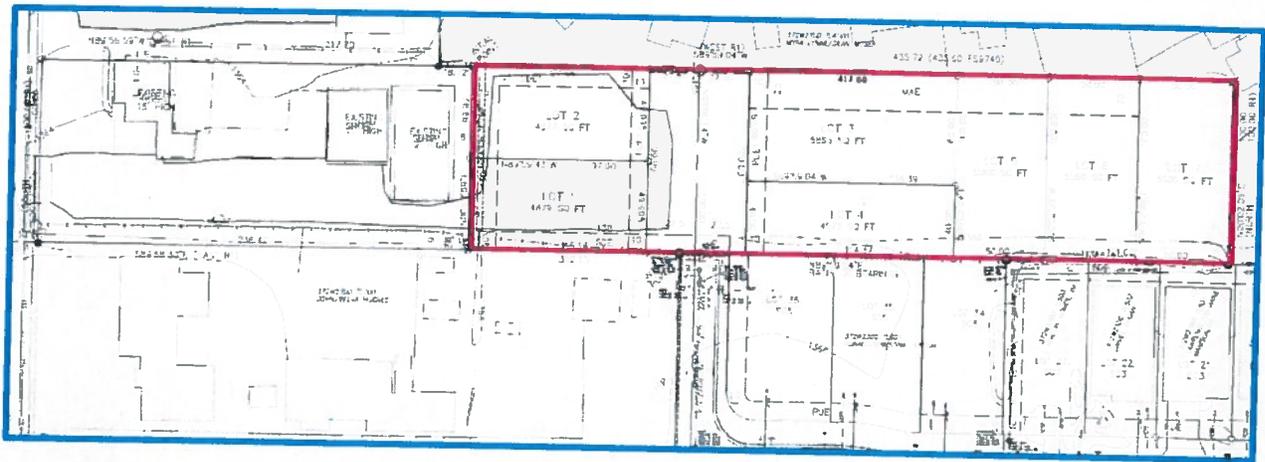


The subject 41,700 square foot (vacant) parcel was split from a larger 1.5-acre parcel – containing a single-family house on the westerly portion of the property – which was approved by the Planning Commission on March 8, 2018 (Hogue Partition, LDP-17-155). The applicant,

working in collaboration with the property owner in the partitioning of the parcel, intends to purchase the newly created 41,700 square foot parcel – contingent on Commission approval – for the purpose of the subject 7-lot subdivision request. The final plat for the Hogue Partition (LDP-17-155) was approved by the Planning Director on May 8, 2018.

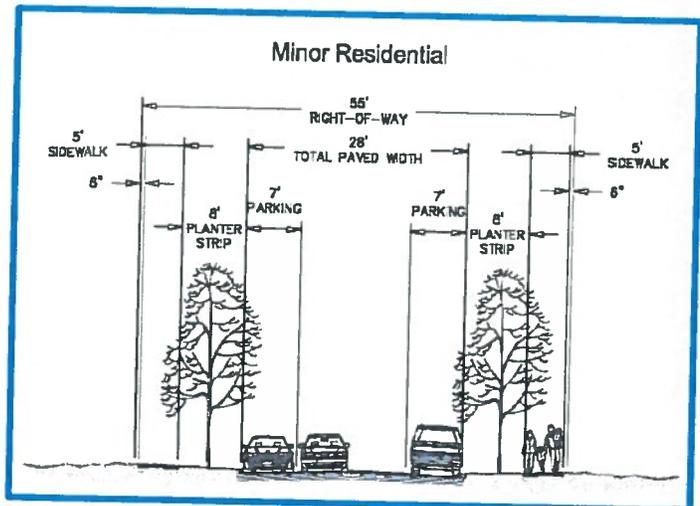
*Current Proposal*

**Subject Tentative Plat**



The applicant is now proposing to further subdivide the property, creating a 7-lot residential subdivision on the vacant 41,700 square foot parcel. As the subject site was designated as Reserve Acreage as part of the previous approval of the Hogue Partition, all public improvements required to serve the subject site will be constructed as part of the subject request.

The tentative plat shows Nicholas Lee Drive extended 100 feet from its current terminus at the site's southerly boundary, and stubbed at the site's northerly boundary. As stated in the applicant's findings (Exhibit D), the stubbing of Nicholas Lee Drive will allow for the future redevelopment of the property to the north (manufactured home park), which is preferable to the creation of a cul-de-sac – eliminating potential connectivity and circulation. The tentative plat shows the full 55-foot wide improvement of Nicholas Lee Drive within the subdivision as required for Minor Residential Streets, pursuant to MLDC 10.430(2).



Density

Density Table

SFR-10	Allowed	Shown
Min. /Max. Density <i>6.0 to 10.0 dwelling units per gross acre</i>	5 min. / 9 max.	7 lots

As shown on the Density Table above, based on 41,700 square feet of land (0.95 acres), the creation of seven lots, as identified on the submitted tentative plat, falls within the minimum/maximum range permitted for the SFR-10 zoning district as per MLDC 10.710.

Development Standards

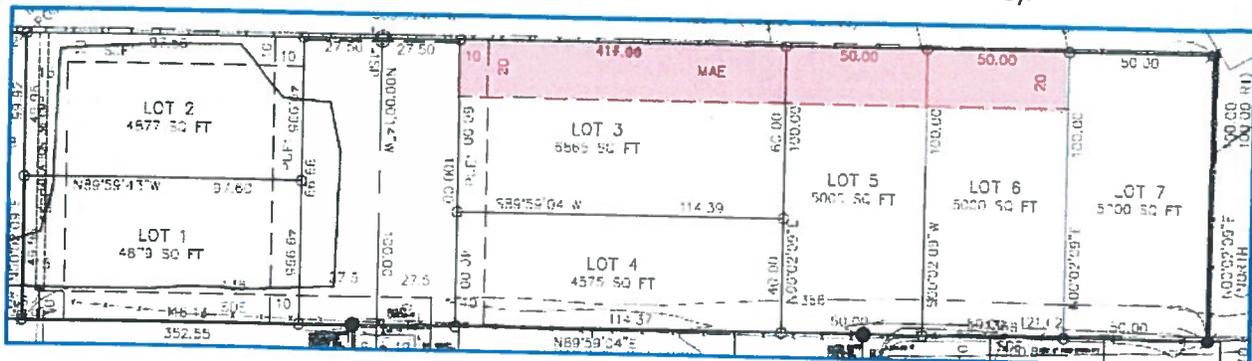
Site Development Table

SFR-10	Lot Area	Min. lot Width (Interior)	Min. lot Width (Corner)	Min. lot Depth	Min. Lot Frontage
Required	3,600 to 8,125	40 feet	50 feet	90 feet	30 feet
Shown	4,575 to 6,865	40 feet ( <i>lowest</i> )	60 feet ( <i>Lot 3</i> )	97.6 feet ( <i>lowest</i> )	40 feet ( <i>lowest</i> )

As shown in the Site Development Table above, it can be found that the seven proposed lots identified on the submitted tentative plat meet all the dimensional standards for the SFR-10 zoning district as found in Article V of the Medford Land Development Code.

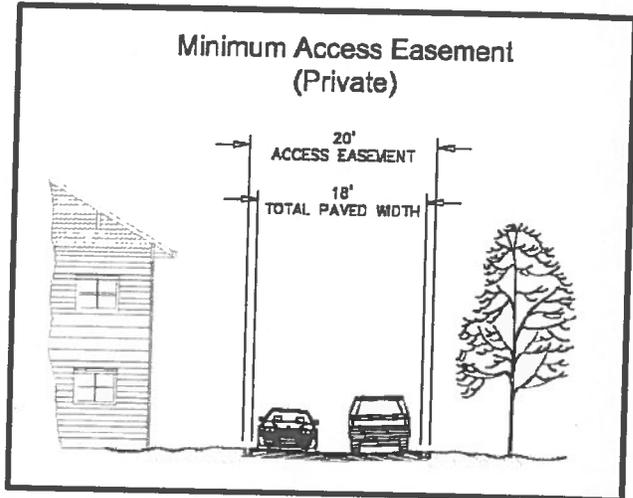
Minimum Access Easement

The tentative plat identifies three lots (Lots 5-7) taking access from Nicholas Lee Drive via a 20-foot wide Minimum Access Easement (MAE) provided by Lot 3 along the site's northerly boundary (Lots 1-4 are proposed to take direct access from Nicholas Lee Drive).



Pursuant to MLDC 10.430(A), a MAE is described as follows:

*An easement containing a shared driveway having the sole function of providing direct access to immediately adjacent residentially zoned land, and upon which a minimum of two (2) and maximum of three (3) dwelling units (not including Accessory Dwelling Units-ADU's) take access. A minimum access easement must meet the minimum driveway turnaround standards in Section 10.746(11). Minimum access easements are permitted subject to Section 10.450. A minimum access*



*does not have sidewalks or planter strips. No parking is permitted on a minimum access easement. A minimum access easement is considered a street for purposes of meeting lot frontage requirements, and for setback purposes. Therefore, a minimum access easement creates street side yards and corner lots. A minimum access easement does not create a through lot.*

Per MLDC 10.450 cited below, the approving authority shall only permit the creation of a Minimum Access Easement when an applicant effectively demonstrates in their findings that certain conditions exist to warrant its creation.

**10.450 Cul-de-sacs, Minimum Access Easements, and Flag Lots.**

(1) Cul-de-sacs, minimum access easements and flag lots shall only be permitted when the approving authority finds that any of the following conditions exist:

(a) One or more of the following conditions prevent a street connection: excess slope (15% or more), presence of a wetland or other body of water which cannot be bridged or crossed, existing development on adjacent property, presence of a freeway or railroad.

(b) It is not possible to create a street pattern which meets the design requirements for streets.

(c) An accessway is provided consistent with the standards for accessways in Section 10.464 through Section 10.466.

The applicant's submitted supplemental findings (Exhibit J) state the following:

The proposed development is the poster child for infill development. The historic land development pattern in the area established extremely long and narrow parcels. The parent parcel for the subject property was 634' long and only 100' in width. The parcel is bordered by development on three sides that limit the ability for access for the proposed parcels.

The use of a minimum access easement (MAE) is necessary to provide access for lots 5, 6, and 7. The existing development on adjacent parcels meet the criteria for the approval of the use of the MAE as provided in MLDC 10.450 (1) (a).

Staff concurs with the applicant's findings. The uses of flag lots and Minimum Access Easements, as found in MLDC 10.450 above, provide alternative infill strategies for developments constrained by historic development patterns surrounding vacant/developable land. In the interest of promoting greater housing density and efficient use of land within the City – as identified in the *Housing Element* of the *Medford Comprehensive Plan* and Goal 10 of the *Oregon Statewide Planning Goals* – permitting the use of Minimum Access Easements for infill projects is encouraged as a way of accommodating needed population growth within the City's existing urban growth boundary.

#### Facility Adequacy

Per the agency comments submitted to staff, including the Rogue Valley Sewer Services (Exhibits E-H), it can be found that there are adequate facilities to serve the future development of the site.

#### Other Agency Comments

##### *Rogue Valley Sewer Services (RVSS) (Exhibit H)*

The subject property is within RVSS service area, which requires that future sewer improvements be designed and constructed in accordance with RVSS standards. As a condition of approval, the applicant will be required to comply with the conditions of RVSS.

#### Committee Comments

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

### **FINDINGS AND CONCLUSIONS**

Staff finds the subdivision plat consistent with the Comprehensive Plan and all applicable design standards set forth in Article IV and V. Furthermore, the subdivision will not prevent development of the remainder of the property under the same ownership or of adjoining land; bears a name (Hogue Heaven Estates) that has been reviewed and approved by the City's Address Technician; the tentative plat identifies an extension of Nicholas Lee Drive, consistent with the existing street pattern contained within the previously approved Silky Oaks subdivision adjoining the site to the south; and criteria 5 and 6 are not applicable to the subject development.

Staff recommends that the Commission adopt the Findings of Fact as recommended by staff.

### **RECOMMENDED ACTION**

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of LDS-18-049 per the staff report dated June 21, 2018, including Exhibits A through J.

### **EXHIBITS**

A Conditions of Approval, dated June 21, 2018.

- B Tentative Plat, received May 9, 2018.
- C Conceptual Grading & Drainage Plan, received May 9, 2018.
- D Applicant's Findings of Fact, received April 18, 2017.
- E Public Works Staff Report, received May 30, 2018.
- F Medford Water Commission memo & associated map, received May 30, 2018.
- G Medford Fire Department Report, received May 30, 2018.
- H Rogue Valley Sewer Services (RVSS) report, received May 18, 2018.
- I Applicant's supplemental Findings of Fact (addressing stormwater), received May 9, 2018.
- J Applicant's supplemental Findings of Fact (addressing MAE criteria), received June 19, 2018.  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**JUNE 28, 2018**

**EXHIBIT A**

Hogue Heaven Estates  
LDS-18-049  
Conditions of Approval  
June 21, 2018

**CODE REQUIRED CONDITIONS**

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

1. Comply with all conditions stipulated by Medford Public Works Department (Exhibit E)
2. Comply with all conditions stipulated by the Medford Water Commission (Exhibit F).
3. Comply with all conditions stipulated by the Rogue Valley Sewer Services (RVSS) (Exhibit H).
4. Comply with all requirements of the Medford Fire Department (Exhibit G).
5. Submit a maintenance agreement for Lots 5, 6, & 7 for the shared maintenance of the minimum access easement.





APR 18 2018

IN THE MATTER OF AN APPLICATION FOR )  
A LAND DIVISION FOR THE PROPERTY IDENTIFIED AS )  
T372W23DD TAX LOT 4400 )  
BILLY HOGUE APPLICANT )  
SCOTT SINNER CONSULTING, INC. AGENT )

FINDING OF FACT )  
AND )  
CONCLUSIONS )  
OF LAW )

PLANNING DEPT.

I. BACKGROUND INFORMATION

Applicant:

Billy Hogue  
137 Thomas Road  
Central Point, OR 97502  
[joan.joan.taylor@gmail.com](mailto:joan.joan.taylor@gmail.com)

Agent:

Scott Sinner Consulting, Inc.  
4401 San Juan Dr. Suite G  
Medford, OR 97504  
[scottsinner@yahoo.com](mailto:scottsinner@yahoo.com)

Property:

37 2W 23DD TL 4400  
914 Ross Lane  
Medford, OR 97501

1.5 acres net  
SFR-10 zoning district

Owner  
Robert Sousa  
12267 Blackwell Road  
Central Point, OR 97502

Project Summary:

This property received tentative plat approval under LDP-17-155 for a two-lot partition of the parent parcel into two parcels of reserve acreage. This application is a subdivision on the rear Parcel 2. The partition is in the final plat review process at the time of submittal and therefor the owner of record is currently Robert Sousa and the subdivision applicant is Billy Hogue. It is expected the final plat for the partition will be approved prior to the public hearing for this application.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

The approval of this application would provide 7 lots on the 41,700 square foot parcel within the SFR 10 zoning district. This parcel defines infill development...

Access for the development is via Nicholas Lee Way. The approval of this plat will extend Nicholas Lee way to the adjoining property to the north and will provides a street circulation pattern in the event the property to the north of the subject parcel redevelops.

Approval Criteria:

The relevant approval criteria for the requested land division is found within MLDC 10.270 as provided below:

*10.270 Land Division Criteria*

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

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

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

*(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.*

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

Findings of Fact:

The Oregon Transportation Planning Rule requires a jurisdiction considers all modes of transportation in a land use decision. A review of this property determines water and rail transportation are not available.

The subject property is 3.1 miles from the Rogue Valley International Airport, and 1.9 miles from Interstate Highway 5 (I-5). The subject property has frontage on Nicholas Lee Way.

Nicholas Lee Way is proposed as a minor residential street and will be developed on this property with sidewalks on both sides of the street. The standard design for a minor residential street does not provide bike lanes, however the low traffic volumes anticipated with a minor residential street to promote both bicycle and pedestrian transportation opportunities.

The standards are consistent with the Medford Transportation System Plan, therefore also consistent with the Oregon Transportation Planning Rule.

The subject property is within the General Land Use Plan Map (GLUP) UR Urban Residential map designation. The UR designation allows for the SFR-2, SFR-4, SFR-6 and SFR-10 zoning districts, and the property is within the SFR-10 zoning district. The current zoning is consistent with the GLUP designation.

The City Council has not adopted a street circulation plan for the area of the subject parcel.

Conclusions of Law:

The Planning Commission can conclude this application is with the Comp Plan, the TSP and there are no neighborhood circulation plans. The application is consistent with the

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

adopted Medford Transportation System Plan and the Oregon Transportation Planning Rule, and the SFR-10 zoning district is appropriate within the UR GLUP designation.

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

Findings of Fact:

As mentioned above, the subject parcel is Parcel 2 of the two-lot partition LDP-17-155 approved on March 8, 2018. That partition is proceeding through the final plat process at the time of submitting this application for the development Parcel 2.

Parcel 2 is proposed for full development to current urban standards. Parcel 1 of the parent parcel can redevelop with access from Ross Lane and the approval of this application will not prevent development of the original Parcel 1.

The property to the north and east is currently developed with the Myra Lynne manufactured home park. While the park is in good condition, the approval of this land division will provide for a street connection and the possibility of the extension of category A facilities in the event the Myra Lynne were to redevelop.

The property to the south has been fully developed at urban densities and the approval of this plat will not prevent development.

Surrounding parcels are developed, and this application will not hinder development at urban densities of any adjoining parcel.

Conclusions of Law:

The Planning Commission can conclude the entire property is available for development and the adjoining properties are not prevented from development.

*(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;*

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

Findings of Fact:

The proposed subdivision is proposed as Hogue Heaven Estates, we are positive there is no conflict with that name, however to be sure the Applicant's Surveyor is requesting the reservation of the name with the Jackson County Surveyor.

Conclusions of Law:

The Planning Commission can conclude the application is consistent with the criteria as the proposed subdivision name is unique...

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

Findings of Fact:

The land division proposed with this application extends Nicholas Lee Way and does not propose any other streets.

Nicholas Lee Way was developed with the approval of Silky Oaks Subdivision, Phase 5. The segment of Nicholas Lee Way from Maple Park Drive to Katie Mae Drive was developed as a minor residential street with a total developed right of way width of 55 feet. 35.5 feet of the street was developed with the Silky Oaks Phase 5 development and the remainder of the street will be developed when the properties on the west of the right of way develop.

The segment of Nicholas Lee Way north of Katie Mae Drive was developed as a residential lane. The Medford TSP provides standards for all new City Streets and the residential lane provides a curb tight sidewalk on one side and a total right of way of 30 feet. A residential lane provides access for up to 8 dwelling units. This segment will also allow for the property west of this right of way to develop ½ the street for their access.

The segment of Nicholas Lee Way on the plat submitted in this application is a full 55 foot minor residential street improvement. The applicant's agent coordinated the segment and classification with Public Works, Planning and the Fire Marshal. It was determined providing a street extension that would allow for the future redevelopment of the property to the north would be preferable that proposing a cul de sac and eliminating all potential for connectivity and circulation.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

At full buildout of Nicholas Lee Way, the entire west side of the street will be build to a minor residential street standard with curb, gutter planter strip and sidewalk. The east side will also be a 55 foot minor residential street with the exception on the one lot north of Katie Mae Drive will have a curb tight sidewalk. According to the engineering for Silky Oaks Phase 5, the center line of the street is in alignment through the transition.

Conclusions of Law:

The Planning Commission can conclude the proposed plat conforms with new and existing street patterns in the area.

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

This application extends Nicholas Lee Way, a public street. Access for lots 5, 6, 7 are from a Minimum Access Easement (MAE) and the plat is noted. The MAE will also include a public utility easement to provide services for these lots.

Conclusions of Law:

The Planning Commission can conclude the tentative plat has provided public streets and these streets are labeled as required by the MLDC

*(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.*

Findings of Fact:

The subject parcel does not abut any properties in the County Exclusive Farm Use (EFU) zoning district.

Conclusions of Law:

The Planning Commission can conclude the subject property does not abut any properties or agricultural lands in the EFU zoning district and no mitigation is applicable.

Additional Criteria

Two additional criteria relevant to this application are the Hillside Ordinance and the Block Length Ordinance.

Hillside Ordinance

## BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

### *10.929 Hillside Ordinance, Purpose; Applicability*

*Sections 10.929 to 10.933 establish procedural requirements for development on Slopes in excess of fifteen percent (15%) to decrease soil erosion and protect public safety. Sections 10.929 to 10.933 apply in addition to all other requirements set forth by ordinance. In the case of conflict between Sections 10.929 to 10.933 and other requirements set forth by ordinance, Sections 10.929 to 10.933 shall govern.*

The subject property is located in the Ross lane / Maple Park Drive area. As per the referenced section of the MLDC, the site is not within a high slope area and the requirements to comply with the hillside ordinance requirements, including the constraints analysis do not apply to this property and the current development application.

As required by the MLDC, this application contains the submittal the City of Medford Hillside Development Constraints Analysis Status Form signed by Staff and indicating the side has slopes of less than 2% and the requirements of the Hillside Ordinance have been met.

### Conclusions of Law

The Planning Commission can conclude the application complies with the requirements for compliance with the submittal requirements contained within the Medford Hillside Ordinance and the requirements of the relevant sections are not applicable to this application.

### Block Length Ordinance

The MLDC includes the following Block Length sections to assure the City provides circulation and connectivity in land division applications.

#### *10.426 Street Circulation Design and Connectivity*

##### *A. Street Arrangement Suitability.*

*The approving authority shall approve or disapprove street arrangement. In determining the suitability of the proposed street arrangement, the approving authority shall take into consideration:*

- 1. Adopted neighborhood circulation plans where provided; and*
- 2. Safe, logical and convenient access to adjoining property consistent with existing and planned land uses; and*

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

3. *Efficient, safe and convenient vehicular and pedestrian circulation along parallel and connecting streets; and*
4. *Compatibility with existing natural features such as topography and trees; and*
5. *City or state access management standards applicable to the site.*

**B. Street Connectivity and Formation of Blocks Required.**

1. *Block layouts shall substantially conform to adopted neighborhood circulation plans for the project area if applicable. Street arrangement and location may depart from the adopted plan if the project will result in a comparable level of overall connectivity. Projects that depart from the neighborhood circulation plan shall conform to planned higher order streets adopted in the City of Medford Transportation System Plan.*
2. *Proposed streets, alleys and accessways shall connect to other streets within a development and to existing and planned streets outside the development, when not precluded by factors in Section 10.426 C.2 below. When a development proposes a cul-de-sac, minimum access easement or flag lot to address such factors, the provisions of Section 10.450 apply.*
3. *Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops and other neighborhood activity centers such as schools, office parks, shopping areas, and parks.*
4. *Streets shall be constructed or extended in projections that maintain their function, provide accessibility, and continue an orderly pattern of streets and blocks.*

**C. Maximum Block Length and Block Perimeter Length.**

1. *Block lengths and block perimeter lengths shall not exceed the following dimensions as measured from centerline to centerline of through intersecting streets, except as provided in Subsections 10.426 C.2.*

<b>MAXIMUM BLOCK LENGTH AND PERIMETER LENGTH</b>		
<i>Table 10.426-1</i>		
<i>Zone or District</i>	<i>Block Length</i>	<i>Block Perimeter Length</i>

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

a. Residential Zones	660'	2,100'
b. Central Business Overlay District	600'	1,800'
c. Transit Oriented Districts (Except SE Plan Area)	600'	1,800'
d. Neighborhood, Community, and Heavy Commercial Zones; and Service Commercial-Professional Office Zones	720'	2,880'
e. Regional Commercial and Industrial Zones	940'	3,760'

2. *The approving authority may find that proposed blocks that exceed the maximum block and/or perimeter standards are acceptable when it is demonstrated by the findings that one or more of the constraints, conditions or uses listed below exists on, or adjacent to the site:*

- a. *Topographic constraints, including presence of slopes of 10% or more located within the boundary of a block area that would be required by subsection 10,426 C.1.,*
- b. *Environmental constraints including the presence of a wetland or other body of water,*
- c. *The area needed for a proposed Large Industrial Site, as identified and defined in the Medford Comprehensive Plan Economic Element, requires a block larger than provided by section 10.426 C.1.e. above. In such circumstances, the maximum block length for such a Large Industrial Site shall not exceed 1,150 feet, or a maximum perimeter block length of 4,600 feet*
- d. *Proximity to state highways, interstate freeways, railroads, airports, significant unbuildable areas or similar barriers that make street extensions in one or more directions impractical,*
- e. *The subject site is in SFR-2 zoning district,*
- f. *Future development on adjoining property or reserve acreage can feasibly satisfy the block or perimeter standards,*
- g. *The proposed use is a public or private school, college or other large institution,*
- h. *The proposed use is a public or private convention center, community center or arena,*
- i. *The proposed use is a public community service facility, essential public utility, a public or private park, or other outdoor recreational facility.*
- j. *When strict compliance with other provisions of the Medford Land Development Code produce conflict with provisions in*

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

*this section.*

3. *Block lengths are permitted to exceed the maximum by up to 20% where the maximum block or perimeter standards would require one or more additional street connections in order to comply with both the block length or perimeter standards while satisfying the street and block layout requirements of 10.426 A or B or D,*
4. *When block perimeters exceed the standards in accordance with the 10.426 C.2. above, or due to City or State access management plans, the land division plat or site plan shall provide blocks divided by one or more public accessways, in conformance with Sections 10.464 through 10.466.*

*D. Minimum Distance Between Intersections.*

*Streets intersecting other streets shall be directly opposite each other, or offset by at least 200 feet, except when the approving authority finds that utilizing an offset of less than 200 feet is necessary to economically develop the property with the use for which it is zoned, or an existing offset of less than 200 feet is not practical to correct.*

**Findings of Fact**

Silky Oaks 5 created a street circulation pattern to allow adjoining properties to develop and extend streets in compliance with all standards in the MLDC for circulation and connectivity. The approval of this plat will extend and implement that pattern through incremental development.

**Conclusions of Law**

The Planning Commission can conclude the application is consistent with the block length ordinance contained in the MLDC.

**Application Summary and Conclusion:**

This application identifies the relevant approval criteria contained in the MLDC for a land division.

The Findings of Fact demonstrate consistency with the Oregon Transportation Planning Rule, the Medford Transportation System Plan and the General Land Use Plan Map.

The Tentative Plat will not prevent development of the remainder of the subject parcel or any adjoining parcels.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

The subdivision name is proposed as Hogue Heaven Estates and is unique for the jurisdiction.

There is an extension of a public street and a Minimum Access Easement is utilized for access for 3 lots.

This application is consistent with all approval criteria contained in the MLDC for a land division. On behalf of the applicant, I respectfully request the approval of this application.

Scott Sinner  
Scott Sinner Consulting, Inc.



Medford – A fantastic place to live, work and play

## CITY OF MEDFORD

LD Date: 5/30/2018  
File Number: LDS-18-049

### **PUBLIC WORKS DEPARTMENT STAFF REPORT** **Hogue Heaven Estates** **TL 4400**

- Project:** Consideration of tentative plat approval for Hogue Heaven Estates, a proposed 7-lot residential subdivision on a 41,700 square foot parcel.
- Location:** Located north of Nicholas Lee Drive and east of North Ross Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (372W23DD4400).
- Applicant:** Applicant, Billy Hogue; Agent, Scott Sinner Consulting, Inc.; Planner, Dustin Severs.

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

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

## **A. STREETS**

### **1. Dedications**

**Nicholas Lee Drive** is proposed as a Minor Residential street within the MLDC 10.430. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the full width of right-of-way, which is 55-feet.

The **Minimum Access Drive** shall be private and constructed in accordance with MLDC Section 10.430A(1) and have a minimum width of 20-feet.

**Corner radii** shall be provided at the right-of-way lines of all intersecting streets per MLDC 10.445.

Streets, as shown on the Tentative Plat, in which any portion terminates to a boundary line of the Development shall be dedicated to within one foot of the boundary line, and the remaining one foot shall be granted in fee, as a non-access reserve strip to the City of Medford. Upon approved dedication of the extension of said streets, the one-foot reserve strip shall automatically be dedicated to the public use as part of said street without any further action by the City of Medford (MLDC 10.439).

**Public Utility Easements**, 10-feet in width, shall be dedicated along the street frontage of all the Lots within this development (MLDC 10.471).

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

### **2. Public Improvements**

#### **a. Public Streets**

**Nicholas Lee Drive** shall be constructed to Minor Residential street standards, in accordance with MLDC 10.430.

**Minimum Access Drives (Private)** shall be built consistent with MLDC 10.430A(1) and improved to a minimum width of 20 feet with AC pavement. The minimum TI for the structural section shall be 3.5, the minimum AC section shall be 3" thick, and the base aggregate shall extend one foot beyond the edge of pavement. The minimum access drives shall be designed by a civil engineer licensed in the State of Oregon and plans submitted to the Public Works-Engineering Division for approval. A drainage system shall be incorporated into the paved access design to capture stormwater and direct it to the storm drain system.

### **b. Street Lights and Signing**

The developer shall provide and install in compliance with Section 10.495 of the Medford Municipal Code (MMC). Based on the preliminary plan submitted, the following number of street lights and signage will be required:

Street Lighting – Developer Provided & Installed:

- A. 1 – Type R-100

Traffic Signs and Devices – City Installed, paid by the Developer:

- A. 1 – No outlet sign
- B. 1 – Object Marker (Type 4)

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

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

The Developer shall be responsible for the preservation and re-installation of all signs removed during demolition and site preparation work. The Developer’s contractor shall coordinate with the City of Medford Public Works, Maintenance and Operations Division to remove any existing signs and place new signs provided the Developer.

### **c. Pavement Moratoriums**

There is a pavement cutting moratorium currently in effect adjacent to this developments frontage to Nicholas Lee Drive, which is set to expire November 29<sup>th</sup>, 2020.

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

#### **d. Soils Report**

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

#### **e. Access and Circulation**

Driveway access shall comply with MLDC 10.550.

#### **f. Easements**

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

### **3. Section 10.668 Analysis**

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

#### **10.668 Limitation of Exactions**

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

*(1) the record shows that there is an essential nexus between the exaction and a legitimate government purpose and that there is a rough proportionality between the burden of the exaction on the developer and the burden of the development on public facilities and services so that the exaction will not result in a taking of private property for public use, or*

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

#### **1. Nexus to a legitimate government purpose**

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

#### **2. Rough proportionality between the dedications and improvements, and the impacts of**

**development.**

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

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

**Nicholas Lee Drive:** In determining rough proportionality, the City averaged the lineal footage of roadway per dwelling unit for road improvements and averaged square footage of right-of-way per dwelling unit for dedications. The proposed development has 7 dwelling units and will improve approximately 100 lineal feet of roadway which equates to 14 lineal feet per dwelling unit. Also the development will dedicate approximately 9,460 square feet of right-of-way, which equates to approximately 1,351 square feet per dwelling unit.

To determine proportionality a neighborhood with similar characteristics was used. The development used was Silky Oaks Subdivision Phase 1 & 2 just southeast of this development on the north side of Maple Park Drive and consisted of 19 dwelling units. The previous development improved approximately 351 lineal feet of roadway and dedicated approximately 19,690 square feet of right-of-way (GIS data used to calculate, approximations only). This equates to approximately 18 lineal feet of road per dwelling unit and approximately 1,036 square feet of right-of-way per dwelling unit.

- a. Dedication will ensure that new development and density intensification provides the current level of urban services. This development will create an additional 7 new Lots within the City of Medford and increase vehicular traffic by approximately 66 average daily trips. The proposed street improvements will provide a safe environment of all modes of travel (vehicular, bicycles, & pedestrians) to and from this development.
- b. Dedication will ensure adequate street circulation is maintained. The street layout and connectivity proposed in this development will provide alternate route choices for the residents that will live in this neighborhood. This will decrease emergency vehicle response times and will decrease overall vehicle miles traveled.
- c. Dedication will provide access and transportation connections at urban level of service standards for this development. Each Lot in this development will have direct access to a public street with facilities that will allow for safe travel for vehicles, bicycles and pedestrians. There is also sufficient space for on-street parking. The connections proposed in this development will enhance the connectivity for all modes of transportation and reduce trip lengths. As trip lengths are reduced, it increases the potential for other modes of travel including walking and cycling.
- d. Dedication of connecting streets will decrease emergency response times and provide

emergency vehicles alternate choices in getting to an incident and reducing miles traveled.

- e. Dedication of PUE will benefit development by providing public utility services, which are out of the roadway and more readily available to each Lot being served.
- f. The additional traffic of all modes of travel generated by this proposed development supports the dedication and improvements for all modes of travel and utilities. As indicated above, the area required to be dedicated and improved for this development is necessary and roughly proportional to that required in previous adjacent developments to provide a transportation system that meets the needs for urban level services.

The additional traffic of all modes of travel generated by this proposed development supports the dedication and improvements for all modes of travel and utilities. As indicated above, the area required to be dedicated and improved for this development is necessary and roughly proportional to that required in previous developments in the vicinity to provide a transportation system that meets the needs for urban level services.

## **B. SANITARY SEWERS**

This site lies within the Rogue Valley Sewer Service (RVSS) area. The Developer shall contact RVSS for conditions of connection to the sanitary sewer collection system.

## **C. STORM DRAINAGE**

### **1. Hydrology**

The Design Engineer shall provide an investigative report of the off-site drainage on the subdivision perimeter, a distance not less than 100 feet in all directions. All off-site drainage affecting the subdivision shall be addressed on the subdivision drainage plan. A hydrology map depicting the amount of area the subdivision will be draining shall be submitted with hydrology and hydraulic calculations. The opening of each curb inlet shall be sized in accordance with ODOT design standards. These calculations and maps shall be submitted with the public improvement plans for approval by the Engineering Division.

### **2. Stormwater Detention and Water Quality Treatment**

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

Upon completion of the project, the developer's design engineer shall provide written certification to the Engineering Division that construction of the water quality and detention facilities were constructed per plan. This letter shall be received by the City of Medford Public Works Engineering Department prior to acceptance of the subdivision.

The City is responsible for operational maintenance of the public detention facility, irrigation and maintenance of landscape components shall be the responsibility of the developer or a Home

Owners Association (HOA). The developers engineer shall provide an operations and maintenance manual for the facility that addresses responsibility for landscape maintenance prior to subdivision acceptance. Regarding water quality maintenance, the Rogue Valley Stormwater Quality Design Manual states: "Vegetation shall be irrigated and mulched as needed to maintain healthy plants with a density that prevents soil erosion."

### **3. Grading**

A comprehensive grading plan showing the relationship between adjacent property and the proposed subdivision will be submitted with the public improvement plans for approval. Grading on this development shall not block drainage from an adjacent property or concentrate drainage onto an adjacent property without an easement. The Developer shall be responsible that the final grading of the development shall be in compliance with the approved grading plan.

### **4. Mains and Laterals**

The Developer shall show all existing and proposed Storm Drain mains, channels, culverts, outfalls and easements on the Conceptual Grading and Drainage Plan and the final Construction Plans.

In the event the lot drainage should drain to the back of the lot, the developer shall be responsible for constructing a private drain line, including a tee at the low point of each lot to provide a storm drain connection. All roof drains and foundation drains shall be connected directly to a storm drain system.

A storm drain lateral shall be constructed to each tax lot prior to approval of the Final Plat.

All public storm drain mains shall be located in paved public streets or within easements. All manholes shall be accessible by paved, all-weather roads. All easements shall be shown on the Final Plat and the public improvement plans.

### **5. Erosion Control**

Subdivisions of one acre and greater require a run-off and erosion control permit from DEQ. The approved permit must be submitted to the Engineering Division prior to public improvement plan approval. The erosion prevention and sediment control plan shall be included as part of the plan set. All disturbed areas shall have vegetation cover prior to final inspection/"walk-through" for this subdivision.

## **D. SURVEY MONUMENTATION**

All survey monumentation shall be in place, field-checked, and approved by the City Surveyor prior to the final "walk-through" inspection of the public improvements by City staff.

## **E. GENERAL CONDITIONS**

### **1. Design Requirements and Construction Drawings**

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

## 2. Construction Plans

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

**Please Note:** If Project includes one or more Minor Residential streets, an additional Site Plan shall be submitted, noting and illustrating, one of the following design options to ensure fire apparatus access per MLDC 10.430(2):

- Clustered driveways,
- Building to have sprinklers,
- 33-foot paved width, or
- No parking signs.

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

## 3. Phasing

The proposed plans do not show any phasing.

## 4. Draft of Final Plat

The Developer shall submit 2 copies of the preliminary draft of the final plat at the same time the public improvement plans (3 copies) are submitted. Neither lot number nor lot line changes shall be allowed on the plat after that time, unless approved by the City and all utility companies.

## 5. Permits

Building Permit applications for vertical construction shall not be accepted by the Building Department until the Final Plat has been recorded, and a “walk through” inspection has been conducted and approval of all public improvements as required by the Planning Commission has been obtained for this development.

Concrete or block walls built within a PUE, or within sanitary sewer or storm drain easements require review and approval from the Engineering Division of Public Works. Walls shall require a separate permit from the Building Department and may also require certification by a Professional Engineer.

## 6. System Development Charges (SDC)

Buildings in this development are subject to sewer treatment and street SDCs. These SDC fees shall be paid at the time individual building permits are taken out.

This development is also subject to storm drain system development charges, the Developer is eligible for storm drain system development charge credits for the installation of storm drain pipe which is 24 inches in diameter or larger and is not used for storm drain detention in accordance with Medford Municipal Code (MMC), Section 3.891. The storm drain system development charge shall be collected at the time of the approval of the final plat

## 7. Construction and Inspection

Contractors proposing to do work on public streets, sewers, or storm drains shall ‘prequalify’ with the Engineering Division prior to starting work. Contractors shall work off a set of public improvement drawings, that have been reviewed and is signed by the City of Medford Engineering Division. Any work within the County right-of-way shall require a separately issued permit to perform from the County.

For City of Medford facilities, the Public Works Maintenance Division requires that public sanitary sewer and storm drain mains be inspected by video camera prior to acceptance of these systems by the City.

Where applicable, the Developer shall bear all expenses resulting from the adjustment of manholes to finish grades as a result of changes in the finish street grade.

Prepared by: Doug Burroughs

# SUMMARY CONDITIONS OF APPROVAL

Hogue Heaven Estates

TL 4400

LDS-18-049

## A. Streets

### 1. Street Dedications to the Public:

- Dedicate full width right-of-way on **Nicholas Lee Drive**.
- Dedicate 10-foot public utility easements (PUE).

### 2. Improvements:

#### a. Public Streets

- Construct **Nicholas Lee Drive** to Minor Residential street standards.

#### b. Lighting and Signing

- Developer supplies and installs all street lights at own expense.
- City installs traffic signs and devices at Developer's expense.

#### c. Access and Circulation

- Driveway access shall comply with MLDC 10.550.

#### d. Other

- Provide pavement moratorium letters.
- Provide soils report.

## B. Sanitary Sewer:

- The site is situated within the RVSS area. Provide laterals to each lot.

## C. Storm Drainage:

- Provide an investigative drainage report.
- Provide water quality and detention facilities.
- Provide a comprehensive grading plan.
- Provide storm drain laterals to each tax lot.

## D. Survey Monumentation

- Provide all survey monumentation.

## E. General Conditions

- Provide public improvement plans and drafts of the final plat.

- = City Code Requirement
- = Discretionary recommendations/comments

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



BOARD OF WATER COMMISSIONERS

**Staff Memo**

**TO:** Planning Department, City of Medford

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

**SUBJECT:** LDS-18-049

**PARCEL ID:** 372W23DD TL 4400

**PROJECT:** Consideration of tentative plat approval for Hogue Heaven Estates, a proposed 7-lot residential subdivision on a 41,700 square foot parcel located north of Nicholas Lee Drive and east of North Ross Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (372W23DD4400); Applicant, Billy Hogue; Agent, Scott Sinner Consulting, Inc.; Planner, Dustin Severs.

**DATE:** May 30, 2018

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

**CONDITIONS**

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. Installation of an 8-inch water line is required to be installed in Nicholas Lee Drive from the intersection of Katie Mae Drive & Nicholas Lee Drive and shall extend to the north property line of the subdivision.
4. A Fire Hydrant is required to be installed at the northly "dead-end" of Nichols Lee Drive for flushing and water quality purposes.
5. Water Meters for proposed Lots 5, 6, and 7 are required to be installed in the Nicholas Lee Drive right-of-way and shall be grouped together near the entrance to the MAE.
6. Static water pressure is expected to be 94 psi. Installation of a Pressure Reducing Device is required. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".
7. If a well is located on this property being reviewed for development, it will be required to be abandoned per state regulations. Coordinate with Jackson County Water Master.

Continued to next page

**CITY OF MEDFORD**

**EXHIBIT #** F

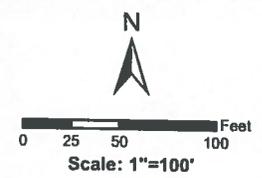
**File #** LDS-18-049 of 2



Continued from previous page

**COMMENTS**

1. Off-site water line installation is required.
2. On-site water facility construction is not required.
3. MWC-metered water service does not exist to this property.
4. Access to MWC water lines is available. There is an existing 8-inch water line stubbed for extension at the intersection of Katie Mae Drive and Nicholas Lee Drive.



**Water Facility Map for LDS-18-049 Houge Haven Est.**  
**May 30, 2018**

- Legend**
- ▲ Air Valve
  - Sample Station
  - Fire Service
  - ◆ Hydrant
  - ▲ Reducer
  - Blow Off
  - ⊕ Plug-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





## Medford Fire-Rescue Land Development Report

### Review/Project Information

**Reviewed By:** Kleinberg, Greg

**Review Date:** 5/25/2018  
**Meeting Date:** 5/30/2018

**LD #:** LDS18049

**Planner:** Dustin Severs

**Applicant:** Billy Hogue; Agent, Scott Sinner Consulting, Inc.

**Site Name:** Hogue Heaven Estates

**Project Location:** North of Nicholas Lee Drive and east of North Ross Lane

**Project Description:** Consideration of tentative plat approval for Hogue Heaven Estates, a proposed 7-lot residential subdivision on a 41,700 square foot parcel located north of Nicholas Lee Drive and east of North Ross Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (372W23DD4400); Applicant, Billy Hogue; Agent, Scott Sinner Consulting, Inc.; Planner, Dustin Severs.

### Specific Development Requirements for Access & Water Supply

MINIMUM ACCESS ADDRESS SIGN REQUIRED  
FOR LOTS 5-7.

Conditions

Reference	Comments
OFC 505	
OFC 508.5	One fire hydrant will be required on Nicholas Lee Drive near the corner of Nicholas Lee/Minimum Access Drive. Fire hydrants with reflectors will be required for this project. The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site. Plans and specifications for fire hydrant system shall be submitted to Medford Fire-Rescue for review and approval prior to construction. Submittal shall include a copy of this review (OFC 501.3).
OFC 503.2.1	Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches. The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under section 503.2.1, shall be maintained at all times. The fire apparatus access road shall be constructed as asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 60,000 pounds. (See also OFC 503.4; D102.1) The turning radius on fire department access roads shall meet Medford Fire Department requirements (OFC 503.2.4).
MMC 10.430	Section 10.430 of the Medford Code states the following: In order to ensure that there is at least twenty (20) feet of unobstructed clearance for fire apparatus, the developer shall choose from one of the following design options: (a) Clustered, offset (staggered) driveways (see example) (design approved by Fire Department), and fire hydrants located at intersections with the maximum fire hydrant spacing along the street of 250-feet. (b) All dwellings that front and take access from minor residential streets to be equipped with a residential (NFPA 13D) fire sprinkler system, and fire hydrants located at intersection with the maximum fire hydrant spacing along the street of 500-feet. (c) Total paved width of 33-feet with five-and-a-half (5 1/2) foot planter strips. The Oregon Fire Code requires; "Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches" (OFC 503.2.1). "The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established in Section 503.2.1, shall be maintained at all times." (OFC 503.4). When the clustered-offset driveway option is chosen, a note indicating driveway locations shall be included on the final plat. In areas where the clustered-offset option cannot be utilized because of lot layout, parking restrictions may apply in certain areas and no parking signs may be required.
OFC 503.2.5	A fire department turn-around is required. If homes on lots #5-7 are provided with home fire sprinkler systems, the fire department turn-around will not be required. Dead-end Fire Apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus. The Fire department turn-around area must be posted with "NO PARKING-FIRE LANE" signs. These signs shall be spaced at 50' intervals along the fire lane and at fire department designated turn-around's.
OFC 503.5	Parking shall be posted as prohibited along the east side of the existing Nicholas Lee Drive north of Katie Mae Drive. Parking shall be posted as prohibited along both sides of the minimum access driveway and in the fire department turn around area. Where parking is prohibited on public roads for fire department vehicle access purposes, NO PARKING signs shall be spaced at minimum 50' intervals along the fire lane (minimum 75' intervals in 1 & 2 family residential areas) and at fire department designated turn-around areas. The signs shall have red letters on a white background stating "NO PARKING". Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths (20' wide) and clearances (13' 6" vertical) shall be maintained at all times (OFC 503.4; ORS 98.810-12). Fire apparatus access roads 20'-26' wide shall be posted on both sides as a fire lane. Fire apparatus access roads more than 26' to 32' wide shall be posted on one side as a fire lane (OFC D103.6.1). This restriction shall be recorded on the property deed as a requirement for future construction. Contact Public Works Transportation Manager Karl MacNair 541-774-2115 for further information.

**Construction General Information/Requirements**

Development shall comply with access and water supply requirements in accordance with the Oregon 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 (fire 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 information provided only.

Design and installation shall meet the Oregon requirements of the International Fire, Building, Mechanical Codes and applicable NFPA Standards.

**Medford Fire-Rescue, 200 S Ivy St. Rm 180, Medford OR 97501 541-774-2300**





## ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 7502-0005  
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

May 18, 2018

City of Medford Planning Department  
200 S. Ivy Street  
Medford, Oregon 97501

**Re: LDS-18-049, (Map 372W23D, TL4400)**  
**Ref: LDP-17-155**

ATTN: Dustin,

The subject property is within the RVSS sewer service area. There is an existing sewer manhole at the intersection of Nicholas Lee Drive and Katie Mae Drive to the south. Sewer service will require a main line extension from this manhole into the proposed development. Permits to connect to the constructed services are issued by the City of Medford. However, there will be system development charges owed to RVSS prior to construction.

RVSS requests that approval of this application be subject to the following conditions:

1. All sewer facilities must be designed and constructed per RVSS standards.
2. The applicant must pay sewer system development charges to RVSS prior to issuance of a building permit.

Feel free to call with any questions.

Sincerely,

*Nicholas R. Bakke*

Nicholas R. Bakke, P.E.  
District Engineer

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**Dustin J. Severs**

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**From:** scottsinner@yahoo.com  
**Sent:** Wednesday, May 09, 2018 2:11 PM  
**To:** Dustin J. Severs  
**Subject:** Hogue Heaven Drainage  
**Attachments:** 17199FMConceptSDSubd.pdf

Dustin,

Please add this email to the record for the application.

We are proposing to collect, detain and treat our storm water in the minimum access easement on the north side of lots 3, 5 and 6 and the storm drainage easement on the north side of our lot 2. All storm water will be conveyed to the existing 36" public facility on the west side of the project.

Once the tentative plat is approved, the application will prepare construction documents to comply with all current city standards are submit for technical review by Public Works.

Thank you

Scott

***Scott Sinner Consulting, Inc.***  
***4401 San Juan Dr. Suite G***  
***Medford, OR 97504***  
***541-601-0917***



# Scott Sinner Consulting, Inc.

Land Use Planning, Conservation Consulting

June 19, 2018

Dustin Severs  
City of Medford Planning Department  
200 S Ivy  
Medford, OR 97501

Re: Hogue Heaven Subdivision

Dustin,

As we discussed, I would like to provide these supplemental finding of fact for the Hogue Heaven Subdivision application to address Medford Land Development Code section 10.450.

*10.450 Cul-de-sacs, Minimum Access Easements and Flag Lots*

*(1) Cul-de-sacs, minimum access easements and flag lots shall only be permitted when the approving authority finds that any of the following conditions exist:*

*(a) One or more of the following conditions prevent a street connection: excess slope (15%) or more, presence of a wetland or other body of water which cannot be bridged or crossed, existing development on adjacent property, presence of a freeway or railroad.*

*(b) It is not possible to create a street pattern which meets the design requirements for streets.*

*(c) An accessway is provided consistent with the standards for accessways in Section 10.464 through Section 10.466.*

The proposed development is the poster child for infill development. The historic land development pattern in the area established extremely long and narrow parcels. The parent parcel for the subject property was 634' long and only 100' in width. The parcel is bordered by development on three sides that limit the ability for access for the proposed parcels.

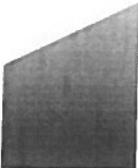
The use of a minimum access easement (MAE) is necessary to provide access for lots 5, 6, and 7. The existing development on adjacent parcels meet the criteria for the approval of the use of the MAE as provided in MLDC 10.450 (1) (a).



4401 San Juan Drive, Suite G  
Medford, Oregon 97504

Phone and Fax 541-772-1494  
Cell 541-601-0917  
Email [scottsinner@yahoo.com](mailto:scottsinner@yahoo.com)

CITY OF MEDFORD  
EXHIBIT # 5  
File # LDS-18-049



## **Scott Sinner Consulting, Inc.**

*Land Use Planning, Conservation Consulting*

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The Planning Commission can conclude the use of the MAE in the plat for Hogue Heaven subdivision is consistent with the standards found in the MLDC.

Pleas add these supplemental findings of fact to the record for the application.

Regards,

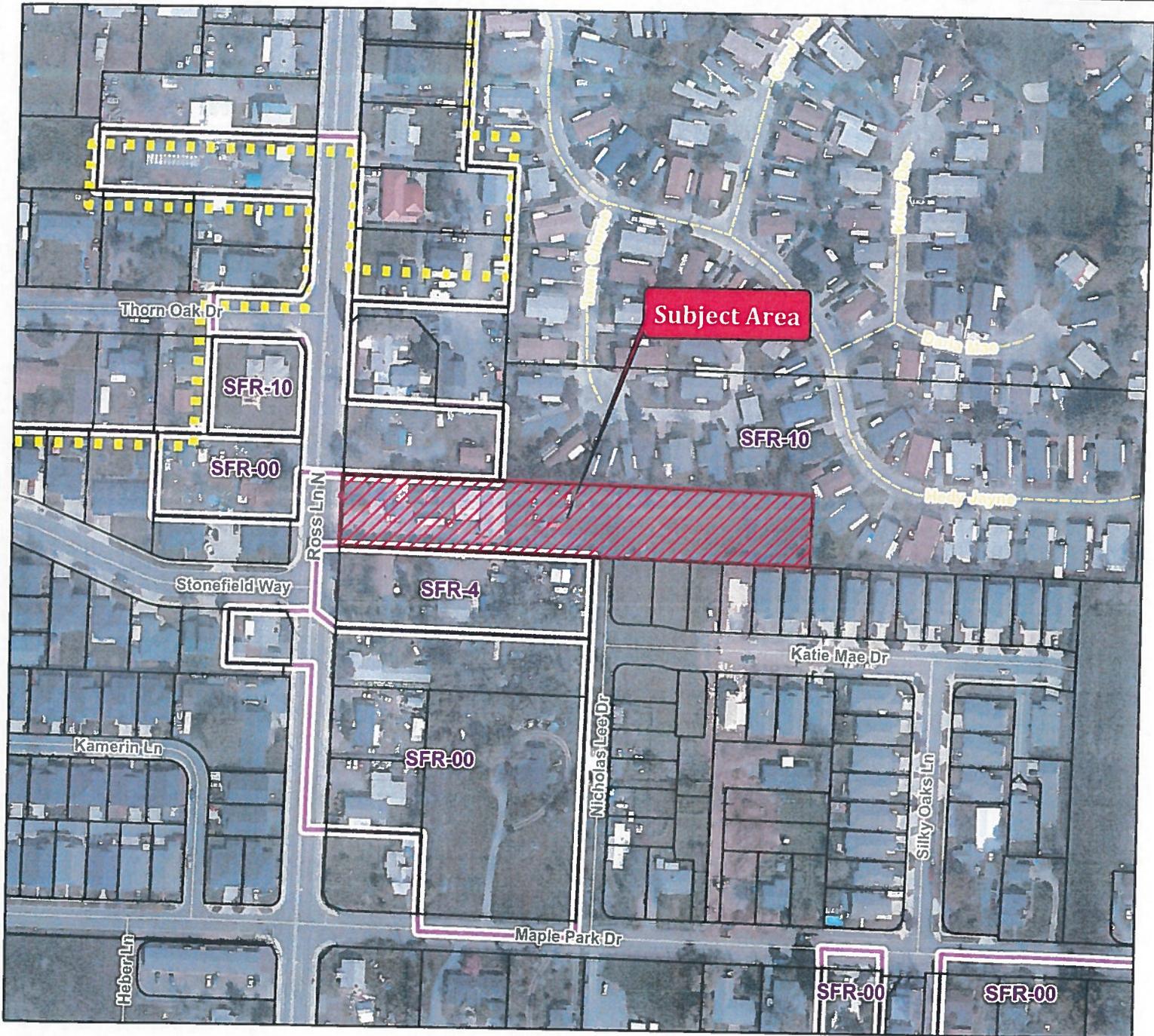


Scott Sinner, President  
Scott Sinner Consulting, Inc.



4401 San Juan Drive, Suite G  
Medford, Oregon 97504

Phone and Fax 541-772-1494  
Cell 541-601-0917  
Email [scottsinner@yahoo.com](mailto:scottsinner@yahoo.com)



Project Name:

**Hogue Heaven Estates**

Map/Taxlot:

**372W23DD TL 4400**



**04/20/2018**

**Legend**

-  Subject Area
-  Zoning Districts
-  Tax Lots
-  City Limits

