

PLANNING COMMISSION

AGENDA

AUGUST 9, 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

August 9, 2018

5:30 PM

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

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- 10. Roll Call**
- 20. Consent Calendar/Written Communications (voice vote)**
- 20.1 CUP-17-116** Final Order of a request for a Conditional Use Permit (CUP) for a proposed Bed & Breakfast to be located at 15 Geneva Street in the SFR-6 (Single-Family Residential – 6 dwelling units per gross acre) zoning district, and within the Historic Preservation Overlay District (371W30AB TL 16400). Applicants: Gloria Thomas & Cecil de Hass; Agent: Julie Krason; Planner: Dustin Severs.
- 20.2 LDS-18-058** Final Order of a tentative plat for a 42 lot subdivision on approximately 14.54 gross acres within the SFR-4 (Single Family Residential – 4 dwelling units per gross acre) and the SFR-2 (Single Family Residential – 2 dwelling units per gross acre) zoning districts, located on the south side of Lone Pine Road approximately 335 feet east of North Foothills Road (371W21AA TL 100). Applicant, Twin Creeks Development LLC; Agent, Hoffbuhr and Associates; Planner, Liz Conner.
- 20.3 GF-18-104** Staff initiated request to consider a code amendment to allow Offices of Other Health Practitioners (SIC Group 804) as a permitted use in the Light Industrial (I-L) zoning district. Applicant, City of Medford; Planner, Steffen Roennfeldt.
- 30. Minutes**
- 30.1** Consideration for approval of minutes from the July 26, 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.**
- New Business**
- 50.1 DCA-17-091** Application for code amendment to revise the Wireless Communications Facility Section of the MLDC. Applicant: City of Medford; Planner: Seth Adams.

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 at least three business days prior to the meeting to ensure availability. For TTY, dial 711 or (800) 735-1232.

- 50.2 **CUP-18-076** Consideration of a modification to an existing Conditional Use Permit for a private recreation facility to add parking and to allow for new construction and site modifications to the former tennis and swim club facility located on the east side of North Phoenix Road, approximately 325 feet south of Calle Vista Drive (709 N Phoenix Road, 371W27 TL 701). Applicant: North Phoenix Properties Holdings, LLC; Agent: CSA Planning; Planner: Liz Conner.
- 50.3 **LDS-18-077** Consideration of a tentative plat for a 20 lot subdivision on approximately 3 acres within the SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zoning district, located on the north side of Sweet Road approximately 270 feet east of North Ross Lane (372W26AA TL 800, 900, 1000). Applicant: Edward Flemming; Agent: Scott Sinner Consulting, Inc.; Planner: Liz Conner.

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 CUP-17-116 APPLICATION FOR A)
) **ORDER**
CONDITIONAL USE PERMIT SUBMITTED BY GLORIA THOMAS & CECIL DE HAAS)

ORDER granting approval of a request for a conditional use permit for *Lady Geneva Bed and Breakfast*, described as follows:

A proposed Bed & Breakfast to be located at 15 Geneva Street in the SFR-6 (Single-Family Residential – 6 dwelling units per gross acre) zoning district, and within the Historic Preservation Overlay District (371W30AB TL 16400).

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.246 and 10.247; and,
2. The Medford Planning Commission has duly held a public hearing on the matter of an application for a conditional use permit for *Lady Geneva Bed and Breakfast*, as described above, with a public hearing a matter of record of the Planning Commission on July 26, 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 a conditional use permit for *Lady Geneva Bed and Breakfast*, as described above.

THEREFORE LET IT BE HEREBY ORDERED that the application for *Lady Geneva Bed and Breakfast*, as described above, stands approved in accordance per the Planning Commission Report dated July 26, 2018.

AND LET IT FURTHER BE OF RECORD that the action of the Planning Commission in approving this request for *Lady Geneva Bed and Breakfast*, as described above, is hereafter supported by the findings referenced in the Planning Commission Report dated July 26, 2018.

Accepted and approved this 9th day of August, 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: **Conditional Use Permit**

PROJECT Lady Geneva Bed & Breakfast
Applicant: Gloria Thomas & Cecil Thomas de Haas
Agent: Julie Krason

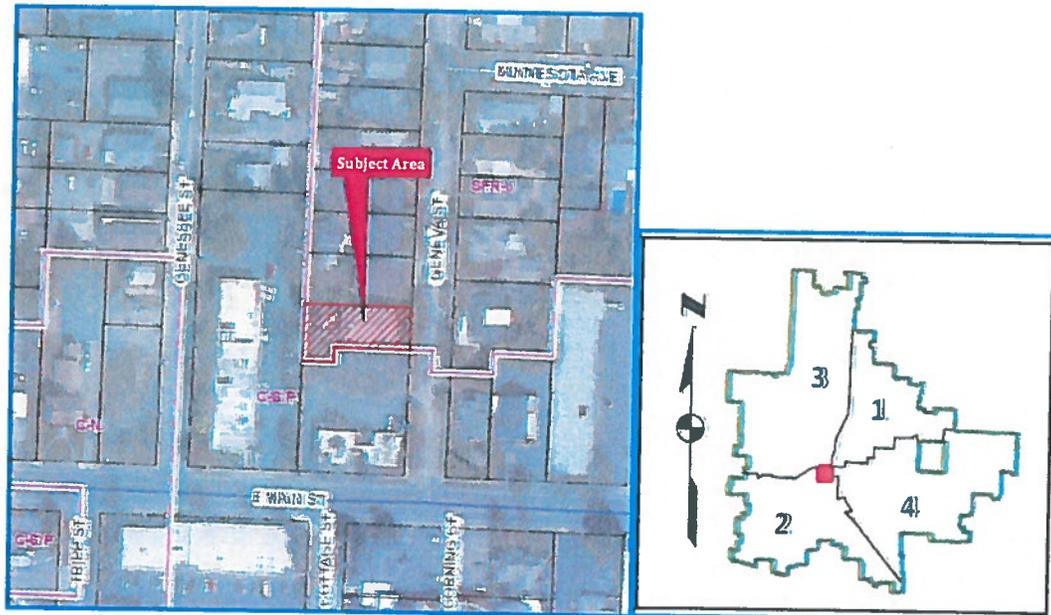
FILE NO. CUP-17-116

DATE July 26, 2018

BACKGROUND

Proposal

Consideration of a request for a Conditional Use Permit (CUP) for a proposed Bed & Breakfast to be located at 15 Geneva Street in the SFR-6 (Single-Family Residential – 6 dwelling units per gross acre) zoning district, and within the Historic Preservation Overlay District (371W30AB TL 16400).



Subject Site Characteristics

Zoning: SFR-6
GLUP: Service Commercial (SC)
Overlay(s): Airport Area of Concern (AC)
Historic (H)
Use: Single-family residence

Surrounding Site Characteristics

<i>North</i>	Zone:	SFR-6
	Use(s):	Single-Family Residences
<i>South</i>	Zone:	C-S/P (Service / Professional)
	Use(s):	Dental office building
<i>East</i>	Zone:	SFR-6
	Use(s):	Single-Family Residences
<i>West</i>	Zone:	C-S/P (Service / Professional)
	Use(s):	Commercial offices

Related Projects

None

Applicable Criteria

Medford Land Development Code §10.248, Conditional Use Permit Criteria

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

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

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

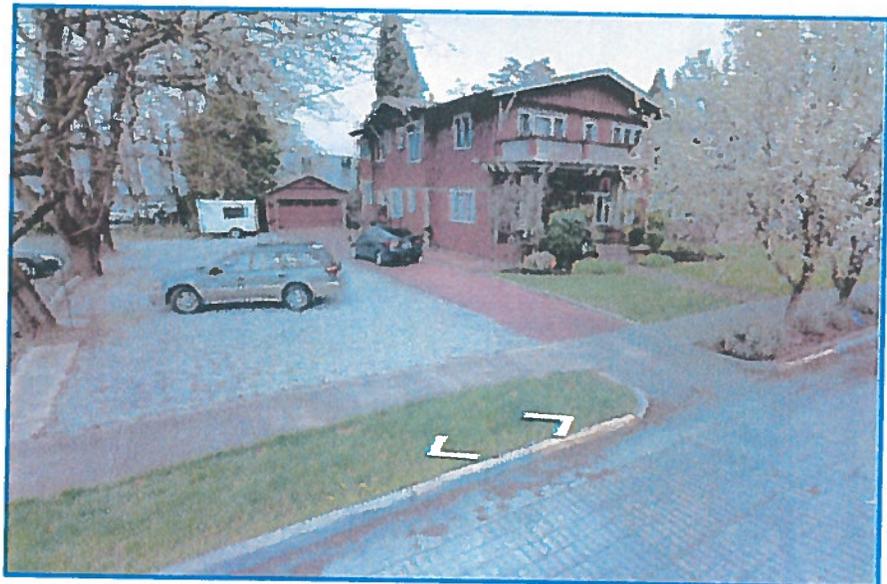
- (1) Limit the manner in which the use is conducted, including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.

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

ISSUES AND ANALYSIS

Background

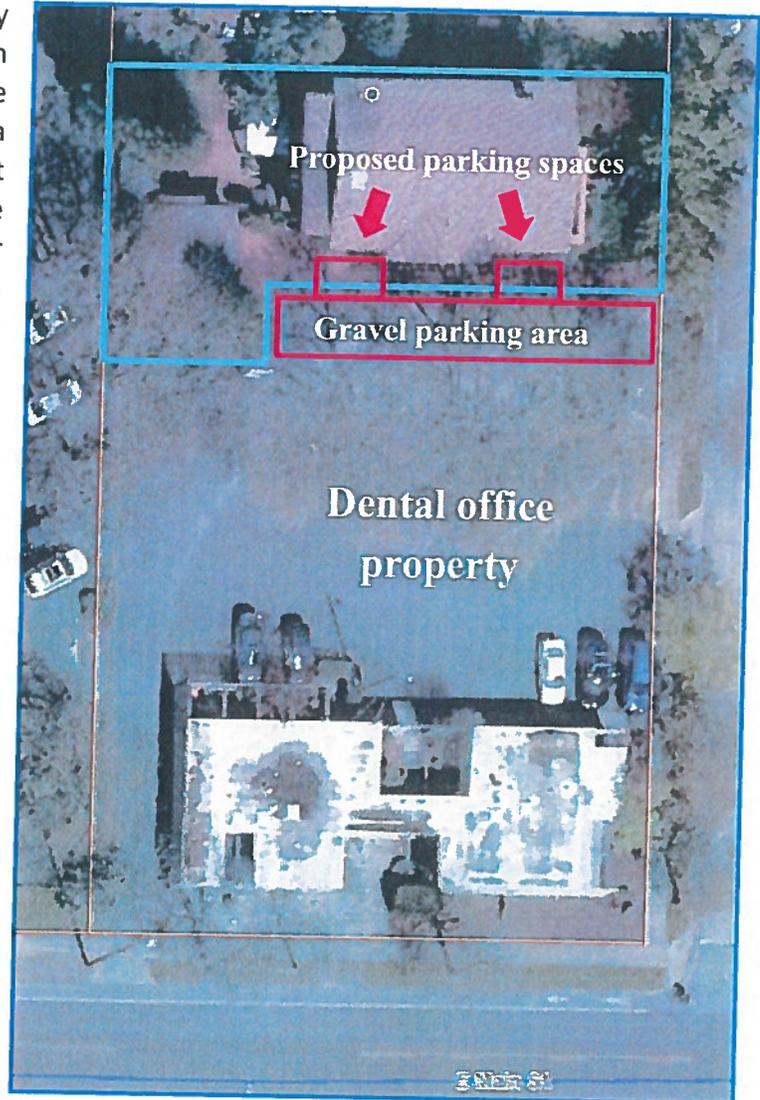
The subject property consists of a single 0.16-acre lot containing a two-story, single-family home located near the corner of Geneva Street and East Main Street within the Geneva-Minnesota Historic District. The applicants, who recently purchased the home, are requesting to use the home as a Bed & Breakfast while continuing to live at the residence and serving as the proprietors of the lodging establishment. The house currently contains six bedrooms and four full bathrooms (three of the bathrooms intended for guest use), and breakfast is proposed to be provided for guests from 7:30 - 9:30 am.



History

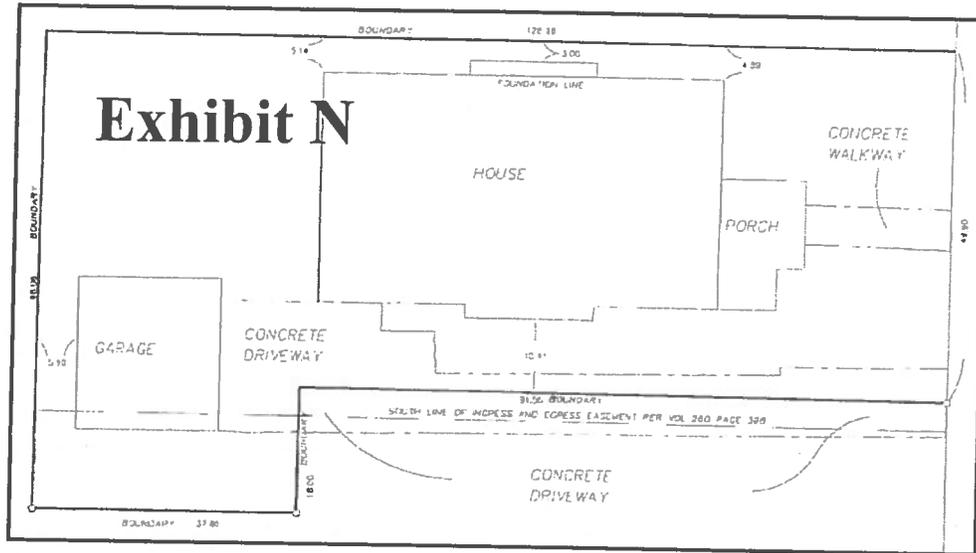
The subject application was originally heard by the Planning Commission on January 11, 2018. Initially, the applicants had proposed to provide a maximum capacity of five guest rooms, but subsequently reduced the number of guest rooms to two after they were unable to obtain an easement from the property to the south - which is owned and used by a dental office - to utilize the abutting gravel parking lot for the Bed & Breakfast in order to satisfy parking requirements (Exhibit L). The applicant had proposed to locate the two off-street parking spaces abutting the southerly side of the house and within the existing driveway. However, the exact location of the subject lot's shared property boundary with the abutting property to the south was brought into question at the hearing, with a neighbor (Frann Wolfe) presenting a copy of the original easement between the two properties which seemed to indicate that the property line was split down the middle of the subject property's existing driveway.

As the applicants were proposing to locate the two off-street parking spaces required for the Bed & Breakfast within the driveway, and legal right to the parking area had now been brought into question, the Commission expressed reluctance in supporting the request until a time at which the matter could be resolved. In response, the applicants formally requested that the hearing be continued to a future date in order to provide them time to acquire the necessary documentation proving that the two proposed parking spaces were located entirely within the subject property and not encroaching on the neighbor's property. The continuance request was approved by the Commission. Three additional continuances would be requested by the applicant following the hearing.

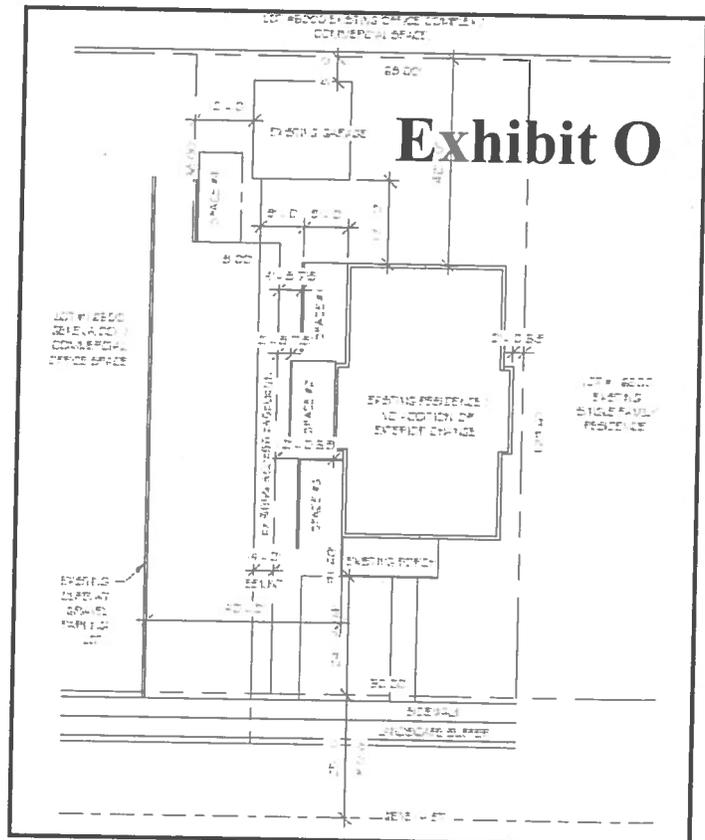


Current Proposal

The applicants are now prepared to proceed with the request and have had a Map of Survey performed on the property (Exhibit N), which shows that the shared property line in question does indeed run down the middle of the driveway; however, the applicants have also submitted a revised site plan (Exhibit O) showing the proposed parking spaces (now increased from two spaces to four spaces) located within the – now confirmed – boundary lines of the subject property.



The existing access easement identified on the revised site plan (Exhibit O) dates back to a 1919 Warranty Deed (Exhibit M) and provides a perpetual easement for ingress and egress "for all purposes of travel and transportation from Geneva Avenue to rear of said properties" between the two adjoining properties. The applicants had initially thought that the easement granted them the right to park their vehicles within said easement, proposing to use the existing gravel parking area located on the abutting dental office property to the south within the easement area. However, on review of the easement document by the City Attorney's office, it was determined that the easement was granted exclusively for the ingress and egress of vehicles, and not parking within the easement. The applicants modified their request accordingly (after unsuccessfully



attempting to obtain a parking easement from the abutting dental office property), reducing the proposed number of guest rooms from five rooms to two rooms.

With the property lines now confirmed by the submitted Map of Survey, the applicants – looking to maximize the number of guest rooms for the proposed Bed & Breakfast – are requesting a total of four guest rooms for the proposed Bed & Breakfast, amending their previous request of two guests. In regards to the amendment, the submitted supplemental findings (Exhibit P) state, “As per the survey it is shown that we have plenty of land to accommodate 4 cars in addition to the 2 car garage and only utilizing the easement for ingress and egress of vehicles.”

No other changes from the previous request heard at the January 11, 2018 hearing are being made by the applicant.

Code references

Per MLDC 10.010, the definition of a Bed and Breakfast reads as follows:

A single-family dwelling, or part thereof, other than a motel, hotel or multiple family dwelling, where traveler’s accommodations and breakfast are provided for a fee on a daily or weekly room rental basis, not to exceed fourteen (14) days.

Per MLDC 10.313, Bed & Breakfasts are permitted in the SFR-6 zoning district solely pursuant to the issuance of a Conditional Use Permit (CUP).

PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS		SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section
(a)	Bed and Breakfast Inn	X	X	Cs	Cs	Cs	Ps	Ps	Ps	10.828

The special use requirements identified in MLDC 10.828 for a Bed and Breakfast service, read as follows:

The intent is to provide temporary travelers' accommodations and breakfast in a single family residence for a fee, on a daily or weekly room rental basis, not to exceed fourteen (14) consecutive days.

(1) Standards.

(a) Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located.

(b) Off street parking shall be provided. The front yard shall not be for off-street parking for temporary guests unless the parking area is screened, not visible from the street, and found to be compatible with the neighborhood.

(c) The number of guests shall generally be limited to six persons at any one time, except where sanitation facilities and neighborhood standards would otherwise allow more. Health and sanitation facilities shall be inspected annually by Jackson County.

(d) Two (2) on-premise signs may be approved by the approving agency (Planning Commission) provided that each sign is compatible with residential uses and is not more than six (6) square feet in size and not exceeding an overall height of six (6) feet.

(e) All necessary state and county permits, certifications, or requirements shall be obtained as a condition of approval of a bed and breakfast service.

Special Use Standards - Analysis

Outward modification of structure/grounds (standard a)

The applicants are not proposing any physical expansion or outward modification to the existing house - with the exception of a small wooden sign to be hung from the balcony of the front entrance of the house for the Bed & Breakfast - nor are they proposing any exterior modifications to the façade of the home (e.g., siding, windows, etc.) to accommodate the conversion of the home into a dual use as a Bed & Breakfast.

In terms of activities associated with the proposed Bed & Breakfast conducted on the grounds of the subject lot, the applicants' submitted narrative (Exhibit D) states the following:

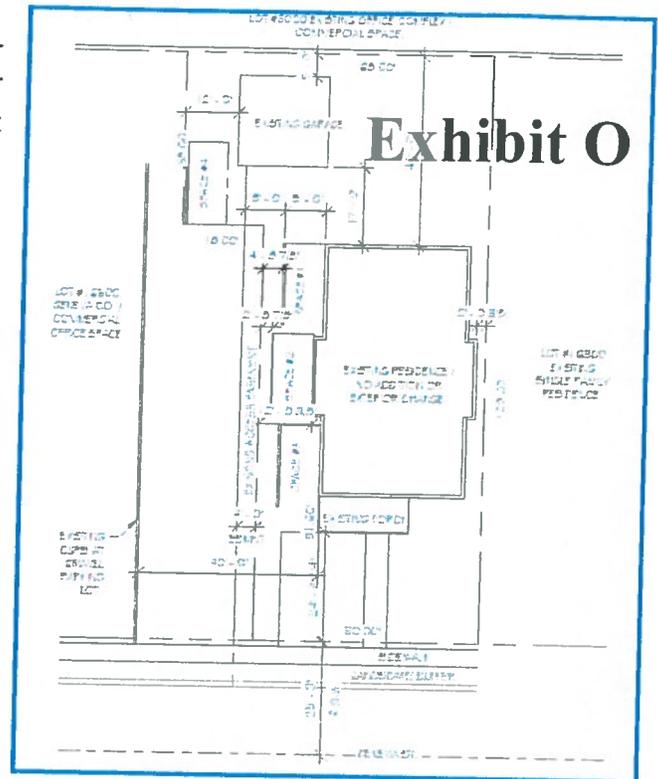
"Any activities will be conducted in the back yard of the home. The activities will mostly be wine tastings provided by the local wineries, receptions, and special occasion dinners for the guests. It is considered that most of the occupants will mostly have just an arrival and departure pattern as guests will be sightseeing to the Applegate valley wineries, lakes, campsites, and participating in any other city activities that are going on at the time. Therefore constant activity will not be prevalent and noise levels will be at the minimum."

It is the view of staff that such activities are not consistent with the intent and purpose of the definition of a Bed and Breakfast as provided in the Code – which simply allows a single-family residence to provide travelers with lodging and breakfast for a fee on a daily or weekly basis – nor are such activities consistent with the residential character of the neighborhood; and therefore cannot be made to comply with the Conditional Use Permit (CUP) criteria per MLDC 10.248.

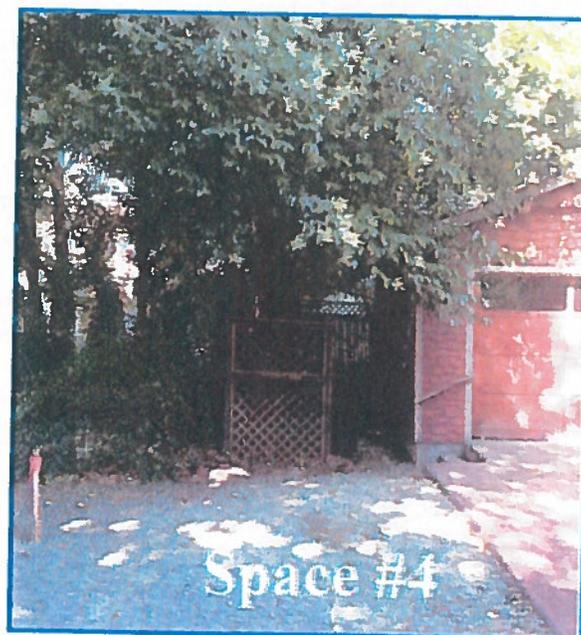
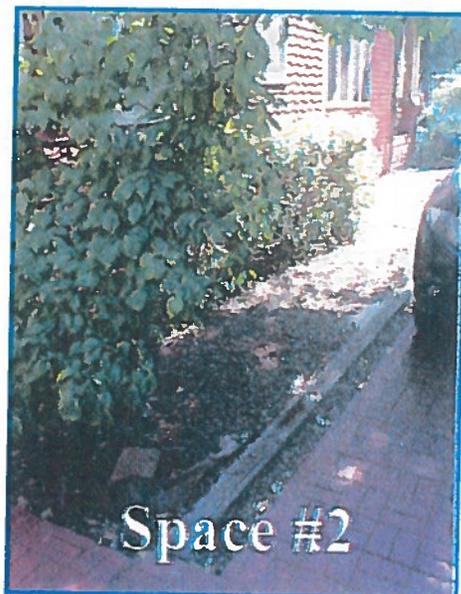
As a discretionary condition of approval, staff recommends that the applicant be prohibited from conducting any activities associated with the proposed Bed & Breakfast other than those expressly allowed as per the Code (i.e., lodging and breakfast).

Parking (standard b)

The applicants are required to provide one off-street parking space for each room proposed for guests, in addition to providing two off-street parking spaces for the residents of the home (MLDC 10.743-1). As such, the proposed Bed & Breakfast is required to provide a total of six off-street parking spaces: two spaces for the residents and one space for each of the four proposed guest rooms. It is staff's view that while the subject property's driveway does not contain adequate space to accommodate the number of off-street spaces required for five guest rooms (five spaces), as originally requested – without approval to utilize the abutting gravel parking lot – the driveway can be found to have sufficient room to accommodate four guest rooms (four spaces) as illustrated on the submitted revised site plan (the exiting two-car garage satisfying the parking requirements for the residents of the home).



Two of the spaces identified on the revised site plan (spaces #2 and #4) are currently encumbered by existing vegetation/landscaping/fencing, inhibiting vehicular access/parking (space #4 is completely unpaved and space #2 is partially unpaved). The applicant has explained to staff that it is their intent to remove the vegetation/landscaping, along with paving both spaces with the same stamped concrete used for the driveway (will require LHPC approval), to allow vehicle access/parking once all four spaces have been approved for the Bed & Breakfast by the Commission, which will be completed prior to the opening of the business.



As a condition of approval, the applicant will be required to remove any encumbrances restricting vehicle access/parking for the parking spaces identified on the submitted site plan, and pave all parking and maneuvering areas consistent with MLDC 10.756, prior to the issuance of a business license for the proposed Bed & Breakfast.

Number of guests (standard c)

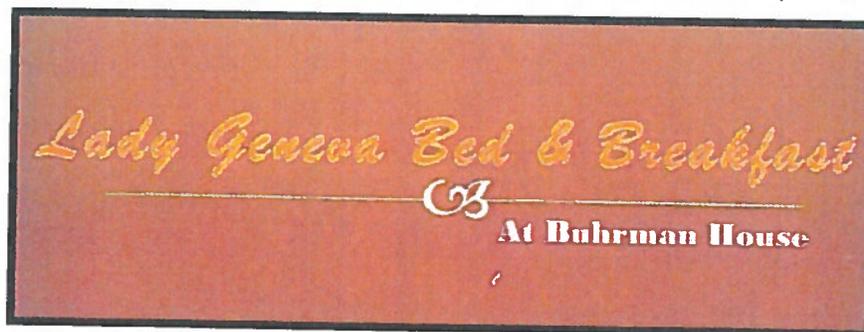
Though the Code states that the number of guests for a Bed & Breakfast at any one time is limited to six persons, the Commission does have the discretionary authority to approve a greater number of guests if the Commission concludes that existing sanitation facilities are sufficient to accommodate additional guests. The Oregon State Building Code, however, does limit the number of guests - which is not discretionary - to a maximum of ten persons as per the memo received from the Building Department (Exhibit I). As per the submitted supplemental findings, the applicants are requesting a maximum of nine guests for the proposed Bed & Breakfast, stating the following:

We currently have 4 bathrooms in the home, 3 of which will be available exclusively to the guests. 2 rooms have their own bathroom and the other two will share one full bathroom. As in any business, full occupancy will not be expected and even if all 4 rooms were occupied at the same time the total amount of guests in the 4 rooms would not exceed 9 guests. The breakdown is as follows:

- Room 1: 1 guest*
- Room 2: 2 guests*
- Room 3: 2 guests*
- Room 4: 4 guests*

Signage (standard d)

The applicants' submitted findings state their intent to place a single, eight square foot hanging sign from the balcony located at the front entrance of the house for the proposed use, and have included an image of the proposed design of the sign (shown below) with their application submittal (Exhibit E). MLDC 10.823(d) restricts signs to a maximum of six square feet for a Bed and Breakfast; therefore the applicants will need to reduce the size of the proposed sign in order to be in compliance with the sign standards for Bed & Breakfasts as per MLDC 10.828.



The applicants will be required to submit a sign permit application for the proposed sign to the Planning Department, and at that time staff will review the sign application to ensure

compliance with MLDC 10.823(d); and since the property is located within the Historic Preservation Overlay District, the applicants will additionally be required to obtain approval through the Landmarks and Historic Preservation Commission (LHPC) prior to obtaining a sign permit through the City.

Other permits required (standard e)

The Jackson County Health and Human Services is the public health authority responsible for the enforcement of public health regulations related to lodging facilities. The regulation of Bed & Breakfasts by Jackson County includes licensing and providing annual inspections to ensure sanitation standard compliance for Bed & Breakfast establishments that offer three rooms or greater for lodging; Bed and Breakfast establishments offering less than three rooms for lodging are exempt from these requirements. At the request of staff, the applicants have been in contact with Jackson County Health and Human Services - of whom the applicants explained performed an initial review/inspection - and were informed that the approval of the CUP by the City would be required prior to the official inspection and licensing of the establishment.

As a condition of approval, the applicant will be required to comply with all requirements of the Jackson County Health and Human Services prior to the issuance of a business license for the proposed Bed & Breakfast.

Facility Adequacy

Per the agency comments submitted to staff (Exhibits F-H), it can be found that there are adequate facilities to serve the proposed Bed & Breakfast.

Neighbor input

At the time of this writing, staff has received three emails from neighbors, which have been included into the record as Exhibits J, K, and Q.

Committee Comments

No comments were received from committees such as BPAC.

DECISION

At the public hearing held on July 26, 2018, the Commission voted 5-1 to approve the request while modifying condition # 7 – a discretionary condition of approval by staff recommending that the applicants be prohibited from conducting any activities associated with the proposed Bed & Breakfast other than those expressly permitted per the Code – to read as follows:

Any activities associated with the bed & breakfast, including but not limited to wine tasting events conducted in the backyard of the property, shall be limited to the guests staying at the lodging establishment at the time of the event.

The Commission additionally approved the applicants' request to exceed the number of guests allowed at any one time for the bed & breakfast, which is limited to six guests as per MLDC 10.828(c), allowing a total of nine guests to be permitted.

FINDINGS OF FACT

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

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

The Commission can find that there is sufficient evidence contained in the Applicants' narrative and the Staff Report to determine that the proposed Bed and Breakfast can be made to comply with the provisions of the Code with the imposition of conditions of approval contained in Exhibit A, and therefore will not have an adverse impact on the surrounding area. This criterion is satisfied.

- (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.

This criterion is not applicable.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibit D and P) and recommends the Commission adopt the findings as submitted.

ACTION TAKEN

Adopted the findings as recommended by staff and directed staff to prepare the Final Order for approval of CUP-17-116 per the Planning Commission Report dated July 26, 2018, including Exhibits A through Q.

EXHIBITS

- A-1 Conditions of Approval (revised) drafted July 26, 2018.**
- B Site Plan (superseded) received October, 2017.
- C Assessor's Map received September 22, 2017.
- D Applicant's Narrative, Questionnaire, and Findings of Fact received September 22, 2017.
- E Floor plans (5 of 5), received September 22, 2017.
- F Public Works staff report received October 18, 2017.
- G Medford Water Commission received October 23, 2017.
- H Medford Fire Department report received October 18, 2017.
- I Building Department memo received October 18, 2017.
- J Neighbor email to staff from Rene and Lane Forncrook received October 23, 2017.
- K Neighbor letter from Frann Wolfe, received January 2, 2018.
- L Email from applicants requesting reduction of proposed guest rooms from five to two, received January 3, 2018.

- M Warranty Deed (easement language), recorded July 13, 1945.
- N Map of Survey, dated July 6, 2018.
- O Revised site plan, submitted July 16, 2018.
- P Applicants supplemental findings, received July 18, 2018.
- Q Neighbor letter (Barbara Budge Griffin), received January 11, 2018.
Vicinity map

Patrick Miranda, Chair

PLANNING COMMISSION AGENDA:

November 9, 2017
December 14, 2017
January 11, 2018
March 22, 2018
June 14, 2018
July 26, 2018

EXHIBIT A-1

Lady Geneva Bed and Breakfast
CUP-17-116
Conditions of Approval
July 26, 2018

CODE REQUIRED CONDITIONS

Prior to the issuance of a business license, the applicants shall:

1. Comply with all conditions of the Medford Water Commission (Exhibit G).
2. Comply with all requirements of the Medford Fire Department (Exhibit H).
3. Comply with all requirements of the Medford Building Department (Exhibit I).
4. Remove any encumbrances restricting vehicle access/parking for the parking spaces identified on the submitted site plan, and pave all parking and maneuvering areas consistent with MLDC 10.756 and pursuant to approval by the Landmarks and Historic Preservation Commission (LHPC).
5. Comply with all requirements of the Jackson County Health and Human Services, including but not limited to, obtaining a license for the Bed & Breakfast.
6. Obtain approval from the Landmarks and Historic Preservation Commission (LHPC) for any proposed signage associated with the Bed & Breakfast.

DISCRETIONARY CONDITIONS

7. Any activities associated with the bed & breakfast, including but not limited to wine tasting events conducted in the backyard of the property, shall be limited to the guests staying at the lodging establishment at the time of the event.

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

IN THE MATTER OF TENTATIVE PLAT APPROVAL OF _____)
EAST VALLEY SUBDIVISION _____) **ORDER**
[LDS-18-058] _____)

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

A 42 lot subdivision on approximately 14.54 gross acres within the SFR-4 (Single Family Residential – 4 dwelling units per gross acre) and the SFR-2 (Single Family Residential – 2 dwelling units per gross acre) zoning districts, located on the south side of Lone Pine Road approximately 335 feet east of North Phoenix Road (371W21AA TL 100).

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.265 through 10.267; and
2. The Medford Planning Commission has duly held a public hearing on the request for tentative plat for *East Valley Subdivision*, as described above, with the public hearing a matter of record of the Planning Commission on July 26, 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 *East Valley Subdivision*, as described above and directed staff to prepare a final order with all conditions and findings set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for *East Valley Subdivision*, stands approved per the Staff Report dated July 19, 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 July 19, 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 9th day of August, 2018.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



MEMORANDUM

Subject Initiation of code amendment to allow Standard Industrial Classification (SIC) Group 804 – Offices of Health Practitioners in the I-L (Light Industrial) zoning district

File no. GF-18-104

To Planning Commission *for 8/09/2018 meeting*

From Steffen Roennfeldt, Planner III

Date July 31, 2018

INITIATION REQUEST

The Planning Department received an inquiry from a business owner who does occupational and speech therapy for pediatrics and young adults for the City to consider updating the code to allow this use, which falls under SIC Group 804 – Offices of Other Health Practitioners, in the Light Industrial (I-L) zoning district.

A discussion about changing the permitted use table to allow Offices of Other Health Practitioners in the Light Industrial zoning district was discussed at the July 23, 2018, Planning Commission study session. The Planning Commission (PC) is being asked to provide direction to Planning staff about this request.

CONSENT CALENDAR

If the Commission approves the consent calendar, staff will add this amendment to our work task and begin review of a formal text amendment regarding this topic.

If the Commission pulls the item from the consent calendar and indicates it would not like staff to work on this text amendment then this request will be closed. Staff will inform the citizens requesting the amendment and City Council about the PC’s decision.

ATTACHMENT

- Planning Commission study session minutes from July 23, 2018



Minutes

From Study Session on **July 23, 2018**

The study session of the Medford Planning Commission was called to order at 12:00 p.m. in the Lausmann Annex Room 151-157 on the above date with the following members and staff in attendance:

Commissioners Present

David McFadden, Vice Chair
David Culbertson
Joe Foley
Bill Mansfield
E. J. McManus
Alex Poythress
Jared Pulver

Staff Present

Kelly Akin, Assistant Planning Director
Carla Paladino, Principal Planner
Eric Mitton, Deputy City Attorney

Commissioners Absent

Patrick Miranda, Chair, Excused Absence
Mark McKechnie, Unexcused Absence

Subject:

20.1 DCA-17-091 Wireless Communication Facilities Code Amendment

Carla Paladino, Principal Planner, reported that staff is seeking direction from the Planning Commission regarding changes to the Wireless Communication Facilities regulations. Specifically, modify existing wireless communication facility language and inserting new language related to Small Cells.

Current regulations address:

- Facilities permitted in all commercial and industrial zones, and in SFR and MFR zones with nonconforming nonresidential uses
- Permitted on Public and Private property
- Preferred Designs: 1) Collocation, 2) Existing Structures, 3) New Towers
- New towers are approved by the Planning Commission through the Conditional Use Permit process

New Regulations:

- Consumer demand has increased
- Macro cells are reaching capacity; decline in service
- New small cells are being built to fill in the gap
- Companies are seeking to construct these in Medford

Mobilitie first to approach the City seeking a franchise agreement. Issues have been discussed with the City Council. Regulations need to be in place before franchise agreements will be considered by the City.

The City is being asked to allow small cell wireless facilities on utility poles, street lights, etc.

The small cell equipment:

- Omni Antenna – Pole top slim line solution, connects with end users and 360 degree propagation
- AC Distribution – Control power to the site with an on and off switch
- UE Relay – Wireless backhaul solution, eliminates need for fiber for most sites, communicates with existing infrastructure
- Radio Unit – Converts radio frequencies, increases network capacity

Proposed Amendment – Small Cells

Article II Changes (Sections 10.108, 10.110, 10.142)

- Wireless communication facilities in right-of-way would be a Type 1 Land Use Action
- Planning Director would be the approving authority

Proposed Amendment – Overall Language

Article V – Section 10.824

- Removal of unnecessary and/or duplicative language (e.g. submittal requirements)
- Updated Exemption Section
 - Allow for Cells-on-Wheels (COWs) as temporary use not to exceed 14 days in nonresidential zones or during declared emergencies
 - Allows for modification when not identified as a substantial change
- Defines a “substantial change” to existing facilities in accordance with federal law (Section 6409(a))
 - The mounting of a proposed antenna on a Wireless Communication Support Structure will increase the existing height of the support structure by more than ten percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater
 - An appurtenance is added to a Wireless Communication Support Structure that would protrude from the edge of the structure more than twenty feet, or more than the width of the support structure at the level of the appurtenance, whichever is greater
 - Installation of more than four new equipment cabinets
 - Any excavation or deployment outside the current site
 - It would defeat the concealment elements of the support structure

Vice Chair McFadden stated that he was not sure whether the 20 feet was in the air or on the ground. Ms. Paladino reported it is wide so it might be a cabinet. Commissioner

Pulver stated that the 20 feet would be up. Otherwise, it is going to be limited to the width of the pole or whatever it is attached to.

Ms. Akin stated that the trouble with federal law is that it is written broadly. Staff has to apply it narrowly. The lattice towers that used to be used had big bases. That is the only thing that she can think of that that might be the kind of structure where that would be meaningful. Currently, they are limited to 130 feet in height that would not have a 20 foot base.

Ms. Paladino stated that staff would clarify the language or have a photograph for clarification.

- Modifications not resulting in a substantial change would not be subject to new standards or discretionary review (a new Conditional Use Permit)
- Requires landscaping that will fully screen the ground-mounted equipment and any security fencing

Commissioner Mansfield stated that on page 14 of the agenda packet the ordinance talks about stealth capabilities. Please explain that. Ms. Paladino reported that stealth is meaning sleek or hiding the antenna.

Commissioner Mansfield asked, is there any objection to this? Ms. Paladino stated not yet.

Vice Chair McFadden asked, has Engineering reviewed the language? Ms. Paladino replied yes.

Commissioner Culbertson misread the proposal and background. He thought that the entire rewrite was stemming from the 2012 Act. He read the 2012 Act. It only deals with federal property. He discussed this with Eric Mitton, Deputy City Attorney this morning and he stated it governed some of the language change. The implementation of the small cell is the new piece. He believes it will be beneficial in the long run however, he raised the question of improving and implementing the 5G network for the benefit of the cellular services. They are putting smart meters on all the houses now which are using the 5G Network. He hopes the City is getting a substantial contract to allow them the right-of-way to generate dollars back to the City.

Mr. Mitton reported that step one is getting the code implemented and step two would be the franchise agreement. That is where the money is made.

Vice Chair McFadden stated this is allowing the City to increase the fee that is paid on cellular bills.

Mr. Mitton is not sure there will be a distinction because when a macro cell is on private property the cellular companies are renting the space. Instead of having individual leases for big towers it is a franchise agreement for the small cells.

Vice Chair McFadden stated that there is a tower on Roxy Ann that never paid a franchise fee to Medford because their facilities were outside Medford but their trucks could use City streets. Mr. Mitton reported that is not entirely accurate. It is a complicated situation. Fees are collected for the private communication tower on Roxy Ann that helps pay for the public safety tower on Roxy Ann. The City is one of the main users of the public safety tower on Roxy Ann. He does not know about the tower on the other side of Roxy Ann.

Commissioner Culbertson knows that there is a cell tower on top of old Reeder fruit building at 401 Fir Street. They have a very lucrative contract that allowed them to install a secure vault on the fourth floor and an array on top because of a void.

Commissioner Culbertson thinks if they are going to be utilizing the 5G cell service for the Pacific Power and Light smart meters there should be a reduction in the service charge to have the smart meter for making it simpler. The City is going to get double dipped. If one wants to opt out they are going to charge extra and a monthly fee.

The Planning Commissions charge is does the language being incorporated make sense?

Commissioner McManus stated that there are people against cell towers. Sometimes the issues are related to property value. Are there design standards specific for the historic district? Ms. Paladino reported that there is no language specific to the historic district. Ms. Akin stated that the historic district requires a different review.

Mr. Mitton commented that every time the Planning Commission has a Conditional Use Permit hearing on cell towers most people coming for public comment are saying they do not want a tower in that location. Since it is under federal law the City cannot say anything. They can only discuss how it is visually screened. He is not aware that they could not require additional screening in the historic district. They cannot prohibit or restrict a tower in that location.

Commissioner Pulver asked, is there a limit on small cells on a pole? Ms. Paladino reported that the construction of these small cells would probably be only one per pole. Language can be added that states only one per pole. Mr. Mitton reported that multiple boxes are different support components for a single antenna.

Commissioner Poythress asked, this is 2018 is the City planning on installing more poles or underground utilities? If the City is trying to get rid of poles then why adorn them with expensive hardware for lease? Ms. Paladino stated that for new development they are supposed to go underground. The other option would be street light poles.

Vice Chair McFadden asked, is there a height limit? Ms. Paladino reported that would be between the company and Public Works. What are they actually going to be doing to the street lights? Is it going to change the function of it or become massive looking that no longer looks like a street light? That gives Public Works flexibility to state the company is in the wrong location and needs to find something else.

Staff will make final changes to the language and present the code amendment to the Planning Commission on Thursday, August 9, 2018. Hearing is proposed before the City Council on Thursday, September 6, 2018.

20.2 DCA-18-092 Offices of other Health Practitioners in Light Industrial zoning district

Kelly Akin, Assistant Planning Director, reported that DeNell Gallagher that operates a pediatric occupational and speech therapy business downtown. She wants her own facility but the facility she found is in the I-L zone where the use is not permitted.

Commissioner Mansfield asked, what is wrong with letting all the health practitioner uses in the I-L zone? Ms. Akin reported that the light industrial zone is not made for that kind of traffic or parking.

Vice Chair McFadden stated that Navigator's Landing is a Planned Unit Development with the inner lining zone is light industrial. They were able to get 20% of the property zoned commercial. If all the health practitioner categories were changed that would open up the rest of the 80% of the property to those types of uses.

Staff will present this code amendment to the Planning Commission on Thursday, August 23, 2018.

Commissioner Pulver stated that the I-L zone is a hot mess. It allows a lot of uses that are commercial in nature but also allows industrial in nature. In his mind there is a potential for conflict. He does not think he is willing to allow those uses in light industrial particularly the ones being discussed. It needs a broader discussion.

Commissioner Foley had the same concerns when he reviewed this. They have had this on the heavy commercial zone. He is confused about the distinction in the real world between heavy commercial and light industrial. He understands the traffic aspect. There is so much overlap between the two and it feels like a mess. Are there too many zones?

Commissioner Pulver thinks Navigators Landing and the Delta Center are situations where developers involved control and have continued to control the land and development of that land to ensure uniformity. A scenario would be separate land owners with several one acre parcels in a row. The first one develops a nice eye doctor office and the land owner next to it builds an 8,000 square foot metal warehouse building with a small office in the front. There is nothing to say that is wrong by building in that zone. The resulting

product for the City is not favorable. It ends up looking like a mess that the permitted uses have created.

Staff will ask the Planning Commission whether or not they want to initiate the code amendment on Thursday, August 23, 2018.

Ms. Akin reported that there were agendas on the table for the League of Cities Conference the end of September. There is funding to send two Commissioners. If any Commissioner is interested please let staff know.

30. Adjournment

The meeting was adjourned at 12:40 p.m.



Submitted by:

Terri L. Richards

Recording Secretary



Planning Commission

Minutes

From Public Hearing on **July 26, 2018**

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

Commissioners Present

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

Staff Present

Kelly Akin, Assistant Planning Director
Eric Mitton Deputy City Attorney
Alex Georgevitch, City Engineer
Greg Kleinberg, Fire Marshal
Haley Cox, Parks & Recreation Department
Terri Rozzana, Recording Secretary
Dustin Severs, Planner III
Liz Conner, Planner II

Commissioners Absent

Patrick Miranda, Chair, Excused Absence
David Culbertson, Excused Absence
Alex Poythress, Excused Absence

10. Roll Call

20. Consent Calendar/Written Communications.

20.1 ZC-18-055 / CUP-18-056 Final Orders for a change of zone of the 4.36-acre parcel of land located at 555 Airport Road (Tax Lot 500) and the adjacent 5.85-acre parcel (tax lot 503 currently designated as CM on the GLUP map) from Light Industrial (I-L) to Regional Commercial (C-R); and a Conditional Use Permit (CUP) to allow an elementary school use (Grace Christian Elementary School: existing private school currently located at 649 Crater Lake Avenue) to occupy the existing building on the subject Tax Lot 500, and for a 1.3-acre portion of the adjacent/vacant Tax lot 503 to be used as an associated sports/recreation field (372W12A TL 500 & 372W12A TL 503); Applicant, 555 Airport Road, LLC; Agent, CSA Planning, Ltd; Planner, Dustin Severs.

20.2 LDP-18-068 Final Order of a request for tentative plat approval of a proposed two-lot partition on a 0.4-acre parcel located at 1475 Crater Lake Avenue and 1694 Grand Avenue within the SFR-4 (Single-Family Residential – 2.5 to 4 dwelling units per gross acre) zoning district (371W19AB5400); Applicant, Travis Colley; Agent, Richard Stevens & Associates; Planner, Steffen Roennfeldt.

20.3 CUP-17-053 Consideration of request for a one-year extension of time for the Conditional Use Permit approval for Larson Creek Trail Segment II, which extends from

Ellendale Drive to Black Oak Drive. The project includes two pedestrian bridges, fence relocation and improvements spanning approximately 7.32 acres within the Larson Creek Riparian Corridor. (371W32AA, portions of Tax Lots 200, 300, 400 and 500 and 371W32AB, portions of Tax Lots 3100, 1100 and 3000.); Applicant: Medford Public Works Department; Agent: Richard Stevens & Associates, Inc.; Planner Kelly Akin.

Motion: The Planning Commission adopted the consent calendar as submitted.

Moved by: Commissioner Foley

Seconded by: Commissioner Pulver

Voice Vote: Motion passed, 6-0.

30. Minutes

30.1. The minutes for July 12, 2018, were approved as submitted.

40. Oral and Written Requests and Communications. None.

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

50. Public Hearings – Old Business

50.1 **CUP-17-116** Consideration of a request for a Conditional Use Permit (CUP) for a proposed Bed & Breakfast to be located at 15 Geneva Street in the SFR-6 (Single-Family Residential – 6 dwelling units per gross acre) zoning district, and within the Historic Preservation Overlay District (371W30AB TL 16400). Applicants: Gloria Thomas & Cecil de Hass; Agent: Julie Krason; Planner: Dustin Severs.

Vice Chair McFadden inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner Mansfield disclosed that at the previous hearing he mentioned that he was personal friends with one of the witnesses, Barbara Griffin. He does not notice her present this evening but he noticed written material on her behalf. He does not believe his friendship with here will affect his decision. Commissioner Pulver disclosed that he was not present for the January 11, 2018, meeting but he did watch the hearing online. He believes he is current with all the testimony and presentation by staff.

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

Dustin Severs, Planner III, stated that the Conditional Use Permit approval criteria can be found in the Medford Land Development Code Section 10.248. The applicable criteria were addressed in the staff report, property owner notices and hard copies are

available at the entrance of Council Chambers for those in attendance. Mr. Severs gave a staff report.

Commissioner McKechnie understands that the sign has to go to the Landmarks and Historic Preservation Commission for approval. If the applicant does any paving, does that go to the Landmarks and Historic Preservation Commission for approval as well? Mr. Severs reported yes.

Commissioner Pulver asked, how is it regulated if someone wants to have a small gathering in a residential zone? Is it based on the number of people and/or noise complaints? Mr. Severs stated that it is a nuisance complaint.

The public hearing was opened.

a. Gloria Thomas, 15 Geneva Street, Medford, Oregon, 97504. Ms. Thomas reported that she feels that Medford is ready for more bed and breakfasts. Her background is hospitality.

Commissioner McKechnie asked, does every room have an on suite? Ms. Thomas replied that in the future she would like to do that. Currently, there are four bathrooms and six bedrooms. One is being occupied by her and the other by her son. Three of the rooms will have an on suite. One bathroom will be shared for two rooms.

The public hearing was closed.

Main Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare the Final Order for approval of CUP-17-116 per the staff report dated July 19, 2018, including Exhibits A through Q, and allow the applicant to exceed the total number of guests permitted to a total of 9 guests at any one time for the bed and breakfast. Also to include discretionary condition #7 but needs discussion.

Moved by: Commissioner Foley

Seconded by: Commissioner McKechnie

Commissioner Foley stated that he believes discretionary condition #7 is included because staff does not want to authorize activities from the Conditional Use Permit perspective but how can they be silent on it and not cause a problem? Mr. Mitton asked, is the intent not to prohibit backyard activities but to simply be silent on it so that it would be as if it were never mentioned in the application in the first place? Commissioner Foley replied that would be the desire. Mr. Mitton reported that if that is the intent instead of prohibiting activities associated with the bed and breakfast the Commission could state that this does not specifically authorize activities other than the bed and breakfast that falls under the code. If there was a code enforcement complaint about commercial weddings every weekend on that location it would fall under business

license being allowed or not. Because it is in the applicant's request the condition cannot say nothing at all. Perhaps language stating not specifically authorized by the Conditional Use Permit and be considered through the City of Medford Municipal Code.

Kelly Akin, Assistant Planning Director, reported that the code defines bed and breakfast as a single family dwelling or a part thereof other than a motel, hotel or multifamily dwelling where traveler's accommodations and breakfasts are provided for a fee on a daily and weekly room rental basis not to exceed fourteen consecutive days. It does not say anything about activities. In the residential use section there is a subsection that talks about non-residential special uses. It includes bed and breakfast, daycare and institutional uses like churches. Churches have weddings and events. Bed and Breakfasts have morphed that it is not uncommon to have that kind of activity. There are several ways the Planning Commission could do this. One way is as Mr. Mitton suggested and state they are not saying yes but not really saying no either. Another way is to allow a specific number of occasions per year based on a finding that it is not an uncommonly associated use.

Mr. Mitton stated that Ms. Akin's suggestion of a certain number of backyard events per year would be easier for ease of administration.

Commissioner Pulver stated the applicant referenced wine tasting. A neighbor may have concerns if this were a public event that was drawing traffic above and beyond the guests of the bed and breakfast.

Commissioner McKechnie has the same concern. He is looking for something reasonable with this and it looks like from Ms. Akin's suggestion that there should be language that gives the applicants some flexibility.

Mr. Mitton reported that with that concern perhaps there could be language stating backyard events are authorized in connection with the guests staying at the bed and breakfast but not as a separate commercial activity.

Ms. Akin stated that whatever the Planning Commission decides they have to come back to the approval criteria. Remember, only one needs to be satisfied. Either the first one that there are no significant impacts or that there are some but it is in the public interest. If they chose the second criterion which would be necessary to allow the expansion of the use there would have to be other findings made which was not part of staff's recommendation at this point in time.

Vice Chair McFadden understands the discussion but any of the other allowed uses are allowed to do what condition #7 would prevent the applicants from doing. He suggested limiting the events to guest only under criterion #2. Ms. Akin reported that criterion #2 has additional findings that are required. If there are impacts then the use

has to serve a purpose. It is one of three things. It either preserves a unique asset of interest to the community; or it provides a public facility or public nonprofit service to the immediate area or the community; or provide a use or improvement that is consistent with the overall needs to the community in a location that is reasonably suitable for its purpose. If the Planning Commission finds there are impacts associated with a use under criterion #2 there is more work that needs to be done.

Commissioner Foley asked, if the Planning Commission limits it to the guests of the bed and breakfast, does it fall under criterion #1? Ms. Akin agrees with that.

Commissioner McKechnie suggested changing condition #7 to read be prohibited from conducting any activities not directly associated with guests of the bed and breakfast. Ms. Akin stated, in excess of the number of the guests at the bed and breakfast. Mr. Mitton reported that the benefit of Ms. Akin's language limits it to the people staying at the bed and breakfast. In making findings Mr. Mitton emphasized it is not so much a question of whether there is adverse impacts but whether the adverse impacts when compared to the impacts of development that is not classified as conditional. If allowing backyard events for only the guests at the bed and breakfast are comparable to a house where there is social guests over three nights a week is not conditional under the code. That is allowed in a residential zone. That is a finding that could be made to support criterion #1.

Commissioner Mansfield intends to vote no on this application. He finds there is a significant adverse impact when compared to the impacts of the development that is not classified as conditional. This is an SFR-4 residential zone and it is also in a historic preservation overlay district. He also finds that criterion #2 is not satisfied. It is not a sufficient public interest to balance against the harm that will be created to the neighbors in their use and enjoyment of the property. Those are his findings.

Commissioner McKechnie responded to Commissioner Mansfield last comment stating that the Planning Commission only has to find the criteria for either criterion #1 or criterion #2. Given the location of this property adjacent to commercial businesses on Main Street he believes it is a nice buffer between private single family residential uses further up the block and the heavy commercial facing Main Street.

Amended motion: Discretionary condition #7 to be modified to read: Be prohibited from conducting any activities not directly associated with guests of the bed and breakfast and in excess of the number of guest at the bed and breakfast.

Moved by: Commissioner McKechnie

Seconded by: Commissioner Foley

Voice Vote for Amended Motion: Motion passed, 5-1, with Commissioner Mansfield voting no.

Vice Chair McFadden stated that the amended motion is now a part of the main motion.

Roll Call Vote for Main Motion: Motion passed, 5-1, with Commissioner Mansfield voting no.

50.2 LDS-18-058 Consideration of a tentative plat for a 42 lot subdivision on approximately 14.54 gross acres within the SFR-4 (Single Family Residential – 4 dwelling units per gross acre) and the SFR-2 (Single Family Residential – 2 dwelling units per gross acre) zoning districts, located on the south side of Lone Pine Road approximately 335 feet east of North Foothills Road (371W21AA TL 100); Applicant, Twin Creeks Development LLC; Agent, Hoffbuhr and Associates; Planner, Liz Conner.

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

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

Liz Conner, Planner II, stated that the Land Division approval criteria can be found in the Medford Land Development Code Section 10.270. The applicable criteria were addressed in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Conner gave a staff report.

Vice Chair McFadden stated that he thought he heard Ms. Conner stated that this project was not going to impact traffic on McAndrews Road. Ms. Conner reported that it does not have vehicular access off McAndrews Road.

Vice Chair McFadden asked, is Ms. Conner stating a median strip at Palermo? Palermo is going to connect to the developed part of Palermo and come up to the other street. He thinks most of the traffic out of this project will go to McAndrews Road. Ms. Conner deferred the question to the City Engineer. The parcel does not front McAndrews Road.

Commissioner McManus asked, is the developer funding the raised median? Ms. Conner reported it was part of the original zone change in 2006.

Commissioner McManus asked, how is the raised median going to be with the rest of Foothills Road? Ms. Conner deferred the question to the City Engineer.

Alex Georgevitch, City Engineer, reported that the developer will be required to install the median to limit traffic at the right-in right-out intersection. It was a previous condition from the zone change. It will have to be a part of the first phase of the

development unless there is a reanalysis of traffic. If the applicant reanalyzes and comes back to the Commission for modifications to their application assuming they get approval this evening.

The City is improving Foothill from Hillcrest to McAndrews through the north interchange. It will be in close proximity to this project but it narrows back to the existing two lane facility prior to Lone Pine. This will be a raised median in the middle of the road right now and will not have any impacts to the City's project or vice versa. Eventually, when the section north of where the City is stopping (Lone Pine to Cedar Links) they would have to reconfigure everything but it would still be right-in and right-out.

Vice Chair McFadden asked, will this median be constructed to prevent traffic on Lone Pine west of this location from crossing over Foothills to this new section? Mr. Georgevitch replied yes.

Commissioner McKechnie asked, is Lone Pine on the west side going to be right-in and right-out? Mr. Georgevitch replied yes.

Commissioner McKechnie stated right now Lone Pine is a dirt road. Is it going to connect from Foothill to the end? Mr. Georgevitch reported that the responsibility of this development will have to build half street plus 12 across their frontage. There will be no other improvements besides their frontage. If it was a dirt road they would be responsible for paving 20 feet all the way to Foothill.

Commissioner McKechnie stated that Camina Drive has a cutout at McAndrews. Is that going to be improved to make that connection or left for someone else to do? Mr. Georgevitch stated that will be left for someone else to do.

The public hearing was opened.

a. Dennis Hoffbuhr, Hoffbuhr and Associates, 880 Golf View Drive, Suite 201, Medford, Oregon, 97504-8496. Mr. Hoffbuhr reported that this project was approved in 2007 pretty much exactly as presented tonight. At that time a portion of Bella Vista on the north side of McAndrews was not improved. Having Palermo developed gives people another option to ingress and egress from Bella Vista. Not 100% of the traffic is going to be going by way of McAndrews Road. Some of that traffic will choose to go north on Foothills Road.

Commissioner McKechnie asked, will there be at some point paved access down Lone Pine to Foothills Road with this development? Mr. Hoffbuhr reported the applicant will have to produce a half plus 12 foot improvement along Lone Pine on their frontage.

Commissioner McKechnie asked, could Mr. Hoffbuhr speak to Lone Pine Creek. He does not think it is a year round creek. Is it just intermittent? Mr. Hoffbuhr replied yes it is intermittent. It is a natural stream at this point and will remain in its current state.

Commissioner McKechnie stated that Lot #4 looks like it is on the outside of a bend on Lone Pine Creek. Is the lot big enough to put a house on? Mr. Hoffbuhr stated that it is.

Mr. Hoffbuhr reserved rebuttal time.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare the Final Order for approval of LDS-18-058 per the staff report dated July 19, 2018, including Exhibits A through N.

Moved by: Commissioner Foley

Seconded by: Commissioner McKechnie

Commissioner Pulver encouraged Public Works to if and when the improvements to north Foothills occur north of the current design project it is important to achieve eastbound access to Lone Pine Road. There is quite a bit of land currently in the UGB as well as to be added to the UGB that coming from the north he is not sure how to get to those properties.

Commissioner Mansfield asked, is Commissioner Pulver suggesting a modification of the right-in/right-out? Commissioner Pulver stated that he is not given the current state of Foothills Road being one lane in each direction. He does not believe there is a center lane at this juncture. It is justified in its current state. The future plan would not allow the right-in/right-out to continue in future improvements of Foothills Road. He encouraged the Public Works department to see if that could be solved.

Commissioner Mansfield commented that he thinks the right-in/right out is right for now and probably perpetually. They need to consider the safety of the public over the convenience to the individual property owner. Commissioner Pulver stated it is not a matter of convenience it is a matter of practicality to access property.

Roll Call Vote: Motion passed, 6-0.

60. Reports

60.1 Site Plan and Architectural Commission.

Kelly Akin, Assistant Planning Director reported that the Site Plan and Architectural Commission did not meet Friday, July 20, 2018. There were no business items.

60.2 Report of the Joint Transportation Subcommittee.

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

60.3 Planning Department

Ms. Akin, reported that on Monday at the Planning Commission study session staff discussed the League of Cities meeting September 27-29, 2018. There is an early registration and if any Commissioner is interested, please contact staff as soon as possible.

The next Planning Commission study session is scheduled for Monday, August 13, 2018. There is no business scheduled at this time but staff will keep the Planning Commissioners informed.

There is business scheduled for the Planning Commission on Thursday, August 9, 2018, Thursday, August 23, 2018 and Thursday, September 13, 2018.

Last week the City Council heard an appeal on Westminster Presbyterian Church Project Warm. They upheld the Planning Commission's decision and denied the appeal.

Mr. Mitton commented that the City Council reviewed if there was substantial evidence in the record to support the conditions as chosen. They were in support of the interpretation of Section 10.314 as to whether the use was comparable to a food bank or whether that language prevents any storage use. They agreed that language was dealing only with primary use on the property. They could still have accessory uses such as wood storage where the primary use was the church. There was one no vote.

Ms. Akin stated that what made the decision of the appeal relatively simple was that the Planning Commission shared their thoughts and why they think it works or does not work. It makes it simpler for staff to defend the Planning Commission's decision when they understand what they are thinking. The criteria are broad for Conditional Use Permits.

Next week there is no Planning business for the City Council

Tonight the City Council study sessions is the start of the budget.

August 9, 2018 will be the last study session on the Transportation System Plan. The City Council will also have discussion on Temporary Cooling and Warming Shelter language.

On August 23, 2018, the City Council will hear discussion on Urbanization Plans and Wetland regulations.

Carla Paladino, Principal Planner this week mailed a letter to property owners that are affected by the wetlands inviting them to a steering committee to work through the regulations.

Staff finished interviews with stakeholders in the Liberty Park area. That information is going to the consultant that is working on the housing issues in Liberty Park.

- 70. Messages and Papers from the Chair. None.
- 80. Remarks from the City Attorney. None
- 90. Propositions and Remarks from the Commission. None.
- 100. Adjournment

The meeting was adjourned at 6:47 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Terri L. Richards
Recording Secretary

David McFadden
Planning Commission Vice Chair

Approved: August 9, 2018



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT

for a Type IV Land Use Action: **Development Code Amendment**

Project Wireless Communication Facilities Code Amendment
File no. DCA-17-091
To Planning Commission *for 08/09/2018 hearing*
From Seth Adams, AICP, Planner III
Reviewer Carla Angeli Paladino, Principal Planner
Date August 2, 2018

PROPOSAL

Overview

As directed by the City Council at its January 25, 2018 study session, staff has prepared draft language to amend §10.824 (Wireless Communication Facilities) of the Medford Land Development Code (MLDC) in order to allow for the installation of wireless communication facilities within the public right-of-way (ROW), and to better reflect changes in telecommunications technology and federal law. In addition, the amendment would remove existing unnecessary language from §10.824.

Authority

This proposal is a Type IV land use action to amend the Land Development Code. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to the Land Development Code under Medford Municipal Code §§10.214 and 10.218.

BACKGROUND

Wireless telecommunications providers have historically placed their facilities on both private and publicly-owned land. Such facilities are designed to serve a wide geographic area and have generally consisted of either large towers/poles, or roof-mounted antennas. These facilities are commonly referred to in the wireless industry as “macro cells.” In the past, macro cells have proven to be largely adequate, but this is no longer the case as consumer demand for wireless services (voice and data) continues to grow exponentially.

The result of this increased demand is that the existing macro cell network has reached capacity in some areas, thereby resulting in declines in service quality for phone calls and data speeds. As an alternative to building additional macro cells which are costly and often unsightly, wireless providers have started to build what are referred to as “small cell” wireless facilities.

Small cell facilities are low-powered, cellular radio access nodes that are designed to improve the capacity and quality of the larger macro network by spreading small sized antennas across a limited geographic area where a macro network has reached capacity.

Over the past few years wireless providers have begun to install small cells on utility poles and streetlights within the public ROW in communities around the country, and the City of Medford was recently contacted by two companies that are interested in doing so here. Under state and federal law, wireless carriers have enforceable rights to construct new facilities (including within the ROW) in order to fill coverage gaps, and, generally speaking, the City can only regulate a facility’s aesthetics (e.g. design, height, placement, and location); however, the MLDC does not include any provisions for the allowance of wireless facilities in the ROW.



Figure 1. Examples of small cell facilities in the public ROW.

Study Session

The proposed code amendment was presented to the Planning Commission at a study session on July 23, 2018. The Commissioners posed a number of clarifying questions to staff, the more substantive of which staff has considered further and

made changes to the proposed code language as a result. The list of substantive modifications is summarized as follows:

- Cells-on-wheels (COWs) would be allowed throughout the course of a declared emergency.
- The use of decorative street light fixtures would be prohibited for wireless facilities in the ROW.
- A maximum of one facility could be installed on a single support structure within the ROW.

ANALYSIS

The full text of the proposed code amendment is attached for review, and is summarized below.

Article II

Article II contains the procedural requirements for land use and development permits, and defines the roles and responsibilities of the various decision-making bodies. The proposed Wireless Communication Facilities code amendment necessarily involves Article II as the procedural requirements for wireless facilities in the public right-of-way need to be incorporated.

Article V

The initial objective of the proposed Article V amendment was to include regulations in §10.284 (Wireless Communication Facilities) for the installation of wireless facilities within the public right-of-way, but Staff is also proposing to use this as an opportunity to update §10.284 in order to:

- Make §10.284 more clear and streamlined by removing duplicative and unnecessary language;
- Better reflect changes in telecommunications technology and federal law;
- Allow for the temporary use of cells-on-wheels (COWs);
- Clarify what constitutes a “substantial change” to an existing wireless facility.

The need for the “substantial change” language is driven by Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, which mandates that local governments approve requests for modifications and collocations of wireless transmission equipment on existing towers or base stations that do not result in a “substantial change” to the physical dimensions of such tower or base station. The proposed code language outlining what constitutes a “substantial change” is consistent with the Federal Communications

Commission's (FCC) interpretation of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012.

FINDINGS AND CONCLUSIONS

The criteria that apply to code amendments are in Medford Municipal Code §10.218. The criteria are rendered in italics; findings and conclusions in roman type.

10.218 Land Development Code Amendment Approval Criteria.

The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:

(A) Explanation of the public benefit of the amendment.

Findings

The proposed code amendments are intended to benefit the public in that they will allow for the construction of wireless communication facilities which provide a necessary and beneficial service to the public. The proposed code amendment will also benefit the public by helping to preserve the character of the city's zoning districts and Historic Overlay districts by protecting them from the visual and aesthetic impacts associated with wireless communication facilities.

Conclusions

The use of wireless communication devices has grown to become prevalent amongst all sectors of our society, and is thus critical to its daily functions. This criterion is satisfied.

(B). The justification for the amendment with respect to the following factors:

(1) Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.

Findings

The following are the goals and policies of the Comprehensive Plan that are applicable to DCA-17-191.

Environmental Element

Goal 11: To preserve and protect archaeological and historic resources in Medford for their aesthetic, scientific, educational, and cultural value.

Economic Element

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

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

Population Element

Goal 1: To accept the role and responsibilities of being the major urban center in a large and diverse region that includes portions of southwest Oregon and northern California.

Conclusions

The proposed amendments update the City's regulations for wireless communication facilities which have become an essential part of our telecommunications system. In order for the city to maintain and function in its role as the major urban center for the region, the City's codes must remain up to date with current practices and technology, which includes accommodation of wireless communication facilities that meet the needs of the population. At the same time, the proposed amendments strive to ensure that the location and design of such facilities is carried out in a manner that protects and preserves the city's character and aesthetics. This criterion is satisfied.

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

Findings

The proposal was provided to the applicable referral agencies per the code requirements, and to date no comments have been received.

Conclusions

To date there have been no comments received from referral agencies. This criterion has been satisfied.

(3) *Public comments.*

Findings

The Planning Commission provided feedback on the proposed amendments at a study session, and no public comments have been received to date. Staff also provided the proposed design standards for wireless facilities in the public right-of-way to Mobilite (one of the wireless companies that has approached the City regarding use of the ROW) for comments, and received no response. This staff report will be posted on the City's website which may generate public comments.

Conclusions

Input has been received from the Planning Commission. Additional comments may be provided during the hearing process. This criterion has been satisfied.

(4) *Applicable governmental agreements.*

Findings

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

Conclusions

This criterion is not applicable.

RECOMMENDED ACTION

Based on the Findings and Conclusions that all of the approval criteria are either met or not applicable, forward a favorable recommendation for adoption of DCA-17-091 to the City Council per the staff report dated August 2, 2018, including Exhibits A through C.

EXHIBITS

- A Draft code amendment text
- B City Council study session minutes – January 25, 2018
- C Planning Commission study session minutes – July 23, 2018

PLANNING COMMISSION AGENDA:

AUGUST 9, 2018

Medford Code

**CHAPTER 10
PLANNING**

[NOTE: This Chapter was enacted 12-18-86 by Ord. No. 5785. This is a revision of sections 10-005 through 10-954 which were repealed by Ord. No. 5785. The effective date of Ord. No. 5785 was 12-24-86.]

* * *

ARTICLE II - PROCEDURAL REQUIREMENTS

- 10.100 Purpose of Article II
- 10.102 Land Use Review
- 10.104 Land Use Decision
- 10.106 Procedural Types
- 10.108 Land Use Review Procedure Types
- 10.110 Designation and Duties of Approving Authorities
- 10.112 Referral Agencies
- 10.114 Concurrent Land Use Review
- 10.116 Application Submittals
- 10.118 Findings of Fact
- 10.120 Due Process
- 10.122 Due Process Element 1: Completeness Review
- 10.124 Due Process Element 2: Notification
- 10.126 Due Process Element 3: Disclosure
- 10.128 Due Process Element 4: Conflict of Interest
- 10.130 Due Process Element 5: Public Hearing
- 10.132 Due Process Element 6: Cross Examination
- 10.134 Due Process Element 7: Action, Decision Time, and Notice of Decision
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- 10.140 Appeal of Land Use Decision
- 10.142 Type I Land Use Actions
- 10.144 De Minimis Revision(s) to and Approved PUD Plan
- 10.146 Final PUD Plan
- 10.148 Minor Historic Review
- 10.150 Minor Modification to an Approved Conditional Use Permit
- 10.152 Minor Modification to a Site Plan and Architectural Review Approval
- 10.154 Nonconformities
- 10.156 Preapplication Conference
- 10.158 Property Line Adjustment
- 10.160 Riparian Corridors, Reduction or Deviation

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10.162	Subdivision and Partition Final Plats
10.162A	Filing of Final Plat with City Engineer
10.162B	Filing of Final Plat with Planning Department
<u>10.164</u>	<u>Wireless Communication Facilities in Public Right-of-Way</u>
10.168	Type II Land Use Actions
10.170	Partition Tentative Plat
10.172	Portable Storage Containers
10.182	Type III Land Use Actions
10.184	Conditional Use Permit
10.186	Exception
10.188	Historic Review
10.190	Planned Unit Development (PUD) – Application and Approval Provisions
10.192	Preliminary PUD Plan – General Provisions
10.194	Preliminary PUD Plan – Neighborhood Meeting Requirement
10.196	Final PUD Plan – Application Procedures
10.198	Revision or Termination of a PUD
10.200	Site Plan and Architectural Review
10.202	Subdivision Tentative Plat
10.204	Zone Change
10.214	Type IV Land Use Actions
10.216	Annexation
10.218	Land Development Code Amendment Approval Criteria
10.220	Major Type IV Amendments
10.222	Minor Type IV Amendments
10.224	Minor Comprehensive Plan Application Form
10.226	Transportation Facility Development
10.228	Vacation of Public Right-of-Way

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10.108 Land Use Review Procedure Types.

Table 10.108-1 identifies the procedural type, applicable standards, and approving authority for each type of land use review as well as whether the 120-day rule in Section 10.104(D) is applicable. Each procedural type is subject to specific due process and administrative requirements of this chapter.

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Table 10.108-1. Land Use Review Procedures				
Land Use Review Type	Procedural Type	Applicable Standards	Approving Authority	Subject to 120 Day Rule (ORS 227.178)?
Minor Modification to a Site Plan & Architectural Review Approval	I	10.200(H)(2)	Planning Director	No
Major Modification to an Approved Conditional Use Permit	III	10.184(D)(1)	Planning Commission	Yes
Minor Modification to an Approved Conditional Use Permit	I	10.814(D)(2)	Planning Director	No
Nonconformities	I	10.032 – 10.036	Planning Director	No
Portable Storage Container	II	10.840(D)(6)	Planning Director	Yes
Park Development Review	III	10.185	Planning Commission	Yes
Pre-Application	I	10.156	Not Applicable	No
Preliminary PUD Plan	III	10.190 – 10.198	Planning Commission	Yes
Property Line Adjustment	I	10.158	Planning Director	No
PUD Plan Revision(s)	III	10.198	Planning Commission	Yes
PUD Plan Termination	III	10.198	Planning Commission	Yes
Riparian Corridors, Reduction or Deviation	I	10.927	Planning Director	No
Sign Permit	I	10.1000 – 10.1810	Planning Director	No
Site Plan and Architectural Review	III	10.200	SPAC	Yes
Tentative Plat, Partition	II	10.170	Planning Director	Yes
Tentative Plat, Subdivision	III	10.202	Planning Commission	Yes
Transportation Facility Development	IV	10.226	City Council	No
Urban Growth Boundary Amendment, Major	IV	Urbanization, 10.220	City Council	No
Urban Growth Boundary Amendment, Minor	IV	Urbanization, 10.222	City Council	No
Vacation of Public Right-of-Way	IV	10.226	City Council	No
Wireless Communication Facilities in Public Right-of-Way	I	10.824(G)	Planning Director	Yes
Zone Change, Major	IV	Review & Amendment, 10.220	City Council	No
Zone Change, Minor	III	10.204	Planning Commission	Yes

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APPROVING AUTHORITIES AND REFERRAL AGENCIES. (10.110 & 10.112)

10.110 Designation and Duties of Approving Authorities.

* * *

(Q) **Planning Director Authority.** The Planning Director is hereby designated as the approving authority for Type I and II land use reviews as well as issuance of the Development Permit. This includes the following land use reviews:

Land Use Review

De Minimis Revision(s) to Approved PUD Plan
Final PUD Plan
Final Plat, Partition/Subdivision
Minor Historic Review
Minor Modification(s) to Conditional Use Permit
Minor Modification to Site Plan and Architectural Review
Nonconformities
Pre-Application
Property Line Adjustment
Riparian Corridor Reduction or Deviation
Sign Permit
Subdivision/Partition Final Plat
Tentative Plat, Partition
[Wireless Communication Facilities in Public Right-of-Way](#)

* * *

TYPE I APPLICATIONS. (10.142 – 10.1604)

10.142 Type I Land Use Actions.

Type I land use actions comprise the following land use reviews:

Type I Land Use Actions

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De Minimis Revision(s) to an Approved PUD Plan
Final PUD Plan
Final Plat, Partition/Subdivision
Minor Historic Review
Minor Modification(s) to Approved Conditional Use Permit
Minor Modification to a Site Plan and Architectural Review Approval
Nonconformities
Pre-Application
Property Line Adjustment
Riparian Corridor Reduction or Deviation
Sign Permit
Subdivision/Partition Final Plat
Wireless Communication Facilities in Public Right-of-Way

* * *

10.164 Wireless Communication Facilities in Public Right-of-Way. See section 10.824.

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ARTICLE V - SITE DEVELOPMENT STANDARDS

* * *

10.824 Wireless Communication Facilities.

A. Purpose and Intent.

~~The purpose of this section is to establish standards that regulate the placement, appearance, and impact of wireless communication facilities while allowing citizens to access and adequately utilize the services provided by such facilities.~~

~~Because of the physical characteristics of wireless communication facilities, the impact imposed by these facilities affects not only neighboring residents, but also the community as a whole. The standards are intended to mitigate such impacts to the greatest extent possible and to preserve the character of the City's zoning districts and historic districts by protecting them from the visual and aesthetic impacts associated with wireless communication facilities.~~

The purpose of this section is to establish standards regulating the placement, appearance, and impact of wireless communication facilities while allowing citizens to access and adequately utilize the services provided by such facilities. The standards are intended to preserve the character of the City's zoning districts and Historic Overlay districts by protecting them from the visual and aesthetic impacts associated with wireless communication facilities.

B. Exemptions.

The following uses and activities shall be exempt from these standards except as otherwise provided herein:

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- (1) Any repair, reconstruction, or maintenance of an Existing Wireless Communication Support Structures and Wireless Communication Systems Antennas and any repair, reconstruction or maintenance, which does not increase the height of the tower Facility.
- (2) Amateur radio station towers, citizen band transmitters and antennas.
- (3) Microwave and satellite dishes accessory to a permitted use and/or unrelated to a wireless telecommunication service system.
- (4) All military, Federal, State, local government communication facilities, and Public safety communication towers.
- (5) Cells-on-Wheels (COW), which are permitted as a temporary use in non-residential zones for a period not to exceed 14 days. During a period of emergency as declared by the City, County, State, or Federal government, cells-on-wheels are permitted throughout the length of the declared emergency period.
- (6) Modifications to existing wireless communication facilities that do not result in a substantial change to the dimensions of the facility. For purposes of this section a "substantial change" includes:
 - (a) The mounting of a proposed antenna on a Wireless Communication Support Structure will increase the existing height of the support structure by more than twenty feet.
 - (b) A fixture is added to a Wireless Communication Support Structure that would protrude from the edge of the structure more than twenty feet, or more than the width of the support structure at the level of the appurtenance, whichever is greater.
 - (c) Installation of more than four new equipment cabinets.
 - (d) Any excavation or deployment outside the current site.
 - (e) It would defeat the concealment elements of the support structure.

C. Permitted Use.

Wireless Communication Facilities that do not include a Wireless Communication Support Structure are permitted in ~~all commercial and industrial zones, and on parcels that contain legally established nonresidential uses within the SFR and MFR zones, subject to the design standards in Section 10.824(D). Only concealed wireless communication facilities are allowed within a Historic (H) Overlay District or on parcels containing a use or structure on the National Historic Register, subject to approval of the Historic Commission per Section 10.406; and on parcels containing a residential use, subject to the design standards in Section 10.824(D).~~

- ~~(1) Submittals: Applications for building permits for such facilities shall demonstrate compliance with the applicable design standards contained in Section 10.824(D) to include:~~
- ~~(a) A site plan, which includes all structures, land uses, and zoning designations within 150 feet of the facility boundaries.~~
 - ~~(b) Exterior elevations of the proposed wireless communication facility that include a set of manufacturer's specifications of the support structure, Wireless Communication Systems Antennas, and accessory buildings with a listing of materials and colors being proposed.~~
 - ~~(c) A landscape plan, when required per Section 10.824(D)(3).~~
 - ~~(d) Details and specifications for exterior lighting, when required.~~
 - ~~(e) A written explanation of the methods of concealment that are to be utilized for the~~

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~~_____ remainder of the facility.~~

~~(f) A written explanation of collocation issues per Section 10.824(D)(4). _____ the _____ following locations subject to the design standards in Section 10.824(F) and approval of a building permit:~~

~~(1) Commercial and Industrial Zones;~~

~~(2) Parcels containing legally established non-residential uses within the SFR and MFR zones;~~

~~(3) Any property owned by the City of Medford;~~

DE. Conditional Use.

Approval of a Conditional Use Permit is required for new Wireless Communication Support Structures (as defined in Section 10.012), subject to the Conditional Use Permit procedural requirements of Sections ~~10.246 — 10.250~~ 184.

~~(1) Submittals — Applications for conditional use permit approval of Wireless Communication Facility Support Structures shall include any materials necessary to demonstrate compliance with the design standards contained in Section 10.824(D), any submittals required in Section 10.247, and the following:~~

~~(a) A site plan indicating all structures, land uses and zoning designations within 150 feet _____ of the site boundaries, or 300 feet if the height of the structure is greater than 80 feet.~~

~~(b) Exterior elevations of all sides of the proposed wireless communication facility that _____ include a set of manufacturers specifications of the support structure, Wireless _____ Communication Systems Antennas, and accessory buildings with a listing of _____ materials and colors being proposed.~~

~~(c) A landscape plan per Section 10.824(D)(3).~~

~~(d) A photo of each of the major components of a similar installation, including a _____ photomontage of the overall facility at its proposed location.~~

~~(e) An explanation of what stealth capabilities are being proposed for the Wireless _____ Communication Facility Support Structures, and methods of concealment from public view, if any, are to be utilized for the remainder of the facility.~~

~~(f) Details and specifications for exterior lighting, when required or proposed.~~

~~(g) A map that includes the following information:~~

~~i. the coverage area of the proposed wireless communication facility;~~

~~ii. all other wireless communication facilities within 1,250 feet of the proposed _____ site and all residential development within 300 feet of the proposed site;~~

~~iii. the existing and approved wireless communication system facilities operated _____ by the applicant within a 5-mile radius of the proposed site;~~

~~(h) A written explanation of collocation issues per Section 10.824(D)(4).~~

~~(i) Findings, which address each of the design standards in Section 10.824(D).~~

~~(j) A copy of the lease agreement for the proposed site showing that the agreement does _____ not preclude collocation.~~

~~(k) Documentation detailing the capacity of the Wireless Communication Facility _____ Support Structures in terms of the number and type of Wireless Communication Systems Antennas it is designed to accommodate.~~

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DE. Design Standards Application Requirements.

All ~~wireless communication facilities shall be located, designed, constructed, treated, and maintained in accordance with the following~~ applications for new Wireless Communication Facilities shall demonstrate compliance with the applicable design standards contained in Section 10.824(F), and include the following documentation:

- (a) A site plan indicating all structures, land uses and zoning designations within 150 feet of the facility boundaries; or 300 feet if the height of the support structure is greater than 80 feet.
- (b) Exterior elevations of the proposed wireless communication facility that include a set of manufacturer's specifications for ~~the-any~~ support structure(s), Wireless Communication Systems Antennas, and accessory buildings or equipment, with a listing of all materials and colors being proposed.
- (c) A landscape plan, when required per Section 10.824(F)(3).
- (d) Photosimulations of the overall facility at its proposed location, and a photo of each of the major components from a similar installation.
- (e) An explanation of the stealth capabilities being proposed for ~~the-any~~ Wireless Communication Facility Support Structure(s), and the methods of concealment from public view, if any, that are to be utilized for the remainder of the facility.
- (f) Details and specifications for exterior lighting, when required or proposed.
- (g) A map that includes the following information:
 - i. the coverage area of the proposed wireless communication facility;
 - ii. all other wireless communication facilities within 1,250 feet of the proposed site, and all residential development within 300 feet of the proposed site;
 - iii. the existing and approved wireless communication system facilities operated by the applicant within a 5-mile radius of the proposed site;
- (h) A written explanation of collocation issues per Section 10.824(F)(4).
- (i) Written findings addressing each of the design standards in Section 10.824(F).
- (j) A copy of the lease agreement for the proposed site demonstrating that the agreement does not preclude collocation.
- (k) Documentation detailing the capacity of the Wireless Communication Facility Support Structures in terms of the number and type of Wireless Communication Systems Antennas it is designed to accommodate.

F. Design Standards.

All ~~wireless communication facilities shall be located, designed, constructed, treated, and maintained in accordance with the following:~~

(1) Preferred Designs:

- (a) ~~Where possible, the use of existing facility sites for new installations shall be encouraged. Collocation of new equipment on or at existing Wireless Communication Facilities~~ The co-location of new equipment at existing wireless communication facility sites shall be the preferred option, wherever possible.
- (b) If (a) above is not feasible, an attempt shall be made to attach to existing structures.

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- (c) If (a) or (b) above are not feasible, alternative structures shall be used, and shall include with design — features that conceal, obscure, or mitigate the visual impacts created by the proposed — facility. All Nnew Wireless Communication Facility Support Structures shall include stealth — capabilities. In most cases, monopole Wireless Communication Support Structures are — not considered to incorporate stealth capabilities.
- (d) If (a), (b), or (c) listed above are not feasible, a monopole design shall be used with — the attached Wireless Communication Systems Antennas positioned in a flush-mounted, — vertical manner to lessen the visual impact when compared to the Wireless Communication Systems Antennas in a platform design. Platform designs may be used, if — approved by the Planning CCommission as a conditional use, upon a finding that the use of an alternate attached Wireless — Communication Systems Antenna design is not feasible.
- (e) Relief from collocation and attachment of Wireless Communication Systems Antennas to — existing Wireless Communication Support Structures under this section may be granted, — at the discretion of the approving authority, upon submittal of either a mutually agreeable — third party professional verification of provider's data or mutually agreeable third party — engineering evaluations that support one or more of the following:
- i. Existing Wireless Communications Facilities or existing structures do not fall within location tolerances based upon Radio Frequency mapping.
 - ii. Existing site(s) do not meet minimum height requirements based upon Radio Frequency engineering data.
 - iii. Existing Wireless Communications Facilities do not meet structural integrity — requirements for the proposed Wireless Communication Systems Antenna array.
 - iv. Placement of the proposed Wireless Communications Facility and/or Wireless — Communication Systems Antenna array would impair, or be impaired by, the — emission of Radio Frequencies.
 - v. That tThe owners of existing Wireless Communication Support Structures or — structures within 1,250 feet will not allow the applicant to place its — telecommunications facility thereon, or such owners are requiring payment that — substantially exceeds commercially reasonable rates.
- (f) Applicants are encouraged to place the facilities on City owned or other publicly — owned property.
- (f) Should it be deemed necessary in their review of a Conditional Use Permit for a — Wireless Communication Support Structure, by the Planning Commission for the mitigation of visual impact of the facility, may require additional design measures may be required to mitigate the visual impact of the facility. — These Such measures may include, but are not limited to: additional concealing ment materials and designs, — façades, specific colors and materials, masking, shielding techniques, and landscaping.
- (g) Wireless communication facilities within a Historic (H) Overlay District must be

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concealed and are subject to the Historic Review procedural requirements of Section 10.188.

(2) General Requirements:

- (a) All facilities shall be installed and maintained in compliance with the requirements of ~~the Building~~ current Oregon Structural Specialty Code. Building Permit applications shall include written statements from the ~~Federal~~ Aviation Administration (FAA), Oregon Aeronautics Division, and the ~~Federal~~ Communication Commission (FCC) that the proposed wireless communication facility ~~complies with regulations administered by that agency, or that the facility is exempt from~~ regulation.
- (b) When facilities are located within a C-N, C-S/P, or any residential zone, all ~~associated transmittal equipment shall be housed in an all-weather equipment cabinet, or~~ in the alternative, an equipment building, above or below ground level, which must be ~~designed to achieve minimal visual impact with the surrounding environment.~~
- ~~(c) Any ground-mounted accessory equipment~~ The perimeter of the facility shall be enclosed ~~with~~ by a security fence or wall subject to ~~Sections 10.731 through 10.735.~~ Such barriers shall be landscaped in a manner that ~~provides a natural sight-obscuring screen around the barrier to a minimum height of six~~ feet.
- (d) Wireless Communication Support Structures shall not exceed a height of 135 feet as measured from the finished grade at the base of the tower.
- (e) New wireless communication support structures ~~facilities in any zone~~ must be set back from any residentially zoned property parcel in a residential zone a distance equal to the overall height of the Wireless Communication Support Structure. ~~The~~ setback requirement may be reduced if, as determined by the Planning Commission, ~~it~~ can be demonstrated through findings of fact that increased mitigation of visual impact can be achieved within the setback area. In no case shall a new Wireless Communication Support Structure be setback less than the minimum requirement of the underlying zone. Underground accessory equipment is not subject to the setback requirement.
- (f) For wireless communication facilities ~~collocated~~ located on an existing support structure, the design of any accessory structures or equipment shall use materials, colors and textures that will match the existing support structure to which the equipment of the collocating provider is being attached, subject to the concealment standards of Section 10.782.
- (g) When Wireless Communication Systems Antennas are attached to the exterior of an existing building, they shall be architecturally integrated into the existing building, and shall have a non-reflective finish and color that blends with the color and design of the structure to which it is attached. Roof-Mounted Wireless Communication Facilities shall be concealed, subject to the standards of Section 10.782.
- (h) Any proposal that has elements that deviate from the standards of (f) and/or (g) above may be approved by the Site Plan and Architectural Commission or Landmarks and Historic Preservation Commission through a Class "C" plan authorization Type III Land Use Action based upon evidence showing that the standards cannot otherwise be met

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and that the degree of relief approved by said Commission is the minimum necessary to allow for facility operation. ~~(Effective Dec. 1, 2013.)~~

(i) Any modification of an existing Wireless Communication Support Structure that would result in a "substantial change" as outlined in Section 10.824(B)(6). ~~Each addition of a Wireless Communication Systems Antenna to an existing support structure must be in conformance with any approved Conditional Use Permit, with the exception of buildings, only requires administrative approval of a building permit, unless the additional Wireless Communication Systems Antenna increases the height of the support structure more than ten feet, in which case it~~ must be approved by the Planning Commission as a new Conditional Use Permit in accordance with Sections 10. ~~1.84248-10.250.~~

(j) Signage for wireless communication facilities shall consist of a maximum of two ~~(2)~~ non-illuminated signs, not to exceed two ~~(2)~~ square feet in area each, stating the name of the facility operator and a contact phone number, and any other applicable FCC and OSHA required information.

(k) No lighting shall be permitted except as required by the Oregon Aeronautics Division, Federal Aviation Administration (FAA), or other state or federal agency.

(3) Landscaping: The following standards apply to all facilities with any primary or accessory equipment located on the ground and visible from any public right-of-way or from an ~~abutting residential~~ abutting residential use.

~~(a) The outer perimeter~~ security fence or wall of the facility shall have a minimum 5-foot wide landscaped area ~~that will screen the facility from public view.~~

(b) The selected ~~vegetation~~ shall be fast-growing and reasonably expected to form a continuous hedge with a minimum height of six feet within two years of planting. and materials shall be selected and sited to produce a landscaped area consistent with Section 10.780.

(c) The landscaped area shall be irrigated and maintained to provide for proper growth and health of the vegetation.

(4) Wireless Communication Facility Collocation:

(a) All new Wireless Communication Support Structures shall be constructed so as to allow a second user to collocate on the facility, unless limited by aesthetics as determined by the Planning Commission.

(b) Relief from co~~l~~location under this section may be granted, at the discretion of the approving authority, upon submittal of either a mutually agreeable third party professional verification of provider's data or mutually agreeable third party engineering evaluations that support one or more of the following:

~~i. Existing Wireless Communications Facilities do not fall within location~~ ~~tolerances~~ based upon Radio Frequency mapping.

~~ii. Proposed site(s) does not meet minimum height requirements based upon~~ Radio Frequency engineering data.

~~iii. Existing Wireless Communications Facilities do not meet~~

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structural integrity _____ requirements for the proposed Wireless Communication Systems Antenna array.

_____ iv. Placement of the proposed Wireless Communications Facility and/or Wireless _____ Communication Systems Antenna array would impair, or be impaired by, the _____ emission of Radio Frequencies.

_____ v. That the owners of existing Wireless Communication Support Structures or _____ structures within 1,250 feet will not allow the applicant to place its _____ telecommunications facility thereon, or such owners are requiring payment that _____ substantially exceeds commercially reasonable rates.

G. Public Right-of-Way.

Applications for Wireless Communication Facilities within the public right-of-way (ROW) shall be required to enter into a Franchise Agreement with the City, and to obtain a right-of-way permit from the Public Works Department. Such applications shall be approved by the Planning Director as a Type I Land Use Action if the facility complies with all of the following design standards. Facilities that do not comply with the design standards are subject to approval of a Conditional Use Permit pursuant to Section 10.824(D).

(1) Design Standards:

- (a) Wherever possible, the facility shall be attached to an existing utility support structure. Such structure may be replaced with a new utility support structure so long as the replacement structure is at the same location and is of the same design as the original structure.
- (b) No more than one wireless communication facility shall be installed on a single utility support structure.
- (c) The installation of wireless communication facilities on decorative street light fixtures is prohibited.
- (d) All transmission and power cables shall be contained within the utility support structure or concealed within a single conduit line or housing that is flush-mounted to the structure. Where the National Electric Code (NEC) requires separation from the support structure, installations at the NEC required separation shall be considered flush-mounted.
- (e) Any accessory equipment shall be placed underground to the maximum extent possible. Accessory equipment that is attached to the utility support structure shall be enclosed in cabinets with no one dimension exceeding 30 inches.
- (f) In commercial and industrial zones, antenna arrays shall be mounted within six inches of the utility support structure or contained in a covering cylinder that is a continuation of the diameter of the utility support structure. The antenna array shall be painted to match the utility support structure.
- (g) If (d) above is not feasible, antenna arrays in commercial and industrial zones may be attached to horizontal support arms no greater than five feet in length measured from the center of the utility support structure. The antennas shall be placed within a covering cylinder.

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- (h) In residential zones, antenna arrays shall be contained within the utility support structure, or contained in a covering cylinder that is a continuation of the diameter of the utility support structure. The array shall be painted to match the utility support structure. Antenna arrays shall not project more than 36 inches above the existing utility support structure.
- (i) Any facility involving the use of a City-owned street light, or the installation of a new utility support structure, shall be subject to the following conditions:
- i. The location of the support structure shall be subject to the approval of the City Engineer, or their designee.
 - ii. Installations shall not be allowed on traffic signal poles.
 - iii. The applicant shall submit plans and calculations, stamped and signed by a professional engineer licensed in the State of Oregon, which identify the location of the proposed facilities and verify the structural capacity of supports and foundations. The City Engineer may request additional information as needed.
 - iv. The City may require a street light arm and fixture be included as part of a new utility support structure, at the discretion of the City Engineer or their designee.
 - v. Installation on City-owned street light poles shall meet all the requirements of the NEC, including power cut-off requirements.
 - vi. If a combined street light and cellular facility is proposed that does not use the City's standard street light pole, the applicant shall maintain the pole and cellular facilities in a safe condition. The City shall maintain the street light fixture.
 - vii. The applicant shall pay the on-going power costs associated with the facility. This may include the costs to power the street light if the power sources and billing cannot be separated.
 - viii. The City shall have access to the power cut-off.

E.H. Prohibited.

The following wireless communication facilities are prohibited:

- (1) Wireless Communication Support Structures that exceed 40 feet in height **are prohibited** in the Airport-Radar (A-R) Overlay District.
- (2) Wireless Communication Facilities utilizing a support structure **are prohibited** within 300 feet of a Historic (H) Overlay District.
- (3) Wireless Communication Facilities **are prohibited** in a riparian corridor as identified in Section 10.926.
- (4) Placement on a Wireless Communication Support Structure of satellite and microwave dishes that are not part of the Wireless Communication System.

F. Exemptions.

~~The following uses and activities shall be exempt from these standards except as otherwise provided herein:~~

- ~~(1) Existing Wireless Communication Support Structures and Wireless Communication Systems Antennas and any repair, reconstruction or maintenance, which does not increase the height of the~~

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tower.

~~(2) Amateur radio station towers, citizen band transmitters and antennas.~~

~~(3) Microwave and satellite dishes accessory to a permitted use and/or unrelated to a wireless telecommunication service system.~~

~~(4) Public safety communication towers.~~

GI. Abandonment.

All ~~readily visible~~ wireless telecommunications facilities, which are not in use for ~~—~~six ~~(6)~~ consecutive months, shall be removed by the wireless telecommunications facility owner. This removal shall take place within three ~~(3)~~ months of the end of such six-month period. Upon removal, the site shall be revegetated to blend with the existing surrounding vegetation. Landscaping that is established and viable, ~~and appurtenances that would serve an existing permitted or accessory use on the property, as determined by the Planning Director,~~ may remain.

(1) Removal extension: Upon written application, prior to the expiration of the six-month period, the Planning Director may, in writing, grant a six-month time extension for reuse of the facility. Additional extensions beyond the first six-month extension may be granted by the Planning Director subject to any conditions required to bring the project or facility into compliance with current regulation(s) and make it compatible with surrounding development.

[Added, Sec. 2, Ord. No. 8349, May 1, 1997; Amd. Sec. 3, Ord. No. 1998-146, June 18, 1998, Replaced, Sec. 5, Ord. No. 2008-04, Jan. 3, 2008; Amd. Sec. 4, Ord. No. 2013-30, Feb. 21, 2013; Amd. Sec. 24, Ord. No. 2013-131, Sept 5, 2013, effective Dec. 1, 2013.]

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Medford City Council Study Session

Exhibit B

Minutes

January 25, 2018
Medford City Hall, Medford Room
411 West 8th Street, Medford, Oregon

The Medford City Council Study Session was called to order at 6:00 p.m. in the Medford Room of the Medford City Hall on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers, Tim D'Alessandro, Dick Gordon, Tim Jackle, Kevin Stine, Kim Wallan; Councilmembers Clay Bearnson, Kay Brooks, Dick Gordon and Michael Zarosinski were absent

City Manager Brian Sjothun; Deputy City Manager Kelly Madding; City Attorney Lori Cooper; Deputy City Recorder Winnie Shepard

Transportation System Plan

Planning Director Matt Brinkley spoke regarding the TSP history, the recent public meetings and noted:

- Updating streets near schools; for example Wilson School
- Updating streets like Spring Street to collectors
- Draft will be approved by the Planning Commission and the City Council
- February 22 study session for project prioritization

Public Works Director Cory Crebbin spoke regarding cross sections, legacy streets and potential issues complying with the TSP:

- TSP mainly governs arterial and collector streets
- Staff recommended improving flexibility on for updating a "Legacy Street" (an existing street)
 - Multiple cross sections will provide flexible options for implementation
- Outlined three options for major arterial configurations including center median and bicycle lanes; minor arterials will also have center median and bicycle lanes
- Right-of-way width for new development:
 - City retains entire right-of-way width, despite width of improvement
 - Average bicycle path is 6'; multi-use paths are 14'; can modify as necessary
 - Do state laws require bicyclists to move at the same rate of speed as pedestrians
 - Planter strips between roadway and sidewalk/bicycle path provide safety; but not required
 - If Council includes alternatives for each type of roadway in the TSP to allow staff to modify for compliance; Council could provide alternatives for Planning to select best options for particular scenarios
 - Should allow contiguous path for all modes of transport versus transitions with improvements
 - Lower stress options preferred
 - Off-road bicycle lanes preferred; however Mr. Crebbin explained safety concerns at intersections as the bicycles are not in the vehicle line of sight when separated from traffic
 - Reducing the width of the planter strip provides a lower level of stress
 - At this point, no exceptions to right-of-ways within the street cross section; if that type of street is 95', we would only receive the 95' this prevents SDC credits to developers

Improved legacy streets (defined as existing streets with curbs and gutters):

- Unimproved legal streets (defined as streets without curbs and gutters) will be handled on a case-by-case basis
 - Developers are required to comply with current TSP, even on existing streets
 - Not correct width
 - Missing vehicle lanes or center turn lanes

- City should obtain/retain full right-of-way area, for future improvements
- Require continuing curbs and gutters if the existing street has them
- Outlined the various areas without sidewalks and bicycle facilities
 - Larson Creek Path being built as bicycle lanes cannot be placed on Barnett
 - Unimproved sections of roads should be matched to the abutting cross sections
 - Citizens can request a public hearing for concerns/objections to any requirement
 - Council could provide a process to allow exceptions
 - Criteria could be approved; staff needs direction for these exceptions
 - Can include a right-of-way range within each street classifications in the new TSP

Council comment:

- Spring Street improvements were discussed; this would be included in the TSP as a "Non-improved Legacy Street" as it does not currently have curb and gutters
- Legacy streets with curb and gutter, can they be left "as is" despite being out of compliance with the new TSP
- Council direction regarding potential improvements to legacy streets
 - Center turn lane; could maintain right-of-way without the physical improvement
 - In situations without safety or capacity issues
- Not every issue should be specified in the TSP; rare occurrences can be appealed to Planning or Site Plan & Architectural Commission
- Council discussed whether to require planter strips
 - City maintains them on arterials and collectors
 - Citizens maintain them on smaller streets
 - Council would like Planning Commission to determine whether to have planter strips in situations in which no abutting properties are near
- Legacy streets without bicycle lanes
 - Determine routes on alternate streets or create pathways
 - Unknown who would maintain multi-use paths as City maintains bicycle paths; citizens maintain sidewalks
 - Options need to be in the TSP in order to ever be used
 - Council agreed that improvements should match existing street for consistency

South Stage Overcrossing

Deputy Public Works Director and City Engineer Alex Georgevitch provided information on the proposed overcrossing:

- South Stage is expected to serve two future areas of development
- Currently, an approximately \$50 million project and would include a large bridge
- Bridge will be about 1485 feet to bypass riparian and wetlands around Bear Creek
- Project will also need to be completed timely to comply with environmental impacts (studies are valid for approximately 10 years)
- Connects to the largest area within the UGB amendment
- City may qualify for a TIGER grant to provide a 40% match to assist with the estimated \$50 million cost for the project; other cities may wish to assist as well
- Project can be broken into two sections

Wireless Communications

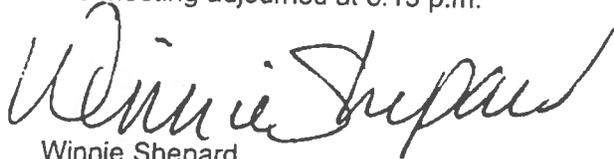
Planner III Seth Adams explained the Planning Department needed Council direction regarding potential Code amendments for Wireless facilities in the right-of-way:

- Cell towers have reached their capacities and carriers are using small cells on top of street lights or signage to assist with coverage in small areas
- Topic was previously discussed at a study session; but there is nothing in the Code
- Federal law allows wireless facilities within the right-of-ways, limiting city regulation to mainly aesthetics

Council comment:

- Noise concerns could be an issue within residential areas, may not be an issue on major streets
- Colleen Deshazer from Mobilitie spoke regarding their products; she noted:
 - Products needed for increased demand for data and not voice calls
 - Placed in areas with existing data loss
 - Provided examples of the types, sizes and what they looked like and how they would attach
- Most likely Medford would have a very small number of the small cells
- Planning Commission should be involved, but also requested Public Works involvement for traffic control issues and to assist with issues during construction

The meeting adjourned at 8:15 p.m.



Winnie Shepard
Deputy City Recorder



Planning Commission

MinutesFrom Study Session on **July 23, 2018**

The study session of the Medford Planning Commission was called to order at 12:00 p.m. in the Lausmann Annex Room 151-157 on the above date with the following members and staff in attendance:

Commissioners Present

David McFadden, Vice Chair
David Culbertson
Joe Foley
Bill Mansfield
E. J. McManus
Alex Poythress
Jared Pulver

Staff Present

Kelly Akin, Assistant Planning Director
Carla Paladino, Principal Planner
Eric Mitton, Deputy City Attorney

Commissioners Absent

Patrick Miranda, Chair, Excused Absence
Mark McKechnie, Unexcused Absence

Subject:**20.1 DCA-17-091 Wireless Communication Facilities Code Amendment**

Carla Paladino, Principal Planner, reported that staff is seeking direction from the Planning Commission regarding changes to the Wireless Communication Facilities regulations. Specifically, modify existing wireless communication facility language and inserting new language related to Small Cells.

Current regulations address:

- Facilities permitted in all commercial and industrial zones, and in SFR and MFR zones with nonconforming nonresidential uses
- Permitted on Public and Private property
- Preferred Designs: 1) Collocation, 2) Existing Structures, 3) New Towers
- New towers are approved by the Planning Commission through the Conditional Use Permit process

New Regulations:

- Consumer demand has increased
- Macro cells are reaching capacity; decline in service
- New small cells are being built to fill in the gap
- Companies are seeking to construct these in Medford

Mobilitie first to approach the City seeking a franchise agreement. Issues have been discussed with the City Council. Regulations need to be in place before franchise agreements will be considered by the City.

The City is being asked to allow small cell wireless facilities on utility poles, street lights, etc.

The small cell equipment:

- Omni Antenna – Pole top slim line solution, connects with end users and 360 degree propagation
- AC Distribution – Control power to the site with an on and off switch
- UE Relay – Wireless backhaul solution, eliminates need for fiber for most sites, communicates with existing infrastructure
- Radio Unit – Converts radio frequencies, increases network capacity

Proposed Amendment – Small Cells

Article II Changes (Sections 10.108, 10.110, 10.142)

- Wireless communication facilities in right-of-way would be a Type 1 Land Use Action
- Planning Director would be the approving authority

Proposed Amendment – Overall Language

Article V – Section 10.824

- Removal of unnecessary and/or duplicative language (e.g. submittal requirements)
- Updated Exemption Section
 - Allow for Cells-on-Wheels (COWs) as temporary use not to exceed 14 days in nonresidential zones or during declared emergencies
 - Allows for modification when not identified as a substantial change
- Defines a “substantial change” to existing facilities in accordance with federal law (Section 6409(a))
 - The mounting of a proposed antenna on a Wireless Communication Support Structure will increase the existing height of the support structure by more than ten percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater
 - An appurtenance is added to a Wireless Communication Support Structure that would protrude from the edge of the structure more than twenty feet, or more than the width of the support structure at the level of the appurtenance, whichever is greater
 - Installation of more than four new equipment cabinets
 - Any excavation or deployment outside the current site
 - It would defeat the concealment elements of the support structure

Vice Chair McFadden stated that he was not sure whether the 20 feet was in the air or on the ground. Ms. Paladino reported it is wide so it might be a cabinet. Commissioner

Pulver stated that the 20 feet would be up. Otherwise, it is going to be limited to the width of the pole or whatever it is attached to.

Ms. Akin stated that the trouble with federal law is that it is written broadly. Staff has to apply it narrowly. The lattice towers that used to be used had big bases. That is the only thing that she can think of that that might be the kind of structure where that would be meaningful. Currently, they are limited to 130 feet in height that would not have a 20 foot base.

Ms. Paladino stated that staff would clarify the language or have a photograph for clarification.

- Modifications not resulting in a substantial change would not be subject to new standards or discretionary review (a new Conditional Use Permit)
- Requires landscaping that will fully screen the ground-mounted equipment and any security fencing

Commissioner Mansfield stated that on page 14 of the agenda packet the ordinance talks about stealth capabilities. Please explain that. Ms. Paladino reported that stealth is meaning sleek or hiding the antenna.

Commissioner Mansfield asked, is there any objection to this? Ms. Paladino stated not yet.

Vice Chair McFadden asked, has Engineering reviewed the language? Ms. Paladino replied yes.

Commissioner Culbertson misread the proposal and background. He thought that the entire rewrite was stemming from the 2012 Act. He read the 2012 Act. It only deals with federal property. He discussed this with Eric Mitton, Deputy City Attorney this morning and he stated it governed some of the language change. The implementation of the small cell is the new piece. He believes it will be beneficial in the long run however, he raised the question of improving and implementing the 5G network for the benefit of the cellular services. They are putting smart meters on all the houses now which are using the 5G Network. He hopes the City is getting a substantial contract to allow them the right-of-way to generate dollars back to the City.

Mr. Mitton reported that step one is getting the code implemented and step two would be the franchise agreement. That is where the money is made.

Vice Chair McFadden stated this is allowing the City to increase the fee that is paid on cellular bills.

Mr. Mitton is not sure there will be a distinction because when a macro cell is on private property the cellular companies are renting the space. Instead of having individual leases for big towers it is a franchise agreement for the small cells.

Vice Chair McFadden stated that there is a tower on Roxy Ann that never paid a franchise fee to Medford because their facilities were outside Medford but their trucks could use City streets. Mr. Mitton reported that is not entirely accurate. It is a complicated situation. Fees are collected for the private communication tower on Roxy Ann that helps pay for the public safety tower on Roxy Ann. The City is one of the main users of the public safety tower on Roxy Ann. He does not know about the tower on the other side of Roxy Ann.

Commissioner Culbertson knows that there is a cell tower on top of old Reeder fruit building at 401 Fir Street. They have a very lucrative contract that allowed them to install a secure vault on the fourth floor and an array on top because of a void.

Commissioner Culbertson thinks if they are going to be utilizing the 5G cell service for the Pacific Power and Light smart meters there should be a reduction in the service charge to have the smart meter for making it simpler. The City is going to get double dipped. If one wants to opt out they are going to charge extra and a monthly fee.

The Planning Commissions charge is does the language being incorporated make sense?

Commissioner McManus stated that there are people against cell towers. Sometimes the issues are related to property value. Are there design standards specific for the historic district? Ms. Paladino reported that there is no language specific to the historic district. Ms. Akin stated that the historic district requires a different review.

Mr. Mitton commented that every time the Planning Commission has a Conditional Use Permit hearing on cell towers most people coming for public comment are saying they do not want a tower in that location. Since it is under federal law the City cannot say anything. They can only discuss how it is visually screened. He is not aware that they could not require additional screening in the historic district. They cannot prohibit or restrict a tower in that location.

Commissioner Pulver asked, is there a limit on small cells on a pole? Ms. Paladino reported that the construction of these small cells would probably be only one per pole. Language can be added that states only one per pole. Mr. Mitton reported that multiple boxes are different support components for a single antenna.

Commissioner Poythress asked, this is 2018 is the City planning on installing more poles or underground utilities? If the City is trying to get rid of poles then why adorn them with expensive hardware for lease? Ms. Paladino stated that for new development they are supposed to go underground. The other option would be street light poles.

Vice Chair McFadden asked, is there a height limit? Ms. Paladino reported that would be between the company and Public Works. What are they actually going to be doing to the street lights? Is it going to change the function of it or become massive looking that no longer looks like a street light? That gives Public Works flexibility to state the company is in the wrong location and needs to find something else.

Staff will make final changes to the language and present the code amendment to the Planning Commission on Thursday, August 9, 2018. Hearing is proposed before the City Council on Thursday, September 6, 2018.

20.2 DCA-18-092 Offices of other Health Practitioners in Light Industrial zoning district

Kelly Akin, Assistant Planning Director, reported that DeNell Gallagher that operates a pediatric occupational and speech therapy business downtown. She wants her own facility but the facility she found is in the I-L zone where the use is not permitted.

Commissioner Mansfield asked, what is wrong with letting all the health practitioner uses in the I-L zone? Ms. Akin reported that the light industrial zone is not made for that kind of traffic or parking.

Vice Chair McFadden stated that Navigator's Landing is a Planned Unit Development with the inner lining zone is light industrial. They were able to get 20% of the property zoned commercial. If all the health practitioner categories were changed that would open up the rest of the 80% of the property to those types of uses.

Staff will present this code amendment to the Planning Commission on Thursday, August 23, 2018.

Commissioner Pulver stated that the I-L zone is a hot mess. It allows a lot of uses that are commercial in nature but also allows industrial in nature. In his mind there is a potential for conflict. He does not think he is willing to allow those uses in light industrial particularly the ones being discussed. It needs a broader discussion.

Commissioner Foley had the same concerns when he reviewed this. They have had this on the heavy commercial zone. He is confused about the distinction in the real world between heavy commercial and light industrial. He understands the traffic aspect. There is so much overlap between the two and it feels like a mess. Are there too many zones?

Commissioner Pulver thinks Navigators Landing and the Delta Center are situations where developers involved control and have continued to control the land and development of that land to ensure uniformity. A scenario would be separate land owners with several one acre parcels in a row. The first one develops a nice eye doctor office and the land owner next to it builds an 8,000 square foot metal warehouse building with a small office in the front. There is nothing to say that is wrong by building in that zone. The resulting

product for the City is not favorable. It ends up looking like a mess that the permitted uses have created.

Staff will ask the Planning Commission whether or not they want to initiate the code amendment on Thursday, August 23, 2018.

Ms. Akin reported that there were agendas on the table for the League of Cities Conference the end of September. There is funding to send two Commissioners. If any Commissioner is interested please let staff know.

30. Adjournment

The meeting was adjourned at 12:40 p.m.



Submitted by:

Terri L. Richards

Recording Secretary



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: **Conditional Use Permit**

Project North Phoenix Properties Holdings, LLC
Applicant: CSA Planning

File no. CUP-18-076

To Planning Commission

for August 9, 2018 hearing

From Liz Conner, Planner II

Reviewer Kelly Akin, Assistant Planning Director

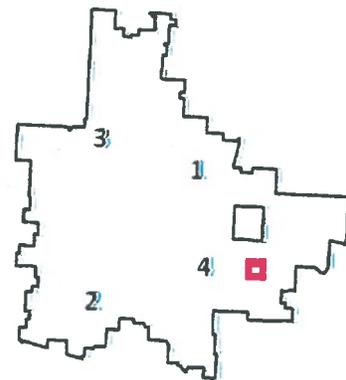
Date August 2, 2018

BACKGROUND

Proposal

Consideration of a modification to an existing Conditional Use Permit for a private recreation facility to add parking and to allow for new construction and site modifications to the former tennis and swim club facility located on the east side of North Phoenix Road, approximately 325 feet south of Calle Vista Drive (709 N Phoenix Road, 371W27 TL 701).

Vicinity Map



Subject Site Characteristics

Zoning	SFR-4	Single Family Residential, 4 dwelling units per gross acre
GLUP	UR	Urban Residential
SE Plan	Area 2	Standard Lot
Use	Recreational facility	

Surrounding Site Characteristics

<i>North</i>	Zone:	SFR-4
	SE Plan:	Area 2
	Use:	Single family residences
<i>South</i>	Zone:	SFR-00 (Single Family Residential, one dwelling unit per existing lot)
	SE Plan:	Area 5 (High Density)
	Use:	Single family residence, vacant
<i>East</i>	Zone:	SFR-4 and SFR-00
	SE Plan:	Areas 2 and 5
	Use:	Single family residences, vacant
<i>West</i>	Zone:	SFR-4
	SE Plan:	N/A
	Use:	Single family residences

Related Projects

90-19-CUP-01 Conditional Use Permit issued by Jackson County
Annexation 1992
Pre-Application PA-18-027

Applicable Criteria

Medford Municipal Code §10.248 Conditional Use Permit Criteria.

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

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

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

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

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 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.

Corporate Names

According to the Oregon Secretary of State, North Phoenix Property Holding, LLC is registered at 1914 Skypark Drive, Medford, Oregon 97504 with Donald Berryessa as the Manager.

ISSUES AND ANALYSIS

Background

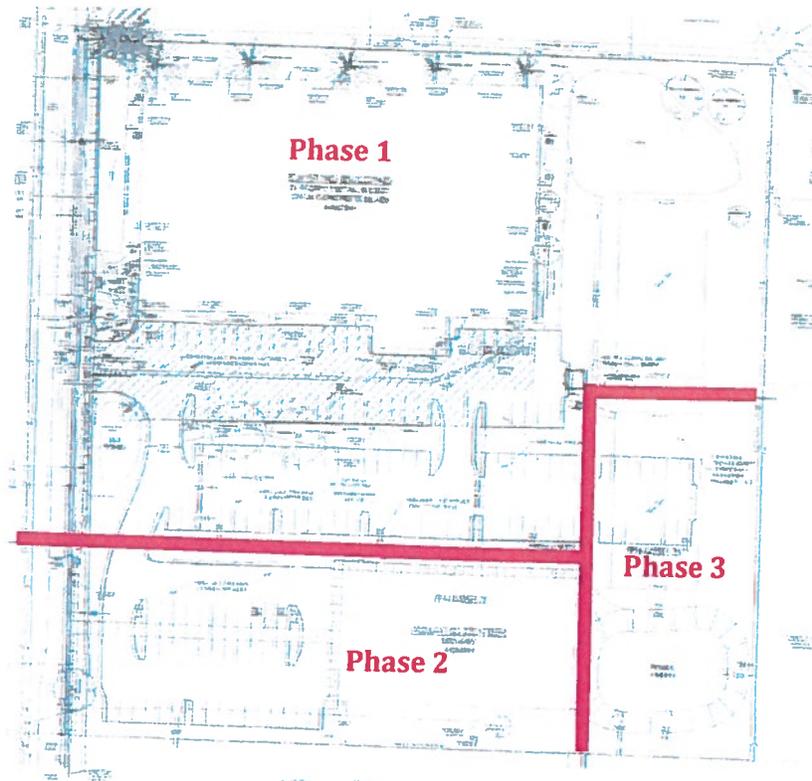
Rogue Valley Swim and Tennis Club facility dates back to 1969. Jackson County originally approved the facility in 1981 and modified the Conditional Use Permit (CUP) to include a metal building for indoor tennis courts and administrative offices in 1991. The property was annexed in 1993; since annexation there have been no site changes requiring a land use review.

Currently the site consists of an existing two story building that is approximately 45,000 square feet, three outdoor tennis courts and an outdoor pool. It is now operated by America's Best Kids as its "Court House Family Fitness" facility with indoor turf and multi-sport courts in place of the interior tennis courts.

The subject site is within the Southeast Plan overlay and the Southeast Neighborhood Circulation plan.

Site Plan (Exhibit B)

The applicant proposes to improve the site in three phases. Phase 1 will expand the existing parking lot. Phase 2 consists of a new 14,850 square foot indoor aquatic center and an additional parking area. An outdoor pool and parking area are proposed in Phase 3.

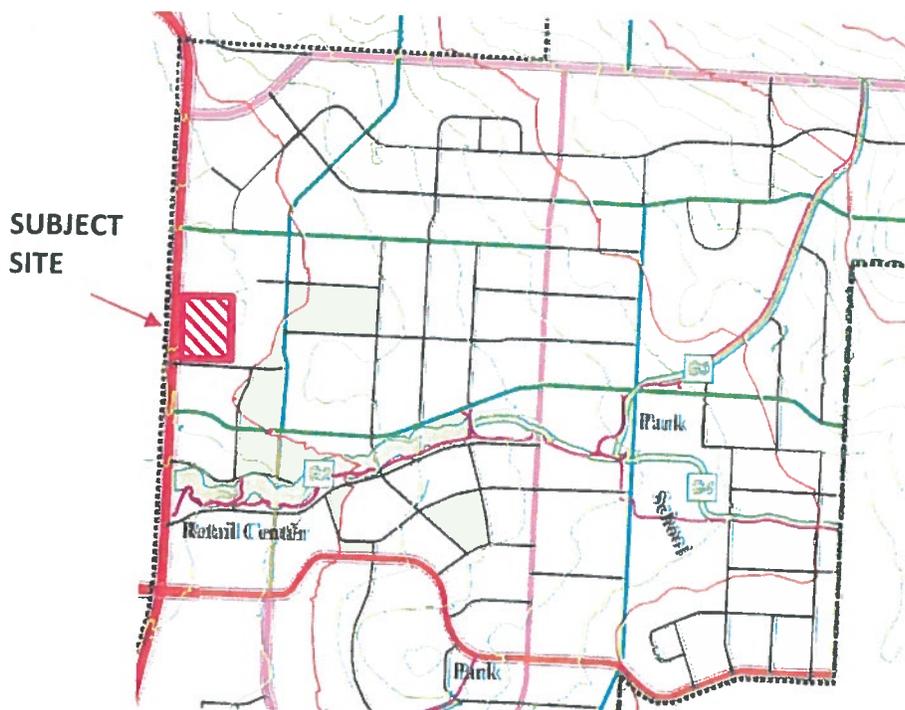


Parking

Rogue Valley Tennis and Swim Club was developed to Jackson County standards and does not meet the current standards of the Medford Land Development Code (MLDC) for parking and access. Per the applicant's Findings (Exhibit F), the parking lot addition in Phase 1 will allow the facility to accommodate the club patrons with off street parking instead of parking on the nearby residential streets. Overall, the applicant proposes 157 parking spaces, which is within the required range (154 minimum, 198 maximum).

Access

The site has a single vehicular access point from N Phoenix Road. Per the Southeast Circulation Plan Map (Exhibit E, excerpt below) a local road is planned at the southerly property line of the subject site. The Public Works Report (Exhibit K) states that this future local road shall be dedicated with the development of Phases 2 and 3.

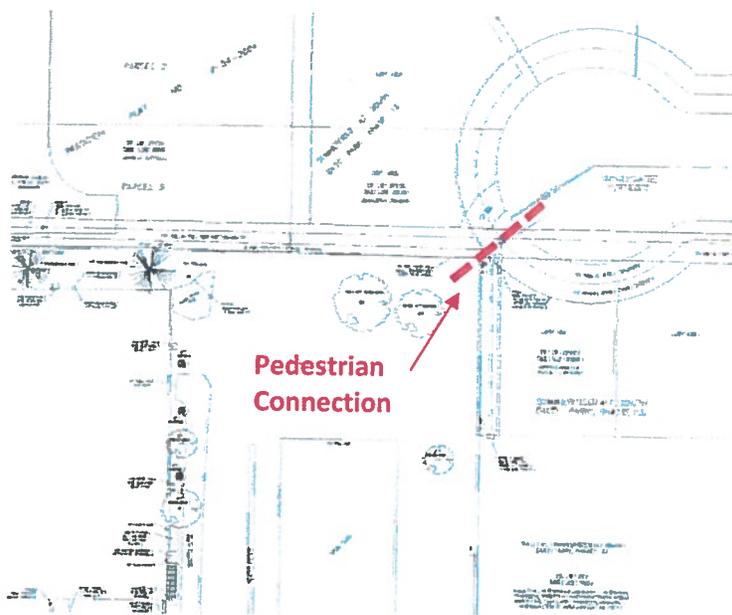


The applicant has provided an additional memorandum in response to the future local street on the Southeast Circulation Plan Map and the requirement for dedication (Exhibit G). The applicant states that requiring a new street to be constructed with Phases 2 and 3 would eliminate the feasibility of providing the new facility for the community. The applicant also states that the location of the future road would be through a 10-foot existing bank cut along N Phoenix Road and is not an ideal location for the road in terms of cost and safety given the terrain.

The applicant requests that Phases 2 and 3 be approved as proposed without the future road dedication and construction. If the City cannot approve Phases 2 and 3 as proposed, the applicant requests that the CUP be approved with the condition that Phases 2 and 3 may proceed in the event that the City amends the Southeast Neighborhood Circulation Plan Map before the CUP expires.

Staff has included a condition of approval requiring the dedication and improvement of the future local street with Phases 2 and 3 as required by the MLDC and included in the Public Works Department Staff Report (Exhibit K). If the City Council amends the Southeast Neighborhood Circulation Plan Map to remove the future street before the approval of building permits for Phase 2 or 3, whichever comes first, the dedication and improvement are not required.

Pedestrian Connection



Public Works has included a recommendation that a public pedestrian access easement be provided to the northeast corner of the property for a future pedestrian access from Windgate Street to the facility.

The properties to the northeast of the site are fully developed. The applicant's Findings state that if an easement and access point are provided traffic would likely be increased on the cul-de-sac street and be used as a shortcut from the surrounding area neighbors. The applicant

proposes that coordination with the owners of the remaining larger parcels will allow for a well-planned access as redevelopment plans move forward.

Existing Conditions of Approval (Exhibit I)

The approved Jackson County CUP (File 90-19-CUP-01) included 24 conditions of approval to mitigate impacts to the surrounding neighbors. For example, the parking lot was required to be paved and kept dust free, landscaping had to be installed per approved plans, outdoor court and pool lighting was to be removed, and club users were requested to retrieve errant balls. The applicant stipulates to accept similar conditions as it now operates under the Jackson County issued CUP.

The current approval includes a provision that requires the applicant to allow pedestrian gates to be installed to adjacent properties. The applicant proposes to modify the condition as it was originally imposed when there were a few large rural residential and EFU zoned parcels adjoining. As noted above, the properties to the north and east are fully developed with single family residences, and the Southeast Plan designates properties to the east and south as multi-family. The applicant is proposing to provide appropriate pedestrian access points as redevelopment plans for those properties are prepared in the future. Staff supports this modification.

FINDINGS AND CONCLUSIONS

Medford Municipal Code §10.248 Conditional Use Permit Criteria.

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

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

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 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 applicant has provided findings demonstrating compliance with Criterion 2; however, MLDC 10.249 was not addressed.

With regard to MLDC 10.249, the Commission can find that the facility is consistent with 10.249(3). The facility provides recreational facilities that are not otherwise provided on the east side of Medford. Additionally, the public Hawthorne Pool was removed several years ago; there is only one public pool in Medford. The proposed aquatic facilities will help fill that void.

Staff has reviewed the Applicant's findings and conclusions (Exhibit F) and recommends the Commission adopt the findings as modified.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare the final order for approval of CUP-18-076 per the staff report dated August 2, 2018 including Exhibits A through N.

EXHIBITS

- A Conditions of Approval, dated August 2, 2018
- B Preliminary Site Plan received May 29, 2018
- C Conceptual Grading and Drainage Plan received May 29, 2018
- D Conceptual Landscape Plan received May 29, 2018
- E Southeast Circulation Plan Map adopted March 7, 2013
- F Applicants findings and conclusions received May 29, 2018
 - Including Applicant's Exhibits
 - Exhibit 2 Demonstration of Compliance with Development Standards
 - Exhibit 3 Assessor Map
 - Exhibit 4 Zoning Map
 - Exhibit 5 GLUP Map
 - Exhibit 6 Southeast Plan Map
 - Exhibit 7 Site Photographs
 - Exhibit 11 Topography Map of Survey
 - Exhibit 12 Conceptual Renderings
 - Exhibit 13 Existing Site Plan
 - Exhibit 15 City of Medford Planning Director Verification
 - Hillside Ordinance Analysis Memo
 - Geotechnical Report
- G Applicant's Memo re Future Street received August 1, 2018
- H Site Photos of Southwest Property Frontage received August 8, 2018
- I Jackson County CUP Staff Report received May 29, 2018
- J Applicant's Accessway Option Site Drawing received July 11, 2018
- K Public Works Report received July 11, 2018
- L Medford Fire Department Report received July 11, 2018
- M Medford Building Department Memo received July 11, 2018
- N Medford Water Commission Memo received July 11, 2018
- O Jackson County Roads Department letter received June 29, 2018
 - Vicinity map

PLANNING COMMISSION AGENDA:

AUGUST 9, 2018

EXHIBIT A

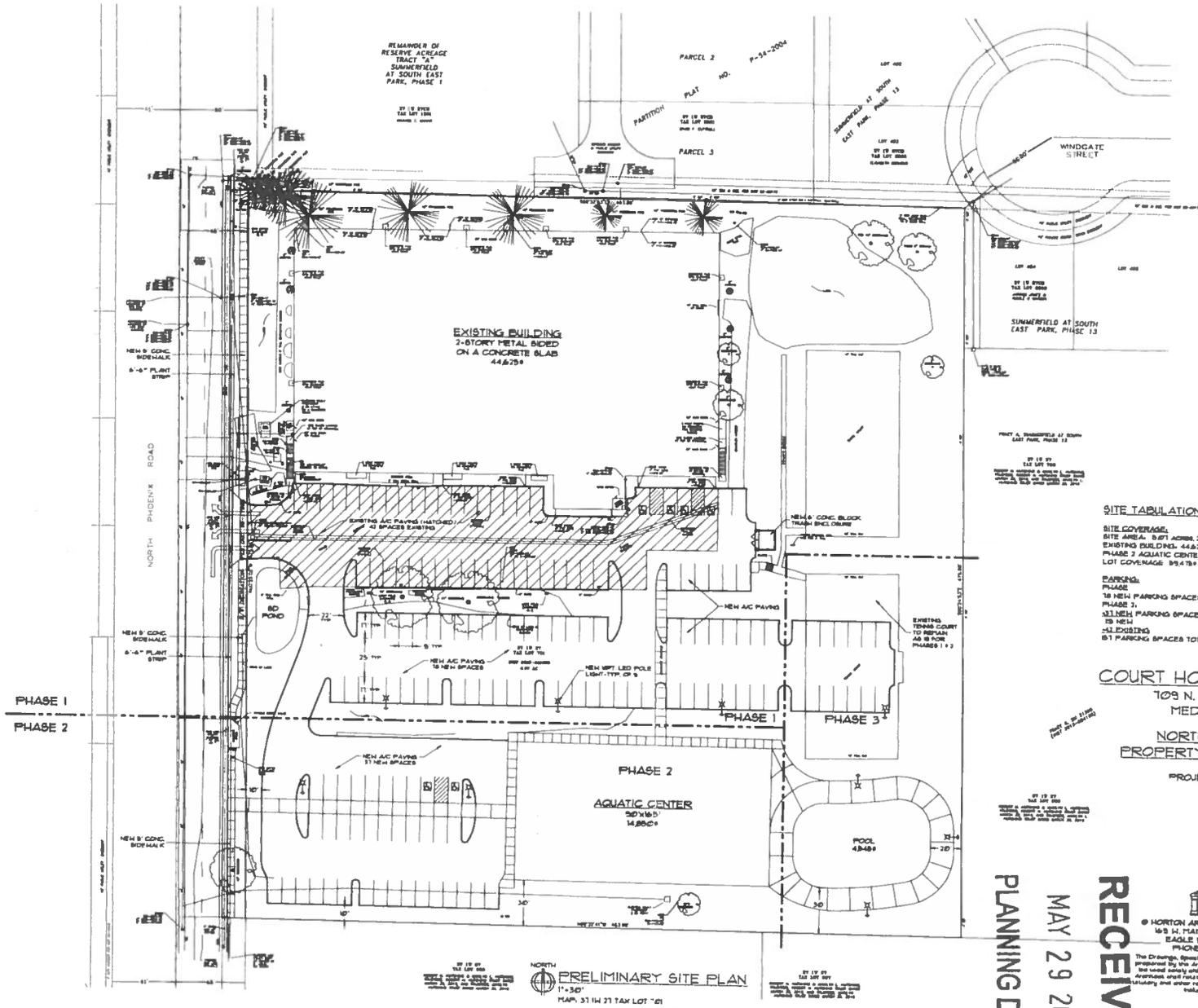
CUP-18-076
Conditions of Approval
August 2, 2018

DISCRETIONARY CONDITIONS

1. The Planning Commission accepts the applicant's stipulations in Exhibit F and incorporates them as conditions of approval.

CODE REQUIREMENTS

2. Prior to issuance of first building permit, the applicant shall comply with the:
 - a. Public Works Department Staff Report dated July 11, 2018 (Exhibit K).
 - i. If the City Council amends the Southeast Neighborhood Circulation Plan Map to remove the future street prior to the approval of building permits for Phase 2 or 3, whichever comes first, the dedication and improvement are not required.
 - b. Medford Fire Department Report dated July 18, 2018 (Exhibit L).
 - c. Medford Building Department Memo dated July 18, 2018 (Exhibit M).
 - d. Medford Water Commission Meme dated July 18, 2018 (Exhibit N).



SITE TABULATIONS

SITE COVERAGE:
 SITE AREA: 9.97 ACRES 230,949 sq ft
 EXISTING BUILDING: 44,675 sq ft
 PHASE 2 AQUATIC CENTER: 14,850 sq ft
 LOT COVERAGE: 94,173 / 770,949 = 12%

PARKING:

PHASE 1
 18 NEW PARKING SPACES

PHASE 2
 31 NEW PARKING SPACES

PHASE 3
 19 NEW PARKING SPACES

TOTAL
 68 PARKING SPACES TOTAL

COURT HOUSE PROJECT
 109 N. PHOENIX RD
 MEDFORD, OR
 NORTH PHOENIX
 PROPERTY HOLDING, LLC
 PROJECT NO. 18-101

RECEIVED
 MAY 29 2018
 PLANNING DEPT.

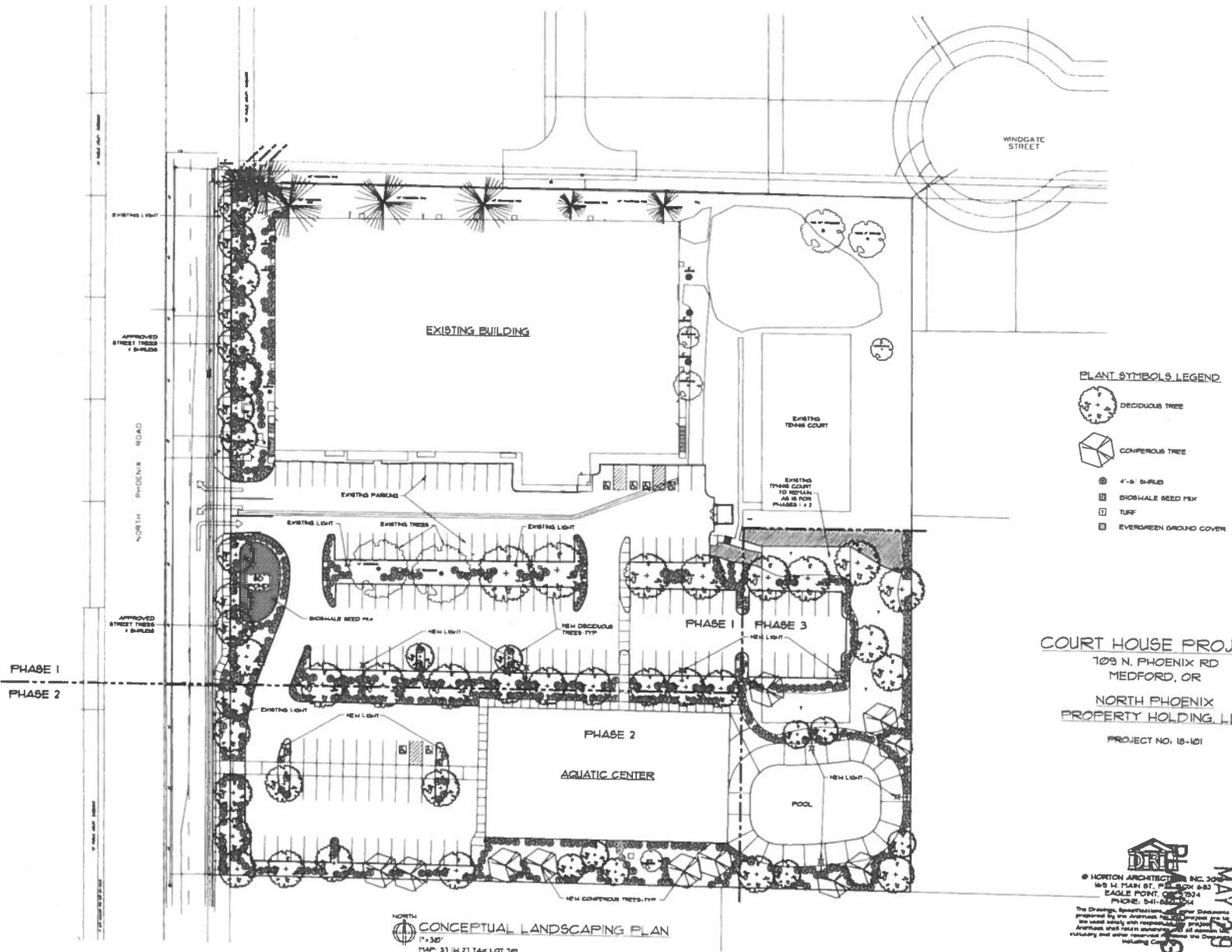


© HORTON ARCHITECTURE, INC. 2018
 163 N. MAIN ST., P.O. BOX 682
 SEASIDE, OR 97134
 PHONE: 541-830-1014

The Drawings, Specifications, and other Documents prepared by the Architect for this project are to be used solely with respect to this project. The Architect shall retain ownership and all minimum fee, liability and other reserved rights to the Documents, including Copyrights.

DATE:
 23 MAY 2018
 DRAWING NUMBER:
 OF

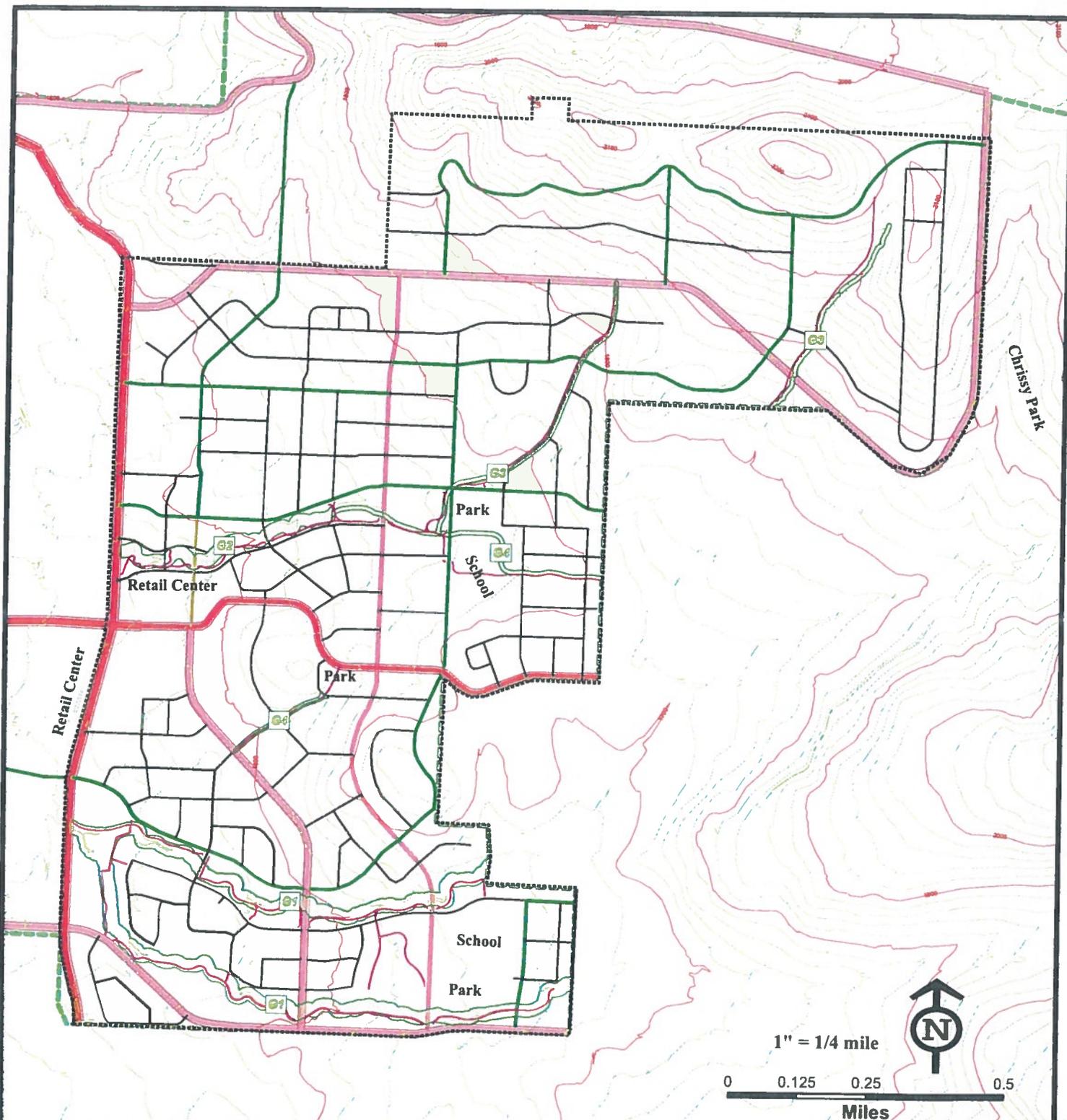
PRELIMINARY SITE PLAN
 1" = 30'
 MAP: 3114 21 TAX LOT 101



RECEIVED

MAY 29 2018

DRP
SIS DEPT.



**ADOPTED March 7, 2013
ORDINANCE #2013-42**

No guarantee or warranty is expressed or implied in terms of data accuracy or legitimacy. This product is intended for use as public information and precise interpretations of the official record should be solicited from the Medford Planning Department.

**SOUTHEAST
CIRCULATION
PLAN MAP**

- Major Arterial
- Minor Arterial
- Major Collector
- Minor Collector
- Commercial Street
- Standard Residential
- Local Street
- Multi-Use Paths
- Greenway
- Greenway Design Standard (See Circulation Plan Document)
- UGB
- SE Plan Boundary
- Contours**
- 100 Foot
- 20 Foot



Date: 03/07/13

BEFORE THE CITY OF MEDFORD
FOR THE CITY OF MEDFORD
JACKSON COUNTY, OREGON

RECEIVED

MAY 29 2018

PLANNING DEPT.

IN THE MATTER OF AN APPLICATION)
FOR A CONDITIONAL USE PERMIT TO)
ALLOW NEW CONSTRUCTION AND)
SITE MODIFICATIONS TO AN EXISTING)
PRIVATE RECREATIONAL FACILITY)
ON A 5.08 ACRE PARCEL IN THE SFR-4)
ZONING DISTRICT. THE SUBJECT)
PROPERTY IS IDENTIFIED AS TAX LOT)
701 IN TOWNSHIP 37 SOUTH, RANGE 1)
WEST, SECTION 27 AND IS LOCATED)
AT 709 NORTH PHOENIX ROAD SOUTH)
WITHIN THE CORPORATE LIMITS OF)
THE CITY OF MEDFORD)

PROPOSED FINDINGS OF FACT
AND CONCLUSIONS OF LAW

Applicants' Exhibit 1

Owner/Applicant: North Phoenix Property)
Holding LLC)

Agent: CSA Planning, Ltd.)

I

NATURE AND SCOPE OF APPLICATION

Applicant requests a conditional use permit to add parking and to replace an existing outdoor pool with an indoor aquatic facility and a new outdoor pool for an existing recreational club located at 709 North Phoenix Road. The property was originally developed in 1969 as the "Hillcrest Club" with outdoor tennis courts, a swimming pool and other outdoor recreational activity areas. The Hillcrest Club was renamed to the Rogue Valley Tennis and Swim Club in 1990 when an indoor tennis court building was added and outdoor courts and the swimming pool were redeveloped. That project was approved by conditional use permit issued by Jackson County before the property had been annexed into the city. The club is currently operated by America's Best Kids as its "Court House Family Fitness" facility with indoor turf and indoor multi-sport courts in place of the interior tennis courts.

The CUP will allow for exterior improvements to be constructed in three phases:

- Phase 1 – Addition of 68 Parking Spaces
- Phase 2 – Construct Indoor Pool and 37 Additional Parking Spaces
- Phase 3 – Replace outdoor pool and Construct 10 Additional Parking Spaces



Findings of Fact and Conclusions of Law

Conditional Use Permit Application

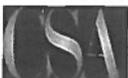
Applicant/Owner: America's Best Kids, Inc./North Phoenix Property Holding LLC

II

EVIDENCE SUBMITTED WITH APPLICATION

Applicant submitted the following evidence with its conditional use permit application and the same were before the City of Medford:

- Exhibit 1.** Proposed Findings of Fact and Conclusions of Law (this document) for applicable substantive CUP approval criteria
- Exhibit 2.** Findings of Compliance with Applicable Development Standards
- Exhibit 3.** Assessor plat map (37-1W-27)
- Exhibit 4.** Zoning and Aerial Photo Map
- Exhibit 5.** Current Medford General Land Use Plan Map
- Exhibit 6.** SE Plan Map
- Exhibit 7.** Site Photos
- Exhibit 8.** Site Plan for Redevelopment
- Exhibit 9.** Conceptual Landscape Plan
- Exhibit 10.** Conceptual Grading, Drainage and Utilities Plan
- Exhibit 11.** Topographic Map of Survey
- Exhibit 12.** Virtual Tour Still Frames – Conceptual Renderings
- Exhibit 13.** Existing Site Plan
- Exhibit 14.** Conditional Use Permit 90-19-CUP-01 (Jackson County CUP as last amended)
- Exhibit 15.** Verification of Allowable Interior Remodel/Modifications Letter from Medford Planning Director and associated Letter Requesting Verification



Findings of Fact and Conclusions of Law

Conditional Use Permit Application

Applicant/Owner: America's Best Kids, Inc./North Phoenix Property Holding LLC

III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The relevant substantive approval criteria for issuance of a conditional use permit for a recreational club in an "R" district are recited verbatim below and are addressed later with findings of fact in Section IV and conclusions of law in Section V.

MEDFORD LAND DEVELOPMENT ORDINANCE (MLDO)

CONDITIONAL USE PERMIT CRITERIA

10.248 Conditional Use Permit Criteria

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

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

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

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

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.



^ F 9

Findings of Fact and Conclusions of Law

Conditional Use Permit Application

Applicant/Owner: America's Best Kids, Inc./North Phoenix Property Holding LLC

10.817 Community Buildings, Social Halls, Lodges, Fraternal Organizations, and Clubs in an "R" District

- (1) All buildings shall be set back a minimum of thirty (30) feet from the side and rear property lines. All setbacks shall be landscaped as required to buffer adjacent properties.
- (2) There shall be no external signage, advertising or other evidence of any incidental commercial activities taking place within the building.
- (3) All such uses, except Public Parks Recreation and Leisure Facilities and Services and appurtenant buildings and structures, shall be located on an arterial or collector street and be able to provide access without causing traffic congestion on local residential streets, and any such use shall prove that there will be no harm to adjacent existing or potential residential development due to excessive traffic generation, noise, or other circumstances.

IV

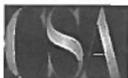
FINDINGS OF FACT

The following facts are found to be true with respect to this matter which involves consideration of a conditional use permit to improve and expand an existing recreational club.

1. **Property Description:** The subject property consists of a single parcel having 5.08 acres and is described in the records of the Jackson County Assessor as Tax Lot 701 on Assessor's Map 37-1W-27. The location is at 709 North Phoenix Road, within the corporate limits of the City of Medford and its urban growth boundary.
2. **Ownership:** The property is owned North Phoenix Property Holding LLC (Donald Berryessa, registered agent and manager), an Oregon registered limited liability company. Mr. Berryessa is also the president and registered agent for America's Best Kids, Inc., an Oregon registered corporation and operator of the club facility.
3. **Comprehensive Plan; Zoning;** The property is planned Urban Residential on the comprehensive plan (GLUP) map and zoned Single Family Residential (SFR-4).
4. **Land Use Classification:** Pursuant to the table in MLDC 10.314(6)(d)- Community Services Facilities (Parks, Recreation, etc.) is an allowable conditional use in the SFR-4 zoning district. The term Community Services Facilities is defined at MLDC Section 10.012 to mean facilities providing public or private community services, such as meeting halls, telecommuting centers, playgrounds, golf courses, indoor recycling collection facilities, tennis or swimming clubs, adult day care, private or public recreation facilities, or similar uses.
5. **Surrounding Land Uses and Development:**

North: Adjacent to the western half of the subject property is a 0.87 acre common area lot (371W27CB-1201) for the Summerfield at South East Park Subdivision which is reserved and developed for that subdivision's storm water detention facility. Three single family residential parcels accessed by a private (minimum access) lane from Calle Vista Drive are located to the east of the stormwater detention facility. Phase 13 of the subdivision, which includes nine single family residential lots as platted in 2013 along the cul-de-sac of Wingate Street, is situated along the northeast corner of the subject property.

"F"



Findings of Fact and Conclusions of Law

Conditional Use Permit Application

Applicant/Owner: America's Best Kids, Inc./North Phoenix Property Holding LLC

East: Phase 12a of the Summerfield at South East Park Subdivision, including 14 single family residential lots along Wingate Street also as platted in 2013, is located east of Phase 13 and Stanford Avenue. Stanford Avenue has not yet been extended further south and so terminates approximately 240 feet east of the northeast corner of the subject property, where the street is stubbed out to Tax Lot 700 (a vacant 1.31 acre parcel adjacent and east of the subject parcel that is owned by Robert and Maryilyn Hutchins). The Hutchins also own Tax Lot 900 (a 3.46 acre parcel developed with on single family home) south of Tax Lot 700 and adjacent to the east of the subject property and Tax Lot 1100 (2.6 acre parcel developed with a single family dwelling) east of Tax Lot 900.

South/Southeast: Tax Lots 906 and 907 (3.24 acres and 3.38 acres, respectively) abut to the south. Both parcels are also owned by the Hutchins. Tax Lot 906 contains a single family dwelling situated approximately 110 feet south of the subject property. Tax Lot 907 is vacant.

West: The subject property is fronted to the west by North Phoenix Road, a five-lane major arterial street. Across North Phoenix Road is the Meadow Park Subdivision that was developed and built out in the late 1990s. The lots along North Phoenix Road all take access from Thomasville Drive to the west.

6. **History of property; Previous Planning Actions:** The property has a long history as a swim and tennis club facility, starting as the Medford Swim and Tennis Club in 1969. In 1981 the property, which was already developed with outdoor tennis courts and a pool with a small locker room building, was brought into the Medford Urban Growth Boundary. In 1982, as part of Jackson County 81-38-CUP, the Hillcrest Club received approval to install an inflatable enclosure over three courts to allow indoor practice during the winter. The property was purchased in 1989 by Conrad Morse who renamed it as the Rogue Valley Swim and Tennis Club. A 54,500 square foot metal building was approved for construction pursuant to Jackson County Planning File 90-19-CUP. The building was constructed in 1991 to provide permanent cover for 4 tennis courts and included offices, locker rooms classrooms and viewing areas. The property was annexed into the City of Medford in 1993. The Rogue Valley Swim and Tennis Club remained active until the current owners purchased the property in 2018. Interior modeling and updating of the existing building to modify the tennis courts for multi-use courts and for accessory use spaces was verified as an allowable modification by letter from the Medford Planning Director. *See*, Applicant's Exhibit 15. Exterior changes to the site that change *any* amount of open space and landscaping, pursuant to MLDC Section 10.250(2)(c), is not a minor modification to a conditional use and therefore any additional parking area to be added requires a new conditional permit. Accordingly, the property owner has tendered an application for approval of a new conditional use permit from the City of Medford for all planned improvements, to be constructed in three phases.
7. **Public Facilities and Services:** The property has been served by public sanitary sewer, water and storm drainage facilities provided by the City of Medford and Medford Water Commission since shortly after it was brought into the urban growth boundary in 1981. Other municipal public services supplied to the property include Medford police and fire



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Findings of Fact and Conclusions of Law

Conditional Use Permit Application

Applicant/Owner: America's Best Kids, Inc./North Phoenix Property Holding LLC

protection. The property is also served by a full range of public utilities including electricity, natural gas and communications.

8. **Access:** The property is served directly from North Phoenix Road from one driveway access point. The proposed site improvements include reconstructing the driveway to current Medford commercial driveway access standard.
9. **Off-Street Parking:** The existing parking lot has only 42 parking spaces. Phase 1 as proposed will add 68 spaces, Phase 2 will add 37 spaces with the construction of the indoor Aquatic Center, and Phase 3 will add ten more spaces when the outdoor pool is reconstructed (original pool will be displaced in Phase 2). Findings of Compliance to parking and all other development standards are provided at Applicant's Exhibit 2.
10. **Wetlands and Riparian Features:** No wetlands or riparian features have been identified on the property.
11. **Adjacent Property Owner Coordination:** Applicant has met and coordinated the redevelopment plans with the Hutchins family, who owns all adjoining land to the east and south where the exterior site modifications are proposed. The Hutchins family has no plans to rezone or develop the adjoining property anytime soon and have expressed support for the plan, especially for the indoor aquatic facility, and their intent to become members of the club.

V

CONCLUSIONS OF LAW

The City of Medford reaches the following conclusions of law with respect to the relevant substantive criteria prerequisite to approval of a conditional use permit for this private recreational club:

CONDITIONAL USE PERMIT

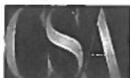
CUP Criterion 1

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.

Discussion; Conclusions of Law: There are no comparable uses that not classified as conditional in the SFR-4 zone. The recreational club use of the subject property pre-exists any of the surrounding residential subdivisions. Accordingly, subsection (2) is the relevant applicable approval criterion. The existing development is under-parked by current City standards and the conditional use permit will allow additional parking to be constructed to current standards. That improvement is in the public interest to avoid



"F"

Findings of Fact and Conclusions of Law

Conditional Use Permit Application

Applicant/Owner: America's Best Kids, Inc./North Phoenix Property Holding LLC

inducing on-street parking in nearby residential neighborhoods by club patrons. The addition of an indoor aquatic center and a new outdoor pool is in the public interest to help meet the community's need for the same given the population growth and the closure of public pool facilities in the surrounding area. The facility will also provide a positive and safe activity area for families and the facility is committed to providing for the fitness and well-being of area residents and families with affordable access in a creative fitness environment. Because the development proposal is in the public interest, it is appropriate to allow the development with conditions to mitigate against potential conflicts.

The current level of improvements was authorized by Jackson County conditional use permit (*See*, Applicant's Exhibit 14) which imposed conditions to mitigate impacts to neighbors. The parking lot was required to be paved and kept in dust-free condition, landscaping to be installed as per the approved landscape plan (*See*, Applicant's Exhibit 13), outdoor court lighting had to be removed (and was), permission to construct pedestrian gates between adjacent owners (then all rural residential) was to be granted (none were ever requested or built by neighbors, however), and club users were to be notified to have consideration for tennis balls accidentally hit onto adjacent properties – and are requested to retrieve such balls. No outdoor court or outdoor pool area lighting is proposed now, and Applicant stipulates to accept similar conditions as it now operates under the county issued conditional permit. With regard to providing permission to neighboring property owners to construct gates, the condition was imposed when there were just a few large rural residential and EFU zoned parcels adjoining the club. Applicant proposes that the condition be modified to require coordination with the owners of the adjoining large parcels to the east and south (currently owned by the Hutchins family) to provide appropriate pedestrian access points as redevelopment plans for those properties are prepared in the future.

The Public Works Department, in comments provided during the pre-application conference, recommended that a sidewalk connection and public pedestrian easement be provided to the northeast corner of the property for a future pedestrian access connection from Wingate Street to the facility. Applicant notes that no pedestrian access easement or dedication of pedestrian access way was required by the City when that subdivision (Summerfield, Phase 13) was approved and it is unlikely that the owners of the intervening lots would agree to dedicate pedestrian access over their residential lots now. If such an access existed there, traffic would likely be increased through the cul-de-sac street as residents in the larger surrounding neighborhood realize that a shortcut exists to drop off their kids. The adverse impacts to the cul-de-sac residents would be increased traffic where the same was not expected, potential for trespass, and loss of on-street parking area that is already very limited given the cul-de-sac configuration. It would be better, as Applicant proposes, to coordinate for a well-planned access with owners of the remaining larger parcels that have not yet be subdivided or urbanized as redevelopment plans move forward.

"F"



VI

STIPULATIONS AND APPLICANTS REQUESTS

Applicant herewith offers the below stipulations to which Applicant agrees to adhere to if the same are made conditions attached to approval of the subject land use applications.

- Stipulation 1.** Applicant will construct the planned improvements in accordance with the submitted redevelopment plans, except as the same have been modified by conditions imposed by the City of Medford.
- Stipulation 2.** No outdoor court or outdoor pool lighting.
- Stipulation 3.** Club users are to be notified to have consideration for play balls accidentally hit onto adjacent properties – and will be requested to retrieve such balls.
- Stipulation 4.** Final detailed building, site development and landscape plans consistent with the CUP conceptual plans will be submitted for Planning Department review and approval for standards and CUP conditions compliance.
- Stipulation 5.** Signs will be sought under separate permit and all signs proposed in the future shall comply with the City of Medford sign regulations as set forth in the MLDC, and may not advertise any accessory commercial uses.

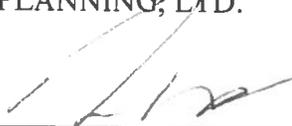
VII

ULTIMATE CONCLUSIONS

Based upon the foregoing, it is concludes that the relevant substantive criteria for conditional use permits in MLDC 10.248 have been satisfied. Accordingly, it is concluded that the application for conditional use permit can be, and the same hereby is, **approved** and made subject to the conditions enumerated in Planning Commission Report on this matter which is a part of the record of this proceeding.

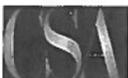
Respectfully submitted on behalf of applicant,

CSA PLANNING, LTD.



Raul Woerner
Consulting Urban Planner

Dated: May 29, 2018



"F"

APPLICANT'S EXHIBIT 2

DEMONSTRATION OF COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

Medford Land Development Code ("MLDC"). The relevant approval standards are recited verbatim below.

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ARTICLE 3- ZONING DISTRICTS

10.309 SFR-4, Single-Family Residential - 4 dwelling units per gross acre

This urban residential district is representative of historical low density, large lot single-family development. New SFR-4 zoning should be located in areas where slopes exceed five percent (5%), but are less than fifteen percent (15%) to prevent excessive grading .

In SFR-4, the maximum number of dwelling units (DU) permitted per gross acre, or fraction thereof, shall fall within the following range:

Minimum and Maximum Density Factor (df) 2.5 to 4.0 DU/gross acre.

10.314 Permitted Uses in Residential Land Use Classification

The following table sets forth the uses allowed within the residential land use classification by zoning district. Uses not identified herein are not allowed.

PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS		SFR 4	Special Use or other code section
6. NONRESIDENTIAL SPECIAL USES			
(d)	Community Services Facilities (Parks, Recreation, etc.)	Cs	10.817

"C" = Conditional Use; permitted subject to approval of a Conditional Use Permit.

"s" = Special Use

Compliance with Standards: The proposed recreational club use is allowed as a conditional use in the SFR-4 zone.

ARTICLE 4- PUBLIC IMPROVEMENTS STANDARDS AND CRITERIA

10.428 Higher-Order Street Classification System

All higher-order (major) streets within the City are classified in one of the following categories:

(1) Major Arterial. A higher-order street that carries heavy traffic volumes to and from collectors and other arterials, with most being traffic traveling through the urban area. Access is the most limited of any City street. The major arterial cross-section includes two (2) travel lanes and a six-foot (6') wide bicycle lane in each direction, with a fourteen-foot (14') raised median or left turn lane, sidewalks, and planter strips. The width of the planter strip is measured from the face of curb to the front edge of the sidewalk. In the downtown or in other transit-oriented districts, street designs, including sidewalk width, planter strip use, and lane widths and numbers, may be adjusted through an adopted plan or code standards to create a "main-street" like atmosphere.

10.430 (B) Standards Applicable to All Streets

Table IV-1 sets forth general standards for all types of City streets. The application of these standards is set forth above.



Functional Classification	Features/Dimensions (Each Direction)					Left Turn Lane/Median	Total Paved Width	Total Right-of-Way Width
	Travel Lane	Bike Lane	On-Street Parking	Sidewalk	Planter Strip			
Major Arterial	11'&11'	6'	None	5'	10'	14'	70'	100'

Note 1: These street standards apply to new or reconstructed streets under the jurisdiction of and maintained by the City of Medford. Jackson County and ODOT have their own street design standards that are applicable to facilities under the jurisdiction of and maintained by those agencies.

Functional Classification	Features/Dimensions (Each Direction)					Left Turn Lane/Median	Total Paved Width	Total Right-of-Way Width
	Travel Lane	Bike Lane	On-Street Parking	Sidewalk	Planter Strip			
North Phoenix Road	11'&11'	5'	None	5' west side, none east side	None either side	11'	65'	86'

(4) Width. Sidewalks shall be five (5) feet in width except in the C-B district of the city where sidewalks shall be as per Section 10.358 of this code and shall extend from the property line to the curb. Required sidewalk width does not include curb width. All planning, design and construction documents shall clearly state that at least five (5) feet of the sidewalk is to be clear of obstructions such as sign posts, utility and signal poles, mailboxes, parking meters, fire hydrants, trees, and other street furniture.

(5) Alignment. Sidewalks on arterial and major collector streets shall be set back a minimum of ten (10) feet from the back of the face of curb (See the street diagrams for arterial and collector streets above) unless curvilinear as provided below.

Sidewalks on all other streets shall be located a minimum of eight (8) feet from the back of curb unless curvilinear as provided below. If there are existing sidewalks on the same side of the street in the same block, then the sidewalk location shall be determined by the approving authority.

The approving authority may approve curvilinear or meandering sidewalks for aesthetic purposes or for other reasons such as topography or to avoid existing trees. Where approved, such sidewalks shall tie to adjacent property lines in such a manner as to allow standard sidewalk construction on that property.

Compliance with Standards: North Phoenix Road is a major arterial street. The Public Works Department Staff Report provided for the pre-application conferenced (File Number PA-18-027) states:

"All street section improvements have been completed including pavement, curb and gutter, and street lights as part of North Phoenix Improvement Project (P1060D) improvements. However, a 5-foot wide sidewalk with a planter strip will be required along this developments frontage. The sidewalk may be allowed to be placed adjacent to the existing right-of-way but additional information will be needed to determine the exact location."

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MLDC Section 10.431 (Street Improvements) states:

“All new street improvements required as a condition of development shall be improved to the standards set forth in this chapter unless otherwise specified herein or excepted as per Section 10.251, Application for Exception. For purposes of this section, the term new street shall be defined as an unimproved street or existing street which does not have curb and gutter.”

North Phoenix Road along the subject property is not a “new street” for the purposes of MLDC Section 10.431 but rather an existing street with curb and gutter improvements constructed in accordance with the City approved North Phoenix Improvement Project (P1060D). Accordingly, additional street frontage improvements required as a condition of development are not required to be improved to the standards set forth in MLDC Chapter 10.

The existing right-of-way east of center-line along the subject property is 45-feet wide, which is five-feet less than current standard for a major arterial street. Within Phase 1, Applicant proposes to construct a five-foot wide sidewalk within and adjacent to the existing right-of-way line with a 6.5 foot wide planter strip in the remaining area between curb and sidewalk as requested by the Public Works Department except for a slight meander north of the driveway to maintain a clear five-feet between above ground utility fixtures, fire hydrant and street light pole.

As the sidewalk approaches the Phase 2 boundary to the south of the driveway, it will meander to the curb to minimize additional cuts to the existing embankment adjacent to the street along southerly third of the property. The sloped area between the sidewalk and the property line will then be landscaped to provide a positive streetscape edge treatment to include shade trees. The proposed design generally comports to what would be required along new streets and is appropriate to the existing site conditions.



Figure 1. Southern portion of property frontage.

10.550 Access Standards

(1) Driveway Throat Width Standards.

Driveways that connect to a public right-of-way shall be constructed according to the standards in Tables 10.550-1 and 10.550-2. See Figure 10.550-1 for driveway throat, flare and radius definitions.

For the purposes of this section, Minimum Access Easements and Alleys shall be considered driveways.

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Table 10.550-1 - Driveway Throat Widths	
Street Classification	Land Use on Parcel to be served by Driveway
Arterial	COMMERCIAL
Less than 500 ADT***	18 to 24 ft.
500 to 1,000 ADT***	18 to 30 ft.
Greater than 1,000 ADT***	18 to 36 ft.

**Institutional uses shall be considered commercial uses for the purposes of this subsection.*

Compliance with Standards: The existing and proposed land use is a recreational club which is a type of institutional use as defined at MLDC Section 10.012 (includes "...facilities for organizations and clubs...". Accordingly, it is considered a commercial use for the purposes of Table 10.550-1. The driveway as proposed will be 24 feet wide – consistent with the applicable driveway throat width standard.

ARTICLE 5-SITE DEVELOPMENT STANDARDS

10.709 Residential Site Development Standards by Housing Type.

The following sections set forth the standards for the development of each permitted housing type by zoning district.

Compliance with Standards: There are no siting standards established in the referenced sections that relate to non-residential development in residential zoning districts. Specifically, site development standards for Community Service Facilities are not established in sections 10.710 through 10.714. The code's Special Use Regulations (10.811 to 10.838) provide specific setback standards for Community Buildings, Social Halls, Lodges, Fraternal Organizations, and Clubs in an "R" District which are addressed separately below. The Conditional Use Permit approval criteria additionally require a subjective review of the proposed development in relation to impacts on abutting property and the surrounding area. Findings establishing compliance with the conditional use permitting approval criteria are provided in Applicant's Exhibit 1.

10.732 Fencing of Lots

- (1) Fencing located within the front yard setback area of all zones, except the MFR zone, shall not exceed three (3) feet in height when measured from the grade of the street centerline. When within a MFR zone, a fence shall not exceed three (3) feet in height when located within ten (10) feet of a street right-of-way unless otherwise approved by the approving authority. (Effective Dec. 1, 2013.)
- (2) Fencing located in the side or rear yards (when not a through-lot) shall not exceed eight (8) feet in height. Height shall be measured as follows:
 - (a) In required yards abutting a street, it shall be the effective height measured from the finished grade on the side nearest the street.
 - (b) In other required yards, it shall be the total effective height above the finished grade measured on the side nearest the abutting property.
- (3) No fencing shall conflict with the site distance requirements of Section 10.735, Clear View of Intersecting Streets.

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Compliance with Standards: Existing fencing in place on the side and rear yards, which is cyclone fencing less than six feet in height, currently complies with the above standards. Fencing detail will be shown on the final site plan for the Phase 2 Aquatic Center to demonstrate compliance with the above clear and objective fencing standards.

* * * * *

10.743 Off-Street Parking Standards

(1) Vehicle Parking – Minimum and Maximum Standards by Use. The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 10.743-1.

Where a use is not specifically listed in table 10.743-1, parking requirements shall be determined by the Planning Director or designee finding that the use is similar to one of those listed in terms of parking needs.

Parking spaces that count toward the minimum requirement are parking spaces meeting minimum dimensional and access standards in garages, carports, parking lots, bays along driveways, and shared parking areas.

(2) Number of Required Parking Spaces. Off-street vehicle parking spaces shall be provided as follows:

(a) Parking Space Calculation. Parking space ratios are based on spaces per 1,000 square feet of gross floor area, unless otherwise noted.

(b) Parking Categories.

(i) Table 10.743-1 contains parking ratios for minimum required number of parking spaces and maximum permitted number of parking spaces for each land use.

A. Minimum Number of Required Parking Spaces. For each listed land use, the City shall not require more than the minimum number of parking spaces calculated for each use.

B. Maximum Number of Permitted Parking Spaces. The number of parking spaces provided shall not exceed the maximum number of parking spaces allowed for each listed land use.

Table 10.743-1 – City of Medford Minimum and Maximum Parking Standards		
Land Use Category	Minimum Number of Required Parking Spaces	Maximum Permitted Parking Spaces
Recreation	1.0 space per 4.4 patrons at maximum occupancy	1.0 space per 3.5 patrons at maximum occupancy
Recreation, Tennis, Racquetball, or Handball Courts	3.6 spaces per court plus 1.0 space per employee on the largest shift	4.5 spaces per court plus 1.0 space per employee on the largest shift
Recreation, Swimming Facility	1.0 space per 85 square feet of gross water area plus 1.0 space per employee on the largest shift	1.0 space per 65 square feet of gross water area plus 1.0 space per employee on the largest shift

Finding: The existing structure (“The Court House”) houses court sports and recreation uses. There is an existing outdoor pool that will be replaced with the Aquatic Center, which will have both an indoor and outdoor pool. The existing and proposed uses therefore fall under the three land use categories shown above from MLDC Table 10.743-1 for purposes of parking requirements. The below table details the minimum and maximum parking requirements in relation to the proposed development plan:



NORTH PHOENIX RECREATION FACILITY PARKING CALCULATIONS							
<i>Per Table 10.743-1 – City of Medford</i>							
Minimum and Maximum Parking Standards							
PARKING - FULL BUILD-OUT						Required Spaces	
Recreational Use	Area of Use	Minimum Number Parking Spaces	Maximum Permitted Parking Spaces		Patrons	Min Spaces	Max Spaces
Recreation Center	2-story area including Fitness rooms, massage, offices & locker/shower	1.0 space per 4.4 patrons at maximum occupancy.	1.0 space per 3.5 patrons at maximum occupancy.		50	11	14
Recreational Use	Area of Use			# Courts	Employees	Min Spaces	Max Spaces
Recreation, Tennis, Racquetball, or Handball Courts	4 Indoor Basketball courts	3.6 spaces per court plus 1.0 space per employee on the largest shift	4.5 spaces per court plus 1.0 space per employee on the largest shift	4	3	17	21
Recreation, Tennis, Racquetball, or Handball Courts	2 Outdoor courts	3.6 spaces per court plus 1.0 space per employee on the largest shift	4.5 spaces per court plus 1.0 space per employee on the largest shift	2	0	7	9
Recreational Use	Area of Use			Gross Water SF	Employees	Min Spaces	Max Spaces
Future Indoor Swim Facility	Pool	1.0 space per 85 SF of gross water area plus 1.0 space per employee on the largest shift	1.0 space per 65 SF of gross water area plus 1.0 space per employee on the largest shift	6,000	3	74	95
Future Outdoor Swim Facility	Pool	1.0 space per 85 SF of gross water area plus 1.0 space per employee on the largest shift	1.0 space per 65 SF of gross water area plus 1.0 space per employee on the largest shift	5,000	3	62	80
TOTAL SPACES						171	220
-5% Locker/Shower space reduction						-9	-11
-5% Double Covered Bicycle space reduction						-9	-11
REDUCED SPACES REQ'D.						154	198

(3) Exceptions to Required Off-Street Parking for Non-Residential Uses. The approving authority may allow exceptions to the number of parking spaces in Table 10.743-1 for specific uses without complying with Section 10.251 if they find that the applicant's detailed description of the proposed use demonstrates that the number of needed parking spaces is less than the minimum required or more than the maximum allowable based upon one or both of the following (effective Dec. 1, 2013):

- (a) An explanation why the characteristics of the proposed use require a different off-street parking standard than what is otherwise required.
- (b) An analysis providing parking data for the same business or a similar use within the city that demonstrates a need for a different off-street parking standard than what is otherwise required.

Compliance with Standards: The proposed parking plan includes 157 spaces, which meets the minimum required by Table 10.743-1 standards. A total of 110 spaces will be available under Phase 1 which includes 42 existing spaces and 68 new spaces. Phase 2 will add 37 new spaces with the indoor pool and another ten spaces will be constructed as part of Phase 3 with the outdoor pool.

(4) Reductions in Required Parking Spaces.

The total number of required motor vehicle parking spaces for an existing or new industrial, commercial, or office development may be reduced by five percent (5%) for each of the activities listed below that are provided by the owners or operators in perpetuity, up to a maximum of ten percent (10%) reduction in the total number of motor vehicle spaces required per development.



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APPLICANT'S EXHIBIT

Demonstration of Compliance with Applicable Development Standards

Conditional Use Permit

North Phoenix Property Holding LLC

- (a) Providing showers and lockers for employees who commute by bicycle or foot;
- (b) Providing twice as many covered, secured bicycle parking spaces as required by this code;
- (c) Providing a public plaza as defined herein adjacent to a transit route with transit service currently available, which is within one quarter (¼) mile of a major transit stop on that route. If there is a bus stop along the site's frontage, the plaza must be adjacent to the bus stop. The plaza must be open to the public, and at least 300 square feet in size exclusive of connecting walkways.
- (d) Providing a transit shelter with landscaping, and trash receptacle;
- (e) Other incentives provided in an approved Transportation Demand Management Plan (TDM) approved by the Approving Authority.

Compliance with Standards: The proposed development plan provides (a) showers and lockers for employees to qualify for a 5% reduction in the required number of spaces. For Phase 2, double the minimum amount the number of secured bicycle parking spaces required will be provided across the site under option (c). Based on this, the total number of required parking may be reduced by another 5%, for a 10% overall reduction. The reduction is included in the parking tabulations above.

(5) Two-Wheeled Vehicle Parking.

When over twenty (20) spaces are required, a maximum of five percent (5%) of the required parking may be two-wheeled vehicle spaces (e.g. motorcycle/moped/scooter). Each two-wheeled vehicle space must be at least four (4) feet wide and eight (8) feet deep. The two-wheeled vehicle spaces shall be clearly designated by a sign posted or be marked on the pavement within the two-wheeled parking area. Two-wheeled spaces shall be grouped together in designated areas and need not be individually striped. Two-wheeled parking shall be closer to the building than fifty percent (50%) of the vehicle spaces.

Compliance with Standards: No two-wheeled spaces are proposed at this time.

10.745 Location of Parking Facilities

All parking spaces shall be on the same lot as the main structure it serves or on an abutting lot. However, upon demonstration by the applicant that parking on the same lot or abutting lot is not available, the approving authority may authorize the parking spaces to be on any lot within 250 feet walking distance of the structure being served upon written findings of compliance with the following provisions:

- (1) There is a safe, direct, attractive, lighted and convenient pedestrian route between the parking area and the use being served;
- (2) There is assurance in the form of deed, lease, contract or other similarly recorded document that the required spaces will continue to be available for off-street parking use according to the required standards.

Compliance with Standards: All proposed parking spaces are located on the same parcel and can be accessed safely.

10.746 General Design Requirements for Parking

(3) Parking Area Planters.

It is the purpose of this subsection to create shade and visual relief for large expanses of parking.

- a. Parking areas exceeding 24 parking spaces shall contain areas of interior landscaping, such as planter islands or planter projections into the parking area, which comply with the planting schedule provided in Subsection 10.746 (3)f. and Section 10.780, Landscape and Irrigation Requirements, and as approved by the approving authority.
- b. Planters shall be dispersed throughout the parking area and contain, at minimum, the landscaping area square footage specified in the Planting schedule of Subsection 10.746 (3)f. Square footage of each parking area planter may vary; however, each parking area planter shall meet the soil volume requirements of Subsection 10.780 G(10)a.
- c. Prior to installing plant materials in parking area planters, the developer shall remove detrimental construction materials and prepare the soil within the planters in accordance with Subsection 10.780 G(9). If structural



soils are necessary, areas under planned impervious surfaces surrounding planters, shall be prepared in accordance with Subsection 10.780 G(10)(a).

- d. So as to not obstruct driver vision, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of three (3) feet and eight (8) feet above the top of the curb. The property owner shall maintain shrub and tree growth in planter areas to ensure shrubs are kept lower than three (3) feet and tree canopies are maintained above eight (8) feet.
- e. Trees planted in parking area planters shall have a moderate to broad spreading canopy.

Compliance with Standards: The proposed number of parking spaces exceeds 24, therefore subsection (3) applies. Parking planters have been dispersed throughout the parking area. Existing mature trees will be retained where possible. Plant materials have been selected that can be maintained so that they do not obstruct driver vision. The trees proposed for the parking area planter have moderate to broad spreading canopies. Project complies.

- f. The minimum landscaped area within parking area planters and number of required plants per 24 spaces is as follows:

Parking Area Planters Planting Schedule		
Zoning District	Plants/ per 24 Spaces Trees / Shrubs	Sq. Ft./ per 24 Spaces
MFR Zones, Commercial Zones	3 6	500

Compliance with Standards: While the project is not in a MFR or Commercial zone, as Section (3) above applies, the proposed site improvements are designed in accordance with the commercial/multi-family development materials and landscape square footage standards.

- (4) Irrigation Systems. All landscaped areas shall be irrigated with a permanent irrigation system unless a licensed landscape architect submits written verification that the proposed plant materials do not require irrigation

Compliance with Standards: All landscaped areas will be irrigated with a permanent irrigation system.

- (9) Screening. Where parking, vehicle maneuvering, or loading areas abut a public street, there shall be provided a minimum ten (10) foot wide landscaping buffer.

Compliance with Standards: A 10-foot wide landscaping buffer is provided where parking areas and drive aisles abut North Phoenix Road, in compliance with the standard.

- (8) Accessible Parking Space Requirements. The following rates and design regulations are derived from ORS 447.233.

- (a) The number of accessible parking spaces shall be provided at these rates:

Total Parking In Lot	Required Minimum Number of Accessible Spaces	Required Minimum Number of Van-Accessible Spaces	Required Minimum Number of Spaces marked "Wheelchair User Only"
151 – 200	6	-	1



APPLICANT'S EXHIBIT 3

Demonstration of Compliance with Applicable Development Standards
Conditional Use Permit
North Phoenix Property Holding LLC

Compliance with Standards: The number of required accessible spaces is based on the 157 total number of proposed auto parking spaces. Therefore, six (6) accessible spaces will be provided as per this requirement. One space will be marked "Wheelchair User Only".

(15) Connect Parking Areas. Parking areas with access to arterial or collector streets shall be so designed as to connect with existing or future parking areas on adjacent sites thereby eliminating the necessity of utilizing the arterial or collector street for cross movements.

Compliance with Standards: The property to the south of the subject property, which is adjacent to the parking lot, is zoned Residential SFR-00 and designated UH. A single family home has been constructed near the common property line such that no future parking lot in that location is reasonably anticipated. The parcel to the east is also zoned SFR-00 and designated UH. The Phase 3 parking area is designed so as to accommodate a future connection should a parking area be developed in the future to the east. Until such time as that property is rezoned and developed in such a manner, the intervening yard area will be landscaped and maintained as a buffer to the existing single-family zone and home on that property.

(16) Parking Space Minimum Dimension Standards.

<u>Parking Angle</u>	<u>Space Width</u>	<u>Space Length</u>	<u>Aisle Width (1-way)</u>	<u>Aisle Width (2-way)</u>
90 deg.	9'0"	19'0"	24'0"	24'0"

Compliance with Standards: All parking spaces within the proposed parking areas are at a 90 degree angle and all comply with the above standards. See Exhibit 6.

(17) Compact Cars. A maximum of twenty (20) percent of the total required parking may be improved as compact parking spaces. All compact parking spaces must be identified for compact parking only. Compact parking space shall have the following minimum dimensions: 9 feet wide by 16 feet long

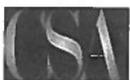
Compliance with Standards: No compact spaces are currently proposed.

(18) Parking Encroachment. Vehicle encroachment and a reduction in the length of a standard parking space by two feet is permitted when adjacent to a seven-foot pedestrian walkway. Vehicle encroachment and a reduction in the length of a standard parking space by two feet is permitted into a required landscape yard if an additional two feet of landscape yard is provided. No vehicle encroachment is permitted into a bufferyard area.

Compliance with Standards: All standard spaces within the proposed parking area that abut landscaped islands are planned to encroach two feet onto the adjacent walkway or landscape planter, in effect reducing the paved length of the space to 17 feet. Where parking spaces abut walkways the walkways are to be 7 feet in depth with 17 foot deep parking spaces that overhang by 2 feet per above section.

10.747 General Provisions, Bicycle Parking

The bicycle parking and storage provisions are intended to provide bicycle parking facilities to accommodate bicycle travel and encourage additional bicycle trips. Bicycle parking facilities shall be either lockable enclosures in which the bicycle is stored or stationary racks which accommodate bicyclist's locks securing the frame and both wheels. Bicycle racks or lockers shall be securely anchored to the surface or to a structure. If 10 or more bicycle parking spaces are required, then at least 50% of the bicycle parking spaces shall be covered. For the purposes of this section, covered parking may include placement underneath an awning, eave or other overhang or other facility as determined by the approving authority that protects the bicycle from direct exposure to the elements. Bicycle parking shall be separated



from motor vehicle parking and maneuvering areas by a barrier or sufficient distance to prevent damage to parked bicycles.

10.748 Bicycle Parking Standards

Bicycle parking spaces shall be provided in accordance with the following:

Commercial: 10% of the number of spaces provided for automobiles, to be calculated by rounding up to the nearest whole number.

Compliance with Standards: The proposed development plan includes 157 automobile parking spaces. Bicycle parking equivalent to the commercial standard is proposed. Commercial projects require bike spaces equal 10% of the number of parking spaces, which calculates to be 15.7 ~ 16 spaces, 8 of which must be covered and secured. In order to receive the 5% parking space reduction, Applicant agrees to provide double the number of secured, covered bike parking spaces. Since the standard requires that 8 of the required spaces be covered and secured, that number is doubled such that 16 covered and secured spaces will be provided.

10.749 Location of Bicycle Parking Facilities

Required bicycle parking facilities shall be located on-site in well lighted, secure locations within 50 feet of well-used entrances and not farther from the entrance than the closest automobile parking space. Bicycle parking shall have direct access to both the public right-of-way and to a main entrance of the principal use. Bicycle parking may also be provided inside a building in suitable, secure and accessible locations. Bicycle parking for multiple uses (such as in a commercial center) may be clustered in one or several locations

Compliance with Standards: The plan proposes to provide 16 indoor spaces within the Court House facility, which is the principal building.

* * * * *

10.773 Pedestrian Walkway Connections and Routing

A pedestrian walkway shall be provided:

- (1) To each street abutting the property, and for every 300 feet of street frontage not including limited access freeways.
- (2) To connect with walkways, sidewalks, bikepaths, and other bicycle or pedestrian connections on adjacent properties.
- (3) To connect building entrances to one another, to existing or planned transit stops and to connect the pedestrian circulation system to other areas of the site such as parking lots, children's play areas, required outdoor areas and any pedestrian amenities such as plazas, resting areas and viewpoints.

Compliance with Standards: Walkways on proposed site plan meet the above standards. Walkways are provided from building to building and from the buildings to the street.

* * * * *

10.781 Concealment of Trash Receptacles

Trash receptacles shall be kept in enclosures made of solid wood, metal, brick, or masonry block which conceal them from view. Access doors shall be made of solid wood or metal. When possible, enclosures should be incorporated into the building (i.e., wing walls, alcoves). If free standing, the enclosures shall be constructed of materials which are compatible with other structures on the site. Chain link fencing, with or without slats, for this purpose is prohibited.

Compliance with Standards: A concrete block trash enclosure with solid wood doors is located at the eastern end of the parking lot adjacent to the Court House building.

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10.817 Community Buildings, Social Halls, Lodges, Fraternal Organizations, and Clubs in an "R" District

- (1) All buildings shall be set back a minimum of thirty (30) feet from the side and rear property lines. All setbacks shall be landscaped as required to buffer adjacent properties.
- (2) There shall be no external signage, advertising or other evidence of any incidental commercial activities taking place within the building.
- (3) All such uses, except Public Parks Recreation and Leisure Facilities and Services and appurtenant buildings and structures, shall be located on an arterial or collector street and be able to provide access without causing traffic congestion on local residential streets, and any such use shall prove that there will be no harm to adjacent existing or potential residential development due to excessive traffic generation, noise, or other circumstances.

Compliance with Standards: The development plan for new Aquatic Center building complies with the required 30-foot setback and landscaping standard. No signage for incidental commercial activities is proposed or allowed per subsection (2) above. The subject property is located on an arterial street with a median turn refuge existing to provide for safe access. There are no local residential streets available to access the property. Accordingly, traffic generation will not be generated through existing or potential residential development. A recreational club use with outdoor courts and pool has existed at this location for forty years. The addition of an indoor pool facility and parking improvements are to the south side of the property where the adjacent homes are not directly adjacent to the property lines. Potential residential development, given the UH GLUP Map designation, will likely be high-density residential or institutional use may occur in a multi-family zoning district. The proposed use provides for recreational activities that will be positive and complementary to such development.

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-  Subject
-  Tax Lots
-  Medford Zoning

2016 Aerial

Zoning Map

North Phoenix Property Holdings
 CUP
 37-1W-27 Tax Lot 701



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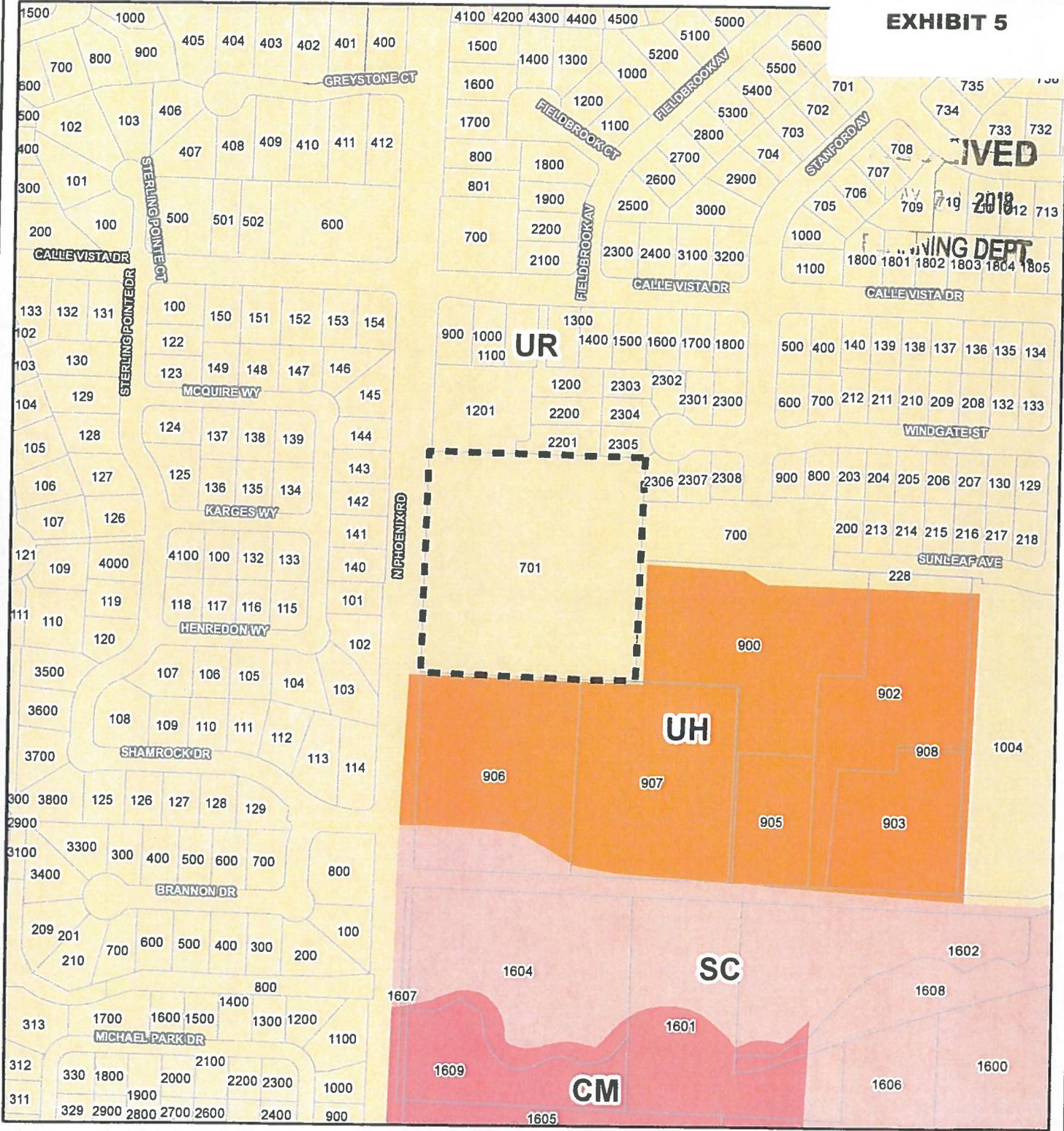
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CITY OF MEDFORD

EXHIBIT #

File # CUP-18-076

"F" 2/1/54



 Subject	 GLUP
 Tax Lots	 CM
	 SC
	 UH
	 UR

General Land Use Plan Map

North Phoenix Property Holdings
 CUP
 37-1W-27 tax lot 701

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 EXHIBIT # **F 22/54**
 File # **CUP-18-076**

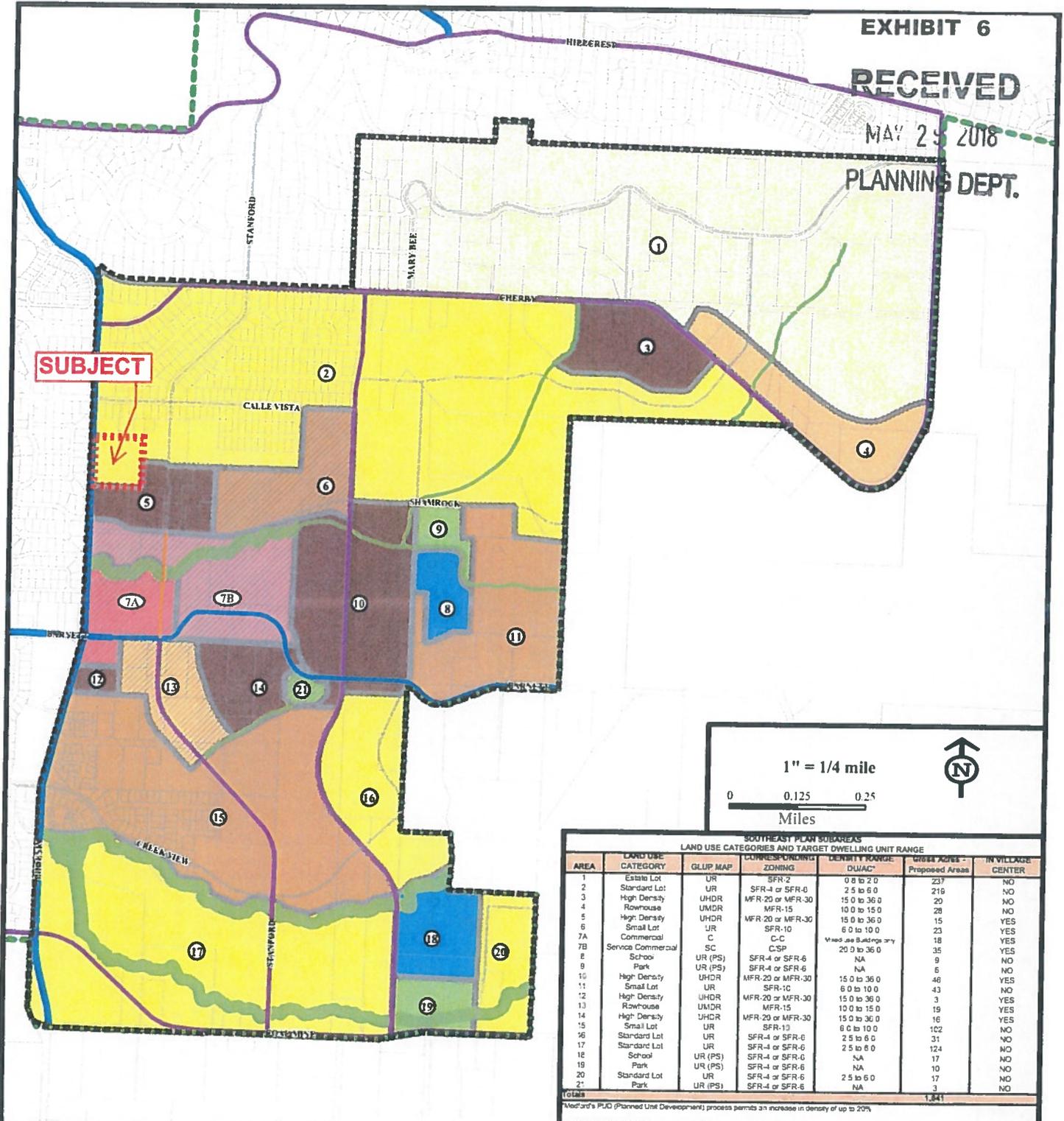


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PLANNING DEPT.



SOUTHEAST PLAN SUBAREAS
LAND USE CATEGORIES AND TARGET DWELLING UNIT RANGE

AREA	LAND USE CATEGORY	GLUP MAP	CORRESPONDING ZONING	DENSITY RANGE DU/AC*	GROSS ACRES - Proposed Areas	IN VILLAGE CENTER
1	Estate Lot	UR	SFR-2	0.8 to 2.0	237	NO
2	Standard Lot	UR	SFR-4 or SFR-6	2.5 to 6.0	219	NO
3	High Density	UHDR	MFR-20 or MFR-30	15.0 to 36.0	20	NO
4	Rowhouse	UMDR	MFR-15	10.0 to 15.0	28	NO
5	High Density	UHDR	MFR-20 or MFR-30	15.0 to 36.0	15	YES
6	Small Lot	UR	SFR-10	6.0 to 10.0	23	YES
7A	Commercial	C	C-C	Use as Buildings only	18	YES
7B	Service Commercial	SC	C-SP	20.0 to 36.0	35	YES
8	School	UR (PS)	SFR-4 or SFR-6	NA	9	NO
9	Park	UR (PS)	SFR-4 or SFR-6	NA	5	NO
10	High Density	UHDR	MFR-20 or MFR-30	15.0 to 36.0	46	YES
11	Small Lot	UR	SFR-10	6.0 to 10.0	43	NO
12	High Density	UHDR	MFR-20 or MFR-30	15.0 to 36.0	3	YES
13	Rowhouse	UMDR	MFR-15	10.0 to 15.0	19	YES
14	High Density	UHDR	MFR-20 or MFR-30	15.0 to 36.0	16	YES
15	Small Lot	UR	SFR-10	6.0 to 10.0	102	NO
16	Standard Lot	UR	SFR-4 or SFR-6	2.5 to 6.0	31	NO
17	Standard Lot	UR	SFR-4 or SFR-6	2.5 to 6.0	124	NO
18	School	UR (PS)	SFR-4 or SFR-6	NA	17	NO
19	Park	UR (PS)	SFR-4 or SFR-6	NA	10	NO
20	Standard Lot	UR	SFR-4 or SFR-6	2.5 to 6.0	17	NO
21	Park	UR (PS)	SFR-4 or SFR-6	NA	3	NO
Totals					1,341	

*Medford's PUD (Planned Unit Development) process permits an increase in density of up to 20%
CITY OF MEDFORD PLANNING DEPARTMENT Blue SE Plan Table - Density SubAreas

**ADOPTED March 7, 2013
ORDINANCE #2013-42**

No guarantee or warranty is expressed or implied in terms of data accuracy or legitimacy. This product is intended for use as public information and precise interpretations of the official record should be solicited from the Medford Planning Department.

SOUTHEAST PLAN MAP

- UGB
- SE Plan Boundary
- Village Center TOD
- Existing Taxlots
- Greenway
- Major Arterial
- Minor Arterial
- Major Collector
- Minor Collector
- Commercial Street
- Standard Residential
- Estate Lot
- Standard Lot
- Small Lot
- Row House
- High Density
- Commercial
- Service Commercial
- Schools
- Parks

CITY OF MEDFORD

EXHIBIT # F-2454

File # CUP-18-076

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PLANNING DEPT.



 Photo Location & Direction

 Subject

2016 Aerial

Site Photograph Key Map

Conditional Use Permit
North Phoenix Property Holdings
37-1W-27 Tax Lot 701



CSA Planning LTD

150 75 0 150 Feet



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EXHIBIT #



1 Front elevation of existing Court House building



2 Various utilities are present in the northern half of North Phoenix Road frontage



3 Entry drive from North Phoenix Road



4 Southern half of North Phoenix Road frontage

Legend

2 Photo ID Number

Site Photos

Conditional Use Permit
 North Phoenix Property Holdings
 37-1W-27 Tax lot 701

 Planning, Ltd

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 May 2018



5 Looking north toward subject property's southern boundary from neighboring property.



6 Looking west toward eastern boundary from terminus of Sunleaf Avenue



7 View of eastern boundary from terminus of Stanford Avenue



8 View of NE corner from Windgate Court

Legend

2 Photo ID Number

Site Photos

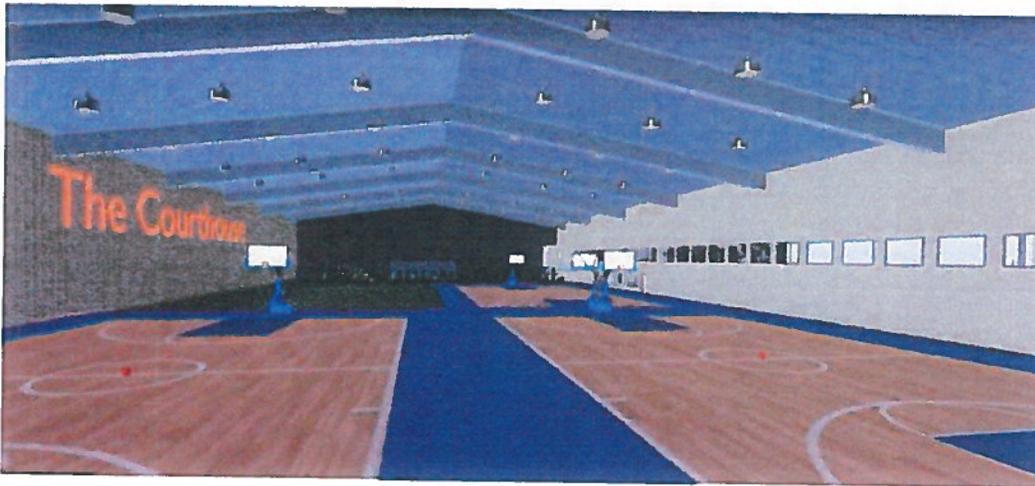
Conditional Use Permit
 North Phoenix Property Holdings
 37-1W-27 Tax lot 701

 CSA Planning, Ltd

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 May 2018



SITE PERSPECTIVE - The Court House is at the top left and the Aquatic Center in the middle right

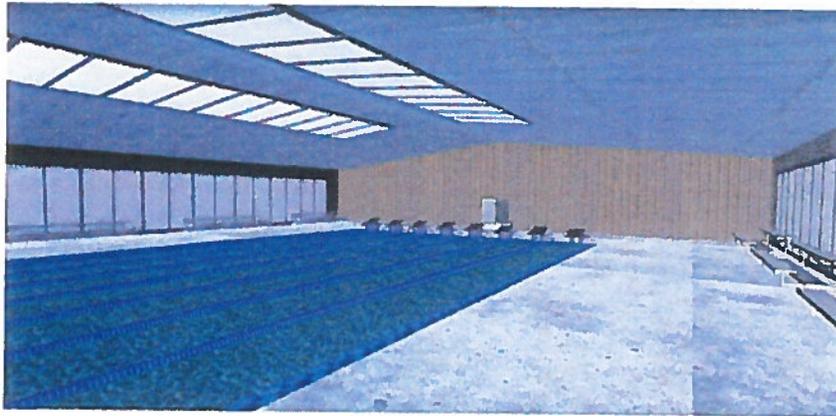


COURT HOUSE CENTER INTERIOR

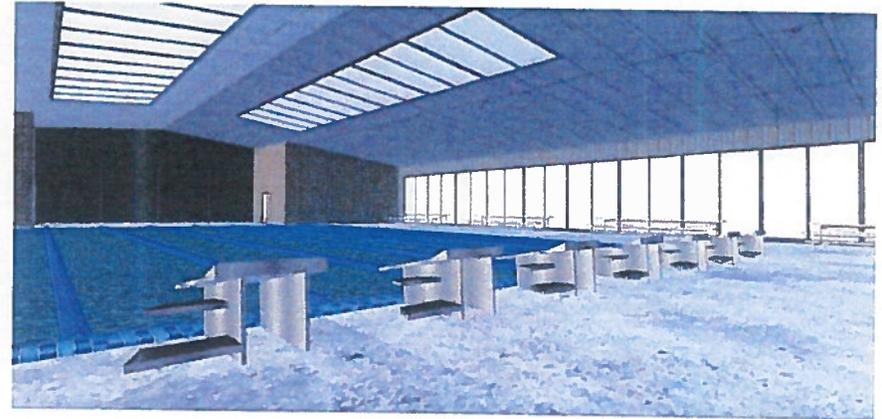
CONCEPTUAL RENDERINGS
Virtual Tour Still Frames

COURT HOUSE PROJECT
703 N. PHOENIX RD
MESA, AZ 85202
NORTH PHOENIX
PROPERTY HOLDING, LLC

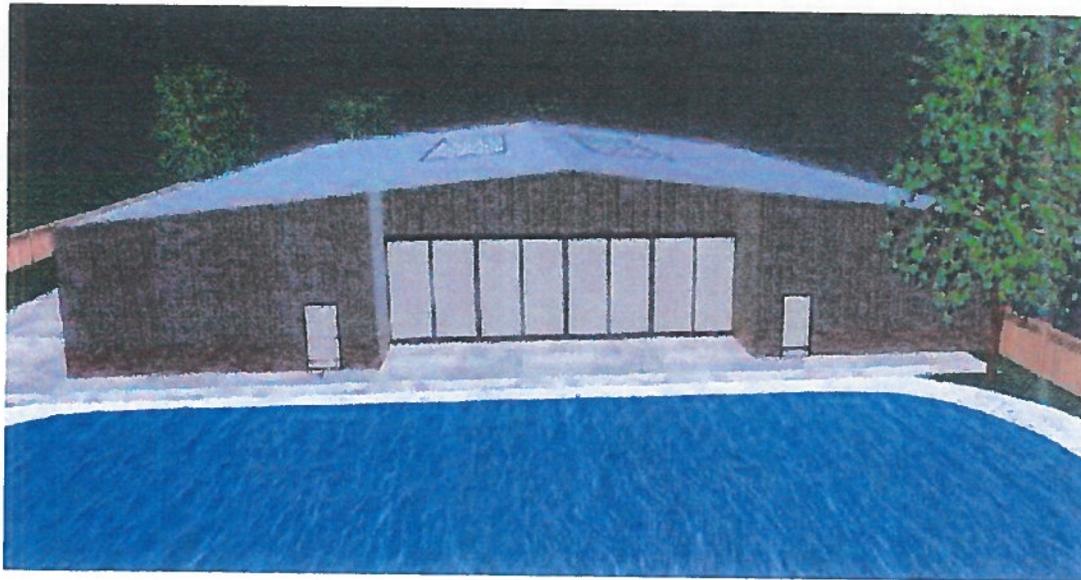
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AQUATIC CENTER INTERIOR 1



AQUATIC CENTER INTERIOR 2



AQUATIC CENTER EXTERIOR - EAST END WITH OUTDOOR POOL

CONCEPTUAL RENDERINGS
Virtual Tour Still Frames

AQUATIC CENTER PROJECT
708 N. PHOENIX RD
MESA, AZ, 85202
NORTH PHOENIX
PROPERTY HOLDING, LLC

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City of Medford

EXHIBIT 15

Planning Department

Working with the community to shape a vibrant and exceptional city

Jay Harland
CSA Planning, Ltd.
4497 Brownridge, Suite 101
Medford, Oregon
97504

November 7, 2017

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MAY 29 2018

PLANNING DEPT.

RE: Subject Site

Dear Mr. Harland:

This letter has been written in response to your request for zoning verification for property located at 709 North Phoenix Road and commonly known as the "Rogue Valley Swim and Tennis Club".

Your inquiry posed four separate but related questions, each of which is reproduced below (*italics*) and answered in kind.

1. *If ABK purchases the site, can the proposed ABK use described above operate as a conditional use under the CUP that was originally issued by Jackson County?*

Yes. Based on a review of the file you provided this office and your description of the proposed use, we conclude that the current use was legally established through County land use permitting processes with the knowledge of and comment from the City. The proposed modification of the current as described by you in your letter would not, based on your representation, significantly change that use in a manner that would require a land use permit. Other alterations may, as you note, require formal modification of the Conditional Use Permit and we encourage your client to consult with this department.

2. *If the Community Services Facility use ceases for a period of time, can it be restarted?*

Yes. This question turns on our determination whether or not the current use should be treated as "legally non-conforming" or simply as a use that is legally permitted under the City's Land Development Code. Given the history of the CUP granted by Jackson County under its land use rules in and around 1990, which included consultation with the City, and the way this use is treated through the City's current Land Development Code, we consider the current use to be legally permitted. Again, a significant alteration to operations and/or physical alteration of the premises may require further land use approvals in the future.

Recipient
Re: Subject
File no. (if appropriate)
Date

3. *If the building were destroyed by fire can it be reconstructed?*

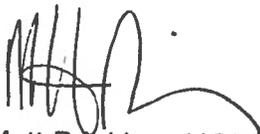
Yes. As discussed in above, we consider the current use to be legally permitted and would be treated as such in the event physical reconstruction of the premises became necessary. While the use is legally entitled, the building and site may not conform to current site development standards. Reconstruction of the building itself would be assessed using current building code requirements, and the building would need to meet current site design standards if the building were damaged such that its value fell below the threshold you identified.

4. *Is the use subject to any conditions of approval?*

Yes. Just as the City will honor the regulatory entitlements conferred by the CUP issued by Jackson County, so too does it affirm its expectation that the conditions of approval of that CUP will be honored by the holder of the permit (your client) except compliance with those conditions would conflict with the provisions of the City's current land use development code. A cursory review of the conditions of approval suggests that many, if not all, of the conditions have been satisfied. Our staff will examine this matter further and alert you and your client to any outstanding conditions that require action.

Should you have any further questions, please do not hesitate to contact me.

Sincerely,



Matt Brinkley, AICP CFM
Planning Director
City of Medford

cc: general file

enc: invoice for planning services



CSA Planning, Ltd

4497 Brownridge, Suite 101
Medford, OR 97504

Telephone 541.779.0569
Fax 541.779.0114

Jay@CSAplanning.net

October 20, 2017

Matt Brinkley, Medford Planning Director
200 South Ivy Street, Room 240
City of Medford
Medford, OR 97501

RE: Zoning Verification Request

Dear Mr. Brinkley:

CSA represents Athletic Edge Swim and Court Club which is an assumed business name for America's Best Kids, Inc. Athletic Edge Swim and Court Club (henceforth "ABK") has a contract to purchase the property located at 709 North Phoenix Road. The site is the longstanding location of the Rogue Valley Swim and Tennis Club (henceforth "RVSTC"). The Athletic Edge Swim and Court Club requested, and the City issued, a business license for the proposed use at the site, see License Number 18-00003926. The company is in the process of securing financing and the lender is requiring zoning verification that the proposed use can proceed under the CUP issued by the county prior to annexation. This zoning verification is the purpose of this letter. The lending institution has requested answers to several questions from the Planning Department. This letter provides background on the issues and sets forth zoning verifications we seek on each issue.

NATURE OF THE PROPOSED ABK USE:

ABK proposes to do some interior remodeling and updating of the existing building. The nature of the court use will transition from tennis court dominated to more basketball and multi-use courts. Accessory fitness use space is proposed to be modernized through the interior remodel. The existing building configuration includes space for related accessory uses that are typical for uses of this nature. Updates to these accessory spaces are intended to occur as part of the interior updating and remodeling. Accessory uses are expected to include small retail/snack area, small offices, training room space and locker rooms. The existing site has a pool and outdoor tennis courts and parking lot; no changes to these site components are proposed at this time and under the zoning verification sought herein¹.

BACKGROUND

The property is estimated to be 5.08 acres and is identified as T37S R1W Section 27 Tax Lot 701 by the Assessor's office of Jackson County. The property is part of Area 2 of the Southeast Plan. Area 2 is designated for Standard Lots under the SFR-4 or SFR-6 zoning. The subject property is zoned SFR-4.

According to the Medford Land Development Code (MLDC), Community Services Facilities are allowed as conditional uses in the SFR-4 zone. This is a defined term in the MLDC, as follows:

¹ ABK is aware that future changes to these exterior components may require future land use approvals.

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Community services facilities. Facilities providing public or private community services, such as meeting halls, telecommuting centers, playgrounds, golf courses, indoor recycling collection facilities, tennis or swimming clubs, adult day care, private or public recreational facilities, or similar uses.

CSA believes the City can verify the proposed ABK uses are appropriately considered a Community Services Facility under the MLDC definition. This is consistent with the business license issued by the City to occupy the space as a continuation of the conditionally permitted use, pursuant to MLDC 10.008. It is also consistent with the City's use determination for the Santo Center gymnasium addition which is similar to the proposed use.

The site has a CUP for the previous RVSTC use, see attached County planning files No. 90-19-CUP and No. 90-19-CUP-1 (amendment that made minor changes to the originally approved CUP). That CUP was issued by the County but with knowledge of the land use approval by the City of Medford Planning Director. The property was annexed shortly thereafter by the City with the existing CUP authorization in place. The building was constructed and the use was initiated.

LENDING INSTITUTION ZONING ISSUES:

The below zoning issues are those that the lending institution seeks to have the Planning Director confirm by the zoning verification requested herein. Each issue or question is followed by a brief discussion that represents our firm's evaluation of the matter to-date.

- *If ABK purchases the site, can the proposed ABK use described above operate as a conditional use under the CUP that was originally issued by Jackson County?*

Discussion: If the CUP had been issued by the City of Medford this would be a straightforward question. The proposed modifications to the CUP can be considered minor because they do not exceed any of the thresholds described in (a) through (g) at MLDC 10.250(2) and MLDC 10.008 provides that valid permits extend to successors in interest. This question is only slightly more complicated because of the CUP issuance occurred when the property was under County jurisdiction and subsequent annexation makes it subject to City zoning regulations. Neither the MLDC or the Urban Growth Management Agreement provide explicit language that existing land use permits are impaired in anyway by the annexation. It is certainly possible that a development approved in the County may become a permitted, or conditional, or nonconforming use as a result of annexation. However, the transition in this instance is a horizontal one from a County Conditional Use Permit to a City Conditional Use as a Community Services Facility. Because there is no explicit transitional language to the contrary, the modification thresholds described in Sections (a) through (g) at MLDC 10.250(2) should continue to be the appropriate standard for triggering a new CUP amendment. The proposed use does not exceed those thresholds and the continuation provisions of MLDC 10.008 should allow the use to transfer to the new owner.

- *If the Community Services Facility use ceases for a period of time, can it be restarted?*

Discussion: If the answer to the above CUP continuation question is yes and consistent with the provided discussion, we see nothing in the MLDC that causes an existing valid CUP to expire just because the use is discontinued.

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- *If the building were destroyed by fire can it be reconstructed?*

Discussion: While the use may be considered a conditional use and continued for the reasons described above, the building appears to be nonconforming with respect to setbacks. Community Services Facilities structures are subject to 30-foot setbacks on side and rear property lines, *see* MLDC 10.817(1). The building appears to be less than 30-feet from the north property line. If the existing building was damaged by fire but at least 20% of the value remained, it could be reconstructed in the same place. If less than 20% of the value remained, then reconstruction could occur either as a minor modification to the existing CUP or through a major modification to the CUP.

- *Is the use subject to any conditions of approval?*

Discussion: If the answer to the above CUP continuation question is yes and consistent with the provided discussion, the CUP would be subject to the conditions of approval that applied to the land use decisions in county planning file Nos. 90-19-CUP and the subsequent amendment 90-19-CUP-1.

Because this concerns a real estate transaction, time is of the essence. Please let us know if our office can provide any assistance or additional information to the Planning Department for the requested zoning verification.

Very Truly Yours,

CSA Planning, Ltd.

Jay Harland
President

cc. File

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Memorandum

CSA Planning, Ltd
4497 Brownridge, Suite 101
Medford, OR 97504
Telephone 541.779.0569
Fax 541.779.0114
Raul@CSAplanning.net

To: Liz Conner, Planner II - City of Medford Planning Dept.

Date: May 29, 2018

Subject: CUP 18-076 - Hillside Ordinance Analysis for 709 North Phoenix Road ("The Court House" project)

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MAY 29 2018

PLANNING DEPT.

Ms. Conner:

The 2009 City of Medford Slope Map shows that the subject property contains slopes greater than fifteen percent in the southeast corner of the parcel. That area between the pool house and the tennis courts was graded out when those facilities were constructed in 1969. The natural slope of the land is less than 15 percent. There are other man-made cuts and banks where the property has been terraced previously for the existing improvements beyond the area shown on Medford's 2009 Slope Map. Natural slopes on the subject property ranged from five to seven percent, similar to the surrounding area.

I am enclosing a map with two-foot interval elevation contours showing the 2009 Slope Map Polygon as well as additional man-made terracing where resulting slopes exceed fifteen percent. Applicant's Exhibit 10 already submitted (Conceptual Grading, Drainage and Utility Plan by CEC Engineering) details how these existing man-made grades will be retained or otherwise redeveloped as part of the proposed urban development. Pursuant to MLDC Section 10.930(4), those features shall not be included in the Slope Analysis.

There being no remaining areas with slopes subject to the Hillside Ordinance, it is our understanding that the remainder of the Hillside Ordinance provisions do not apply.

Very truly yours,

CSA Planning, Ltd.

Raul G. Woerner
Principal

RGW/m

cc. File

- enclosures: 1- Map showing 2009 City of Medford Slopes in addition to other man-made slopes greater than 15 percent
- 2- Prior Development Plan for Rogue Valley Swim and Tennis Club Project Approved by Jackson County CUP (shows then-existing site topography)

CITY OF MEDFORD
EXHIBIT # **F 37 of 54**
File # CUP-18-076



YOUR PROFESSIONAL ENGINEERING TEAM SINCE 1957

P 541-772-7115 F 541-779-4079 1120 EAST JACKSON PO BOX 490 MEDFORD OR 97501
EMAIL: info@marquess.com WEB: www.marquess.com

June 5, 2018

Don Berryessa
America's Best Kids
1914 Skypark Drive
Medford, Oregon 97504

**RE: GEOTECHNICAL INVESTIGATION REPORT
709 NORTH PHOENIX ROAD
MEDFORD, OREGON
MAI JOB NO. 18-1045**

Dear Mr. Berryessa:

Introduction

We are pleased to present our geotechnical investigation report for the proposed development of 709 North Phoenix Road in Medford, Oregon. The purpose of this investigation was to determine the prevailing subsurface conditions at the site and develop earthwork and foundation engineering recommendations for the project design. The proposed development is shown on Drawing 1, Site Plan.

The development is expected to be phased and Phase 1 includes constructing asphalt-paved parking areas. Phase 2 is to build a pre-engineered metal building of about 15,000 to 18,000 SF with a slab-on-grade floor. An in-ground pool will be constructed within the building.

Scope

As presented in our proposal dated January 17, 2018, the scope of service for this investigation was to include:

1. Review of available geotechnical information for the site area.
2. Subsurface exploration consisting of six exploratory test pits.
3. Laboratory testing of soil samples obtained from the exploration.
4. Soil and foundation engineering analyses using the field and laboratory data and preparation of a geotechnical investigation report. The report would present findings and recommendations for:

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- a) Site geology, subsurface conditions, and seismic design parameters per code.
- b) Site preparation and grading for the project.
- c) Structure foundation type, minimum dimensions, depths, and allowable bearing values.
- d) Estimated foundation settlements.
- e) Support of concrete slabs-on-grade.
- f) Backfilling and compaction of utility trenches.
- g) Surface and subsurface drainage.
- h) Lateral earth pressures for retaining walls.
- i) Flexible pavement sections for drives and parking spaces.
- j) Any other unusual design or construction condition encountered in the investigation.

This report has been prepared for the specific use of Don Berryessa and his designers in accordance with generally accepted soil and foundation engineering principles and practices. No other warranty, either expressed or implied, is made. In the event that any substantial changes in the nature, design, or locations of the structures are planned, the conclusions and recommendations of this report shall not be considered valid unless such changes are reviewed and the conclusions of this report modified or verified in writing.

It should be recognized that changes in the site conditions may occur with the passage of time due to environmental processes or man-made changes. Furthermore, building code or state of the practice changes may require modifications in the recommendations presented herein. Accordingly, the recommendations of this report should not be relied on beyond a period of three years without being reviewed by a geotechnical engineer.

Method of Investigation

Six exploratory test pits were excavated on February 21, 2018, at the locations shown on Drawing 1. The pits were located by interpolation from the features shown on the drawings provided to us. The logs of the test pits are presented on Drawings 4 and 5. A key describing the soil classification system and soil consistency terms used in this report is presented on Drawing 3.

Samples of the soil materials from the pits were returned to our laboratory for classification and testing. The results of moisture content, Atterberg Limits, percent finer than No. 200 sieve, and free swell tests are shown on the logs. A description of the tests is presented on Laboratory Testing Procedures, Drawing 2.

Site Conditions

A. Surface

The parcel is located on the east side of North Phoenix Road and is presently developed with numerous recreational facilities (a large gymnasium structure, tennis courts, swimming pool,

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poolhouse, and outdoor basketball court) and associated improvements (paved parking areas, retaining walls, sidewalks, and landscaping).

The land slopes uphill to the east from North Phoenix Road. As part of the previous development at the property, there are also numerous cuts and fills at the site.

B. Subsurface

The test pits encountered three layers of earth materials including fill (and landscaping sod/disturbed soils), natural clay soils, and sandstone bedrock.

Fill. These materials also included sod and disturbed soil. Fill was encountered in Pit 3 to a depth of 1.8 feet and the fill consisted of soft sandy clay. At Pits 1, 5, and 6, sod soils consisting of clay and organics were observed to a depth of 6" to 9" deep.

Natural Clay Soils. Medium stiff to stiff, natural sandy clay was encountered in every test pit. The clays extended to depths of 1.8' to as much as 3.3' below existing surface grades. The clays were generally soft and moderately expansive in the upper portion of the deposit and became medium stiff to stiff and very highly expansive in the lower portion of the deposit.

Sandstone Bedrock. Sandstone bedrock was encountered below the natural clay soils. The sandstone was generally highly weathered and firm to hard in excavation characteristics. Excavation refusal was encountered in every test pit at depths varying from 3' to 5' deep below existing grade except at Pit 2. In Test Pits 2, 4, 5, and 6, the upper 6" or so of the bedrock was very deeply weathered to a dense, soil-like material.

The attached logs and related information depict subsurface conditions only at the specific locations shown on Drawing 1 and on the date excavated. Soil conditions at other locations may differ from conditions occurring at these locations. Also the passage of time may result in a change of soil conditions at these locations due to environmental changes.

C. Groundwater

Free groundwater was not encountered in the test pits during excavation. The surface soils at Pits 4 and 5, however, were very mushy and nearly saturated at the time of our field exploration. Fluctuations in the groundwater level at the site may occur, however, because of variations in rainfall, temperature, runoff, irrigation, and other factors not evident at the time our observations were made and reported herein.

Geology and Seismicity

A. Geology

The property lies within the Rogue Valley which is bounded by the Western Cascades physiographic province on the north and east and the Klamath Mountains province to the west

and south. The geological map of the area (Wiley and Smith, 1993, Preliminary Geologic Map of the Medford East and Medford West Quadrangles, Jackson County, Oregon; U.S.G.S. Open-File Report O-93-13) indicates the site is underlain by the Lower Part of the Payne Cliffs Formation of Eocene age.

B. Seismicity

Southern Oregon is in an area of moderate to potentially high seismic activity. As with the entire Oregon coastal belt, the site is in a region that is dominated seismically by the Cascadia Subduction Zone. The subduction zone is formed by the sinking of the offshore Juan de Fuca Plate beneath the onshore North American Plate. Earthquakes are generated within the subducting Juan de Fuca Plate (intraslab), at the frictional contact between the two plates (interface), and within the upper North American Plate (crustal). From a historical perspective, recorded seismicity in the region has been relatively low in comparison to Northern Oregon and Northern California.

The Cascadia Subduction Zone (CSZ) is capable of great earthquakes with Moment Magnitudes (M_w) of 8.5 plus and lies about 110 miles to the west. The potential ground shaking from the CSZ would likely be of greater severity and duration than earthquakes generated from intraslab and crustal faults.

Intraslab earthquakes of M_w 7.0 plus are capable on the seismogenic part of the subducting plate in the CSZ. These earthquakes typically occur at depths of 40 to 60 km.

Crustal earthquakes of up to M_w 6.5 can occur at relatively shallow depths of 25 km or less. Crustal faults typically produce most of the earthquakes in the region. Historically, crustal earthquakes have not exceeded M_w 6.0 and are usually less than M_w 4.5.

All of the above types of earthquakes are considered potential "design earthquakes" by the building code.

C. Faulting

The nearest mapped (Wiley and Smith, 1993) fault lies about 3000 feet northwest of the site. This fault, and all others in the Rogue Valley, offset pre-Quaternary geologic formations and are not considered active or potentially active. The nearest known active fault (fault displaying movement within the last 10,000 years) system is the Sky Lakes Fault Zone that lies about 35 miles east of the site.

A few miles east of the Sky Lakes Fault Zone lies the active Klamath Graben faults. The Klamath Falls earthquakes of 1993 (M_w 5.9, M_w 6.0, and several small aftershocks) occurred on the Klamath Graben faults.

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Geologic and Seismic Hazards Evaluation

A. Design Earthquake

The design earthquake for the project area is based on methodologies in the Code and was determined from on-line U.S.G.S. seismic design maps (2012/2015 IBC). The site has a Maximum Credible Earthquake (MCE) spectral response acceleration at 0.2 seconds for Site Class C of $S_s=0.606g$. The site also has an MCE spectral response acceleration at 1.0 second for Site Class C of $S_1=0.322g$. The MCE peak ground acceleration from the on-line seismic design maps (ASCE 7-10 Standard) is about 0.28g.

Based on the subsurface information and the provisions in the Code, we believe that a Site Class C designation may be assumed for this site.

B. Fault Offset

Based on our review of existing geologic information, we conclude that there are no known active or potentially active faults in the vicinity of the project site. Therefore, the hazard resulting from surface rupture or fault offset is considered low.

C. Shaking

Ground amplification effects at the site are expected to be properly accounted for using the Code seismic design methodology.

Moderate to strong ground shaking could occur at the site as a result of an earthquake in the region. The proposed improvements should be designed and constructed in accordance with current standards of earthquake-resistant construction.

Ground shaking during an earthquake could cause objects within the buildings which are not rigidly attached to the structures to undergo some movements with respect to the structures. The buildings should, therefore, include design measures that minimize such potential movements and also minimize the adverse effects of such movements where they cannot be prevented.

D. Soil Liquefaction

Liquefaction is a phenomenon in which saturated cohesionless soils lose strength during strong shaking and experience horizontal and vertical movements. Soils that are most susceptible to liquefaction are clean, loose, saturated, uniformly graded, fine-grained, clay-free sands that lie within 50 feet of the ground surface.

The natural clay soils and bedrock materials encountered in the test pits are considered to be resistant to liquefaction. As such, we believe the potential for liquefaction at this site is low.

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E. Other Hazards

Due to the firm nature of the subsurface materials, the potential for other hazards such as shaking settlement and lurching are low.

Conclusions and Recommendations

From a soil and foundation engineering standpoint, it is our opinion that the development can be constructed as proposed provided the recommendations contained in this report are incorporated into the design and construction of the project.

Soil Conditions. The proposed building sites are generally covered by a layer of weak and deleterious soil consisting of fill/sod/disturbed soil/expansive clay that varies from about 1.8' thick to as much as 3.3' thick. Sandstone bedrock underlies the weak and deleterious soils. Although groundwater was not specifically observed in the test pits, we believe groundwater in small amounts could be present seasonally at the soil/bedrock contact.

Building Pad Earthwork. In our opinion, the weak and deleterious soils (fill/sod/disturbed soil/expansive clay) should be removed from beneath building pads.

Foundations. Building footings may bear directly on sandstone bedrock or on structural fill bearing on bedrock. Building slabs should bear on a supporting layer of structural fill. All weak and deleterious soil should be removed from beneath footings and building slabs.

Groundwater. Groundwater may be encountered at shallow depths depending on seasonal conditions. If groundwater is encountered during construction, it will likely be due to perched seasonal conditions and inflows will be relatively low.

Hard Rock Excavation. Excavation refusal was encountered at relatively shallow depths in the sandstone with the backhoe (14,000 pounds, 24-inch bucket with soil teeth). Hard rock excavation may be encountered in the site excavations, particularly trench excavations.

The recommendations presented in the remainder of the report are contingent on our review of the grading and building plans and observation of the earthwork, foundation, and drainage installation phases of construction.

Recommendations

A. Earthwork

1. The site should be cleared of obstructions (structures, foundations, slabs, walls, paving, walls, utilities to be abandoned, etc.) and stripped of surface organics and organic-laden topsoils. Holes resulting from the removal of underground obstructions should be backfilled with a suitable material and compacted to the requirements for fill

given below. The clearing of holes and the backfilling operations should be performed under our observation.

2. Site Excavations-Buildings. All existing fill, sod, disturbed soil, and expansive clays should be removed from beneath buildings and these removals should extend at least 3' beyond the building perimeter. None of the excavated soil materials are considered suitable for re-use as fill beneath footings, building slabs, pavements, and exterior slabs. The excavations should also be made deep enough to provide for at least 12" of structural fill beneath building slabs.

Site Excavations-Paving. There are no fill/disturbed soil/expansive clay removal requirements for pavements. The existing ground should be excavated to the required subgrade depths and evaluated by observation and proofrolling methods. If the ground is weak, or spongy due to organics, or will not support grading equipment, some removal and replacement will be necessary.

The existing fill/disturbed soil/expansive soils are presently very weak due to wetness and inherent soil weakness. The earthwork should be performed during the warm dry months of the year to facilitate construction and minimize change orders.

3. Subgrade Preparation. After the site excavations are completed, the exposed subgrade soils should be evaluated by our field representative for the presence of deleterious or weak soil. The subgrade soils will likely require recompaction prior to placing fill; however, recompaction of the subgrades may be waived by our soils engineer if the subgrade materials are firm and undisturbed by the excavation operations.

Where required, the recompaction should consist of moisture conditioning the soils to approximately three percent above optimum and compacting them to at least 95 percent relative compaction as determined by ASTM Test Method D698. Compaction should be performed using heavy equipment such as a self-propelled vibratory compactor. All subgrades should be evaluated by our field representative for stability and strength by proofrolling methods prior to placing fill.

4. Fill. Structural fill material, such as imported, high quality ¾"-0 and 4"-0 crushed aggregate that is suitable for use on City streets, should be used beneath building footings, building slabs, and exterior slabs. Building slabs should be underlain by a 4" thick layer of capillary rock that is underlain by structural fill with the composite layer of capillary rock and structural fill being at least 12" in thickness.

Exterior slabs such as sidewalk slabs should be directly underlain by at least 12" of structural fill.

5. All fill materials should be compacted to at least 95 percent relative compaction as determined by ASTM Test Method D698, Method A. Fill materials should be moisture-conditioned and spread in lifts not exceeding eight inches in uncompacted

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thickness. Compaction should be performed with a smooth drum vibratory roller capable of producing at least 24,000 pounds of dynamic force.

The compaction of the fill, thickness of lifts, and control of the moisture content should be monitored and tested by our field representative. Compaction should be evaluated by use of nuclear gauge field density testing and by proofrolling with loaded 10 cy gravel trucks.

6. Utility trenches should be backfilled with compacted fill placed in lifts not exceeding eight inches in uncompacted thickness, except thicker lifts may be used with the approval of the soil engineer provided satisfactory compaction is achieved. The upper three feet of trench backfill should be compacted to at least 95 percent relative compaction (ASTM D698). Jetting of backfill to obtain compaction should not be permitted.
7. Soil Engineer Construction Monitoring. Grading and earthwork should be monitored and tested by our representative for conformance with the project plans/specifications and our recommendations. This work includes site preparation, site excavations, selection of satisfactory fill materials, and placement and compaction of the subgrades and fills. Sufficient notification prior to commencement of earthwork is essential to make certain that the work will be properly observed.

B. Foundations

1. The proposed structures may be supported on spread footings bearing directly on sandstone bedrock or on structural fill underlain directly by sandstone bedrock. All existing fill/disturbed soil/expansive clays should be removed from beneath building footings and the removals should extend at least 3' beyond all sides of the footings.

Our field representative should evaluate the subgrade materials prior to filling and should monitor the placement and compaction of the fill.
2. Footings should bear at least twelve inches below lowest adjacent finished grade. Footings located adjacent to utility trenches should have their bearing surfaces below an imaginary 1.5:1 (horizontal to vertical) plane projected upward from the edge of the bottom of the trench.
3. Footings can be designed for an allowable bearing pressure of 2000 psf for dead plus live loads and this bearing pressure may be increased by one-third for short-term loading conditions. All footings should be provided with sufficient reinforcement to provide structural continuity.
4. Lateral loads can be resisted by friction between the foundation bottoms and the supporting subgrade. A friction coefficient of 0.3 can be used. In addition, a passive

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pressure equal to an equivalent fluid pressure of 250 pcf can be taken against the sides of footings poured neat or against compacted fill.

5. Foundation settlements and heave are expected to be within tolerable limits for the proposed construction. Total differential movements of the foundations are expected to be less than 3/4 inch.

C. Slabs-On-Grade

1. Building slabs should be underlain by at least 12" of granular, non-expansive structural fill such as 3/4"-0 crushed rock. All existing fill/disturbed soil/expansive clay should be removed from beneath building slabs.
2. Where moisture protection is required beneath the building slabs, the slabs should be underlain by at least four inches of free-draining 3/4" crushed rock (no fines, no round rock) to act as a capillary break.

If additional protection against moisture vapor is desired, a vapor barrier may also be incorporated into the design. The vapor barrier may be covered with two inches of sand that is lightly moistened just prior to pouring the slab. Factors such as cost, vehicle loadings, special considerations for construction, and the floor coverings, indicate that decisions on the use of vapor barriers, sand, and capillary rock should be made by the architect and owner. The free-draining crushed rock layer can be used as the upper four inches of the required 12" of structural fill beneath building slabs.

Please note these slab underlayment recommendations pertain to building slabs established at higher grades than exterior finished grades. If the building slabs are set lower than exterior grade, a slab underdrainage system will be required (contact us if below-grade slabs are anticipated).

3. The slabs should be reinforced in accordance with the anticipated use and loading.
4. Exterior slabs for sidewalks and patio slabs should be underlain by at least 12" of structural fill.

D. Pavements

1. Based on our previous experience with similar soil conditions in the area, the following pavement sections are recommended:

11F"
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Recommended Pavement Sections

Traffic Condition	Asphalt Concrete (inches)	3/4"-0 Crushed Rock (inches)	4"-0 Crushed Rock (inches)
Auto Parking	2.0	4.0	12.0
Heavy Vehicle Lanes	3.0	6.0	12.0

2. The 3/4"-0 crushed rock should meet Section 02630, latest ODOT/APWA Standard Specifications. The crushed rock should be placed in a manner to prevent segregation and should be uniformly moisture-conditioned and compacted to at least 95 percent relative compaction (ASTM D698, Method A) to provide a smooth, unyielding surface.

3. The 4"-0 crushed rock should be high quality processed 4"-0 crushed rock that is approved for use on City streets. The crushed rock must be dense after compaction and non-deflecting under proofrolling with a fully loaded ten-yard gravel truck.

The 4"-0 crushed rock should be underlain by a 5 oz/yd minimum (or equal), non-woven, permeable stabilization fabric.

4. The upper twelve inches of soil subgrade beneath the 4"-0 crushed rock should be unyielding under the wheels of a fully loaded 10 cu. yd. dump truck and compacted to at least 95 percent relative compaction (ASTM D698). All fill placed beneath the pavement section should be compacted to at least 95 percent relative compaction (ASTM D698). Grading for pavements should be performed during the dry and warm months of the year.

E. Retaining Walls

1. Walls should be supported on footing foundations designed in accordance with our previous recommendations. Unrestrained walls with gentle backslopes should be designed to resist an equivalent fluid pressure of 45 pcf. Restrained walls with gentle backslopes should be designed to resist an equivalent fluid pressure of 65 pcf.

2. The preceding pressures assume that sufficient drainage is provided behind the walls to prevent the build-up of hydrostatic pressures from surface or subsurface water infiltration. Adequate drainage may be provided by means of 3/4 inch drain rock material enclosed in a filter fabric and a four inch diameter rigid perforated pipe placed at the base of the wall. The pipe should be tied into closed pipes that discharge into suitable drainage facilities.

"F"
 47/54

3. Backfill placed behind retaining walls should be non-expansive and compacted to at least 95 percent relative compaction using light compaction equipment. All interior walls should be thoroughly waterproofed.

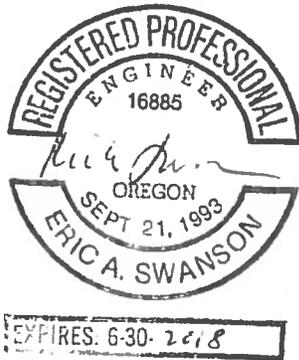
F. Site Drainage

1. Positive surface gradients of at least five percent on porous surfaces and two percent on paved surfaces should be maintained away from the buildings so that surface water does not collect in the vicinity of the foundations. Water from roof downspouts should be collected into closed pipes that discharge the water into approved drainage facilities.
2. A foundation drain should be placed adjacent to the perimeter building footings to help control moisture beneath the footings.

G. Plan Review and Construction Observation

1. We recommend that we review the foundation, grading, and drainage plans and specifications for the project. We should also be retained to provide soil engineering monitoring and testing services during the excavation, foundation, and drainage installation phases of the project. This will provide us the opportunity for correlation of the soil conditions found in our investigation with those actually encountered in the field, and thus permit any necessary modifications in our recommendations resulting from changes in anticipated conditions.

Please contact this office if you have any questions regarding this report.



Very truly yours,

MARQUESS & ASSOCIATES, INC.

Rick Swanson, P.E.
Civil Engineer 16885

RS/ler
Copies: Addressee (2), also by email

Attachments: Site Plan, Drawing 1
Laboratory Testing Procedures, Drawing 2
Key to Boring and Pit Logs, Drawing 3
Logs of Pits 1-6, Drawings 4 and 5

"F"
48/54

LABORATORY TESTING PROCEDURES

The laboratory testing program was directed toward a quantitative and qualitative evaluation of the physical and mechanical properties of the soils underlying the site.

The natural water content was determined on nine samples of the materials recovered from the pits in general accordance with the ASTM Test Method D2216. These water contents are recorded on the logs at the appropriate sample depths.

One Atterberg Limit determination was performed on a sample of the subsurface soil materials in general accordance with the ASTM Test Method D4318 to determine the range of water contents over which the material exhibited plasticity. The Atterberg Limits are used to classify the soils in accordance with the Unified Soil Classification System and to evaluate the soils' expansion potential. The results of this test are presented on the logs.

The percent soil fraction passing the #200 sieve was determined on five samples of the subsurface soils in general accordance with the ASTM Test Method D1140 to aid in the classification of the soils. The results of these tests are shown on the logs at the appropriate sample depths.

Free swell tests were performed on five samples of the soil materials to evaluate the swelling potential of the materials. The tests were performed by pouring ten mL of the dry material into a 100 mL graduated cylinder containing about 40 mL of distilled water. The mixture was stirred repeatedly and allowed to equilibrate for 24 hours, then distilled water was added up to the 100 mL mark. The graduated cylinder was left undisturbed to equilibrate. The free-swell volume was then noted. The percent free swell was calculated by dividing the free-swell volume by ten and multiplying by 100 percent. The results of these tests are presented on the logs.

Drawing No. 2

"F"
50/54

PRIMARY DIVISIONS			GROUP SYMBOL	SECONDARY DIVISIONS
COARSE GRAINED SOILS MORE THAN HALF OF MATERIAL IS LARGER THAN No. 200 SIEVE SIZE	GRAVELS MORE THAN HALF OF COARSE FRACTION IS LARGER THAN No. 4 SIEVE	CLEAN GRAVELS (LESS THAN 5% FINES)	GW	Well graded gravels, gravel-sand mixtures, little or no fines.
			GP	Poorly graded gravels, or gravel-sand mixtures, little or no fines.
		GRAVEL WITH FINES	GM	Silty gravels, gravel-sand-silt mixtures, non-plastic fines.
			GC	Clayey gravels, gravel-sand-clay mixtures, plastic fines.
	SANDS MORE THAN HALF OF COARSE FRACTION IS SMALLER THAN No. 4 SIEVE	CLEAN SANDS (LESS THAN 5% FINES)	SW	Well graded sands, gravelly sands, little or no fines.
			SP	Poorly graded sands or gravelly sands, little or no fines.
		SANDS WITH FINES	SM	Silty sands, sand-silt mixtures, non-plastic fines
			SC	Clayey sands, sand-clay mixtures, plastic fines.
FINE GRAINED SOILS MORE THAN HALF OF MATERIAL IS SMALLER THAN No. 200 SIEVE SIZE	SILTS AND CLAYS LIQUID LIMIT IS LESS THAN 50%		ML	Inorganic silts and very fine sands, rock flour, silty or clayey fine sands or clayey silts with slight plasticity.
	SILTS AND CLAYS LIQUID LIMIT IS GREATER THAN 50%		CL	Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays.
			OL	Organic silts and organic silty clays of low plasticity.
	SILTS AND CLAYS LIQUID LIMIT IS GREATER THAN 50%		MH	Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts.
			CH	Inorganic clays of high plasticity, fat clays.
			OH	Organic clays of medium to high plasticity, organic silts.
	HIGHLY ORGANIC SOILS			Pt

UNIFIED SOIL CLASSIFICATION SYSTEM (ASTM D-2487)

	200	40	10	4	3/4"	3"	12"	
	U.S. STANDARD SERIES SIEVE			CLEAR SQUARE SIEVE OPENINGS				
SILTS AND CLAYS	SAND			GRAVEL		COBBLES	BOULDERS	
	FINE	MEDIUM	COARSE	FINE	COARSE			

GRAIN SIZES

SANDS & GRAVELS	BLOWS/FOOT†
VERY LOOSE	0 - 4
LOOSE	4 - 10
MEDIUM DENSE	10 - 30
DENSE	30 - 50
VERY DENSE	OVER 50

SILTS & CLAYS	STRENGTH‡	BLOWS/FOOT†
VERY SOFT	0 - 1/4	0 - 2
SOFT	1/4 - 1/2	2 - 4
FIRM	1/2 - 1	4 - 8
STIFF	1 - 2	8 - 16
VERY STIFF	2 - 4	16 - 32
HARD	OVER 4	OVER 32

RELATIVE DENSITY

CONSISTENCY

† Number of blows of 140 pound hammer falling 30 inches to drive a 2 inch O.D. (1-3/8 inch ID) split spoon (ASTM D-1586).

‡ Unconfined compressive strength in tons/sq. ft. as determined by laboratory testing or approximated by the standard penetration test (ASTM D-1586), pocket penetrometer, torvare, or visual observation



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KEY TO BORING AND PIT LOGS
709 North Phoenix Road

Medford

Oregon

MAI JOB NO. 18-1045

DRAWN RS

ISSUE DATE Mar 2018

CHECKED RS

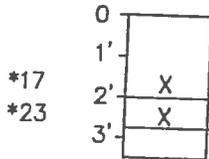
DRAWING

3

OF 5 DWGS

11/15
5/15

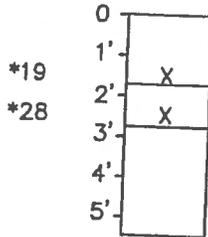
TEST PIT 1



9" topsoil, disturbed black sticky clay with organics, over
 SANDY CLAY (CL), dark brown-gray, medium stiff, very moist, grading to
 SANDY CLAY (CH), gray-brown, medium stiff to stiff, very moist
 SANDSTONE, brown, very highly weathered, firm to hard excavation

Bottom of test pit = 3.5', excavation refusal at 3.5'

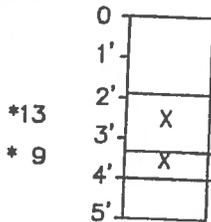
TEST PIT 2



SANDY CLAY (CL), dark brown-gray, medium stiff, very moist, grading to
 @1.5': Liquid Limit = 35 %, Plasticity Index = 18 %
 Finer than #200 Sieve = 50 %, Free Swell = 65 %
 SANDY CLAY (CH), gray-brown, medium stiff to stiff, very moist
 SANDSTONE, brown, very highly weathered, soil-like to 3.5' depth, firm
 to hard excavation
 @2.5': Finer than #200 Sieve = 64 %, Free Swell = 90 %

Bottom of test pit = 5.5'

TEST PIT 3

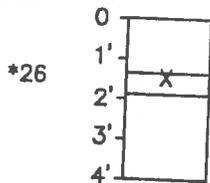


Fill. SANDY CLAY (CL-SC), dark gray-brown to brown, soft, very moist

SANDY CLAY (CL-SC), dark gray-brown, stiff, moist to very moist
 @2.5': Finer than #200 Sieve = 38 %, Free Swell = 50 %
 SANDY GRAVEL (GC), gray-brown, dense, moist, clayey
 SANDSTONE, brown, very highly weathered, firm to hard excavation

Bottom of test pit = 5', excavation refusal at 5'

TEST PIT 4



SANDY CLAY (CL), dark brown-gray, medium stiff, very moist
 @1.5': Finer than #200 Sieve = 57 %, Free Swell = 85 %
 SANDY CLAY (CH), gray-brown, medium stiff, very moist
 SANDSTONE, brown, very highly weathered, soil-like to 2.5' depth, firm
 to hard excavation

Bottom of test pit = 4', excavation refusal at 4'

*moisture content in percent



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Log of Pits 1 - 4
 709 North Phoenix Road

DRAWING

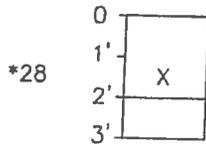
Medford Oregon
 MAI JOB NO. 18-1045 DRAWN RS
 ISSUE DATE Mar 2018 CHECKED RS

OF 5 DWGS

4

"F"
 5/2/18

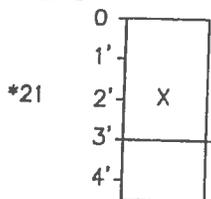
TEST PIT 5



6" sod. Clayey Sand (SC), wet, loose, over SANDY CLAY (CL-CH), dark brown-gray, medium stiff, very moist, grading brown-gray CH at 1' depth
 SANDSTONE, brown, very highly weathered, soil-like in upper 6", firm to hard excavation

Bottom of test pit = 3', excavation refusal at 3'

TEST PIT 6



6" sod. Sandy Clay (CH-SC), dark brown-gray, soft, wet, over SANDY CLAY (CL-CH), mottled brown-gray, medium stiff to stiff, very moist
 @2': Finer than #200 Sieve = 48 %, Free Swell = 45 %
 SANDSTONE, brown, very highly weathered, soil-like to 3.5' depth, firm to hard excavation

Bottom of test pit = 4.5', excavation refusal at 4.5'

*moisture content in percent



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Log of Pits 5 and 6
 709 North Phoenix Road

Medford Oregon

MAI JOB NO. 18-1045	DRAWN RS
ISSUE DATE Mar 2018	CHECKED RS

DRAWING

5

OF 5 DWGS

"F"
 5/3/18

LIMITED SPECIAL POWER OF ATTORNEY

AUTHORIZATION TO ACT on behalf of the undersigned owner of real property described as Tax Lot 701 on Jackson County Assessor map 37-1W-27.

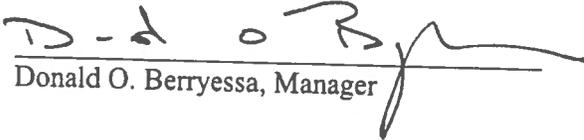
LET IT BE KNOWN that CSA Planning, Ltd. (CSA) is the duly authorized representative of North Phoenix Property Holding LLC, the owner/applicant of the above described real property, and, by this instrument, do hereby authorize CSA to perform all acts procedurally required to obtain land use and development applications and permits as may be required by and through the City of Medford as legal prerequisites to actual development of the described real property.

THIS LIMITED AND SPECIAL POWER OF ATTORNEY shall be used for only the limited and special purposes above described and shall not be used to buy, sell or convey any part or any interest whatsoever in this or any other land owned by the above property owner.

THIS LIMITED AND SPECIAL POWER OF ATTORNEY has been expressly authorized by the undersigned applicant and shall expire on December 31, 2019, but may be extended by the mutual consent of the parties.

Done and dated this 25 day of April, 2018.

NORTH PHOENIX PROPERTY HOLDING LLC


Donald O. Berryessa, Manager

CITY OF MEDFORD
EXHIBIT # 5 54 of 54
File # CUP-18-076

RECEIVED

AUG 01 2018

Planning Dept.



CSA Planning, Ltd

4497 Brownridge, Suite 101
Medford, OR 97504

Telephone 541.779.0569
Fax 541.779.0114

Raul@CSAplanning.net

Memorandum

To: Liz Conner, Planner II - City of Medford Planning Dept.

Date: August 1, 2018

Subject: CUP 18-076 ("The Court House" project) - future street

Ms. Conner:

The City has requested that the applicant dedicate 36.5 feet for right-of-way along the south property line and to construct a new minor residential street improvement with the development of project phases 2 and 3 (being a new indoor aquatic center and a replacement outdoor swimming pool). The aquatic center is proposed in recognition that our community very much needs additional pool facilities adequately sized for athletic and recreational purposes and that the community would benefit from such an addition here. Regrettably, requiring a new street to be constructed through the project site would eliminate the feasibility of providing a new aquatic center on this property. There is not enough land to accommodate the new facility and requisite parking if a new public street and requisite setbacks must also be provided. With respect to cost, it is already a considerable challenge to finance the construction of the aquatic center without the additional cost of constructing a new public street through the site.

If the City is amenable, perhaps the CUP could be approved as proposed with the condition that Phases 2 and 3 may proceed in the event that the City amends the Southeast Neighborhood Circulation Plan Map before the CUP expires. The "future street" on the circulation plan is simply labeled as "local" (rather than as a public minor residential street) with no property lines shown on the map. The Shamrock Drive intersection with North Phoenix Road is planned to be realigned such that it will be just 325 feet to the south of the subject property - which would be less than the short block face dimension in a traditional downtown block (330' X 660'). We believe the City may find that a new aquatic center would be preferable to having a new local street intersecting with North Phoenix Road so close to the Shamrock Drive intersection (which is just three seconds away at the posted 45 miles per hour), and where such a new street intersection would be through a 10-foot existing bank cut along that major arterial. This is a terrible place to build a new public street intersection in terms of both cost and safety given the terrain. Please see the photo inset below:



Figure 1: "future street" intersection at steep bank cut along south line

Alternatively, please consider approval upon a finding that the adopted circulation plan map is not so precise as to necessitate that the connection necessarily must go through the subject property. I have been told being told repeatedly by members of the Southeast Planning Implementation Committee that the Southeast Neighborhood Plan was conceived with a blind eye to property lines. Such a finding would comport in context with the City standards for maximum block length and perimeter length at MLDC Section 10.426(B)(2) which allows the approving authority to find that proposed blocks that exceed the standard block and/or perimeter lengths may be acceptable when constraints or conditions exist including the following as relevant:

- (a) Topographic constraints, including presence of slopes of 10% or more located within the boundary of a block area (future street intersection is at a cut-bank over 10-feet high along North Phoenix Road - see figure 1 below);
- (f) The future development on adjoining property or reserve acreage can feasibly satisfy the block or perimeter standards (the surrounding largely vacant land is planned to develop in the future as multi-family, which could be designed with private or public access with cross-connectivity);
- (h) The proposed use is a public or private convention center, community center or arena (subsection "h" - the tennis and swim club is an identified community activity center in the SE Neighborhood Plan); or,
- (i) The proposed use is a public community service facility, essential public utility, a public or private park, or other outdoor recreational facility (the property includes



outdoor recreational facilities and a larger outdoor pool is proposed to replace the existing pool).

In this case, requiring a new street as a condition of approval will not deliver a new street but rather will result in the loss of a new indoor aquatic center and a loss of a larger outdoor pool to replace the existing pool.

If the City cannot approve Phases 2 and 3 as proposed absent the dedication and construction of a new public street, Applicant requests that the Phase 1 parking area improvements (addition of 68 spaces to serve the existing facilities) be approved and that the Applicant be allowed to remodel the existing outdoor pool and pool house to current building and DHS code requirements.

The original scope of the project as proposed in the pre-application conference was to expand parking to better serve the existing facilities on site. Because expansion of the parking area - even one additional space - would necessarily require a corresponding decrease in the amount of existing open space and landscaping, it would not qualify as a minor modification of the existing CUP pursuant to MLDC 10.250(2)(b). Because a full condition use permit application would be required to approve any expansion of the prior CUP (as originally issued by the county), the City advised that the application include all or most of the intended improvements and expansions for the property. The long range plans - and hopes - to construct a new indoor aquatic center and to replace the existing outdoor pool were then incorporated into the CUP application as a phased development.

In any case, please do approve the Phase 1 parking area improvements as requested.

Very truly yours,

CSA Planning, Ltd.

Raul G. Woerner
Principal

RGW/m



CITY OF MEDFORD
EXHIBIT # *H*
File # CUP-18-076
1082



CITY OF MEDFORD
EXHIBIT # *H 206*
File # CUP-18-076

JACKSON COUNTY PLANNING DEPARTMENT

STAFF REPORT

RECEIVED

MAY 29 2018

PLANNING DEPT.

DATE: September 11, 1991

FILE: 90-19-CUP-01

APPLICANT: Conrad Morse
Rogue Valley Swim and Tennis Club
3340 Winterbrook Lane
Central Point, Oregon 97502

NATURE OF APPLICATION: Request for an amendment to a previously approved conditional use permit to allow a tennis and swim club in the Rural Residential (RR-5) zoning district. The applicants are seeking to increase the size of the tennis building from 159' x 225' to 159' x 275' in order to replace one outdoor court with an indoor court for a total of five indoor courts.

LOCATION: 709 North Phoenix Road, approximately 1500 feet north of its intersection with Barnett Road.

KEY ISSUES: Relationship of the proposal to the property's recent addition to the Medford Urban Growth Boundary; and consistency with the conditional use criteria, particularly as they apply to the effect of the proposal on the livability of the surrounding area.

RECOMMENDATION: Approval with Conditions

RECOMMENDED CONDITIONS:

- 1) The property shall be annexed prior to the receipt of urban services. Annexation shall be initiated by the applicant and the applicant shall coordinate provision of water and sewer and any other public facility with the City of Medford to ensure compliance with urban standards.
- 2) The applicant shall remain in compliance with the requirements of all affected agencies.
- 3) This approval is void after two years of the signing of the final order unless substantial construction has taken place. This approval may be extended for one year by action of the County.
- 4) Unless otherwise noted, all conditions required herein shall be completed prior to initiation of any construction.
- 5) The facility shall be constructed and operated consistent with the submitted application unless altered by conditions contained herein.
- 6) A road approach permit shall be received from the Jackson County Department of Public Works prior to construction of any new driveways off North Phoenix Road. If unforeseen problems such as traffic hazards or road damage are created upon the County road as a result of this development, the applicant shall be required to resolve them to the satisfaction of Public Works.

7) The applicant shall dedicate a 15-foot wide strip along the north edge of the property to provide adequate right-of-way for arterial development along North Phoenix Road. Frontage improvements shall include gutters, 7-foot sidewalks, and along North Phoenix Road.

CITY OF MEDFORD
EXHIBIT # I of 10
File # CUP-18-076

per Jim
hand to
permit
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- 8) All signs shall be in compliance with Section 280.080 of the Land Development Ordinance. Signs for conditional uses in the RR-5 zone are limited to 20 feet in total sign area and 10 feet in height.
- 9) The proposed parking and on-site access roads shall have an oil mat surface or other measures shall be taken to maintain a dust-free condition. Access roads and parking areas shall also be maintained in a dust free condition during construction of the site.
- 10) Because the property is adjacent to land zoned EFU, the declaration of restriction set forth in Section 218.060(2) of the Land Development Ordinance shall be recorded with the deed for the subject property prior to initiation of construction and a copy of said recorded declaration submitted to the Planning Department.
- 11) The entire property shall be annexed to the Medford Rural Fire District. The applicant shall follow district requirements regarding ingress, egress, and turn-arounds for emergency vehicles.
- 12) The property shall be developed consistent with the approved landscape plan.
- 13) Structure height shall be consistent with City of Medford standards and shall be no closer than 30 feet to the front property line, as modified by the 15-foot dedication, or 20 feet to the side and rear property lines.
- 14) A licensed Oregon engineer shall submit necessary data and other information as may be needed in order to allow the county Public Works Department to conclude that storm water runoff will be adequately disposed.
- 15) Outside court lighting shall be removed.
- 16) Since the use is not agricultural, the Talent Irrigation District rights shall be relinquished.
- 17) New or redeveloped swimming or spa pool requires County Health Department plan review and permits. The existing pool will need to be renovated or rebuilt before use as a public facility.
- 18) Construction drawings shall be submitted to the Building Division.
- 19) Landscaping around the new metal building will commence at the completion of construction.
- 20) Landscaping at the east elevation of the new metal building will be accomplished using cypress or similar plants that will result in a tall and slender shape when mature.
- 21) A 20-foot minimum side yard setback on the north property line will be provided.
- 22) Permission to construct pedestrian gates by adjacent property owners on the north and east property lines will be granted by the applicant.

Handwritten notes:
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2-25-91
CUP-91-23124

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2 of 10

- 23) The existing practice backboard constructed of concrete block will be landscaped on the east side.
- 24) All users of the facilities will be notified to have consideration for tennis balls that are accidentally hit onto adjacent properties and are requested to retrieve such balls.

EXHIBIT "A"

I. FINDINGS OF FACT

- A) Date of Creation: 1978
- B) Assessment: The property is appraised as residential land with commercial improvements.
- C) Access: The parcel fronts on North Phoenix Road, which is a County-maintained road.
- D) Fire Protection: The property is partially in Fire District No. 2 and is within five miles of a responding station; however, the northern half is not within the district.
- E) Irrigation: The property is within the Talent Irrigation District, but the district is requesting that since the use is not agricultural, the water rights be removed.
- F) Legal Description: 37, 1W, 27, Tax Lot 701
- G) Land Use: When the conditional use for the existing facility was approved in 1981, the applicant indicated the use had actually existed since 1969 and that the conditional use was only to allow a cover for several tennis courts. Uses surrounding the parcel include farm and residential uses. While currently in the Medford city limits, the lands to the west across North Phoenix Road are still in agricultural use.
- H) Sewerage: The applicant is intending to connect to sewer; this will require annexation to Medford.
- I) Slope: Predominantly level.
- J) Soils:
- 1) Name: Coker clay; Mapping Unit No. 33A; Irrigated Class: IVw; Nonirrigated Class: IVw; Percent of Parcel: 40; Irrigation Present: Yes; Slope: 0-3 percent
- 2) Name: Brader-Debenger loams; Mapping Unit No. 17C; Irrigated Class: IVe; Nonirrigated Class: VIe; Percent of Parcel: 60; Irrigation Present: Yes; Slope: 1-15 percent
- K) Water: Present water supply is from a well, but the applicant intends to seek connection to city water. This can be accomplished only through annexation.

L) Zoning:

- 1) Subject property: RR-5
- 2) Property to the north, east, and south: Exclusive Farm Use (EFU)
- 3) Property to the west: SFR-4 (City residential zone)

II. **APPLICABLE CRITERIA**

To approve this application, the County must determine that the application is in conformance with the Jackson County Comprehensive Plan and Jackson County Land Development Ordinance.

III. **FINDINGS OF CONFORMANCE WITH THE JACKSON COUNTY COMPREHENSIVE PLAN**

To approve this application, the County must determine that the application is in:

A) Agricultural Lands Element - which encourages the preservation and maintenance of agricultural land.

FINDING: When the request was originally approved in 1981, the proposal was found to present no significant conflicts with agricultural uses in the area. The immediate proposal is to enclose the tennis courts in the northwest portion of the property, adjacent land which is in pasture. All surrounding parcels, while zoned EFU, have been added to the Medford Urban Growth Boundary. This decision will have the effect of gradually converting land use from farming to other uses.

B) Environmental Quality Element - the goal of this element is to ensure and improve the quality of the County's natural environment and resources in a responsible manner which will maintain and enhance the life sustaining environment. Policy 1 requires consideration of environmental impacts of land development actions and to assure compliance with applicable state and federal environmental quality standards.

FINDING: Through annexation to the City of Medford, sanitation concerns can be satisfied. The water system must be approved by the State Health Division.

C) Public Facilities and Services Element - which encourages the County to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

FINDING: Water supply and sewage disposal concerns are primary among the public facility questions. At this time, these are provided by an onsite well and septic system. Annexation will allow connection to public water and sewer services.

D) Recreation Element - which encourages the preservation and improvement of recreational opportunities rural environments in the county

for the benefit of residents and visitors. Policy 3 states that private enterprise should be encouraged to be an important force in development and management of recreational areas; especially those serving special interest groups, spectator and participant sporting events, and tourist oriented facilities and services.

FINDING: The applicant is seeking to reactivate a swim and tennis club that has been inactive for about three years. The existing facilities will continue, but a total of five tennis courts will be in the indoor facility. The property is in proximity to the Medford city limits, near potential users of the facility.

E) Transportation Element - which encourages safe and adequate access and internal circulation patterns with limited increase in traffic.

FINDING: The Public Works Department has stated that in addition to the original conditions of approval, the expanded portion of the building will be subject to systems development charges for arterial and collector streets. The City response to a request for comment indicates that North Phoenix Road is designated as an arterial street with a bike lane. Arterials with bike lanes have a width of 90 feet. The current right-of-way is 60 feet. A dedication of 15 feet along the property frontage is necessary to achieve adequate right-of-way for arterial street development with a bike lane. Frontage improvements will include curb and gutter, 7 foot sidewalks, and illumination.

IV. FINDINGS OF COMPLIANCE WITH THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE

A. Section 220.030 (12) lists swimming and tennis clubs as a conditional use in the RR-5 zoning district.

B. Section 260.040 of the Jackson County Land Development Ordinance establishes the following criteria for approval of a Conditional Use Permit:

1) That the permit would be in conformance with the Jackson County Comprehensive Plan for the area, the standards of the district of the Zoning Ordinance in which the proposed development would occur, and the Comprehensive Plan for the County as a whole.

FINDING: Conformance with the Comprehensive Plan has been discussed in Section III of this staff report.

2) That the location, size, design, and operating characteristics of the proposed use will have minimal adverse impact on the liveability, value, or appropriate development of abutting properties and the surrounding area.

FINDING: The proposal will reactivate a use of the property that was initiated in 1969 and sanctioned by the County in 1981. The portable structure approved in 1981 was not well accepted by area residents. The proposed structure will reduce the visual effect since lighting will be confined withi
ig. The applicant states that

existing outside court lights will be removed, eliminating any after dark play on the outside courts.

Notice of the proposed amendment was sent to 17 property owners. Two responses were received, with one response indicating no comment and the other expressing concern about traffic safety. Widening of North Phoenix Road will be coordinated by the City of Medford. The applicant's immediate obligation is to provide a curb and gutter, 7 foot sidewalks, and illumination.

3) The permit will be in compliance with other required findings, if any, which may be listed in the zone in which the use is proposed to be located.

FINDING: The RR-5 district does not contain additional criteria for conditional uses.

4) The proposed use will either provide primarily for the needs of rural residents and therefore requires a rural setting in order to function properly or the nature of the use requires a rural setting, such as an aggregate operation, even though the use may not provide primarily for the needs of rural residents. This finding may be waived only when:

A) The applicant substantiates to the satisfaction of the County, that one or more suitable alternative urban sites are not available, and the proposed location is central to the likely area of service for the proposed use; or

B) The proposed use is to be located within Light Industrial, General Commercial, and General Industrial zones or within Urban Growth or Urban Containment Boundaries (UGBs or UCBs).

C) The proposed conditional use is for a single family dwelling and application of this standard is deemed inappropriate.

FINDING: The property is within the Medford Urban Growth Boundary.

V. CONCLUSION

The proposal has been found to be consistent with the Comprehensive Plan because positive findings can be made regarding effect on agricultural lands, environmental quality, public facilities, recreation, and transportation.

The proposal has been deemed consistent with the Land Development Ordinance because it has been found to meet the conditional use permit standards applicable to the RR-5 zoning district.

Providing the recommended conditions are adhered to, this application will be in compliance with the Statewide Planning Goals, the Jackson County Comprehensive Plan, and the Jackson County Land Development Ordinance.

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VI. DECISION

File 90-19-CUP-01, an application to amend a conditional use permit for a swim and tennis club, adding a fifth indoor tennis court, on property described as Township 37 South, Range 1W, Section 27, Tax Lot 701, is hereby approved subject to the conditions stated in this staff report.

JACKSON COUNTY PLANNING DIRECTOR

Dick Converse

By: Dick Converse, Planner III

[19CUP.D34]

Date: September 11, 1991

cc: Warren Harger, Code Compliance Officer

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APPLICANT
 ROGUE VALLEY SWIM. &
 TENNIS CLUB
 37-11W-27 TL 701
 90-19-CUP-01
 AMENDMENT

28 27
 33 34
 NORTH PHOENIX ROAD

NORTH
 1" = 800'

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Courthouse

Accessway Option

Legend

PROJECT SITE

ACCESSWAY

STANFORD

SHAMROCK

N Phoenix Rd

Thomasville Dr

Stanford Ave

Sunleaf Ave

Longwood Dr

Google Earth



400 ft



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 7/11/2018
File Number: CUP-18-076

PUBLIC WORKS DEPARTMENT STAFF REPORT **709 North Phoenix Road (TL 701)** **Aquatic Facility & Parking Lot Expansion** **America's Best Kids**

- Project:** Consideration of a modification to an existing Conditional Use Permit for a private recreation facility to add parking and to allow for new construction and site modifications to the former tennis and swim club facility.
- Location:** Located on the east side of North Phoenix Road, approximately 325 feet south of Calle Vista Drive (709 N Phoenix Road, 371W27 TL 701).
- Applicant:** Applicant: North Phoenix Properties Holdings, LLC; Agent: CSA Planning; Planner: Liz Conner.

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

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

- Submittal and approval of plans for site grading and drainage, and detention.
- Completion of all public improvements, if required. The applicant may provide security for 120% of the improvements prior to issuance of building permits. Construction plans for the improvements will need to 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.
- Completion of all public improvements, if applicable.

A. STREETS

1. Dedications

North Phoenix Road is classified a Major Arterial 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 entire frontage of this development to accommodate a 10-foot planter strip and 5-foot sidewalk, except where the sidewalk is proposed curb-tight and shall be minimum 7-foot wide. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

The developer will receive SSDC (Street System Development Charge) credits for the public right-of-way dedication on **North Phoenix 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.**

Future Street (not shown on Preliminary Site Plan) is proposed as a Minor Residential, within the MLDC 10.430 and per the Southeast Area Neighborhood Circulation Plan Map. **With development of Phases 2 & 3, the Developer shall dedicate right-of-way, 27.5-foot plus 9-foot south of centerline (total of 36.5-foot), consistent with the standard prescribed by MLDC 10.430.**

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

The right-of-way and/or 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

North Phoenix Road – All street section improvements have been completed including pavement, curb and gutter, and street lights as part of North Phoenix Road Improvement Project (P1060D) improvements. **However, a 5-foot wide sidewalk with a planter strip will be required along this developments frontage, or minimum 7-foot wide where proposed curb-tight.**

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With development of Phases 2 & 3, the **Future Street** shall be constructed to Minor Residential street standards, along the frontage of this development, in accordance with MLDC 10.430. The Developer shall improve the north half plus 8-feet south of the centerline.

b. Street Lights and Signing

Upon development of the Minor Residential street along the southern boundary of the property, 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. One (1) Type R-100 street light
- B. Pedestrian scale street lights consistent with MLDC 10.380, including a Base Mounted Cabinet (BMC)

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

- A. 1 – Dead End sign
- B. 1 – Stop sign
- C. 1 – Street name sign
- D. 1 – Dead end barricade

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 this frontage to North Phoenix Road.

a. Soils Report

With construction of the Minor Residential street, the Developer’s Engineer shall obtain a soils report to determine if there is shrink-swell potential in the underlying soils in this development.

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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.

b. Access and Circulation

The Southeast Area Neighborhood Circulation Plan Map shows a Minor Residential street along the southern boundary of the site that is not shown on the site plan. Phases 2 & 3 of the Preliminary Site Plan need to be revised to accommodate this roadway and right-of-way dedication.

Driveway access to the proposed development site shall comply with MLDC 10.550. Upon development of the southern Minor Residential street, driveway access shall be moved to the Minor Residential street and the driveway on North Phoenix Road shall be removed and replaced with full height curb and gutter.

Remove and replace the existing driveway apron that is south of the main driveway, with full height curb and gutter.

Public works recommends that a sidewalk connection and public pedestrian easement be provided to the northeast corner of the property for a future pedestrian access connection from Windgate Street to the facility.

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

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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.

North Phoenix Road:

The additional right-of-way on North Phoenix Road will provide the needed width for a future planter strip. North Phoenix Road is a 45 mile per hour facility, which currently carries approximately 11,200 vehicles per day. The 10-foot planter strip moves pedestrians a safe distance from the edge of the roadway on North Phoenix Road. North Phoenix Road will also be the primary route for pedestrians traveling to and from this future development.

Local street right-of-way construction requirements identified by the Public Works Department and required by the City are the minimum required to protect the public interest and are necessary for additional or densification of development in the City without detracting from the common good enjoyed by existing properties.

The additional street lighting will provide the needed illumination to meet current MLDC requirements.

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

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

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B. SANITARY SEWERS

The proposed development is situated within the Medford sewer service area. 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

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.

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

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.

4. Certification

Upon completion of the project, and prior to certificate of occupancy of the building, the Developer's design Engineer shall certify that the construction of the stormwater quality and detention system was constructed per plan. Certification shall be in writing and submitted to the Engineering Division of Public Works. Reference Rogue Valley Stormwater Quality Design Manual, Appendix I, Technical Requirements.

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5. Erosion Prevention and Sediment Control

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

D. 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

If required, 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.

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

4. Site Improvements

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

5. System Development Charges (SDC)

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

Prepared by: Doug Burroughs

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SUMMARY CONDITIONS OF APPROVAL

709 North Phoenix Road (TL 701)

Aquatic Facility & Parking Lot Expansion (ABK)

CUP-18-076

A. Streets

1. Street Dedications to the Public:

- North Phoenix Road – Dedicate additional right-of-way.
- Dedicate right-of-way on **Future Street**, as required, with development of Phases 2 & 3.
- Dedicate 10-foot Public Utility Easements (PUE) along frontage.

2. Improvements:

Public Streets

- North Phoenix Road – Sidewalk improvements are required.
- Construct **Future Street** to Minor Residential street standards, half plus 8-feet, with development of Phases 2 & 3.

Lighting and Signing

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

Access and Circulation

- Revise the Preliminary Site Plan to show a Minor Residential street along the southern boundary of the site.
- Driveway access to the proposed development site shall comply with MLDC 10.550.
- Remove and replace the existing driveway apron that is south of the main driveway, with full height curb and gutter.
- Public works recommends a sidewalk connection from Windgate Street to the facility.

Other

- There is no pavement moratorium currently in effect on North Phoenix Road.

B. Sanitary Sewer:

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

C. Storm Drainage:

- Provide a comprehensive grading and drainage plan.
- Provide water quality and detention facilities, calculations and O&M Manual.
- Provide Engineers certification of stormwater facility construction.
- Provide copy of an approved Erosion Control Permit (1200C) from DEQ for this project.

- = 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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Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 6/27/2018
Meeting Date: 7/11/2018

LD #: CUP18076

Planner: Liz Conner

Applicant: North Phoenix Properties Holdings, LLC; Agent: CSA Planning

Project Location: 907 N Phoenix Rd

ProjectDescription: Consideration of a modification to an existing Conditional Use Permit for a private recreation facility to add parking and to allow for new construction and site modifications to the former tennis and swim club facility located on the east side of North Phoenix Road, approximately 325 feet south of Calle Vista Drive (709 N Phoenix Road, 371W27 TL 701). Applicant: North Phoenix Properties Holdings, LLC; Agent: CSA Planning; Planner: Liz Conner.

Specific Development Requirements for Access & Water Supply

Conditions

Reference	Comments
OFC 508.5	Fire hydrants with reflectors will be required for this project. One fire hydrant will be required along N Phoenix Road near the southwest corner of the property. 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).
OFC 503.4	Curbs shall be painted and stenciled along the fire lanes prohibiting parking. Fire apparatus access roads 20-26' wide shall be posted on both sides as a fire lane. Fire apparatus access roads more than 26' to 32' wide shall be posted on one side as a fire lane (OFC D103.6.1). Where parking is prohibited for fire department vehicle access purposes, NO PARKING-FIRE LANE signs shall be spaced at minimum 50' intervals along the fire lane (minimum 75' intervals in 1 & 2 family residential areas) and at fire department designated turn-around's. The signs shall have red letters on a white background stating "NO PARKING-FIRE LANE" (See handout). For privately owned properties, posting/marketing of fire lanes may be accomplished by any of the following alternatives to the above requirement (consult with the Fire Department for the best option): Alternative #1: Curbs shall be painted red along the entire distance of the fire department access. Minimum 4" white letters stating "NO PARKING-FIRE LANE" shall be stenciled on the curb at 25-foot intervals. Alternative #2: Asphalt shall be striped yellow or red along the entire distance of the fire department access. The stripes shall be at least 6" wide, be a minimum 24" apart, be placed at a minimum 30-60 degree angle to the perimeter stripes, and run parallel to each other. Letters stating "NO PARKING-FIRE LANE" shall be stenciled on the asphalt at 25-foot intervals. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths (20' wide) and clearances (13' 6" vertical) shall be maintained at all times (OFC 503.4; ORS 98.810-12).
OFC 903	A fire sprinkler system is required by code for an A-4 occupancy (indoor swimming pool) when the fire area exceeds 12,000 sq. ft. or the occupant load is 300 or more (OFC 903.2.1.4). Where a fire sprinkler system is required, it shall meet the requirements of the Oregon Fire Code and the applicable National Fire Protection Association (NFPA) Standard. Consult the Medford Water Commission for proper water meter sizing for fire sprinkler systems.
OFC 907	A fire alarm system is required by code for the A-4 occupancy (indoor swimming pool) when the occupant load is 300 or more (OFC 907.2.1). Where a fire alarm system is required, it shall meet the requirements of the Oregon Fire Code and the National Fire Protection Association (NFPA) 72 Standard.

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

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Memo

To: Planner: Liz Conner
From: Chad Wiltrout, Building Department (541) 774-2363
CC: Applicant: North Phoenix Properties Holdings, LLC; Agent: CSA Planning
Date: July 11, 2018
Re: July 11, 2018 LDC meeting: CUP-18-076

Please Note:

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

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

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

General Comments:

1. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" for information.
3. A site excavation and grading permit will be required if more than 50 cubic yards is disturbed.
4. A separate demolition permit will be required for demolition of any structures not shown on the plot plan.

Comments:

5. A min. of 1 "wheel chair only parking space is required per table 1106.1 OSSC is required.
6. Accessible routes within a site are required to each accessible building, facility, element and space per 1104.2 OSSC.
7. Proposed light poles may require an engineered design for compliance with 2014 OSSC.
8. Swimming pools are required to comply with OAR 333 division 60 and are regulated by Department of Human Services.

CITY OF MEDFORD
EXHIBIT # *M*
File # CUP-18-076



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: CUP-18-076

PARCEL ID: 371W27 TL 701

PROJECT: Consideration of a modification to an existing Conditional Use Permit for a private recreation facility to add parking and to allow for new construction and site modifications to the former tennis and swim club facility located on the east side of North Phoenix Road, approximately 325 feet south of Calle Vista Drive (709 N Phoenix Road, 371W27 TL 701). Applicant: North Phoenix Properties Holdings, LLC; Agent: CSA Planning; Planner: Liz Conner.

DATE: July 11, 2018

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

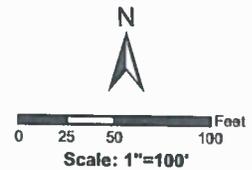
CONDITIONS:

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 2-inch building water meter, and ¾-inch landscape irrigation water meter, fire hydrant and 6-inch fire service vault shall be protected in place at all times.

COMMENTS:

1. Off-site water line installation is not required.
2. On-site water facility construction is not required.
3. Static water pressure is at 79 psi.
4. MWC-metered water service does exist to this property. A 2-inch water meter the serves the existing building, and a ¾-inch water meter that serves the existing landscape irrigation system. (See Condition 2 above)
5. Access to MWC water lines is available. There is an existing 16-inch water line on the West side of N Phoenix Road. There is an existing 8-inch water line the extends on-site to provide metered water service via a 2-inch water meter. There is also a fire hydrant off this 8-inch water line, and a 4-inch fire service for the building at 709 N Phoenix Road. There is also a ¾-inch irrigation water meter located approximately 110-feet south of the existing entrance and parking area. (See Condition 2 above)

CITY OF MEDFORD
EXHIBIT # N 1 of 2
File # CUP-18-076



Water Facility Map
 for
CUP-18-076
N. Phoenix Property
Holdings LLC

July 11, 2018

- Legend**
- ▲ Air Valve
 - Sample Station
 - Fire Service
 - ◆ Hydrant
 - ▲ Reducer
 - Blow Off
 - ⊕ Plugs-Caps
- Water Meters:**
- Active Meter
 - On Well
 - Unknown
 - Vacant
- Water Valves:**
- Butterfly Valve
 - Gate Valve
 - Tapping Valve
- Water Mains:**
- Active Main
 - - - Abandoned Main
 - Reservoir Drain Pipe
 - Pressure Zone Line
- Boundaries:**
- Urban Growth Boundary
 - City Limits
 - Tax Lots
- MWC Facilities:**
- C** Control Station
 - P** Pump Station
 - R** Reservoir



This map is based on a digital elevation model (DEM) and is not a survey. The Medford Water Commission does not warrant the accuracy of the information shown on this map. The Medford Water Commission is not responsible for any errors or omissions on this map. This map is for informational purposes only.

Date: 4/20/18
 File: C:\MWC\GIS\Map\Map\MWC_BDC_Layer_18_Feb_21_2018.mxd



JACKSON COUNTY

Roads

Roads
Engineering

Mike Kuntz, P.E.
County Engineer

200 Antelope Rd
White City, OR 97503
Phone: (541)774-6228
Fax: (541)774-6295
kuntzm@jacksoncounty.org

www.jacksoncounty.org

June 29, 2018

Attention: Elizabeth Conner
Planning Department
City of Medford
200 South Ivy Street, Lausmann Annex, Room 240
Medford, OR 97501

RE: Modification to an existing Conditional Use Permit to add parking, new construction and site modifications at 701 North Phoenix Road – in the city maintained section.
Planning File: CUP-18-076

Dear Elizabeth:

Thank you for the opportunity to comment on this proposed modification to an existing Conditional Use Permit for a private recreation facility to add parking, and to allow for new construction and site modifications former tennis and swim club facility on 5.08 acre parcel located on the east side of North Phoenix Road approximately 325 feet south of Calle Vista Drive. (37-1W-27 TL 701). Jackson County Roads has no comment.

If you have any questions or need further information feel free to call me at 774-6228

Sincerely,

Mike Kuntz
County Engineer



Project Name:

Tennis Club Amendment

Map/Taxlot:

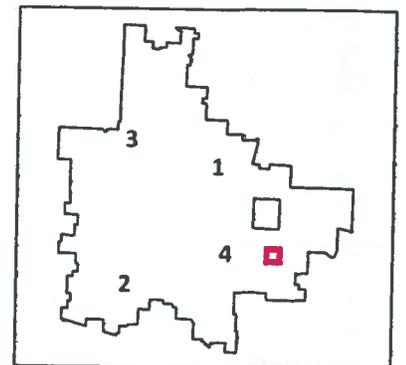
371W27 TL 701



06/26/2018

Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots





City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

SLFSTAFF REPORT

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

Project Marsha Meadows
Applicant: Edward D. Fleming; Agent: Scott Sinner Consulting, Inc

File no. LDS-18-077

To Planning Commission *for August 9, 2018 hearing*

From Liz Conner, Planner II

Reviewer Kelly Akin, Assistant Planning Director *[Signature]*

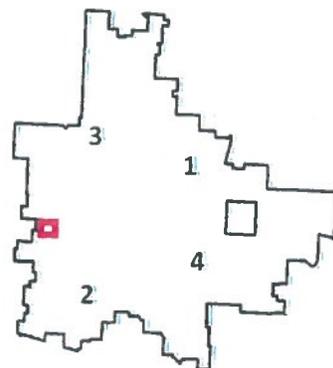
Date August, 2, 2018

BACKGROUND

Proposal

Consideration of a tentative plat for a 20 lot subdivision on approximately 3 acres within the SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zoning district, located on the north side of Sweet Road approximately 270 feet east of North Ross Lane (372W26AA TL 800, 900, 1000).

Vicinity Map



Subject Site Characteristics

Zoning	SFR-10	Single Family Residential (10 dwelling units per gross acre)
GLUP	UR	Urban Residential
Use	Vacant	

Surrounding Site Characteristics

<i>North</i>	Zone:	SFR-10 (Single Family Residential, 10 dwelling units per gross acre)
	Use:	Single family dwelling with accessory structures
<i>South</i>	Zone:	SFR-00 (Single Family Residential, 1 dwelling unit per existing lot)
	Use:	Single family dwellings
<i>East</i>	Zone:	SFR-00
	Use:	Single family dwellings
<i>West</i>	Zone:	SFR-10
	Use:	Single family dwellings

Related Projects

A-03-094 ORD 2003-276
ZC-06-023 Approved April 13, 2006
ZC-07-124 Approved July 27, 2007
LDS-11-073 Marsha Meadows expired August 11, 2016

Applicable Criteria

**LAND DIVISION APPROVAL CRITERIA
FROM SECTION 10.270 OF THE MEDFORD LAND DEVELOPMENT CODE**

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

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;
- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;

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

ISSUES AND ANALYSIS

Background

The subject property was annexed into the City in 2003 by Ordinance 2003-276 and received an approval of zone change from SFR-00 (1 dwelling unit per existing lot) to SFR-10 (10 dwelling units per gross acre). The subject property also received tentative plat approval for 16 lots in 2011 which has since expired. The current proposal has included an additional half acre of land and requests tentative approval for 20 lots.

Density

The density for this project is a minimum of 19 and a maximum of 32 units. The site was designed for single family homes with two duplex lots on lots 9 and 16 for a total of 22 dwelling units. Although townhouses are allowed in the SFR-10 zone, none of the proposed lots meet the standards for townhouses.

Lots 9 and 16 on the Tentative Plat (Exhibit B) are labeled as duplex lots. Both lots exceed the maximum lot size for single family dwellings per MLDC Section 10.710 but meet the lot size requirements for Duplex Dwellings per MLDC Section 10.713, therefore lots 9 and 16 shall be designated as duplex lots.

Phasing

The subdivision is proposed as a two-phased project with the phase line delineated on the tentative plat with nine lots in phase one and 11 lots in phase two (Exhibit B). Tentative Plat approvals shall expire two years from the approval date. Per MLDC Section 10.269 (2), when it is the developer's intent to record and develop a tentatively platted land division the approving authority may authorize a time schedule for platting the various phases exceeding one year but in no case shall the total time to period of platting all phases exceed five years.

The approval period shall not be greater than five (5) years.

Street Circulation

The tentative plat shows two new streets to be created with the subdivision. Nicolas Lee Drive will intersect Sweet Road and provide access for the future lots. The tentative plat also shows Fleming Way providing a future connection to the east. The street layout is consistent with MLDC Section 10.246 (B) Street Circulation Design and Connectivity for block length.

Per the Public Works Staff report (Exhibit E), Sweet Road will also be required to be improved to Standard Residential street standards.

Jackson County Roads Department (Exhibit K)

The Jackson County Road Department provided comments and requested that a traffic study be done specifically for the intersection of Sweet Road and West McAndrews Road, and if any mitigations are recommended they shall be required. The condition to require a traffic study is supported by the MLDC Section 10.461(3).

The Agent has submitted a reply in opposition to Condition 8 (Exhibit M) stating that the land division has no additional traffic impacts than those impacts that were related to the Zone Change to SFR-10 in 2007.

Wetlands

According to the Department of State Lands wetland delineation report (Exhibit I) there are mapped wetlands along the west and north property boundary for Tax Lot 100. It was determined that there had been approximately 40 cubic yards of fill placed recently therefore, a permit may be needed for 10 cubic yards of fill within the wetland or stream.

Other Agency Comments

Rogue Valley International Airport (Exhibit L)

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

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.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare the final order for approval of LDS-18-077 per the staff report dated August 2, 2018, including Exhibits A through O.

EXHIBITS

- A Conditions of Approval, dated August 2, 2018
- B Tentative Plat received June 1, 2018
- C Conceptual Grading & Drainage Plan received June 1, 2018
- D Applicants findings and conclusions received June 1, 2018
- E Medford Public Works Department Report dated July 18, 2018
- F Medford Fire Department report dated July 17, 2018
- G Medford Building Department Memo dated July 18, 2018
- H Medford Water Commission Memo dated July 18, 2018
- I Wetland Delineation Report dated March 8, 2018
- J Rogue Valley Sewer Services letter dated July 12, 2018
- K Jackson County Roads letter dated July 9, 2018
- L Jackson County Airport email dated July 10, 2018
- M Email from Agent received July 30, 2018
- N Density Calculation
- O Assessor's Map received June 1, 2018
Vicinity map

EXHIBIT A

LDS-18-077
Conditions of Approval
August 2, 2018

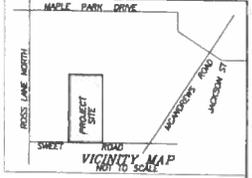
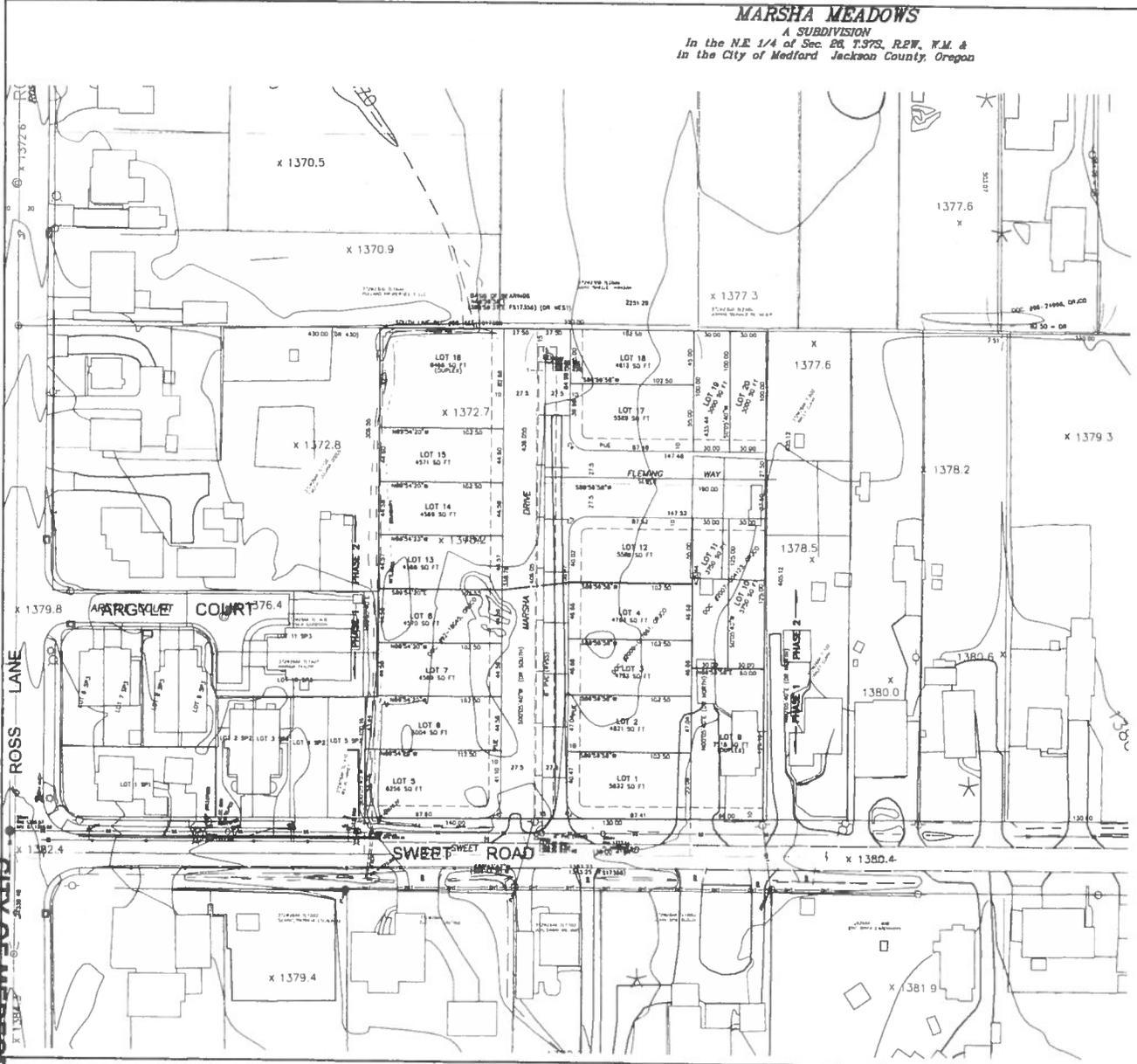
DISCRETIONARY REQUIREMENTS

1. All phases shall be platted prior to the expiration of a five (5) year approval from the date of the signed Final Order.

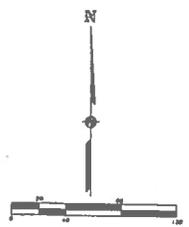
CODE REQUIREMENTS

1. Prior to Final Plat approval, the applicant shall comply with the:
 - a. Public Works Department Staff Report dated July 18, 2018 (Exhibit E).
 - b. Medford Fire Department Report dated July 18, 2018 (Exhibit F).
 - c. Medford Building Department Memo dated July 18, 2018 (Exhibit G).
 - d. Medford Water Commission Meme dated July 18, 2018 (Exhibit H).
 - e. Department of State Lands Wetland delineation dated March 8, 2018 (Exhibit I).
 - f. Rogue Valley Sewer Services Memo dated July 12, 2018 (Exhibit J).
 - g. Jackson County Roads letter dated July 9, 2018 (Exhibit K).
 - h. Jackson County Airport email dated July 10, 2018 (Exhibit L).
 - i. Lots 9 and 16 shall be designated as Duplex lots on the Final Plat

MARSHA MEADOWS
 A SUBDIVISION
 In the N.E. 1/4 of Sec. 28, T.37S, R.2W, W.M. 4
 in the City of Medford Jackson County, Oregon



DATE: 08/11/11
 SHEET: 11 A
 PREPARED BY: L.P. & ASSOCIATES, P.A.
 CHECKED BY: J. J. JENSEN
 DATE: 08/11/11
 SCALE: AS SHOWN
 PROJECT: MARSHA MEADOWS
 SHEET: 11 A

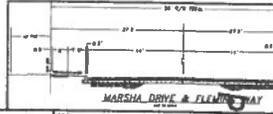


PHASING:
 PHASE 1 = LOTS 1-6, INCLUSIVE
 PHASE 2 = LOTS 7-18, INCLUSIVE

NOTES:
 1. SCHOOL DISTRICT: MEDFORD S.P.C.
 2. FIRE DISTRICT: MEDFORD S.P.C.
 3. TOTAL GROSS ACRES = 133.0
 4. NET ACRES = 122.0
 5. ALL STRUCTURES TO BE REMOVED
 6. AREA BETWEEN REVISION BOUNDARY AND PROPERTY LINES
 WILL BE MAINTAINED BY INDIVIDUAL LOT OWNERS.

COURSE DATA TABLE

NO.	BEARING	DISTANCE	BEARING	DISTANCE	BEARING	DISTANCE
1	S 89° 51' 30" W	17.73	S 70° 00' 00" E	21.33		
2	S 70° 00' 00" E	17.73	S 89° 51' 30" W	21.33		
3	S 89° 51' 30" W	17.73	S 70° 00' 00" E	21.33		
4	S 70° 00' 00" E	17.73	S 89° 51' 30" W	21.33		
5	S 89° 51' 30" W	17.73	S 70° 00' 00" E	21.33		
6	S 70° 00' 00" E	17.73	S 89° 51' 30" W	21.33		
7	S 89° 51' 30" W	17.73	S 70° 00' 00" E	21.33		
8	S 70° 00' 00" E	17.73	S 89° 51' 30" W	21.33		
9	S 89° 51' 30" W	17.73	S 70° 00' 00" E	21.33		
10	S 70° 00' 00" E	17.73	S 89° 51' 30" W	21.33		
11	S 89° 51' 30" W	17.73	S 70° 00' 00" E	21.33		
12	S 70° 00' 00" E	17.73	S 89° 51' 30" W	21.33		
13	S 89° 51' 30" W	17.73	S 70° 00' 00" E	21.33		
14	S 70° 00' 00" E	17.73	S 89° 51' 30" W	21.33		
15	S 89° 51' 30" W	17.73	S 70° 00' 00" E	21.33		
16	S 70° 00' 00" E	17.73	S 89° 51' 30" W	21.33		
17	S 89° 51' 30" W	17.73	S 70° 00' 00" E	21.33		
18	S 70° 00' 00" E	17.73	S 89° 51' 30" W	21.33		



REGISTERED PROFESSIONAL LAND SURVEYOR
Jane K. Kille
 MAY 11, 1988
 JANE K. KILLE
 1111 S. 11TH ST.
 MEDFORD, OREGON 97530
 EXPIRES: DATE 01-31-11

TENTATIVE SUBDIVISION PLAN
 PREPARED BY L.P. & ASSOCIATES, P.A.
 FOR: CO. FLEMING
 2340 GARDEN LANE
 JACKSONVILLE, OR 97530
 L.P. & ASSOCIATES, P.A.
 1111 S. 11TH ST.
 MEDFORD, OREGON 97530
 SHEET 11 A

RECEIVED
 JUN 10 2012
 PLANNING DEPT.

MARSHA MEADOWS

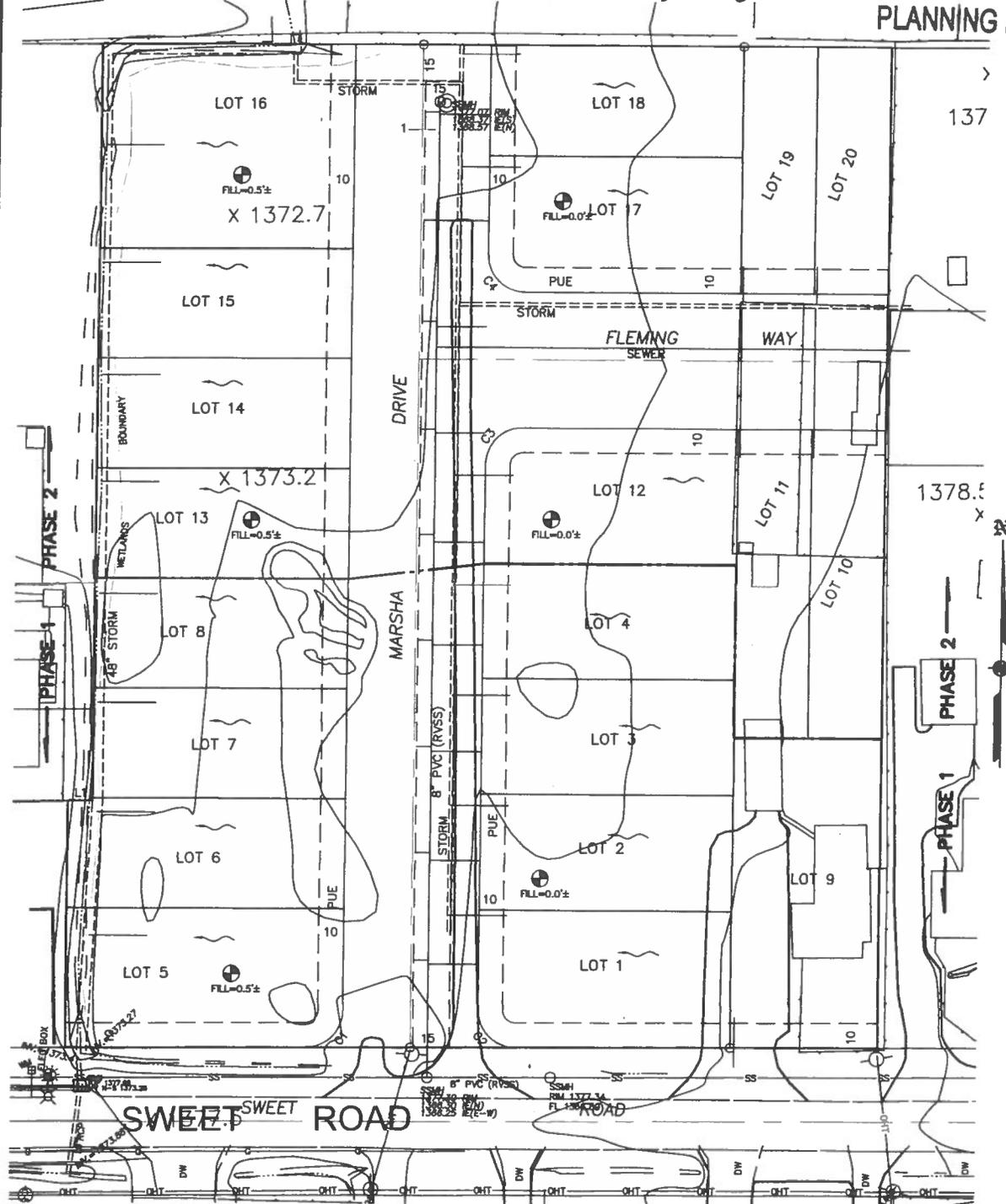
A SUBDIVISION

In the N.E. 1/4 of Sec. 26, T.37S., R.2W., W.M.
City of Medford Jackson County, Oregon

RECEIVED

JUN 01 2018

PLANNING DEPT.



DRAINAGE NOTES:
UPON DEVELOPMENT, EXCESS SPOILAGE WILL BE REMOVED BY THE CONTRACTOR FROM THE PROJECT IF, IN FACT, IT WILL CREATE AREAS OF DRAINAGE ONTO EXISTING PROPERTIES.

ROOF DRAINS WILL BE DIRECTED INTO STORM DRAINAGE SYSTEM TO BE DESIGNED.

REGISTERED PROFESSIONAL LAND SURVEYOR <i>James E. Hibbs</i> OREGON JULY 17, 1986 JAMES E. HIBBS 2234 RENEWAL DATE 6-30-19	TITLE: CONCEPTUAL GRADING & DRAINAGE PLAN	DATE: 31 MAY 2018
	ASSESSOR'S MAP #: 372W26AA TL'S 800, 900 & 1000	SCALE: 1 inch = 40 feet
FOR: ED FLEMING 7369 GRIFFIN LANE JACKSONVILLE, OR 97530	L.J. FRIAR & ASSOCIATES P.C. CONSULTING LAND SURVEYORS PO BOX 1947, PHOENIX, OR 97535 Phone: (541) 772-2762 Email: lfriar@charter.net	ORIGIN: ROTATION: 0° JOB#: 08120FM

© L.J. FRIAR & ASSOCIATES, P.C. 2018

CITY OF MEDFORD
EXHIBIT # C
File # LDS-18-077

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

IN THE MATTER OF AN APPLICATION FOR)	
A LAND DIVISION FOR THE PROPERTY IDENTIFIED AS)	FINDING OF FACT
T372W26AA TAX LOT 800, 900, 1000)	AND
EDWARD FLEMING APPLICANT)	CONCLUSIONS
SCOTT SINNER CONSULTING, INC. AGENT)	OF LAW

I. BACKGROUND INFORMATION

Applicant:

Edward D. Fleming
PO Box 4684
Medford, OR 97501
edfleming49@gmail.com

Agent:

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

Parcel 1:

37 2W 26AA 1000
1444 Sweet Road
Medford, OR 97501
1.24 acres net
SFR-10 zoning district
GLUP Designation Urban Residential (UR)
Planning Action LDS-11-073 Marsha Meadows Subdivision (expired)

Parcel 2:

37 2W 26AA 900
1390 Sweet Road
Medford, OR 97501
1.22 acres net
SFR-10 zoning district
GLUP Designation Urban Residential (UR)
Planning Action LDS-11-073 Marsha Meadows Subdivision (expired)

Parcel 3:

37 2W 26AA 800

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

1378 Sweet Road
Medford, OR 97501
.56 acres net
SFR-10 zoning district
GLUP Designation Urban Residential (UR)
Planning action: A-03-94 annexation, ZC 07-124 zone change

Project Summary:

Parcel 1 and 2 received a land division approval under LDS-11-073 as Marsha Meadows. The approval has expired. The applicant has modified the expired plat and included a third parcel to this application.

This application proposes 14 single family dwellings, 4 lots for zero lot line dwellings, and 2 duplex lots for a total of 20 lots and 22 dwelling units. The density of the project is 6.8 units per acre.

The plat provides a north south street segment of Nicholas Lee Drive, a street established with the approval of Silky Oaks Subdivision Phase 5 in 2018. This segment will provide a future connection between Sweet Road and Maple Park Drive.

The Plat proposes a second street segment, Fleming Way, to provide a public street and the extension of urban facilities parallel to Sweet Road that will allow for urban development of properties to the east of the subject parcels.

The plat is proposed as a phased development and the applicant request the maximum time allowed before expiration.

The applicant proposes a phased development. The order of the phasing may be either Phase 1 first or Phase 1 and Phase 2 may be designed and constructed simultaneously.

The application includes the submission of a Oregon Department of State Lands approved Wetland Delineation. The wetlands affect the western and northern boundary of TL 1000.

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:

"D"

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

- (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.*

Findings of Fact:

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

The 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.

"D"

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

The subject property is 3.2 miles from the Rogue Valley International Airport, and 2.0 miles from Interstate Highway 5 (I-5). The subject properties have frontage on Sweet Road.

Nicholas Lee Drive and Fleming Way are proposed as minor residential streets 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 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:

This application proposes development of all three parcels at urban densities. The development of the proposed plat will allow for adjoining parcels to develop with a connection to the north and a street pattern to the east that will facilitate development on parcels in the vicinity.

The applicant submitted a wetland delineation to Oregon Department of State Lands (DSL). DSL approved the delineation in March of 2018. The site has jurisdictional wetlands on the west boundary of the proposed plat. The properties to the west are either

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

developed to urban densities or have adequate access from other frontages to allow development without infringing on the wetlands.

The historical development in this area of resulted in parcels 60 to 70 feet in width and over 400 feet in depth creating difficult opportunities for current development at urban densities.

The establishment of a new east west street segment will provide for an efficient urban development and street circulation pattern in the vicinity.

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;

Findings of Fact:

The proposed subdivision is proposed as Marsha Meadows Subdivision. This is the same name as the expired plat. 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:

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

The City has not adopted a street Circulation Plan for this area of the City. The proposed plat both conforms with existing street patterns and establishing a new street pattern to facilitate urban development in the vicinity.

Nicholas Lee Drive was established with the development of Silky Oaks Subdivision, Phase 5. The proposed plat will provide a segment in alignment with Nicholas Lee Drive from Sweet Road.

When the properties north of the proposed subdivision are developed, Nicholas Lee Drive will connect Maple Park Drive to Sweet Road.

Fleming Way is proposed as a public street and will establish a circulation pattern for the development of properties north of Sweet Road.

Both streets are proposed as minor residential streets with a 55 foot right of way width.

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 provides a segment of Nicholas Lee Drive, a public street build to minor residential street standards. Fleming Way is also proposed as a minor residential street.

There are no private streets proposed with this plat.

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.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

Findings of Fact:

The subject parcels do 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

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 / Sweet Road 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 site 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.

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BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

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*
- 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.*

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BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

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.*

<i>MAXIMUM BLOCK LENGTH AND PERIMETER LENGTH</i>		
<i>Table 10.426-1</i>		
<i>Zone or District</i>	<i>Block Length</i>	<i>Block Perimeter Length</i>
<i>a. Residential Zones</i>	<i>660'</i>	<i>2,100'</i>
<i>b. Central Business Overlay District</i>	<i>600'</i>	<i>1,800'</i>
<i>c. Transit Oriented Districts (Except SE Plan Area)</i>	<i>600'</i>	<i>1,800'</i>
<i>d. Neighborhood, Community, and Heavy Commercial Zones; and Service Commercial-Professional Office Zones</i>	<i>720'</i>	<i>2,880'</i>
<i>e. Regional Commercial and Industrial Zones</i>	<i>940'</i>	<i>3,760'</i>

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*

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BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

- 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.*
- 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.

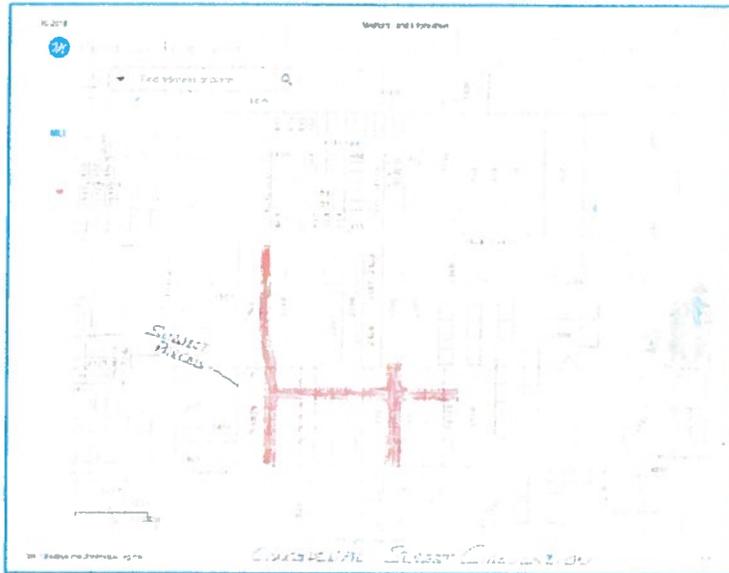
Findings of Fact

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BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

The proposed plat conforms to an existing street circulation pattern in the area by developing a segment of Nicholas Lee Drive from Sweet Road to allow for a connection at Maple Park Drive.

The proposed Fleming Way creates a new street pattern north of Sweet Road that will provide for a public street pattern consistent with the block length standards within the MLDC for circulation and connectivity. The approval of this plat will extend and implement that pattern through incremental development.



The perimeter block length of the conceptual circulation pattern in the image above is approximately 1,600 feet, well under the maximum block length of 2,200 feet allowed in the Code.

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 phased 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.

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BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

The Tentative Plat proposes development on the applicant's entire property at urban densities. This plat will not prevent development of the remainder of the subject parcel or any adjoining parcels from the opportunity to develop at urban densities.

The subdivision name is proposed as Marsha Meadows is unique for the jurisdiction.

There is an extension of public streets to promote circulation and the extension of Category A facilities in the vicinity.

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.

A handwritten signature in black ink, appearing to be 'S Sinner', written over the printed name.

1101



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 7/18/2018
File Number: LDS-18-077

PUBLIC WORKS DEPARTMENT STAFF REPORT

Marsha Meadows
(TLs 800, 900 & 1000)

- Project:** Consideration of a tentative plat for a 20 lot subdivision on approximately 3 acres within the SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zoning district.
- Location:** Located on the north side of Sweet Road approximately 270 feet east of North Ross Lane (372W26AA TL 800, 900, 1000).
- Applicant:** Applicant: Edward Fleming; Agent: Scott Sinner Consulting, Inc.; Planner: Liz Conner.

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

Sweet Road is classified as a Standard Residential street within the Medford Land Development Code (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 31.5-feet. The Developer's surveyor shall verify the amount of additional right-of-way required.

Nicholas Lee Drive and **Fleming Way** are proposed as Minor Residential streets 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.

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 simple, 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

Sweet Road shall be improved to Standard Residential street standards in accordance with MLDC Section 10.430. The Developer shall improve the north half plus 12-feet south of the centerline, or to the far edge of the existing pavement, whichever is greater, along the frontage of this development.

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

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noted above or at minimum improve the remainder of the north half of Sweet Road from a point 1-foot inside the existing edge of pavement.

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

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. 6 – Type R-100

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

- A. 2 – Type 3 Barricades or Type 4 Object Marker Sets
- B. 1 – No Outlet Sign
- C. 2 – Street Name Signs
- D. 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

Applicant shall contact Jackson County Roads for any street moratoriums currently in effect along this frontage to Sweet Road.

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

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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.

Sweet Road, Nicholas Lee Drive and Fleming Way: 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 20 dwelling units and will improve approximately 900 lineal feet of roadway which equates to 45 lineal feet per dwelling unit. Also the development will dedicate approximately 31,845 square feet of right-of-way, which equates to approximately 1,592 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 20 new Lots within the City of Medford and increase vehicular traffic by approximately 188 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.
- 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

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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.

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.

The existing drainage swale, which exists along the westerly boundary of the subdivision, shall be sized to convey the 10-year storm within the channel with one foot of free-board.

Developer shall provide minimum 10-foot Drainage Access Easement along the north property line of lot 16.

Developer shall provide a minimum Drainage Easement of 10-feet from centerline of drainage.

Developer shall provide riparian plantings meeting ODFW standards within the Drainage Easement.

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

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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 developer's 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.

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3. Phasing

If this subdivision is to be developed in phases, then 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. Construction drawings for public improvements shall be submitted only for the improvements to be constructed with each phase.

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

Marsha Meadows
(TLs 800, 900 & 1000)
LDS-18-077

A. Streets

1. Street Dedications to the Public:

- Sweet Road – Dedicate additional right-of-way.
- Dedicate full width right-of-way on **Nicholas Lee Drive** and **Fleming Way**.
- Dedicate 10-foot public utility easements (PUE).

2. Improvements:

a. Public Streets

- Improve **Sweet Road** to Standard Residential Street standards. Half plus 12-feet.
- Construct **Nicholas Lee Drive** and **Fleming Way** 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.
- The existing drainage swale shall be sized to convey the 10-year storm within the channel with one foot of free-board.
- Provide Drainage Access Easement.
- Provide Drainage Easement.
- Provide riparian plantings.
- Provide water quality and detention facilities.
- Provide Engineers certification of stormwater facility construction.
- 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.

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PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

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FAX (541) 774-2552

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Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 7/16/2018
Meeting Date: 7/18/2018

LD #: LDS18077

Planner: Liz Conner

Applicant: Edward Flemming; Agent: Scott Sinner Consulting, Inc.

Site Name: Marsha Meadows

Project Location: North side of Sweet Road approximately 270 feet east of North Ross Lane

Project Description: Consideration of a tentative plat for a 20 lot subdivision on approximately 3 acres within the SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zoning district, located on the north side of Sweet Road approximately 270 feet east of North Ross Lane (372W26AA TL 800, 900, 1000)(Applicant: Edward Flemming; Agent: Scott Sinner Consulting, Inc.; Planner: Liz Conner

Specific Development Requirements for Access & Water Supply

Conditions

Reference	Comments	Description
OFC 508.5	Two fire hydrants will be required for this project: One near the corner of Sweet Road/Nicholas Lee Drive and one near the corner of Nicholas Lee Drive/Fleming Way	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).
MMC 10.430	The developer shall choose one of the three options. If 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.	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 ½) foot planter strips. The Oregon Fire Code requires; "Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches" (OFC 503.2.1). "The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established in Section 503.2.1, shall be maintained at all times." (OFC 503.4). When the clustered-offset driveway option is chosen, a note indicating driveway locations shall be included on the final plat. In areas where the clustered-offset option cannot be utilized because of lot layout, parking restrictions may apply in certain areas and no parking signs may be required.

Construction General Information/Requirements

CITY OF MEDFORD
EXHIBIT # E
File # LDS-18-077

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

"F"

Memo



To: Elizabeth Conner, Planning Department
From: Mary Montague, Building Department
CC: Edward Fleming, Applicant; Scott Sinner Consulting, Inc., Agent
Date: July 18, 2018
Re: LDS-18-077; Marsha Meadows

Building Department:

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

1. Applicable Building Codes are 2017 ORSC; 2017 OPSC; and 2014 OMSC. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.
3. Site Excavation permit required to develop, install utilities.
4. Demo Permit is required for any buildings being demolished.



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: LDS-18-077

PARCEL ID: 372W26AA TL's 800, 900, and 1000

PROJECT: Consideration of a tentative plat for a 20 lot subdivision on approximately 3 acres within the SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zoning district, located on the north side of Sweet Road approximately 270 feet east of North Ross Lane.

DATE: July 18, 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 "off-site" 8-inch water line is required in Sweet Road from the existing 8-inch waterline on the east side of Ross Lane North. This new 8-inch water line shall extend to the east side of TL 800 where the water line will be stubbed for future extension.
4. Installation of an "on-site" 8-inch water line is required in Nicholas Lee Drive from Sweet Road to the north property line of this development.
5. Installation of an "on-site" 8-inch water line is required in Fleming Way between Nicholas Lee Drive and the east property line of this development.
6. Applicant or their civil engineer shall coordinate with Medford Fire Department for location of proposed fire hydrants for this subdivision.

COMMENTS

1. Off-site water line installation is required. (See Condition 3 above)
2. On-site water facility construction is required. (See Conditions 4 and 5 above)

Continued to Next Page

CITY OF MEDFORD
EXHIBIT # H
File # LDS-18-077



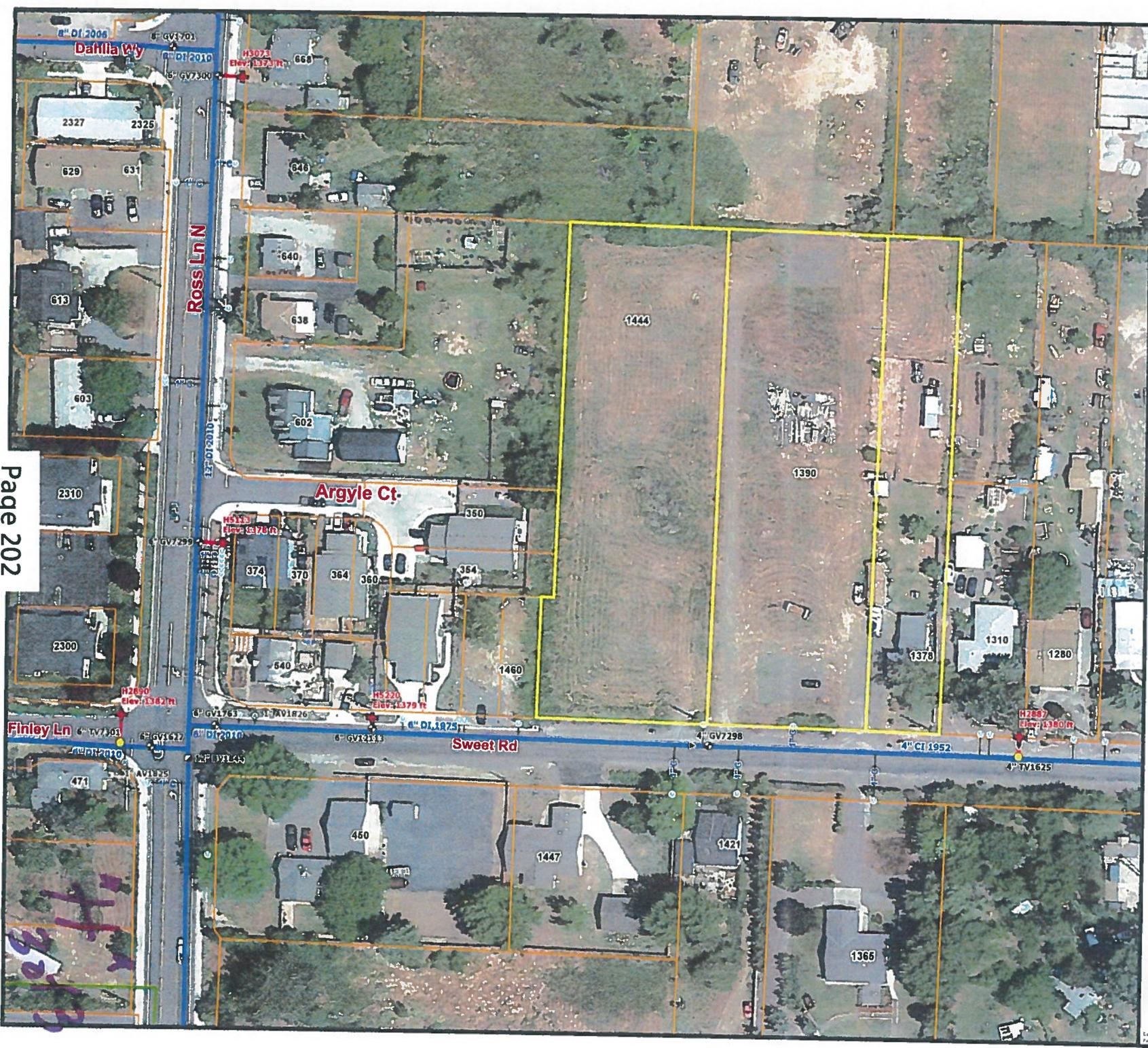
BOARD OF WATER COMMISSIONERS

Staff Memo

Continued from Previous Page

3. Static water pressure is expected to be near 90 psi in this area. See attached document from the City of Medford Building Department on the "Policy on Installation of Pressure Reducing Valves".
4. The existing water services to homes at 540 N Ross Lane, 1474, 1470, 1464, and 1460 Sweet Road, along with the existing fire hydrant will be reconnected to the new 8-inch water line at Medford Water Commission expense during the installation of the 8-inch water line per Condition 3 above.
5. MWC-metered water service does exist to 1420 & 1390 Sweet Lane. Each Lot currently has a ¾-inch water meter with 1-inch copper service line. (See Condition 3 above)
6. Access to MWC water lines is available. There is an existing 12-inch water line in Ross Lane North., and there is an existing 6-inch water line in Sweet Road that extends from Ross Lane North to the east property line of TL 1000. From here the water line transitions to a 4-inch water and extends the remainder of the way to W McAndrews Road.

11/7/9



0 25 50 100 Feet
 Scale: 1"=100'

Water Facility Map for LDS-18-077
 July 18, 2018

Legend

- * Air Valve
- Sample Station
- Fire Service
- ◆ Hydrant
- ▲ Reducer
- Blow Off
- ⊕ Plugs-Caps
- Water Meters:**
- Active Meter
- On Well
- Unknown
- Vacant
- Water Valves:**
- Butterfly Valve
- Gate Valve
- Tapping Valve
- Water Mains:**
- Active Main
- - - Abandoned Main
- Reservoir Drain Pipe
- Pressure Zone Line
- Boundaries:**
- Urban Growth Boundary
- City Limits
- Tax Lots
- MWC Facilities:**
- C** Control Station
- P** Pump Station
- R** Reservoir



This map is based on a digital elevation (contour) map. Medford Water Commission does not warrant the accuracy of the data. Medford Water Commission cannot be held responsible for errors or omissions of any kind in this map. If there are any questions, please contact the office.

Scale: 1/8"=1' Date: 7/18/2018
 Path: \\MWC\GIS\Map\GIS Map\MWC 7/18 2018.dwg User: jg Aug 11 2018 09:42



Oregon

Kate Brown, Governor

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregon.gov/dsl

State Land Board

Kate Brown

Governor

Dennis Richardson

Secretary of State

Tobias Read

State Treasurer

March 8, 2018

Ed Fleming
P.O. Box 4464
Medford, OR 97501

Re: WD # 2017-0467 Wetland Delineation Report for Sweet Road
Jackson County; T37S R2W Sec. 26AA, Tax Lot 1000

Dear Mr. Fleming:

The Department of State Lands has reviewed the wetland delineation report prepared by Northwest Biological Consulting for the site referenced above. Based upon the information presented in the report and additional information submitted upon request, we concur with the wetland and waterway boundaries as mapped in revised Figure 5 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, one wetland, containing an intermittent stream meeting wetland criteria and totaling approximately 0.094 acres, was identified. The wetland is subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in the wetlands.

However, the site investigation determined that 39.6 cubic yards of fill has recently been placed within the wetland and the stream. Therefore, a permit may be needed for 10 cubic yards or more of fill within the wetland or stream.

This concurrence is for purposes of the state Removal-Fill Law only. Federal or local permit requirements may apply as well. The Army Corps of Engineers will review the report and make a determination of jurisdiction for purposes of the Clean Water Act. We recommend that you attach a copy of this concurrence letter to both copies of any subsequent joint permit application to speed application review.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

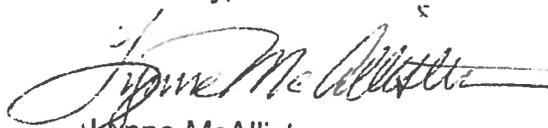
This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a

[Good to March 8, 2018]

determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

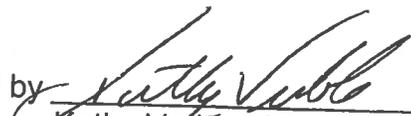
Thank you for having the site evaluated. Please phone me at 503-986-5300 if you have any questions.

Sincerely,



Lynne McAllister
Jurisdiction Coordinator

Approved by


Kathy Verble, CPSS
Aquatic Resource Specialist

Enclosures

ec: Scott English, Northwest Biological Consulting
City of Medford Planning Department (Maps enclosed for updating LWI)
Benny Dean, Corps of Engineers
Melody Rudenko, DSL

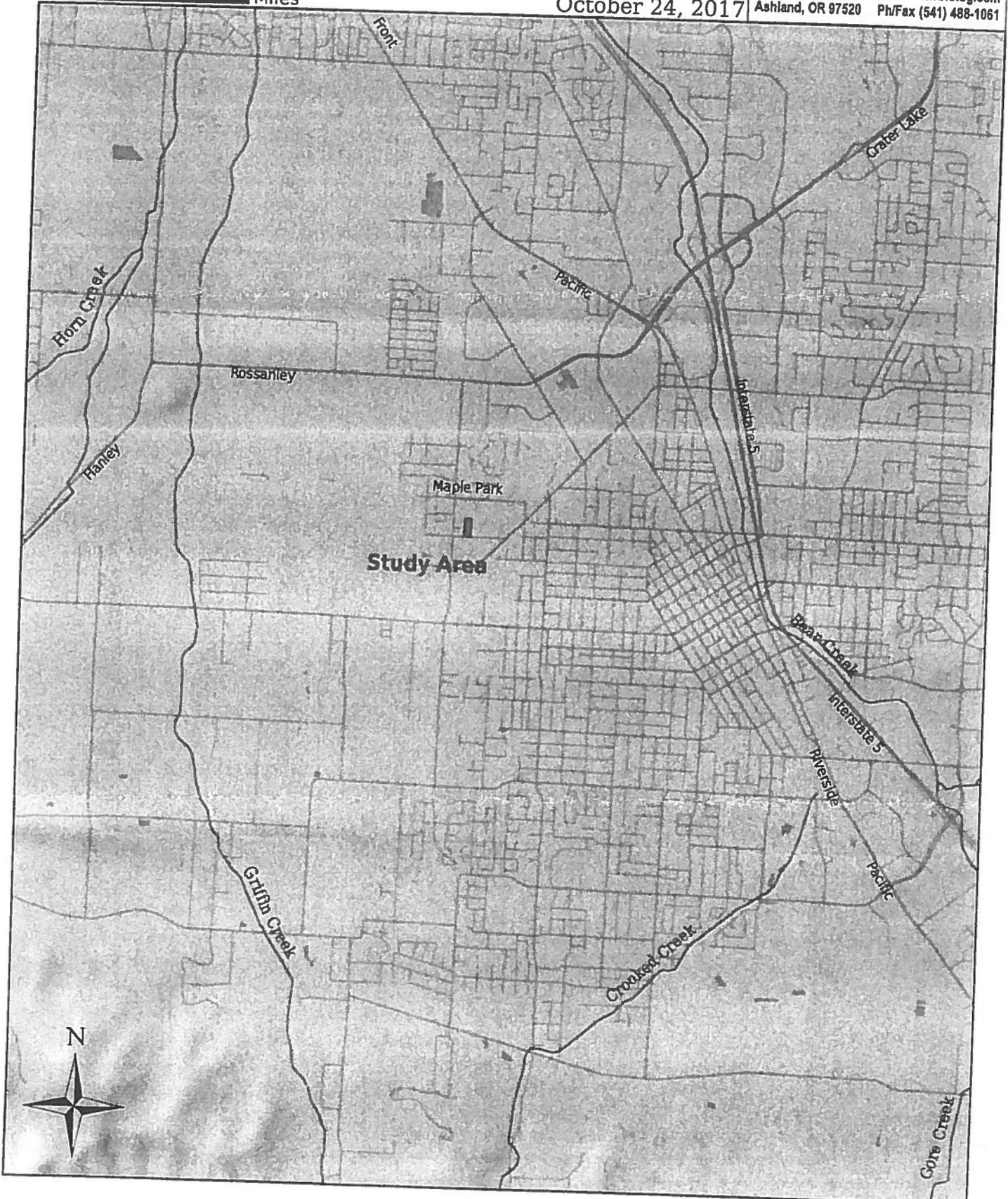
Sweet Rd. Figure 1: Location

Study Area based on tax lot polygons provided by Jackson County. All other data provided by Jackson County.

Northwest Biological Consulting
Habitat Restoration,
Environmental Planning
CA Engineering Contractor
OR General Contractor
324 Terrace St. P.O. Box 671 nwbiolog.com
Ashland, OR 97520 Ph/Fax (541) 488-1061

0 1/4 1/2 1 Miles

October 24, 2017



"I"
"C"

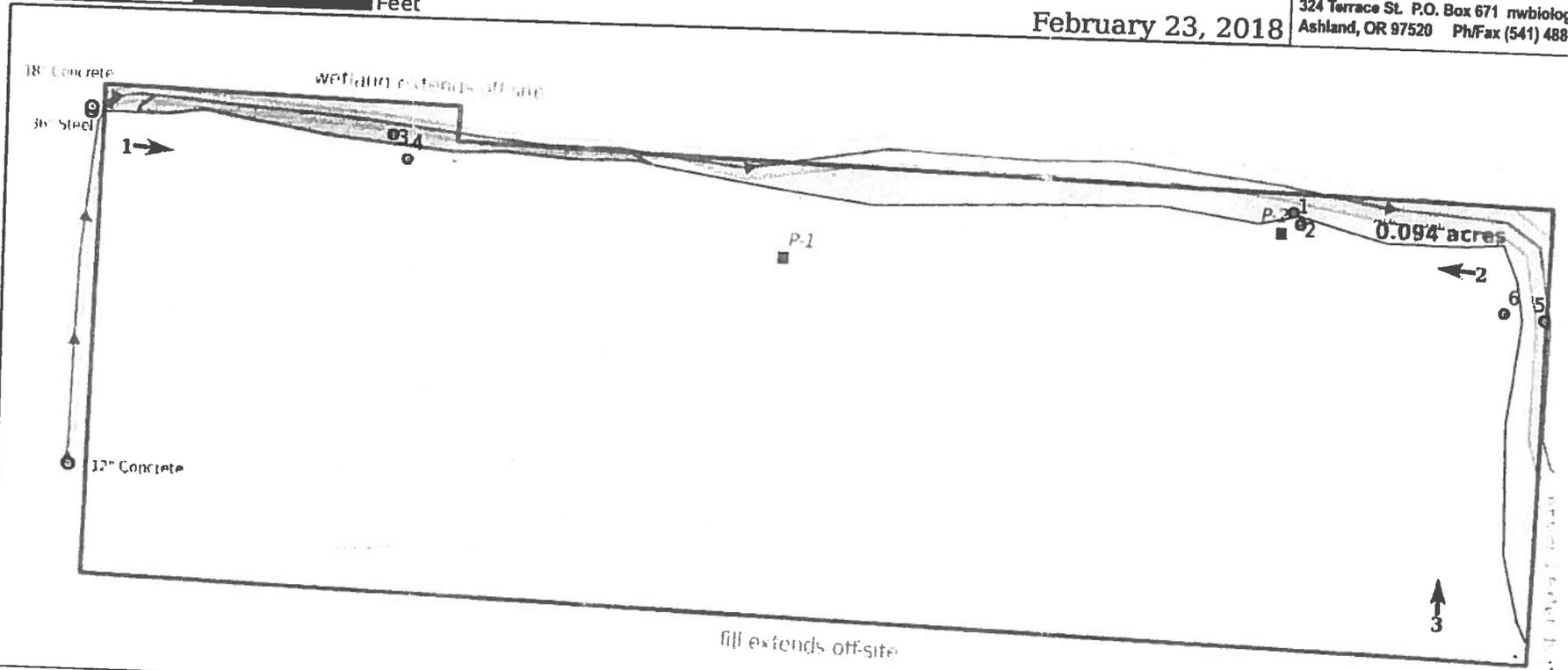
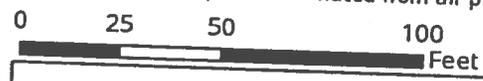
"H" Sds

Sweet Rd. Figure 5: Wetland Delineation

Study Area based on tax lot polygons provided by Jackson County. Street lines provided by Jackson County. Data plots and wetland boundaries mapped to submeter accuracy with a Trimble GeoXT GPS. Photo points estimated from air photo to within 6 ft.

Northwest Biological Consulting
 Habitat Restoration,
 Environmental Planning
 CA Engineering Contractor
 OR General Contractor
 324 Terrace St. P.O. Box 671 nwbiolog.com
 Ashland, OR 97520 Ph/Fax (541) 488-1061

February 23, 2018



Legend

- Data Plots
- Soil Pits
- ↑ Photos
- Culverts
- ▭ Study Area
- ▭ Fill
- ▭ OHW
- ▭ Wetland
- ▭ Encroaching Fill in wetland
- ↔ Ditch Centerline

DSL WD # 2017-0467
 Approval Issued 3/8/18
 Approval Expires 3/8/23





ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 97502-0005
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

July 12, 2018

Medford Planning Department
200 S. Ivy Street
Medford, Oregon 97501

Re: Marsha Meadows, LDS-18-077 (Map 372W26A, Tax Lots 800, 900, 1000)

ATTN: Liz,

There is an existing 8 inch sewer main along Sweet Road and an 8 inch sewer extended into the subject development along the west property boundary of tax lot 900. The existing home on lot 9 is currently connected to the main along Sweet Road and will not be affected by the proposed development. There is an existing 4 inch service extended to lot 5 from the main along Sweet Road approximately 68 feet downstream of the existing manhole. This service must be located and abandoned at the right-of-way per RVSS standards. Sewer service for lots 1-8 and 12-18 can be had by connecting to the existing 4 inch services currently stubbed from the existing main as shown on the tentative plat. However, these services will require extension to the proposed right-of-way. Sewer service for lots 10, 11, 19, & 20 will require a sewer main extension along proposed Fleming Way.

Rogue Valley Sewer Services requests that approval of this project be subject to the following conditions:

1. Sewer for the project must be designed and constructed in accordance with RVSS standards.
2. If required, existing services must be abandoned per RVSS standards. This will require a no cost abandonment permit form RVSS.
3. The sanitary sewer system must be accepted as a public system by RVSS prior to the issuance of any building permits.

Feel free to call if you have any questions regarding this project.

Sincerely,

Nicholas R. Bakke

Nicholas R. Bakke, PE
District Engineer

K:\DATA\AGENCIES\MEDFORD\PLANNING\LAND SUB\2018\LDS-18-077_MARSHA MEADOWS.DOC

CITY OF MEDFORD
EXHIBIT # J
File # LDS-18-077



JACKSON COUNTY

Roads

Roads
Engineering

Mike Kuntz, P.E.
County Engineer

200 Antelope Rd
White City, OR 97503
Phone (541)774-6228
Fax: (541)774-6295
kuntzm@jacksoncounty.org

www.jacksoncounty.org

July 9, 2018

Attention: Elizabeth Conner
Planning Department
City of Medford
200 South Ivy Street, Lausmann Annex, Room 240
Medford, OR 97501

RE: Tentative plat for 20-lot subdivision on Sweet Road—a County maintained road.
Planning File: LDS-18-077

Dear Elizabeth:

Thank you for the opportunity to comment on consideration of a tentative plat for a 20-lot subdivision on approximately 3 acres within the SFR-10 (Single-Family Residential – 10 dwelling units per gross acre) zoning district, located on the north side of Sweet Road approximately 270 feet east of North Ross Lane (37-2W-26AA TLs 800, 900 & 1000). Jackson County Roads has the following comments:

1. If frontage improvements are required off Sweet Road, they shall be permitted and inspected by the City of Medford.
2. Any new or improved road approaches off Sweet Road shall be permitted and inspected by the City of Medford.
3. The applicant shall submit construction plans to Jackson County Roads, so we may determine if county permits will be required.
4. Sweet Road is a County Local Road and is county-maintained. The City of Medford's 2016 Traffic Count Map indicates the traffic count for this road is 500 ADT.
5. Jackson County's General Administration Policy #1-45 sets forth the County's position as it relates to the management of County roads located within existing or proposed city limits or Urban Growth Boundaries (UGB). The County has no current plans for improvements to Sweet Road. Jackson County Roads recommends that the city request jurisdiction of this road.
6. Storm water should meet City of Medford requirements that also include water quality.

7. Jackson County Roads would like to review and comment on the hydraulic report including the calculations and drainage plan. Capacity improvements or on site detention, if necessary, shall be installed at the expense of the applicant. Upon completion of the project, the developer's engineer shall certify that construction of the drainage system was constructed per plan and a copy of the certification shall be sent to Jackson County Roads.
8. Jackson County Roads requests a TIS that looks at the intersection of Sweet Road and West McAndrews Road. If mitigations are recommended they shall be required.

If you have any questions or need further information feel free to call me at 774-6228

Sincerely,



Mike Kuntz
County Engineer

Liz A. Conner

From: Marcy Black <BlackMA@jacksoncounty.org>
Sent: Tuesday, July 10, 2018 8:37 AM
To: Liz A. Conner
Subject: File No. LDS-18-077 Project Name: Marsha Meadows

Elizabeth:

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

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.

Results

You exceed the following Notice Criteria:

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.

CITY OF MEDFORD
EXHIBIT # L
File # LDS-18-077

Liz A. Conner

From: scottsinner@yahoo.com
Sent: Monday, July 30, 2018 2:58 PM
To: Liz A. Conner; edfleming49@gmail.com; 'Rosemary Stovern'
Subject: FW: Planning File: LDS-18-077
Attachments: LDS-18-077.pdf

Liz,

I reviewed the County Comments for the Marsha Meadows application.

Item 8 on the second page indicates the County request a Traffic Impact Analysis (TIA).

The current application for a land division has no additional traffic impact than those impacts that were related to the Zone Change to the SFR-10 zoning District in 2007.

I would request the comment for the TIA be disregarded and not be made a condition of approval for the current application for the land division.

Thank you.

Scott

Scott Sinner Consulting, Inc.
4401 San Juan Dr. Suite G
Medford, OR 97504
541-601-0917

From: Liz A. Conner <Elizabeth.Conner@cityofmedford.org>
Sent: Monday, July 30, 2018 11:56 AM
To: 'scottsinner@yahoo.com' <scottsinner@yahoo.com>
Subject: FW: Planning File: LDS-18-077

Scott,

Attached are the comments from Jackson County Roads. I just sat that I didn't forward them.

Thanks,

Liz Conner, CFM
Planner II
City of Medford - Planning Department
Lausmann Annex
200 South Ivy Street, Medford, Oregon 97501

CITY OF MEDFORD
EXHIBIT # M
File # LDS-18-077

Liz A. Conner

From: scottsinner@yahoo.com
Sent: Tuesday, July 31, 2018 9:51 AM
To: 'Mike Kuntz'; Liz A. Conner
Cc: Karl H. MacNair; edfleming49@gmail.com
Subject: LDS-18-077
Attachments: LDS-18-077.pdf

Mike,

I just received comments from Liz Conner on our subdivision application for Marsha Meadows.

I would like to request your item #8 to be removed from your report. The property is within the City of Medford jurisdiction. I understand since Sweet Road is not developed to City of Medford Standards and the County has maintenance jurisdiction as stated in you comments 4 and 5. The City has the planning jurisdiction for this project.

This application is a land division. The impacts to the transportation system were determined at the zone change to SFR-10 in 2007. The zone change was approved without conditions or trip caps. The City reviews capacity issues at the zone change and not the subdivision.

That being said, I have calculated the traffic impact of this subdivision. The gross acreage of the properties are 3.23 acres and the properties are already in the SFR-10 zoning district. The site contemplated the highest and best use of the property with a maximum of 32 dwelling units on the site.

Out plat proposes 22 dwelling units, a reduction of 10 dwelling units. At the current ITE Standards, the traffic impact is 9.44 Average Daily Trips per dwelling unit. The effect of our proposal is a reduction of 94 Average Daily Trips on the transportation system.

Please let me know if you have any questions and I would ask you to provide the city with a revision of your comments without comment #8.

Thank you

Scott

Scott Sinner Consulting, Inc.
4401 San Juan Dr. Suite G
Medford, OR 97504
541-601-0917

CITY OF MEDFORD
EXHIBIT # M 2 of 2
File # LDS-18-077

DENSITY CALCULATION FORM

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

File No.	LDS-18-077
Planner	Liz Conner
Date	July 30, 2018

GROSS ACREAGE	
Tax Lot Numbers	
372W26AA TL800	0.56 AC
372W26AA TL900	1.22 AC
372W26AA TL1000	1.24 AC
	AC
	AC
Existing ROW to Centerline	0.23 AC
Gross Acres	3.25 AC
Effective Acres (Gross - Subtracted)	3.25

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

DENSITY RANGE	
Zoning District	SFR-10
Density Range	
Minimum	6.00
Maximum	10.00
No. DU Proposed	22.00
No. DU Permitted	32.00
Minimum	19.48
Maximum	32.47
Percentage of Maximum	67.75%

EXISTING R-O-W CALCULATION

	LF	Width	SF	Acreage
Sweet Road	330.00	30.00	9,900.00	0.23
(Street Name)	-	-	-	-
(Street Name)	-	-	-	-
			9,900.00	0.23

Page 214

File #
 EXHIBIT #
 CITY OF MEDFORD
 LDS-18-077

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



Project Name:

Marsha Meadows

Map/Taxlot:

372W26AA TL 800,900, & 1000



06/06/2018

Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots
-  City Limits

