

PLANNING COMMISSION AGENDA SEPTEMBER 22, 2016



Commission Members

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

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

City of Medford

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



Planning Commission

Agenda

Public Hearing

September 22, 2016

5:30 PM

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

10. Roll Call

20. Consent Calendar/Written Communications (voice vote)

- 20.1 ZC-16-077** Consideration of a request for change of zone from SFR-00 (Single Family Residential – one dwelling unit per existing lot) to C-R (Regional Commercial) on 6.56 acres generally located at the east corner of the intersection of Garfield Street and Center Drive. (Cris A. Galpin, Applicant; Richard Stevens & Associates, Inc., Agent)

30. Minutes

- 30.1** Consideration for approval of minutes from the September 8, 2016, 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.**

Continuance Request

- 50.1 LDP-16-055** Consideration of a request to create two lots on a 19.83 acre parcel located northeast of the intersection of Biddle Road and East Jackson Street, within a C-R (Regional Commercial) zoning district. (LBG Medford, LLC; Applicant; Neathamer Surveying, Inc., Agent). **The applicant has requested a continuance until the Thursday, October 13, 2016, Planning Commission meeting.**

New Business

- 50.2 E-16-087** Consideration for exception relief to allow a public commercial street to vary from the development code standard for a commercial street. The subject street lies between Farmington Avenue and Yamsay Drive, approximately 575 feet north of Cedar Links Drive, within the Cedar Landing Planned Area Development. (Cedar Investment Group LLC, Applicant; CSA Planning Ltd., Agent)
- 50.3 LDS-16-079** Consideration of Summerfield at Southeast Park Phase 9, a proposed 56 lot residential subdivision on 10.7 gross acres located directly south of Sunleaf Avenue and 1,175 feet east of N. Phoenix Road, in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district. (Mahar Homes, Inc., Applicant; CSA Planning Ltd./Jay Harland, Agent)

- 60. Reports**
- 60.1 Site Plan and Architectural Commission
- 60.2 Joint Transportation Subcommittee
- 60.3 Planning Department
- 70. Messages and Papers from the Chair**
- 80. Remarks from the City Attorney**
- 90. Propositions and Remarks from the Commission**
- 100. Adjournment**

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

IN THE MATTER OF PLANNING COMMISSION FILE ZC-16-077 APPLICATION)
FOR A ZONE CHANGE SUBMITTED BY CRIS A. GALPIN) **ORDER**

ORDER granting approval with conditions of a request for change of zone from SFR-00 (Single Family Residential – one dwelling unit per existing lot) to C-R (Regional Commercial) on 6.56 acres generally located at the east corner of the intersection of Garfield Street and Center Drive.

WHEREAS, the City Planning Commission in the public interest has given consideration for change of zone from SFR-00 (Single Family Residential – one dwelling unit per existing lot) to C-R (Regional Commercial) on 6.56 acres generally located at the east corner of the intersection of Garfield Street and Center Drive; and

WHEREAS, the City Planning Commission has given notice of, and held a public hearing, and, after considering all the evidence presented, finds that the zone change is supported by, and hereby adopts the Staff Report dated September 1, 2016, and the Findings contained therein – Exhibit “A,” and Legal Description – Exhibit “B” attached hereto and hereby incorporated by reference; now, therefore,

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

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

37 1W 32B Tax Lot 3604

37 1W 32B Tax Lot 3605

is hereby changed from SFR-00 (Single Family Residential – one dwelling unit per existing lot) to C-R (Regional Commercial) on 6.56 acres generally located at the east corner of the intersection of Garfield Street and Center Drive.

Accepted and approved this 22nd day of September, 2011.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



I, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk's records.
Christine Walker - County Clerk

Send Tax Statements to:
UNCHANGED

Exhibit "B"

BARGAIN AND SALE DEED
Property Line Adjustment
Medford Files #PLA-16-010/PLA-16-058

RECEIVED
JUN 21 2016
PLANNING DEPT.

NASH HOLDINGS, LLC, an Oregon limited liability company (hereinafter referred to as Grantor"), for and in consideration of the sum of (\$ 0.00) and other valuable consideration, receipt of which is hereby acknowledged, hereby grants, bargains, sells, remises, releases, and conveys to NASH HOLDINGS, LLC, an Oregon limited liability company, (hereinafter referred to as "Grantee"), all that certain land situate in Jackson County, State of Oregon, to-wit:

A portion of Parcel 1 per Volume 365, Page 352, Jackson County Deed Records being more particularly described as follows:

TRACT 1: Commencing at the Northeast corner of Donation Land Claim No. 46, Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence South 72°35'51" West (record South 72°54' West), 41.80 feet; thence South 50°57'13" West, 1358.02 feet (record South 51°16' West, 1360.2 feet) to the Southwest corner of Parcel 2 per Volume 365, Page 352, Jackson County Deed Records; thence along the West line thereof, North 15°26'46" West (record North 15°09' West), 541.83 feet to the Northeast corner of Belknap Road and the true point of beginning; thence North 71°32'07" East, 109.81 feet; thence North 38°52'57" West, 372.47 feet; thence North 51°02'23" East, 266.89 feet; thence North 39°57'31" West, 332.26 feet to the Northwesterly line of that property deeded for right of way purposes per Document No. 2006-013916, Official Records of Jackson County, Oregon; thence along the exterior of said right of way the following five courses: South 48°47'39" West, 98.02 feet to an angle point; thence North 46°06'27" West, 39.84 feet to an angle point; thence South 26°02'34" West, 141.81 feet to an angle point; thence South 23°33'55" West, 227.04 feet to an angle point; thence South 23°59'20" West, 19.52 feet to the most Northerly corner of that tract described in Document No. 2015-018249, said Official Records; thence along the Easterly line thereof, South 09°55'52" West, 114.92 feet to the Westerly line of Parcel 1 per Volume 365, Page 352, said Deed Records; thence along said Westerly line the following three courses: South 09°58'25" West (record South 10°10' West), 55.03 feet; thence South 15°53'23" West, 87.06 feet (record South 16°12' West, 87.0 feet); thence South 34°06'27" West (record South 34°22' West), 83.15 feet to the Northeasterly line of Center Drive set forth in Document No. 2006-013916, said Official Records; thence along said Northeasterly line, South 56°06'10" East, 238.97 feet to the Northerly line of Belknap Road; thence along said Northerly line, North 72°37'00" East, 310.08 feet to the true point of beginning.

TRACT 2: Commencing at the Northeast corner of Donation Land Claim No. 46, Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence South 72°35'51" West (record South 72°54' West), 41.80 feet; thence South 50°57'13" West, 1358.02 feet (record South 51°16' West, 1360.2 feet) to the Southwest corner of Parcel 2 per Volume 365, Page 352, Jackson County Deed Records; thence along the West line thereof, North 15°26'46" West (record North 15°09' West), 541.83 feet to the Northeast corner of Belknap Road; thence along the Northerly line thereof, South 72°35'18" West, 402.60 feet to the Southwesterly line of Center Drive set forth in Document No. 2006-013916, Official Records of Jackson County, Oregon and the true point of beginning; thence continue along said Northerly line, South 72°37'22" West, 118.24 feet to the Southwest corner of Parcel 1 per Volume 365, Page 352, said Deed Records; thence along the West line thereof, North 00°07'49" East, 111.01 feet to the Southwesterly line of Center Drive set forth in Document No. 2006-013916, said Official Records; thence along said Southwesterly line, South 56°05'07" East, 135.67 feet to the true point of beginning.

Containing 7.35 acres, more or less. (Adjusted 371W32B TL'S 3604/3605)

CITY OF MEDFORD
EXHIBIT #

Page 5 077

APPROVED
CITY OF MEDFORD
PLANNING DEPARTMENT
By: *Shirley Ann Conner* 5/19/16
Approval expires if not recorded
within one year of approval date

Send Tax Statements to:
UNCHANGED

BARGAIN AND SALE DEED
Property Line Adjustment
Medford Files #PLA-16-010/PLA-16-058

TOGETHER with all the tenements, hereditaments and appurtenances thereto
belonging or in anywise appertaining, to have and to hold in fee simple forever.

IN WITNESS WHEREOF, the said Grantor has executed this instrument this

18 day of May, 20 16.

Daniel A. Nash
DANIEL A. NASH, Member
Nash Holdings, LLC

STATE OF OREGON)
)ss
COUNTY OF JACKSON)

The foregoing instrument was acknowledged before me this 18 day of

May, 20 16, by Daniel A. Nash.

Jerry Speedling
Notary Public of Oregon.



APPROVED
CITY OF MEDFORD
PLANNING DEPARTMENT
By: Elizabeth Conner 5/19/16
Approval expires if not recorded
within one year of approval date



Minutes

From Public Hearing on **September 8, 2016**

The regular meeting of the Planning Commission was called to order at 5:34 PM in the City Hall Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

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

Staff Present

Jim Huber, Planning Director
Kelly Akin, Principal Planner
Kevin McConnell, Deputy City Attorney
Karl MacNair, Transportation Manager
Terri Rozzana, Recording Secretary
Desmond McGeough, Planner III

10. **Roll Call**

20. **Consent Calendar/Written Communications.**

20.1 LDS-16-070 Final Order for King Arthur Village, a 34 lot residential subdivision on 5.31 gross acres located north of Diamond Street and east of Lillian Street, within the SFR-10 (Single Family Residential, ten dwelling units per gross acre) and the SFR-6 (Single-Family Residential, six dwelling units per gross acre) zoning districts. (Dennis Sullivan, Applicant; Scott Sinner Consulting, Inc., Agent)

Motion: Adopt the consent calendar as submitted.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Voice Vote: Motion passed, 8-0.

30. **Minutes**

30.1. The minutes for August 25, 2016, were approved as submitted, with Commissioner D'Alessandro abstaining.

40. **Oral and Written Requests and Communications.** None.

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

50. Public Hearings – Continuance Request

50.1 LDP-16-055 Consideration of a request to create two lots on a 19.83 acre parcel located northeast of the intersection of Biddle Road and East Jackson Street, within a C-R (Regional Commercial) zoning district. (LBG Medford, LLC; Applicant; Neathamer Surveying, Inc., Agent). **The applicant has requested a continuance to the September 22, 2016 Planning Commission meeting.**

Chair Miranda stated that if there are members in the audience that have come to testify on this agenda item and cannot attend the Thursday, September 22, 2016, Planning Commission hearing, please come forward and the Planning Commission will hear their testimony at this time. Please keep in mind that it is possible that their questions may be answered when staff presents their staff report on Thursday, September 22, 2016. There will be no decisions made this evening on this agenda item.

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

Motion: The Planning Commission continued LDP-16-055, as per the applicant's request, to the September 22, 2016, Planning Commission meeting.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Voice Vote: Motion passed, 8-0.

New Business

50.2 ZC-16-077 Consideration of a request for change of zone from SFR-00 (Single Family Residential – one dwelling unit per existing lot) to C-R (Regional Commercial) on 6.56 acres generally located at the east corner of the intersection of Garfield Street and Center Drive. (Cris A. Galpin, Applicant; Richard Stevens & Associates, Inc., Agent)

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

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

Desmond McGeough, Planner III, read the zone change criteria and gave a staff report.

Commissioner McKechnie stated that Mr. McGeough mentioned in the criteria subsection (1)(e). Would he please inform the Planning Commission what those subsections are? Section 10.227 (1) (e)(i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows only one zone; (ii) At least fifty percent of the subject property's boundaries abut zones that are expressly allowed under the criteria in (1)(c) or (1)(d); (iii) At least fifty percent of the subject

property's boundaries abut property that contain one or more existing uses which are permitted or conditional uses in the zone sought by the applicant, regardless of whether the abutting properties are actually zoned for such existing uses; or (iv) Notwithstanding the definition of "abutting" in Section 10.012 and for purposes of determining suitability under Section (1)(e), the subject property is separated from the "unsuitable" zone by a public right-of-way of at least sixty feet in width.

Commissioner McKechnie asked how does the 367 trips equate to square footage for general commercial? Karl MacNair, Transportation Manager, presented a table from the Traffic Impact Analysis showing how the 367 trips are calculated. It equates to 1,000 square feet multiplied by the size. It is approximately 25,000 square feet.

The public hearing was opened.

a. Clark Stevens, Richard Stevens & Associates Inc., P. O. Box 4368, Medford, Oregon, 97501-0168. Mr. Stevens reported that he is present this evening representing the applicant, Cris A. Galpin. Staff has presented a complete report for the zone change. The record that includes the staff report and the applicant's findings demonstrated that they are in compliance with Section 10.227 of the Code. The applicant has reviewed the conditions of approval from Public Works and Oregon Department of Transportation. The applicant is in full agreement with both their recommendations.

Commissioner McKechnie stated that it looks like there is only one way in and one way out of this property. Is there any possibility of getting another access through either the land the applicant owns or someone else to Highway 99? Mr. Stevens reported that currently this is the only access point. He is not sure if the applicant can go back further towards the south and then back towards the west. The applicant does not have any plans at this point. The possibility exists that additional access could come from Highway 99. The problem being is that the Oregon Department of Transportation has their standards for facility adequacy. That will be a major consideration whether or not the applicant can do another entrance at this point. More than likely it would be a right in and right out at that location because of the proximity to Garfield and Highway 99.

Commissioner McKechnie asked if the Oregon Department of Transportation would allow the applicant access on Garfield? Mr. Stevens stated no new access. Center Drive will be signalized and restriping per their conditions.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare a Final Order for approval of ZC-16-077 per the staff report dated September 1, 2016, including Exhibits A through N.

Moved by: Vice Chair McFadden

Seconded by: Commissioner McKechnie

Voice Vote: Motion passed, 8-0.

50.3 ZC-16-078 Consideration of a request for a change of zone from I-G (General Industrial) to I-L (Light Industrial) on approximately 0.51 acres located on the west side of Bullock Road, approximately 1,490 feet north of Crater Lake Highway. (Grants Pass Water Lab; Justin Elkins, Applicant/Agent)

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

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

Kelly Akin, Principal Planner, stated the zone change criteria was read with the previous application and gave a staff report.

Commissioner McKechnie commented that it is unfortunate that a person has to go through a zone change just to be able to use a piece of property that is industrial by nature anyway.

Vice Chair McFadden stated that he is surprised that the City is not requesting additional right-of-way on this application. The property is fully developed. The Oregon Department of Transportation is discussing overpassing the highway between Poplar and Bullock. Are there any other details why there are no other recommendations for more? Ms. Akin reported that it is mostly developed and some additional vacant land available. Typically, staff does not ask for right-of-way at the time of zoning.

Commissioner Foley stated there is a paragraph at the end of the Public Works report stating that at time of future land division or development permit, Public Works may require additional right-of-way and public easement dedications and will condition the developer to improve their street frontage to the City's current standards. What will trigger that? Ms. Akin replied additional development.

Commissioner McKechnie reported that if the road is a major collector the City reimburses the owner for that land that is taken. Ms. Akin replied that is correct.

The public hearing was opened.

a. Justin Elkins, Grants Pass Water Lab, 964 SE "M" Street, Grants Pass, Oregon, 97526. Mr. Elkins reported that his project here will be known as Medford Water Lab. He is not going to develop the property any further. The land is adequate as it stands for the business he wants to do there. He wants to get the zoning changed for research and development so he can conduct his business in Medford.

The public hearing was closed.

Vice Chair McFadden agrees with Commissioner McKechnie that it is unfortunate that a person needs to go through the zone change process. There has been talk about changing the way zoning is done in Medford. There can be more flexibility. This is a good example where flexibility would have been good.

Motion: The Planning Commission adopts the findings as recommended by staff and adopts the Final Order for approval of ZC-16-078 per the staff report dated September 1, 2016, including Exhibits A through I.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Voice Vote: Motion passed, 8-0.

50.4 ZC-16-083 Consideration of a request for a change of zone from I-G (General Industrial) to C-H (Heavy Commercial) on approximately 0.37 acres located on the corner of South Front Street and East 13th Street. (Casey Gillum, Applicant; Daniel O'Connor, Agent)

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

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

Kelly Akin, Principal Planner, stated that the zone change criteria had been previously read and gave a staff report.

Vice Chair McFadden asked if the C-H zone supports residential use? Ms. Akin stated that there can be residential uses within any of the commercial zone districts.

The public hearing was opened.

a. Daniel O'Connor, 823 Alder Creek Road, Medford, Oregon, 97504. Mr. O'Connor reported that the applicant supports the staff report and the proposed approval.

Commissioner McKechnie asked what is the proposed business? Mr. O'Connor reported that there will be a coffee shop, retail, and community studio for art projects.

Commissioner McKechnie asked if Mr. O'Connor was present tonight like the previous applicants that the current zoning does not allow for their kind of operation? Mr. O'Connor replied that is absolutely correct.

Mr. O'Connor waived the rebuttal time.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and adopts the Final Order for approval of ZC-16-083 per the staff report dated September 1, 2016, including Exhibits A through P.

Moved by: Vice Chair McFadden

Seconded by: Commissioner McKechnie

Voice Vote: Motion passed, 8-0.

60. Reports

60.1 Site Plan and Architectural Commission.

Commissioner D'Alessandro reported that the Site Plan and Architectural Commission met on Friday, September 2, 2016. They considered plans for the construction of a 3,000 square foot building to be used as a countertop fabrication facility on a parcel totaling 0.61 acres, located on the south side of Mutiny Way, approximately 150 feet west of Bierson Way. They approved the application. They also considered plans for the construction of a metal industrial building consisting of a 7,200 square foot warehouse and an attached 1,200 square foot two-story office area, on a .51 acre lot located at the corner of Helo Drive and Helicopter Way. They approved the application.

60.2 Report of the Joint Transportation Subcommittee.

Commissioner Pulver reported that the Joint Transportation Subcommittee has not met.

60.3 Planning Department

Kelly Akin, Principal Planner, reported that the Urban Growth Boundary application has been submitted to Jackson County.

At the last meeting there was discussion regarding a training opportunity next Wednesday, September 14, 2016 that is geared towards Commissioners. It is from 5:00 p.m. to 7:00 p.m. at Southern Oregon University. If any Commissioner is interested please let Ms. Akin, Ms. Rozzana or Ms. Holtz know in order to get registered.

The next Planning Commission study session is scheduled for Monday, September 12, 2016. Discussion will be on transitional housing.

There is business scheduled for the Planning Commission on Thursday, September 22, 2016 and Thursday, October 13, 2016.

On Thursday, September 1, 2016, the City Council approved a resolution affirming the Site Plan and Architectural Commission's decision to approve construction of a 3,750 square foot addition to an existing metal industrial building located at 5600 Table Rock Road; reversing the decision to deny the associated exception request to eliminate public right-of-way dedications and standard street improvements; and accepting the irrevocable covenant proposed by the applicant.

Brian Sjothun is the new City Manager. He was the Parks and Recreation Director.

There is no Planning business before City Council next week.

- 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 6:28 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Terri L. Rozzana
Recording Secretary

Patrick Miranda
Planning Commission Chair

Approved: September 22, 2016



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT – CONTINUANCE REQUEST

for a Type-C quasi-judicial decision: Land Division - Partition

PROJECT Medford Center Partition
Applicant: LBG Medford, LLC; Agent: Neathamer Surveying, Inc.

FILE NO. LDP-16-055

TO Planning Commission *for September 22, 2016 hearing*

FROM Kelly Akin, Principal Planner *ka*

DATE September 15, 2016

BACKGROUND

Proposal

Proposed tentative plat to create two lots on a 19.83 acre parcel located northeast of the intersection of Biddle Road and East Jackson Street, within a C-R (Regional Commercial) zoning district.

Request

The applicant has requested that the item be continued to October 13, 2016. The Applicant is working on a property line adjustment in lieu of this partition application. Pending the outcome of the property line adjustment application, the subject application may be withdrawn.

EXHIBITS

- A Continuanace request received September 14, 2016
Vicinity map

PLANNING COMMISSION AGENDA:

AUGUST 25, 2016
SEPTEMBER 8, 2016
SEPTEMBER 22, 2016



NEATHAMER SURVEYING, INC.

RECEIVED

SEP 14 2016

PLANNING DEPT.

September 14, 2016

Sent Via Email Only: kelly.akin@cityofmedford.org

Kelly Akin, Senior Planner
City of Medford Planning Department
Lausmann Annex, 200 South Ivy Street
Medford, Oregon 97501

Re: Continuance Request
Tentative Partition Plat
City of Medford File Number LDP-16-055

Dear Kelly:

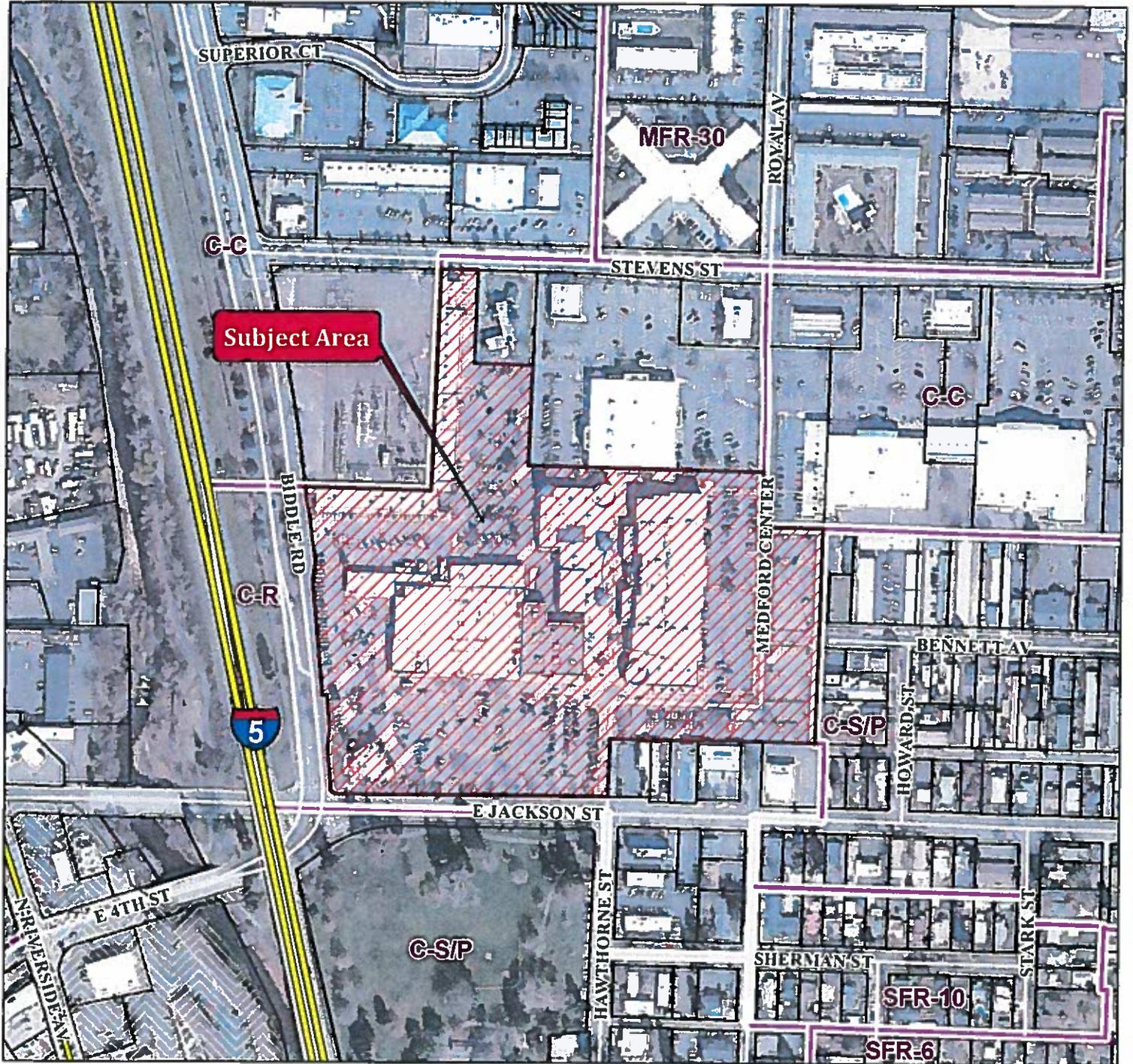
On behalf of our clients, LBG Medford, LLC, owner and applicant, and as agent for the referenced project, this office respectfully requests a continuance to the October 13, 2016, City of Medford Planning Commission meeting.

This office would like to coordinate with you and your staff to ensure that the necessary steps are taken. If you have any questions or comments, or if additional information is necessary, please feel free to contact this office.

Sincerely,
NEATHAMER SURVEYING, INC.

By: Robert V. Neathamer, PLS
Robert V. Neathamer, President

CITY OF MEDFORD
EXHIBIT # A
File # LDP-16-055
CONTINUANCE REQUEST



Project Name:

Medford Center Partition

Map/Taxlot:

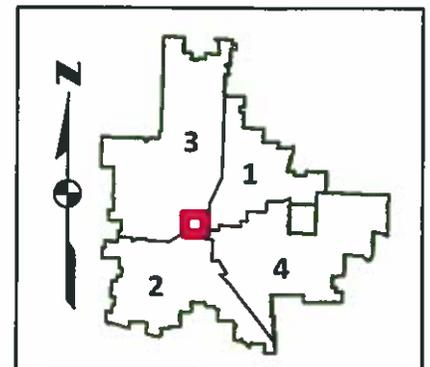
371W19CD TL 1200



04/25/2016

Legend

-  Tax Lots selection
-  Medford Zoning
-  Tax Lots
-  Streets





Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT

for a Type-C quasi-judicial decision: **Exception**

PROJECT Cedar Landing
 Applicant: Cedar Investment Group LLC; Agent: CSA Planning Ltd.

FILE NO. E-16-087

TO Planning Commission *for 09/22/2016 hearing*

FROM Desmond McGeough, Planner III

REVIEWER Kelly Akin, Principal Planner *KA*

DATE September 15, 2016

BACKGROUND

Proposal

Consideration of an application for exception relief to allow a public commercial street to vary from the development code standard. The subject street lies between Farmington Avenue and Yamsay Drive, approximately 575 feet north of Cedar Links Drive, within the Cedar Landing Planned Unit Development.

Subject Site Characteristics

Zoning SFR-4/PD Single Family Residential, 4 dwelling units per gross acre with
 Planned Unit Development zoning district overlay.

GLUP UR Urban Residential

Use Vacant

Surrounding Site Characteristics

North SFR-4/PD Vacant, Cedar Landing PUD

South SFR-4/PD Vacant, Cedar Landing PUD

East SFR-4/PD Vacant, Cedar Landing PUD

West SFR-4/PD Vacant, Cedar Landing PUD

Related Projects

PUD-05-035 Cedar Landing PUD

LDS-05-036 Cascade Terrace Subdivision

LDS-05-037 Sky Lakes Subdivision

- PUD-05-035 Termination of 5.47 acre portion of PUD for park property in 2011
- LDS-13-121 Sky Lakes Village Subdivision Phases 7A & 7B
- PUD-13-119 PUD Revision
- E-14-059 Exception to required right-of-way dedication
- PUD-14-136 PUD Revision
- LDS-14-137 Sky Lakes Village Phase 1 Tentative Plat
- LDS-14-138 The Village at Cedar Landing Phase 1 Tentative Plat
- PUD-15-043 South portion of Cedar Landing PUD Revision for reconfiguring area into the High Cedars subarea, phases 1 through 5 and modifying land use.
- LDS-15-044 Tentative plat for High Cedars Subdivision Phases 1 through 5 (176 lots).
- PUD-16-024 PUD Revision
- LDS-16-025: Revision to "Cascade Terrace Phase 1 through 5"
- LDS-16-026: Replat of "Sky Lakes Village – Phase 7A".
- LDS-16-027: Tentative Plat for "Sky Lake Village at Cedar Landing, Phase 1 through 4,

Applicable Criteria

Medford Municipal Code §10.253

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

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

application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

Corporate Names

The application lists Cedar Investment Group, LLC as the owner of the subject property. As per the State of Oregon Business Registry, Eric Artner is listed as the registered agent.

ISSUES AND ANALYSIS

Project History

On April 27, 2006, the Planning Commission approved Cedar Landing Planned Unit Development (PUD-05-035), a master plan for the redevelopment of the 122.12-acre site to provide a mixture of residential uses, commercial development and a preservation of existing open space. The overall project was organized into four sub areas with multiple phases that are described as follows:

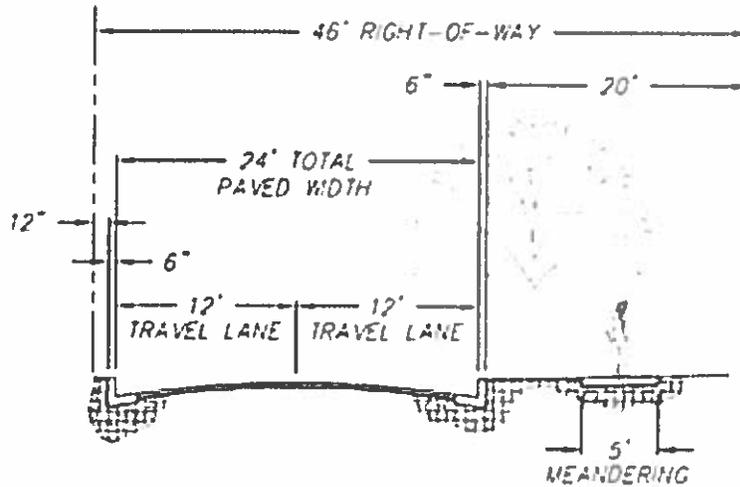
1. High Cedars (43.0 ± acres) consists of five (5) phases including single-family lots, 55 and older, pad lots and common area/open space.
2. The Village at Cedar Landing (21.42 ± acres) is made up of five (5) phases of single-family lots, condominiums, retirement facilities and common area/open space.
3. Cascade Terrace (15.4 ± acres) is comprised of two (2) phases of small single-family lots targeted for detached dwellings and residents aged 55 or older.
4. Sky Lakes Village (41.6 ± acres) consists of single-family residential lots and common area/open space.

Three phases of the original project have final plan and plat approvals. Sky Lakes Village Phases 5, 6, and 7A have received final plat and plan approvals. In addition, a request was approved to allow the termination of portions of Cascade Terrace and Sky Lakes Village. The 5.47 acre terminated portion of the project was sold to the City for use as a public park.

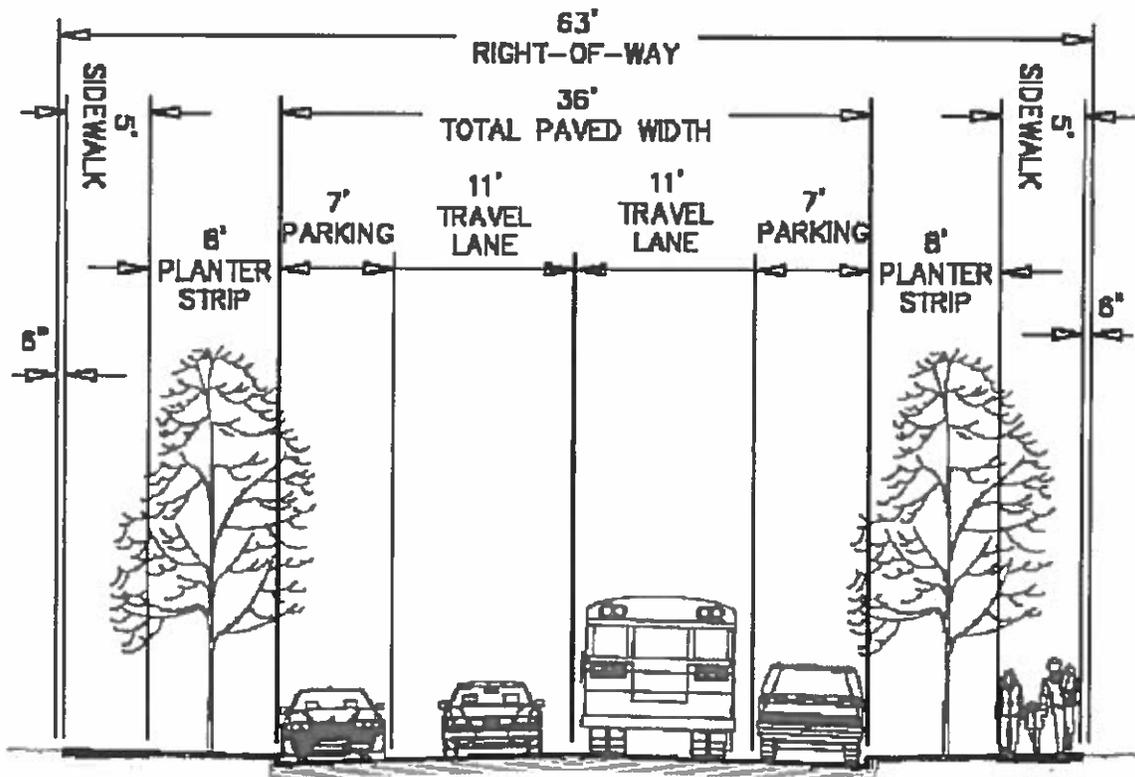
The applicant requested and received approval of a subsequent PUD revision (PUD-16-024) along with three corresponding land division applications in July of this year. The street that is subject of this proposed exception application is located in the platted area known as *"Sky Lake Village at Cedar Landing , Phase 1 through 4"*, (LDS-16-027). The approved Tentative Plat *"Sky Lakes Village – Phases 1 through 4"* created 23 standard single family lots, 22 cottage unit residential lots and open space tract for the

development of cottage units. Additionally, the tentative plat contained 7 pad lots within a common open space for the development of an apartment complex and commercial buildings.

Proposed Commercial Cross Section



Standard Commercial Cross Section



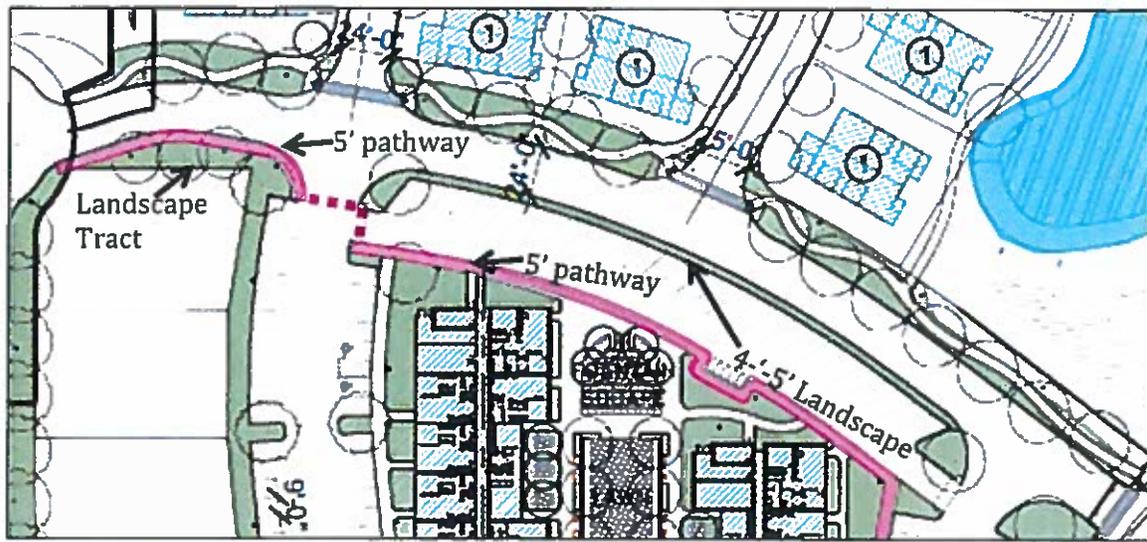
Discussion & Analysis

The graphic on the above (top) is cross section for the private street proposed in LDS-16-027. The applicant is requesting that the City of Medford include this segment as part of the public right of way and local street system. The graphic at the bottom of the page below represents the standard cross section for a Commercial Street. The table below identifies the specific differences between the MLDC code standard for a commercial street and the proposed alternative street.

| | Standard Cross Section | Proposed Cross Section |
|---------------|------------------------|---------------------------------------|
| Lane width | 11' (2 lanes) | 12' (2 lanes) |
| Parking Lane | 7' (Both Sides) | None |
| Planter Strip | 8' (Both Sides) | Varies with meander (north side only) |
| Sidewalk | 5' (Both Sides) | 5' (One side) |
| Total ROW | 63' | 46' |

The most significant difference between the two cross sections is the removal of the two, 7-foot wide, parking lanes and right of way width, which is 17 feet less than the standard cross section. While there is not a public sidewalk on the south side of the street, there is a private pedestrian pathway, which is curb-attached on the west side. The pathway is routed to the south side of the angled parking on the north side of the apartment complex. The pedestrian pathway turns to the south along the west side of the apartment complex where eventually it crosses the parking lot and rejoins the public sidewalk. (See exhibit on next page highlighting the pedestrian path.)

Based on the detailed exhibit provided of the recent PUD amendment, staff notes that while there is not a planter strip on the south side of the street, there is a wide landscape tract behind the sidewalk on the west end. Fronting the angled parking area, there will be a vegetated landscape strip that appears to be approximately 4 to 5 feet in width. Please see the exhibit below from PUD-16-024, which shows the pedestrian pathway and the landscaping area on the south side of the street.



(1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources.

With the exception of removing the parking lane, staff finds that street functionality and aesthetics to be substantially consistent the standard cross section. Section 10.775 of the MLDC requires that pedestrian path crossings of the parking area be demarcated by a different pavement material, speed bumps or similar feature to indicate the pedestrian crossing. Street side parking will also be available along Farmington Street and Yamsey Street. A large open space area fronts Yamsey Street between the subject street and St. Francis Drive, which will allow for an uninterrupted parking lane without residential driveways for nearly 300 feet. Staff finds that the proposed alternative cross section is in harmony with the general purpose of the standard and will not be injurious or otherwise detrimental to health, safety or welfare.

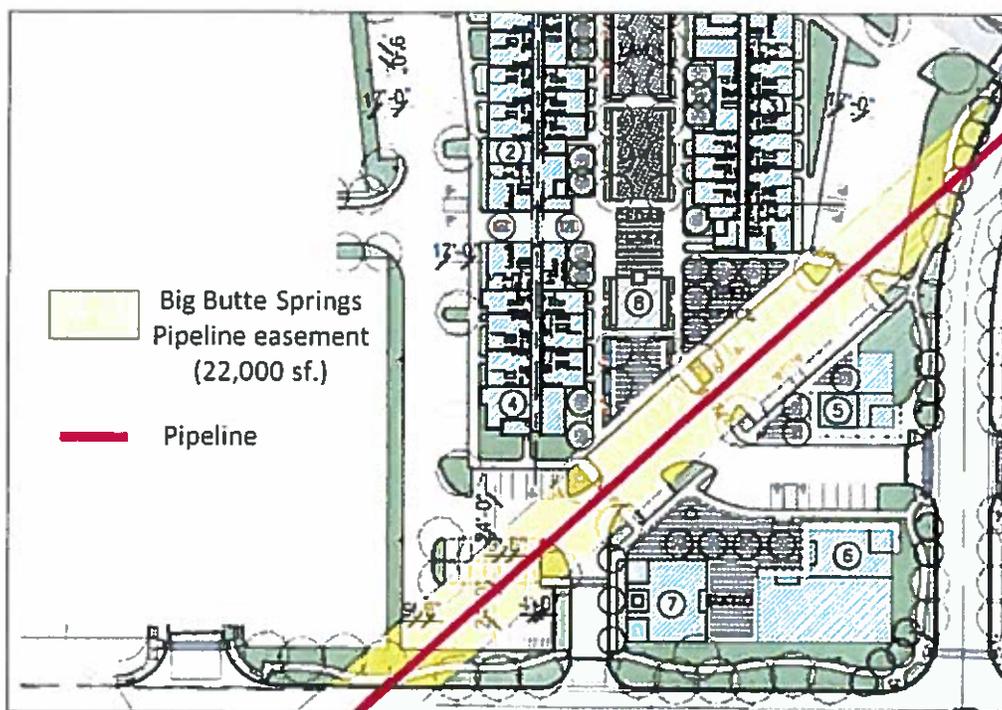
(2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.

This exception request does not pertain to land use. The request meets this exception criterion.

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

As noted in the applicant's findings there are two unique and unusual circumstances that pertain to development of this area that warrants consideration of the proposed exception request for an alternative commercial street cross section. The first pertains to a locally significant wetland and the open space surrounding it (MW-W58 – 2003 Medford LWI). The wetland area is approximately 26,351 square feet or approximately 0.60 acres in size. The cottage area design as presented in PUD-16-024 enhances and maintains the wetland area on the north side of the cottage area. The open space that surrounds and enhances these features is a significant area. A full street segment connecting Yamsey Street and Farmington Avenue would have significant detriment to the project layout which would include potential loss of open space, dwelling units or both to accommodate an additional 17 feet of right-of-way.

Another significant constraint associated with the subject property involves a 50-foot wide Medford Water Commission (MWC) Big Butte Springs pipeline easement that crosses the apartment unit site at about a 45 degree angle. At the request of MWC, the applicant was requested to revise their initial design concept for the apartment and commercial area to reduce the number of conflicts the design had on the pipeline easement (see easement area below).



This entailed the removal of impediments such as parking island landscape projections, trees, curbs and sidewalks out of the subject easement area. The result of the modification resulted in some site planning inefficiencies in the design

of the apartment and commercial component. The parking drive aisle and parking spaces needed to align with the pipeline easement as to eliminate as many conflicts as possible, which in turn resulted in loss of some parking spaces and a shift of the apartment units slightly to the north.

Based on the MLDC block length and perimeter requirement, an east-to-west running street is required between Farmington Street and Yamsey Drive. The space remaining between the north side cottages units/wetlands and the apartment units on the south eliminated the feasibility of proving a 63-foot wide standard commercial public street. Therefore, the applicant designed the street as a 24-foot wide private street with a meandering sidewalk on one side.

Due to the preservation of the 31,289 square-foot wetland and surrounding open space on the north side and need to work around the existing 22,000 square-foot Big Butte Springs pipeline easement on the south, the applicant requests the private street connection be permitted as a public commercial street with an alternative cross section. Staff concurs with applicant's findings that the constraints are unique. The combination of impediments has impacted width available for a street. As such, future maintenance of a private street would need to be borne by residents and property owners within the project, though the street would be usable and open to all members of the public. Due to the constraints, it could be considered an undue hardship to require the surrounding property owners to be solely responsible for the future maintenance of the street.

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

The need for exception results from the application of the MLDC, and is suffered directly by the property in question. Whether the street is private or public likely does not fiscally impact the current owner in any manner. However, if the street remains private they future maintenance and repair of the street will be the responsibility of future residents and property owners. The request for exception only applies to the street cross section. The proposed street will be constructed consistent with city standards.

Agency Comments (Exhibits D – G)

Public Works (Exhibit D)

The Public Works Department has no objection to reduced pavement section as requested. However, if the exception is approved, Public Works recommends that the

amount of right-of-way north of curb be reduced to 13 feet from the 20 feet shown in the applicant's exhibit. Therefore, the right-of-way would be a total of 39 feet.

The developer may opt for the standard 8-foot planter strip with 5-foot sidewalk. The developer may also opt to meander the sidewalk subtly, limited to a 200-foot centerline radius. A condition of approval has been included requiring the applicant to comply with the Public Works Report dated September 9, 2016 (Exhibit D).

Fire Department (Exhibit F)

The Fire Department Land Development Report has required NO PARKING signs be spaced at 50-foot intervals along the street where no parking lane has been provided. A condition of approval has been included requiring the applicant to comply with the Fire Department Report prepared September 1, 2016 (Exhibit F).

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibit B) and recommends the Commission adopt the findings as presented, subject to the Public Works recommendations regarding the Alternative Commercial Street right-of-way cross section specifications contained in Exhibit D.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of E-16-087 per the staff report dated September 15, 2016, including Exhibits A through G.

EXHIBITS

- A Conditions of Approval, dated September 15, 2016
- B Applicant' Findings of Fact and Conclusions of Law, received July 20, 2016; including;
 - Tentative Plat for Sky Lakes Village Phase 1-4 & The Cottages at Cedar Landing
 - Approved Preliminary PUD Plan for Cedar Landing (PUD-16-025)
 - City of Medford Zoning Map
 - City of Medford GLUP Map
 - Notice Map Area
 - Jackson County Assessor Map
- C Proposed Alternative Commercial Street & Standard Commercial Street Exhibit
- D Public Works Staff Report, dated September 9, 2016
- E Medford Water Commission Staff Memo dated September 7, 2016
- F Fire Department Land Development Report prepared September 1, 2016

- G E-mail correspondence from Oregon Department of Aviation, received
September 2, 2016
Vicinity map

PLANNING COMMISSION AGENDA:

SEPTEMBER 22, 2016

EXHIBIT A

**Cedar Landing Commercial Street Exception
E-16-087
Conditions of Approval
September 15, 2016**

CODE CONDITIONS

1. The applicant shall:
 - a. Comply with the Medford Water Commission Staff Memo dated September 7, 2016 (Exhibit "E");
 - b. Comply with the Fire Department Land Development Report prepared September 1, 2016 (Exhibit "F")

DISCRETIONARY CONDITIONS

2. The applicant shall:
 - a. Comply with the Public Works Staff Report dated September 9, 2016 (Exhibit "D");

**CITY OF MEDFORD
EXHIBIT # A
File # E-16-087**

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

IN THE MATTER OF AN APPLICATION)
FOR EXCEPTION RELIEF TO ALLOW A)
COMMERCIAL ROAD THAT VARIES)
FROM THE STANDARD WITHIN THE)
CEDAR LANDING PUD, LOCATED)
WITHIN THE CORPORATE LIMITS OF)
THE CITY OF MEDFORD, OREGON)
Applicant / Owner: Cedar Investment)
Group, LLC:)
Agent: CSA Planning, Ltd.)

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

Applicant's Exhibit 2

I

SUMMARY AND SCOPE OF APPLICATION

Applicant Cedar Investment Group seeks approval to allow the conversion of a previously approved private road to a public commercial street that varies from the City's standard for a commercial street. Ordinarily, Exceptions are requested in conjunction with other land use permits to which the standard applies. However, in this instance, implementation of the exception can occur through final platting process for "Sky Lakes Village Phases 1-4; The Village; and The Cottages At Cedar Landing (A Planned Community)". The tentative plat for the same, as approved by the Planning Commission under LDS-16-025, remains essentially unchanged relative to design. The only change on the plat effectuated by this exception would be acceptance of the street as public right-of-way and the street into the City's system for maintenance. Thus, the exception would change the street label from "Private Road" to a public commercial street with appropriate name and the limits of the private road will become coincident with lot lines.

No amendments to the Preliminary PUD plan are affected by the proposed exception. If approved, the final PUD plan will reflect the street as being public rather than private.



II

EVIDENCE SUBMITTED WITH APPLICATION

Applicant herewith submits the following evidence with its application for Land Division and Exception:

- Exhibit 1.** Signed and Completed Exception Application Forms with Authorization from the current property owner.
- Exhibit 2.** The proposed Findings of Fact and Conclusions of Law (this document) demonstrating how the land division application complies with the applicable substantive criteria of the MLDC
- Exhibit 3.** Tentative Plat Sky Lakes Village Phases 1-4; The Village; and The Cottages At Cedar Landing (A Planned Community) (File: LDS-16-025)
- Exhibit 4.** Preliminary PUD Plan (File: PUD-16-024)
- Exhibit 5.** Current City of Medford Zoning Map on Aerial
- Exhibit 6.** City of Medford GLUP Map
- Exhibit 7.** Notice Map

III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The criteria under which the application for Exception must be approved are in Section 10.251, of the Medford Land Development Code (MLDC). The approval criteria are recited verbatim below and again in Section V, where each is followed by the conclusions of law:

City of Medford Approval Criteria

EXCEPTION

10.253 Criteria for an Exception

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

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

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have the authority to impose conditions to assure that this criterion is met. (Effective Dec. 1, 2013).

- (2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.
- (3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.
- (4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

IV

FINDINGS OF FACT

The Planning Commission reaches the following facts and finds them to be true with respect to this land use application:

1. **Property Location:** The property includes a recently approved (File PUD-16-024) but not yet built private road situated between unimproved portions of Farmington Avenue and Yamsay Drive, north of Cedar Links Drive within the Cedar Landing Planned Unit Development. The property is located approximately one half mile west of the intersection of Cedar Links Drive and Foothill Road within the corporate limits of the City of Medford.
2. **Property Description and Acreage:** As noted herein under item 1 above, the property is a recently approved 24-foot wide private road totaling approximately 0.30 acres. The road is situated between *The Cottages At Cedar Landing* and *The Village At Cedar Landing* as approved under PUD-16-024. The centerline of the road coincides with the lot line between Lots 91 and 94 of *Tentative Plat – Replat of Lots 91 and 94 of Sky Lakes Village At Cedar Landing Phase 7A (A Planned Community)* as approved under file LDS-16-026.
3. **Subject Property Ownership:** The subject property is owned by Cedar Investment Group, LLC which has provided a limited power of attorney and consented in writing to this exception application. *See*, Exhibit 1.
4. **Comprehensive Plan Map Designation:** The property is designated Urban Residential on the Medford Comprehensive Plan Map.¹

¹ Medford often refers to its comprehensive plan map as the Generalized Land Use Plan or GLUP map.

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3 of 16



5. **Zoning Map Designation:** The property is zoned City SFR-4.
6. **Topography:** The property is gently sloped.
7. **Existing Land Use / Intended Uses:** The property is within an area that was recently approved for an amendment to the Cedar Landing PUD under PUD-16-024. The currently approved private road (requested herein to become a public commercial street) will provide public right of way between Yamsay Drive and Farmington Avenue and access to a mix of uses along the street including multi-family residential; commercial; and single family or congregate care facilities as laid forth under PUD-16-024.
8. **Development Constraints:** PUD-16-024 approved the 24-foot private road, in significant part, is designed to maximize the amount of open space available throughout the project and accommodate the Big Butte Springs water line easement. Pursuant to PUD-16-024 conditions of approval, the private road is required to include a public access easement.
 - a. The approved design enhances and maintains wetland areas and other open space at the north end of the project, lying generally north of the subject roadway and immediately north of the PUD phase area referred to as *The Cottages*. Preservation of the open space enhances the project as a whole and provides a benefit to the surrounding neighborhood. The plan also calls for a 20-foot wide vegetated buffer with a meandering path to be situated between the private road and *The Cottages* to the north. The path provides a safe means for pedestrian circulation while the vegetation provides a nice buffer between *The Cottages* and multi-family development to the south.
 - b. The PUD phase area referred to as *The Village* lies immediately south of the subject roadway. In order to provide a more compact layout for the more intensive multi-family and commercial uses in a manner that provides more separation from surrounding neighborhoods than previous PUD designs, the village uses were shifted to the interior of the project to within *The Village* area. *The Village* area is confined by Farmington Avenue on the east, Yamsay drive on the west, Cedar Links Drive on the south and the private road to the north.
 - c. The Big Butte Springs waterline easement crosses the PUD phase area *The Village* at an angle, further constraining the site.

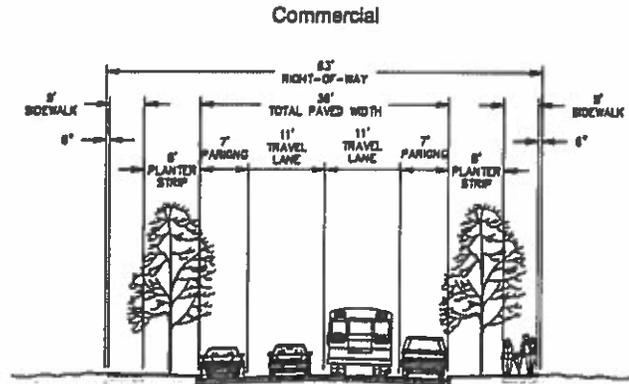
Based on the design elements and concerns outlined under a-c herein above, there is inadequate area between *The Village* and *The Cottages* phases within the PUD to accommodate the full standard right of way widths.

9. **Utilities:** There are currently no utilities within the proposed right of way. Under PUD-16-024, the private road design included utilities within an easement. With the conversion to public right of way, the utilities will be within the public right of way.



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4 of 16

10. Road Design: Pursuant to MLDC 10.429 the typical standards for a Commercial Street are as follows:



10.429 Lower-Order - Commercial/Industrial Street Classification System

(1) Commercial Street. A lower-order street that is within or abutting a commercial zoning district. Commercial streets are intended to provide frontage and direct access for commercial uses. The commercial street cross-section includes one (1) travel lane and an on-street parking lane in each direction, with sidewalks and planter strips. The width of the planter strip is measured from the face of curb to the front edge of the sidewalk. Sidewalk width and planter strip use may be adjusted through an adopted plan or code standards to create a "main street" like atmosphere.

The proposed Commercial Street specifications are as follows:

- Cross Section: The road will be designed to meet or exceed the Commercial Street surface and subsurface cross section construction standards.
- Width: The entirety of the right of way will be comprised of the two 12-foot travel lanes and curbs for a total width of 24 feet.
- Travel Lanes & Parking: The road will include two 12-foot travel lanes without parking on either side, instead of the standard two 11-foot travel lanes with 7' parking on both sides. On-street parking is not needed for any of the uses approved on either side of the roadway. The multi-family and commercial uses to the south provide for separated off-street parking. The north side of the roadway is approved for either single family lots or a congregate care facility. Single family lots will be served by a network of private streets with appropriate on and off-street parking. The Congregate Care facility will provide for sufficient off-street parking.
- Park Strip: In lieu of an 8-foot planter strip and 5-foot sidewalk on both sides, the adjacent lands will remain privately held as follows: The north side of the travel lanes will abut a 20-foot wide vegetative buffer and meandering path that will remain within the private common holdings of the Cedar Landing PUD. The south side of the travel lanes will abut a parking area dedicated to the multi-family development

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within *The Village*.

- Intersections / Access: The road will tie into Farmington Avenue on the east, Yamsay Drive to the west and to two private roads serving *The Cottages* to the north. The road will also provide primary and secondary access to the multi-family and commercial development within *The Village*. Additional access is provided to *The Village* from Yamsay Drive, Farmington Avenue and Cedar Links Drive.

11. Police and Fire Protection: The property is served by City of Medford Police and Fire. Medford Fire found the road widths to be adequate during their review under PU-16-024.

V

**EXCEPTION
CONCLUSIONS OF LAW**

***City of Medford Approval Criteria
Medford Land Development Code (MLDC) 10.253***

10.253 Criteria for an Exception

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

Exception Criterion 1

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

Conclusions of Law: The Applicant is proposing a previously approved private road be dedicated to the public as a Commercial Street. Under file PUD-16-024, The Planning Commission found the private road was adequate for the project being served by approved design. City of Medford Public Works and Medford Fire agreed that said road is not injurious to the general area; is sufficient to provide access in a manner that is not otherwise detrimental to the health safety and general welfare. There are no adjacent natural resources. As a condition of approval under PUD-16-024, the private road was required to grant a public access easement further supporting the position that the City found the road acceptable for use by the public.

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Findings of Fact and Conclusions of Law

Cedar Landing PUD Commercial Road Exception
Cedar Investment Group, LLC: Applicant

The Planning Commission concludes that approval of an alternate design for the Commercial Street within the Cedar Landing PUD is in no way unharmonious with the general purpose and intent of the regulations imposed by the MLDC for the SFR-4 zoning district and approved PUD-16-024 for the property, in which this exception request is located based upon the specific street proposed by the Applicant. The Commission further concludes that this exception will not in any way be injurious to the general area in which the subject property is located, nor detrimental to the general purpose and intent of the regulations imposed by the MLDC for the SFR-4 zoning district. Therefore, the Planning Commission concludes that this exception to the Commercial Street standard is consistent with Exception Criterion 1.

Exception Criterion 2

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

Conclusions of Law: The Planning Commission concludes that the Applicant is aware this exception does not permit or establish a use that is not permitted within the SFR-4 zoning district. Planned Unit Developments allow for uses not otherwise allowed in the underlying zone, notwithstanding this provision. Recently approved PUD-16-024 was an amendment to a PUD that allows for uses not permitted in the underlying SFR-4 zoning district. Access to the site and all authorized uses were a matter of PUD review and approval. Therefore, the Planning Commission concludes that this exception to the Commercial Street standards is consistent with Exception Criterion 2.

Exception Criterion 3

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

Conclusions of Law: The Planning Commission concludes that the unusual circumstances in this instance relate to site design constraints unique to the site and access to the public over a privately held and maintained road without the benefit of public funding. See Section IV Findings of Fact Item 8. Based on the design constraints there is inadequate area to provide the full standard right of way for a public commercial street. The use of the road by the general public without the benefit of public maintenance will create an undue hardship on the homeowners association responsible for the maintenance. For these reasons, the Planning Commission concludes that this application is consistent with the requirements of Exception Criterion 3.

Exception Criterion 4

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Total



Findings of Fact and Conclusions of Law

Cedar Landing PUD Commercial Road Exception
Cedar Investment Group, LLC Applicant

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

Conclusions of Law: The Planning Commission concludes that the need for this exception results from an undue hardship related to maintenance of a constrained roadway that provides for public access without the benefit of public maintenance and from design constraints stemming primarily from wetlands and City waterline easements. There are no illegal acts found to be the basis for the exception request. The Planning Commission recognizes the Applicant's knowledge of the code standards related to commercial streets and the same is not the basis for the exception. The subject property is entirely within the Cedar Landing PUD and the need for the exception is therefore suffered directly by the property in question. The Planning Commission further distinguishes here between profit motives and equitable burden of maintenance to a facility open to the public. The proposed conversion of a private street to a commercial street is beneficial as a matter of long term liability and maintenance- regardless of any corollary outcome in the form of project returns. Therefore, the Planning Commission concludes that this application is consistent with Exception Criterion 4.

VII

STIPULATIONS OFFERED BY APPLICANTS

If made a condition attached to the approval of these land use applications, Applicant herewith agrees to stipulate:

1. The final plat for *Sky Lakes Village Phases 1 – 4; The Village; and The Cottages At Cedar Landing (A Planned Community)* shall reflect the subject commercial street as public right of way.



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VIII

ULTIMATE CONCLUSIONS

Based upon the evidence in Section II and the Findings of Fact in Section IV, the Planning Commission concludes that the case for Land Division is consistent with all of the relevant criteria in the Medford Land Development Code (MLDC) 10.270 as hereinabove enumerated and addressed.

Respectfully submitted on behalf of Cedar Investment Group, LLC

CSA PLANNING, LTD.



Mike Savage
Consulting Planner

Dated July 20, 2016

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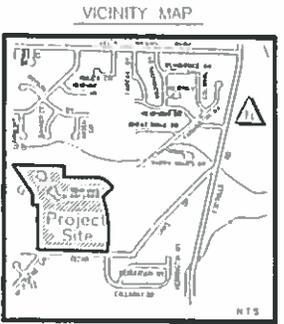
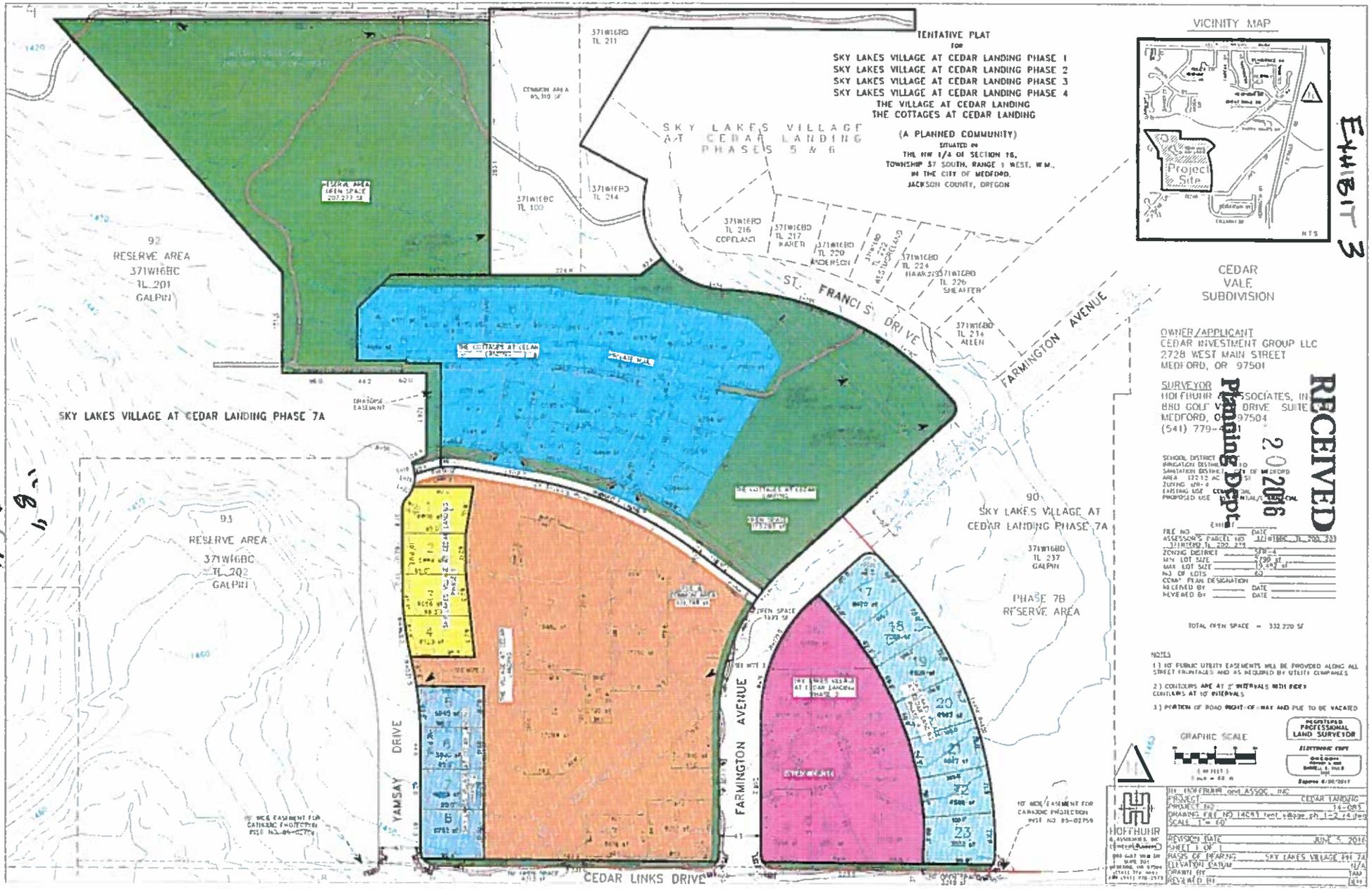


EXHIBIT 3

TENTATIVE PLAT
for
SKY LAKES VILLAGE AT CEDAR LANDING PHASE 1
SKY LAKES VILLAGE AT CEDAR LANDING PHASE 2
SKY LAKES VILLAGE AT CEDAR LANDING PHASE 3
SKY LAKES VILLAGE AT CEDAR LANDING PHASE 4
THE VILLAGE AT CEDAR LANDING
THE COTTAGES AT CEDAR LANDING

SKY LAKES VILLAGE AT CEDAR LANDING PHASES 5 & 6
(A PLANNED COMMUNITY)
SITUATED ON
THE NW 1/4 OF SECTION 16,
TOWNSHIP 37 SOUTH, RANGE 3 WEST, W.M.,
IN THE CITY OF MEDFORD,
JACKSON COUNTY, OREGON

CEDAR VALE SUBDIVISION

OWNER/APPLICANT GROUP LLC
CEDAR INVESTMENT GROUP LLC
2728 WEST MAIN STREET
MEDFORD, OR 97501

SURVEYOR
1101 FIBURR DRIVE SUITE 100
880 GOLF VIEW DRIVE SUITE 100
MEDFORD, OR 97504
(541) 779-1111

RECEIVED
2020/06
Planning Dept

SCHOOL DISTRICT
ORANGE COUNTY
SITUATION DISTRICT
OF MEDFORD
AREA 122.12 AC
ZONING USE-C
LANDING USE
PROPOSED USE
CELESTIAL/LOCAL

EXHIBIT

FIRE NO. _____ DATE _____
ASSESSOR'S PARCEL ID. 371W16BC TL 201 GALPIN
ZONING DISTRICT 37W-2
MIN LOT SIZE 7000 SF
MAX LOT SIZE 15,000 SF
NO. OF LOTS 60
LOCAL PLAN DESIGNATION
RECEIVED BY _____ DATE _____
REVIEWED BY _____ DATE _____

TOTAL OPEN SPACE = 332,270 SF

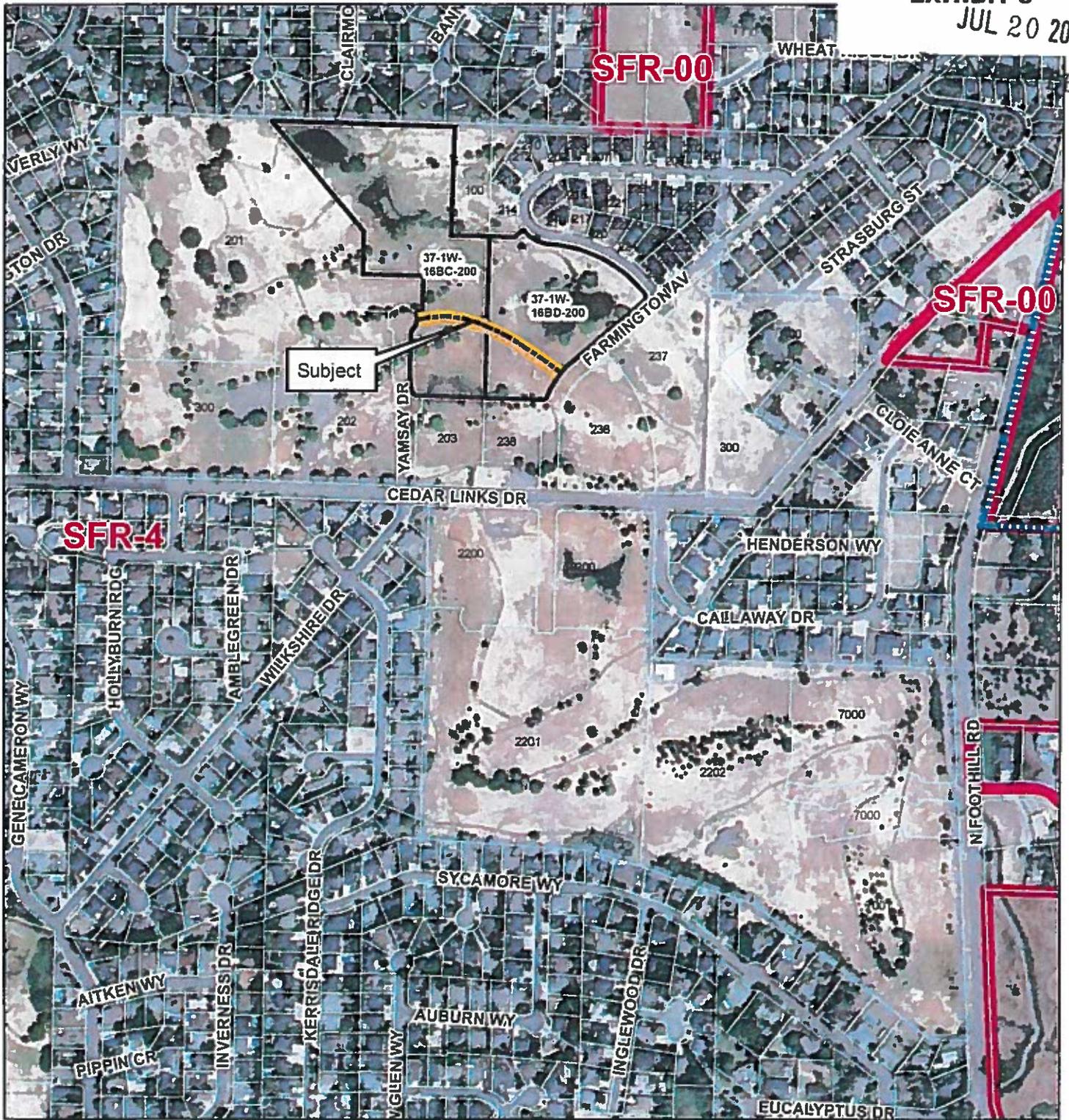
- NOTES
- 1) ALL PUBLIC UTILITY EASEMENTS WILL BE PROVIDED ALONG ALL STREET FRONTAGES AND AS REQUIRED BY UTILITY COMPANIES
 - 2) CONTOURS ARE AT 2' INTERVALS WITH 600' CONTOURS AT 10' INTERVALS
 - 3) PORTION OF ROAD RIGHT-OF-WAY AND PUE TO BE VACATED



HOFFHUHR & ASSOCIATES, INC.
REGISTERED PROFESSIONAL LAND SURVEYOR
ELECTRONIC COPY
DATE: 6/28/2017

PROJECT: CEDAR LANDING
DRAWING FILE NO: 14691 Rev. 10/20/16
SCALE: 1" = 60'

REVISION DATE: JUN 5, 2016
SHEET 1 OF 14
DATE OF HEARING: SKY LAKES VILLAGE PH 7A
ELEVATION METHOD: 11/A
DRAWN BY: [Signature]
REVIEWED BY: [Signature]



-  Subject Roadway
-  Urban Growth Boundary
-  Subject Tax Lots
-  Cedar Landing PUD
-  Tax Lots
-  Medford Zoning

Zoning Map

Cedar Investment Group LLC
 Cedar Landing Commercial Road Exception
 37-1W-16BD-200
 37-1W-16BC-200

CITY OF MEDFORD
 EXHIBIT # *1311*
 File # *E-16-087*
 500 Feet *12 of 16*

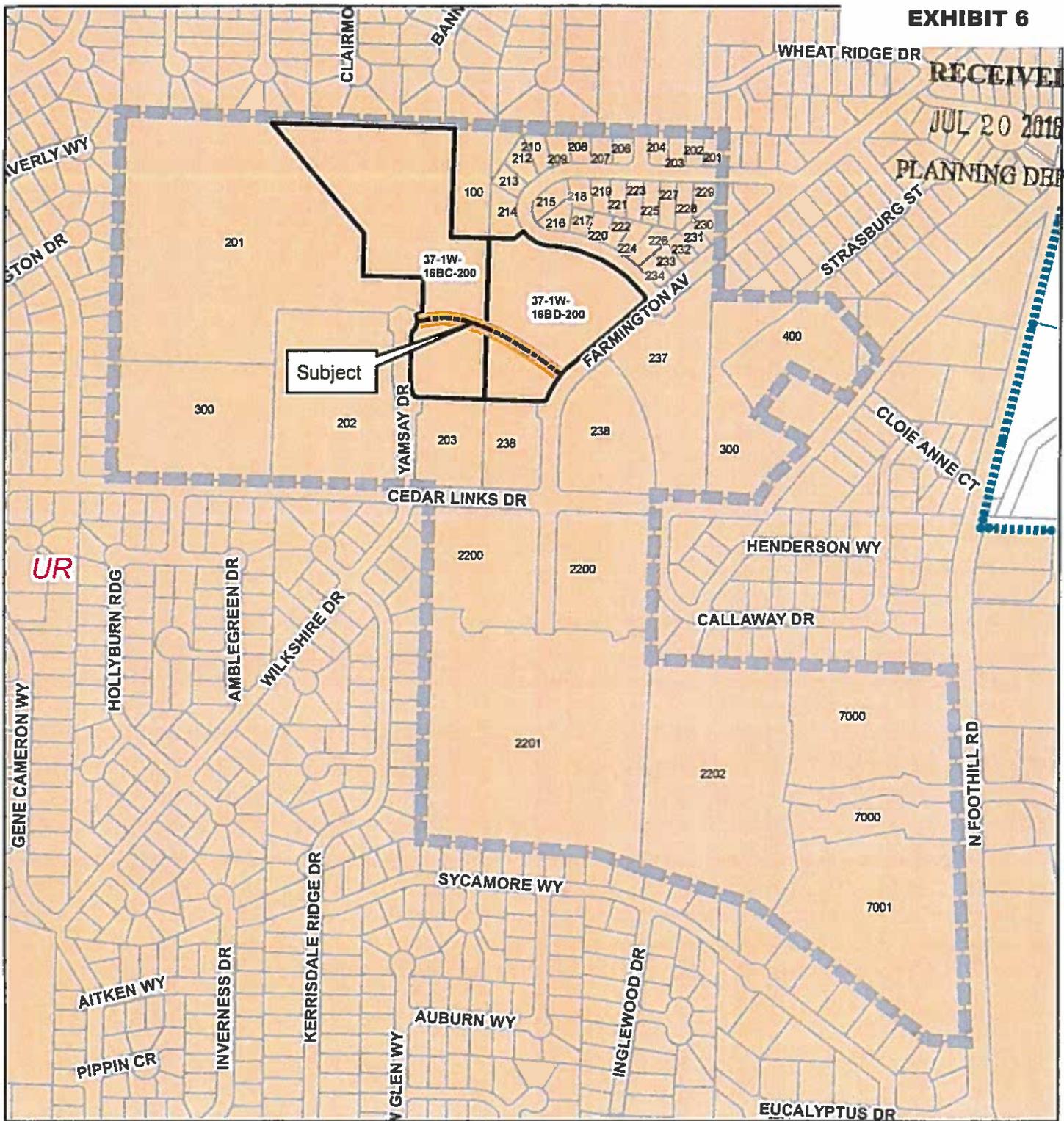
500 250 0

CSA Planning, Ltd.

RECEIVED

JUL 20 2016

PLANNING DEPT.



-  Subject_Roadway
-  Urban Growth Boundary
-  Subject Tax Lots
-  Cedar Landing PUD
-  Tax Lots
- Medford GLUP**
-  UR - Urban Residential

GLUP Map

Cedar Investment Group LLC
 Cedar Landing Commercial Road Exception
 37-1W-16BD-200
 37-1W-16BC-200

CITY OF MEDFORD
 EXHIBIT # _____
 File # E-16-087

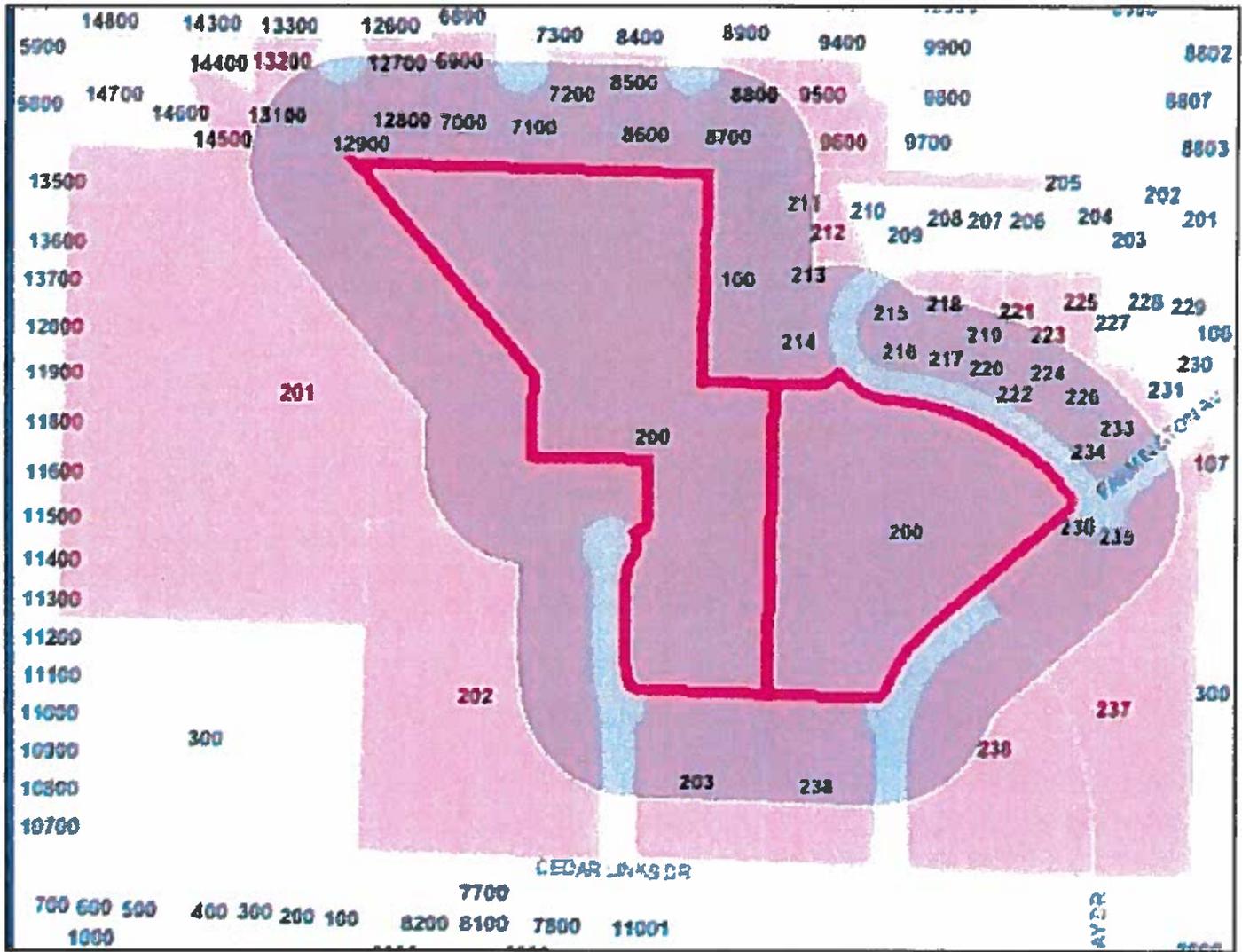
500 250 0



500 Feet

13 of 16



-  Subject Lots
-  Lots within 200 feet
-  200-foot buffer
-  Tax Lots

200-Foot Notice Area Map

Cedar Investment Group LLC
Commercial Road Exception



"B"
14 of 16



Not to scale

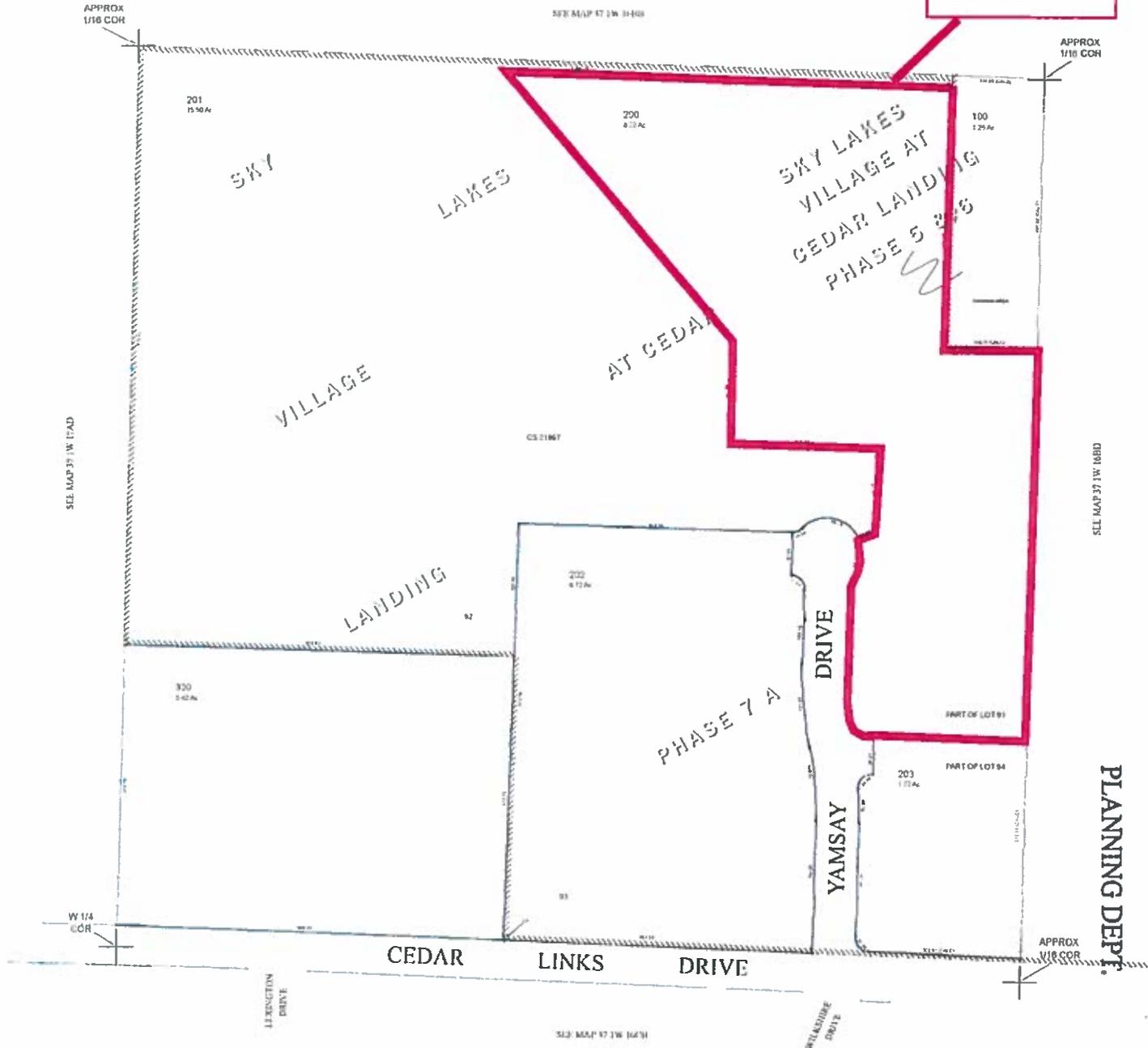
CSA Planning, Ltd.

FOR ASSIGNMENT AND
TAXATION ONLY

S.W.1/4, N.W.1/4, SEC.16, T.37S., R.1W., W.M.
JACKSON COUNTY
1" = 100'

37 1W 16BC
MEDFORD

SUBJECT



CANCELLED TAX
LOT NUMBERS

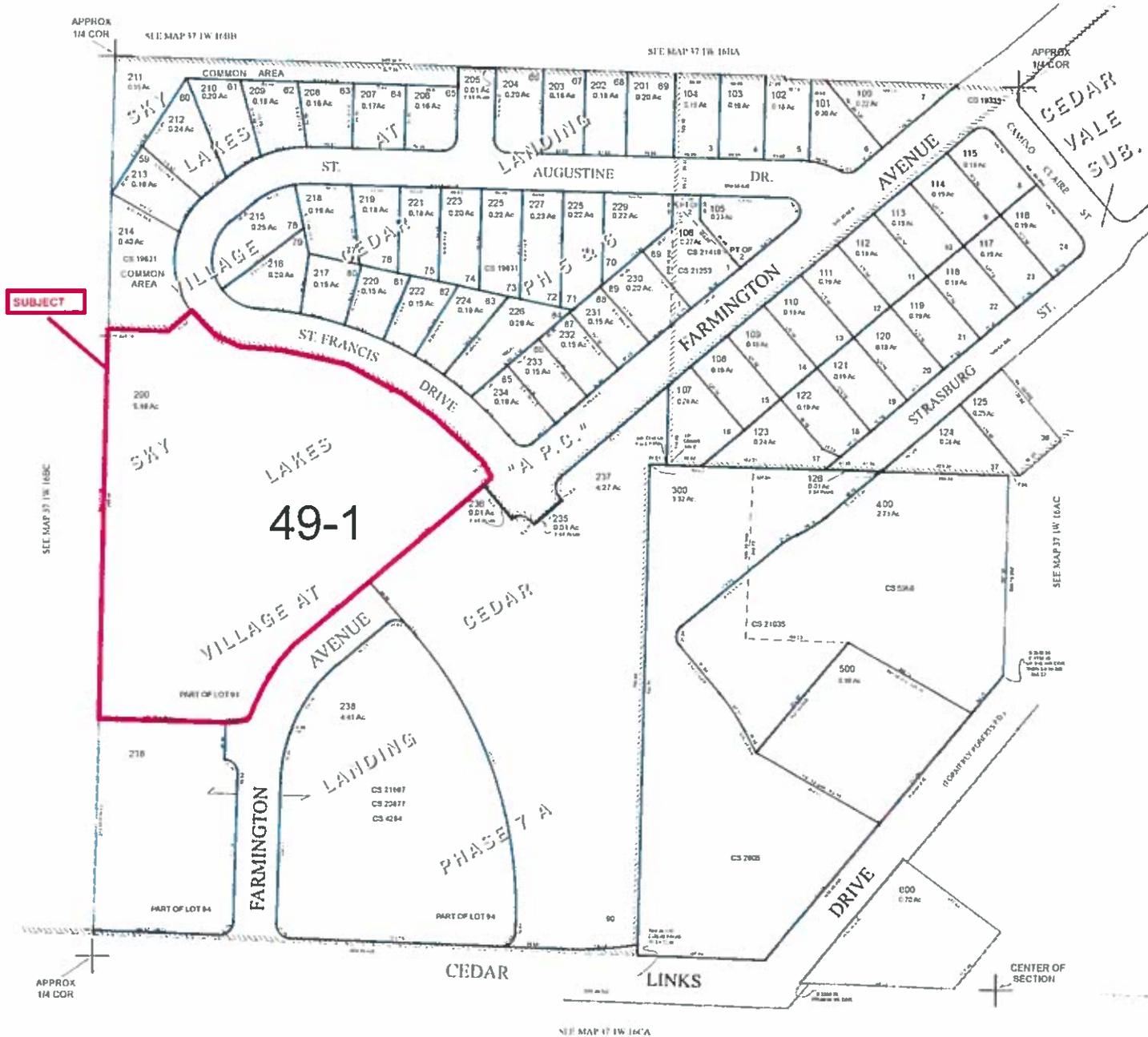
RECEIVED
JUL 20 2016
PLANNING DEPT.

37 1W 16BC
MEDFORD
NEW MAP APRIL 07, 2015

FOR ASSI. 55M² LAND TAXATION ONLY

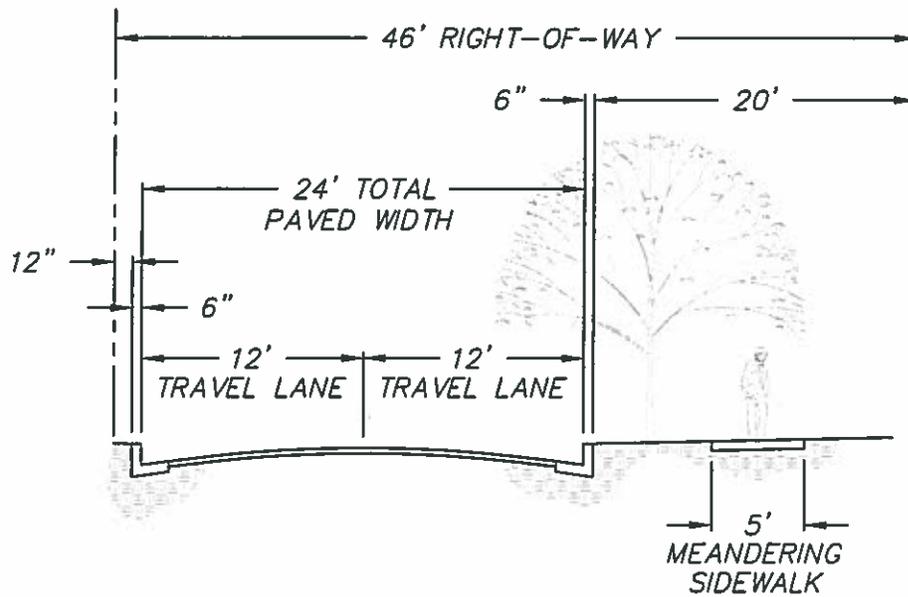
S.E.1/4, N.W.1/4, SEC.16, T.37S., R.1W., W.M.
JACKSON COUNTY
1" = 100'

37 1W 16BD
MEDFORD

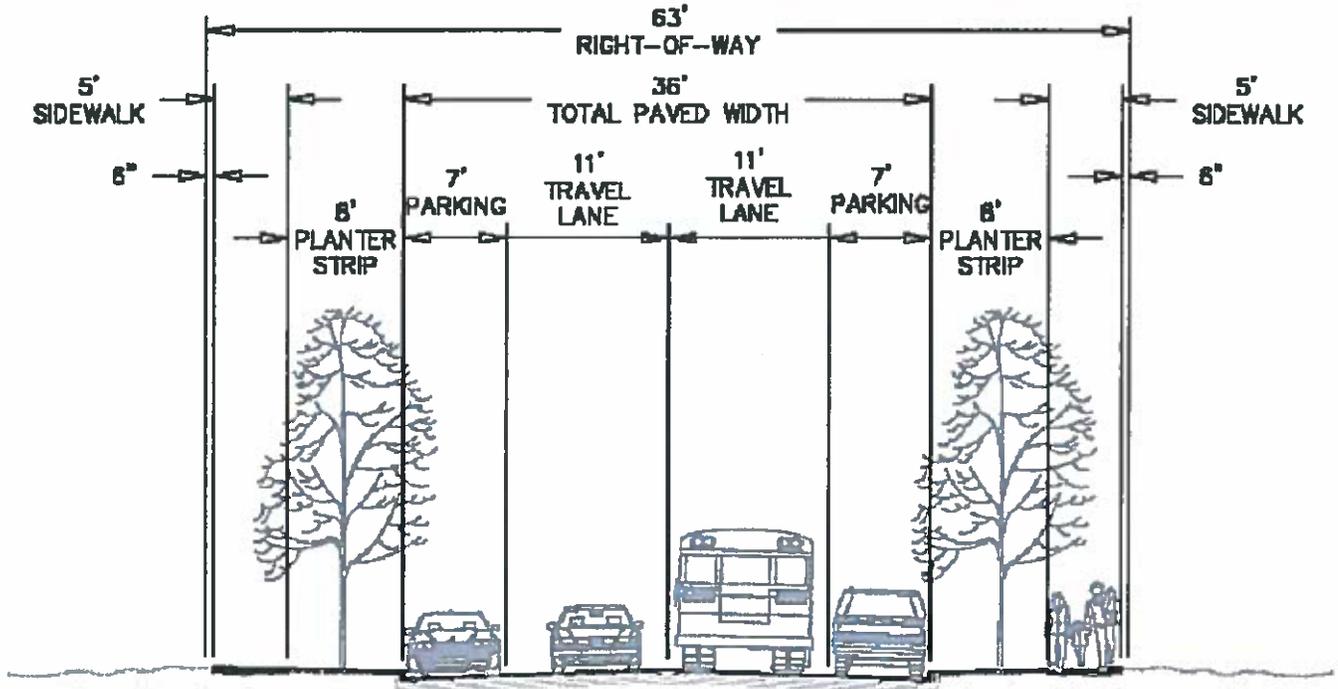


CANCELLED TAX
LOT NUMBERS
127, 128 KILLED TO STREET

160 file
16/11

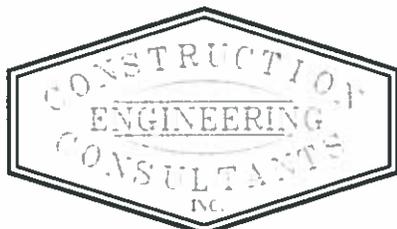


PROPOSED COMMERCIAL STREET ALTERNATE



CITY STANDARD COMMERCIAL STREET

CITY OF MEDFORD
 EXHIBIT # 
 File # E-16-087



P.O. BOX 1721 • MEDFORD, OREGON 97501
 PH. (511) 779-5268

CONSTRUCTION ENGINEERING CONSULTANTS

CEDAR LANDING PUD
 PROPOSED COMMERCIAL
 STREET EXHIBIT

PROJECT NO.

—

EXHIBIT NO.

A



Continuous Improvement Customer Service

CITY OF MEDFORD

Revised Date: 9/9/2016
File Number: E-16-087

PUBLIC WORKS DEPARTMENT STAFF REPORT Cedar Landing Private Road Exception

- Project:** Consideration of application for exception relief to allow a public commercial street to vary from the development code standard for a commercial street.
- Location:** The subject street lies between Farmington Avenue and Yamsay Drive, approximately 575 feet north of Cedar Links Drive, within the Cedar Landing Planned Area Development.
- Applicant:** Cedar Investment Group, LLC., Applicant (CSA Planning, Ltd, Agent).
Desmond McGeough, Planner.
-

An **exception request** has been submitted, which seeks to revise the previously approved private street to a public street that does not meet the current standards. The street in question should be classified as a Commercial Street with a right-of-way width of 63-feet, in accordance with Medford Land Development Code (MLDC) Section 10.429 and should include a 36-foot wide paved section as well as an 8-foot planter and 5-foot sidewalk on both sides.

If the exception is approved, the street would include 46-feet of right-of-way with a 24-foot wide paved section and a 5-foot wide meandering sidewalk within the northern 20-feet of the proposed right-of-way. Public Works has no objection to the reduced pavement width as proposed with this exception. However, we do recommend that if the exception is approved for a meandering sidewalk, that the amount of right-of-way north of the proposed curb be reduced to 13-feet and that the meandering sidewalk be limited to have a minimum 200-foot centerline radius, or the Developer may elect to provide a standard sidewalk with 6-inches of excess right-of-way behind the sidewalk, as noted in MLDC Section 10.429. We also recommend that a standard sidewalk be provided on the south side of the street with 6-inches of excess right-of-way behind the sidewalk, as noted in MLDC Section 10.429.

If the exception request is denied, then the street shall remain private.

Prepared by: Doug Burroughs

CITY OF MEDFORD
EXHIBIT # 10
File # E-16-087

P:\Staff Reports\Exceptions\2016\E-16-087 Cedar Landing Exception (Private Road)\E-16-087 Staff Report-Revised.docx Page 1

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

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



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: E-16-087

PARCEL ID: 371W2BD TL 200

PROJECT: Consideration of application for exception relief to allow a public commercial street to vary from the development code standard for a commercial street. The subject street lies between Farmington Avenue and Yamsay Drive, approximately 575 feet north of Cedar Links Drive, within the Cedar Landing Planned Area Development; Cedar Investment Group, LLC., Applicant (CSA Planning, Ltd, Agent). Desmond McGeough, Planner.

DATE: September 7, 2016

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

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All future parcels/lots adjacent to this proposed road will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. Proposed street shall accommodate the future installation of a previously conditioned 8-inch water line within this proposed street. Applicants' civil engineer shall coordinate with MWC engineering staff for water facility layout.

COMMENTS

1. Off-site water line installation is not required.
2. On-site water facility construction is required. (See Condition 2 and 3)
3. Access to MWC water lines is available. An 8-inch water line is located in Cedar Links Drive, and a 24-inch water transmission line exists within a 50-foot wide easement across a portion of these tax lots.

CITY OF MEDFORD
EXHIBIT # E
File # E-16-087



Medford Fire Department

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

LAND DEVELOPMENT REPORT - PLANNING

To: Desmond McGeough

LD Meeting Date: 09/07/2016

From: Greg Kleinberg

Report Prepared: 09/01/2016

Applicant: Applicant (CSA Planning, Ltd, Agent).

File #: E - 16 - 87

Site Name/Description:

Consideration of application for exception relief to allow a public commercial street to vary from the development code standard for a commercial street. The subject street lies between Farmington Avenue and Yamsay Drive, approximately 575 feet north of Cedar Links Drive, within the Cedar Landing Planned Area Development; Cedar Investment Group, LLC., Applicant (CSA Planning, Ltd, Agent). Desmond McGeough, Planner.

| DESCRIPTION OF CORRECTIONS | REFERENCE |
|----------------------------|-----------|
|----------------------------|-----------|

Requirement "NO PARKING" SIGNS REQUIRED

OFC 503.3

Where parking is prohibited on public roads for fire department vehicle access purposes, NO PARKING signs shall be spaced at minimum 50' intervals along the fire lane (minimum 75' intervals in 1 & 2 family residential areas) and at fire department designated turn-around areas. The signs shall have red letters on a white background stating "NO PARKING".

Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths (20' wide) and clearances (13' 6" vertical) shall be maintained at all times (OFC 503.4; ORS 98.810-12).

Fire apparatus access roads 20-26' wide shall be posted on both sides as a fire lane. Fire apparatus access roads more than 26' to 32' wide shall be posted on one side as a fire lane (OFC D103.6.1).

This restriction shall be recorded on the property deed as a requirement for future construction.

Contact Public Works Transportation Manager Karl MacNair 541-774-2115 for further information.

Development shall comply with access and water supply requirements in accordance with the Fire Code in affect at the time of development submittal.
Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.
Specific fire protection systems may be required in accordance with the Oregon Fire Code.
This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on the information provided only.
Design and installation shall meet the Oregon requirements of the IBC, IFC, IMC and NFPA standards.

CITY OF MEDFORD
EXHIBIT # 'F'
File # E-16-087

Desmond M. McGeough

From: CAINES Jeff <Jeff.CAINES@aviation.state.or.us>
Sent: Friday, September 02, 2016 2:47 PM
To: Desmond M. McGeough
Subject: E-16-087 - ODA Comment

RECEIVED

SEP 02 2016

Planning Dept.

Desmond:

Thank you for allowing ODA to review the commercial street modification. ODA has reviewed the proposed modification and have the following comments:

The street modification will not impact air navigation to the Rogue Valley Int'l airport. Therefore, ODA will not require FAA form 7460-1.

Please feel free to contact me if you or the applicant have any questions.

Jeff

Jeff Caines, AICP
Oregon Department of Aviation
Aviation Planner / SCIP Coordinator
3040 25th St. SE | Salem, OR 97302
Office: 503.378.2529
Cell / Text: 503.507.6965
Email: Jeff.Caines@aviation.state.or.us

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

CITY OF MEDFORD
EXHIBIT # "G"
File # E-16-087



Project Name:
**Skylake Village at
Cedar Landing**

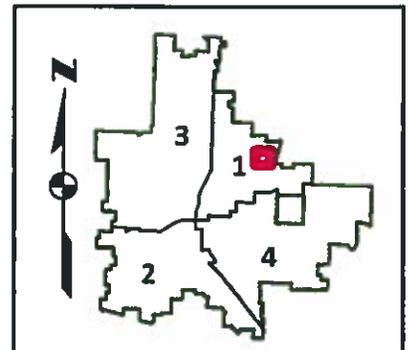
Map/Taxlot:
371W16BD TL 200



07/26/2016

Legend

-  Subject Roadway
-  Medford Zoning
-  Tax Lots
-  Streets
-  PUD





Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT

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

PROJECT Summerfield at Southeast Park Phase 9
 Applicant: Mahar Homes, Inc.; Agent: CSA Planning.

FILE NO. LDS-16-079

TO Planning Commission *for September 22, 2016 hearing*

FROM Dustin Severs, Planner II

REVIEWER Kelly Akin, Principal Planner

DATE September 15, 2016

BACKGROUND

Proposal

Consideration of Summerfield at Southeast Park Phase 9, a proposed 56 lot residential subdivision on 10.7 gross acres currently consisting of a single vacant lot located directly south of Sunleaf Avenue, and 1,175 feet east of N. Phoenix Road, in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district.

Subject Site Characteristics

| | | |
|--------------|----------|---|
| <i>North</i> | Zone: | SFR-4 (Single Family Residential – 4 dwelling units per gross acre) |
| | Use: | Single family residential (earlier phases of Summerfield subdivision) |
| <i>South</i> | Zone(s): | MFR-20 (Multiple-Family – 20 dwelling units per gross acre) SFR-00 (1 dwelling unit per lot) |
| | Use: | Vacant land |
| <i>East</i> | Zone: | SFR-10 |
| | Use: | Single family residential (earlier phases of Summerfield subdivision) |
| <i>West</i> | Zone: | SFR-00 |
| | Use: | Single family residential |

Related Projects

| | |
|-----------------------|-----------------------------------|
| PUD-05-247/LDS-05-246 | Final PUD Plan and Tentative Plat |
| LDS-11-036 | Tentative Plat |

Applicable Criteria

Medford Land Development Code (MLDC) 10.270 – Land Division Criteria

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

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

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

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

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

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

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

Corporate Names

According to the Oregon Secretary of State Business registry, the registered agent of Mahar Homes is identified as Patrick Huycke, the president is identified as Michael Mahar, and the secretary is identified as Randall Jones.

ISSUES AND ANALYSIS

Background

The subject site is part of the Summerfield at Southeast Park Phases 9-11 development, a 115 lot subdivision which received both preliminary PUD Plan (Development within the Southeast Overlay is required to be reviewed as a PUD) and tentative plat approval on January 26, 2006. The Final PUD Plan was approved by the Planning Director on March 26, 2009; however, the tentative plat approval ultimately expired on January 26, 2011, despite being extended to the maximum time allowed. The tentative plat for phases 9-11 were re-approved on June 9, 2011, including a minor revision to create sub-phases 11A and 11B within phase 11, and were authorized the maximum 5 year period to submit the final plats. Since that time, the final plats for Phases 11A and 11B, and Phase 10 have been approved. But, the maximum 5 year period expired for Phase 9 on June 9, 2016, requiring the applicant to resubmit the tentative plat for a third time for approval.

| Summerfield Phases | Action | Date | File Number |
|--------------------|---|-------------------|-----------------------|
| Phases 9-11 | Preliminary PUD/Tentative Plat approved | January 26, 2006 | PUD-05-247/LDS-05-246 |
| Phases 9-11 | Final PUD Plan approved | March 26, 2009 | PUD-05-247 |
| Phases 9-11 | Tentative Plat expired | January 26, 2011 | LDS-05-246 |
| Phases 9-11 | Tentative Plat re-approved | June 9, 2011 | LDS-11-036 |
| Phase 11a | Final Plat approved | September 3, 2013 | LDS-11-036 |
| Phase 11b | Final Plat approved | June 4, 2014 | LDS-11-036 |
| Phase 10 | Final Plat approved | April 20, 2016 | LDS-11-036 |
| Phase 9 | Tentative Plat expired | June 9, 2016 | LDS-11-036 |

Southeast Plan Standards

The subject site is located within the Southeast (S-E) Overlay and is subject to the S-E Overlay District regulations and the adopted Southeast Plan, in addition to all other applicable City regulations. The site is designated as Sub-Area 6 within the Southeast Plan Village Center, and as such, is selected for small-lot residential use (Exhibit I).

The S-E Overlay District imposes special standards which effectively trump the requirements of the underlying zoning district. The submitted tentative plat show the lots ranging in size from 4,938 square feet to 7,815 square feet, and lot widths ranging from 45 to 50 feet; compliant with the dimensional requirements of the SFR-10 zoning district. However, all residential lots within the Southeast Plan area with a 50 foot width or less are required to take vehicular access only from an alley per MLDC 10.381(2). All lots within the proposed subdivision will take vehicular access from an alley, in compliance with the MLDC.

Additionally, MLDC 10.373 requires special standards for density within the SFR-10 zoning districts located within the Southeast Plan. For subdivisions with alley access, the density range is between 5 to 10 dwelling units per gross acre. For the proposed 10.7 gross acre subdivision, this equates to a range of 53 to 107 dwelling units. The applicant has proposed 56 dwelling units, in compliance with MLDC Section 10.373.

PUD Modifications

As directed by MLDC Section 10.374, a development within the Southeast Plan that consists of more than one acre requires approval of a PUD for the project. The Preliminary PUD Plan approval for Summerfield Phases 9-11 included two modifications to the code standards regarding setbacks; a 6-foot minimum side-yard setback for a two-story structure, and the requirement that outdoor HVAC equipment to be exempt from setback standards to allow the dwelling units to be centered on the lots (Exhibit J). As the Final PUD Plan for the subdivision has been approved, these modifications will apply to the lots in Summerfield Phases 9.

Proposed Streets

The submitted tentative plat shows the dedication of five public streets; Shamrock Drive, Canterwood Drive, Waterbury Way, Sunleaf Way, and Windsong Way. Shamrock Drive will be improved to Standard Residential street standards, while the other four streets will all be improved to Minor Residential street standards. Both Sunleaf Avenue and Windsong Way have already been constructed and improved as part of previously approved phases of the Summerfield development.

Pursuant to MLDC Section 10.443, Shamrock Drive is proposed to be constructed as a half street, allowing the developer to construct half the required minimum road width plus eight feet past the centerline towards the side of the adjoining property. Half streets are permitted when the approving authority determines that it will be practical to require dedication of the other half when the adjoining property is developed.

| Proposed street | Street Classification | Right-of-way width | Construction status |
|------------------|-----------------------|---------------------------|---------------------|
| Shamrock Drive | Standard Residential | 63 feet (half + 8 = 39.5) | not constructed |
| Canterwood Drive | Minor Residential | 55 feet | not constructed |
| Waterbury Way | Minor Residential | 55 feet | not constructed |
| Sunleaf Way | Minor Residential | 55 feet | constructed |
| Windsong Way | Minor Residential | 55 feet | constructed |

In addition to the five aforementioned public streets, the tentative plat also delineates three alleys to be dedicated as public rights-of-way. The applicant's submitted Findings state that all lots will take vehicular access solely from the public alleys depicted on the tentative plat and Final PUD Plan.

The proposed street circulation for the subdivision as identified in the submitted tentative plat conforms to the Southeast Circulation Plan Map (Exhibit K).

Master Street Tree Plan

As required by MLDC Section 10.379, a Streetscape and Planter Strip Plan is required for Land Divisions and PUD's for developments within the S-E Overlay District. A Master Street Tree Plan was submitted by the applicant, and appears to be consistent with the Street Tree Plan approved with the Final PUD Plan (Exhibit D).

Public Improvements

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

Committee Comments

No comments were received from committees such as BPAC.

FINDINGS AND CONCLUSIONS

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

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of LDS-16-079 per the staff report dated September 15, 2016, including Exhibits A through P.

EXHIBITS

- A Conditions of Approval drafted September 15, 2016.
- B Tentative Subdivision Plat received August 3, 2016.
- C Preliminary Grading and Drainage Plan received June 30, 2016.
- D Master Street Tree Plan received June 30, 2016.
- E Applicant's Narrative, Questionnaire, and Findings of Fact received June 30, 2016.
- F Public Works Staff Report received September 7, 2016.
- G Medford Water Commission Staff Memo received September, 9 2016.
- H Medford Fire Department Report received September 1, 2016.
- I Southeast Village Center map adopted March 7, 2013.
- J PUD-05-247/LDS-05-246 Conditions of Approval dated January 12, 2006.
- K Southeast Circulation Plan Map adopted March 7, 2013.
- L Memorandum from CSA Planning to staff received July 8, 2016.
- M Oregon Department of Transportation comments email received September 9, 2016.
- N Jackson County Assessor plat maps (2 of 2) received June 30, 2016.
- O Neighbor letter received September 14, 2016.
- P Email from Randy Jones of Mahar Homes in response to neighbor letter received September 14, 2016.
Vicinity map

PLANNING COMMISSION AGENDA:

September 22, 2016

EXHIBIT A

Summerfield at Southeast Park Phase 9

LDS-16-079

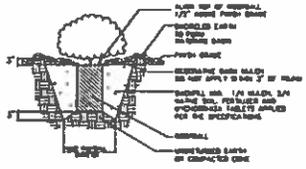
Conditions of Approval

September 15, 2016

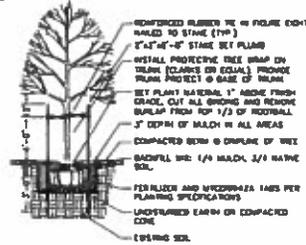
CODE REQUIRED CONDITIONS

Prior to the approval of the Final Plat, the applicant shall:

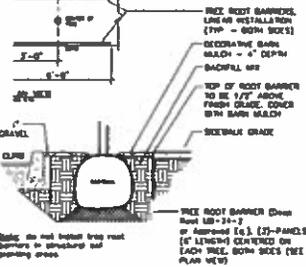
1. Comply with all conditions stipulated by Medford Public Works Department (Exhibit F).
2. Comply with all conditions stipulated by the Medford Water Commission (Exhibit G).
3. Comply with all requirements of the Medford Fire Department (Exhibit H).



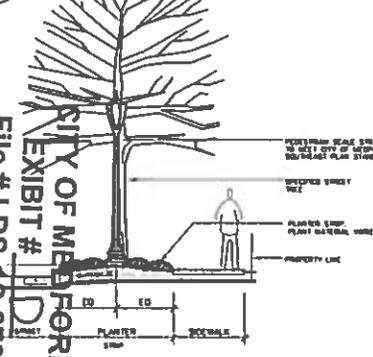
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Scale: 4"=1'



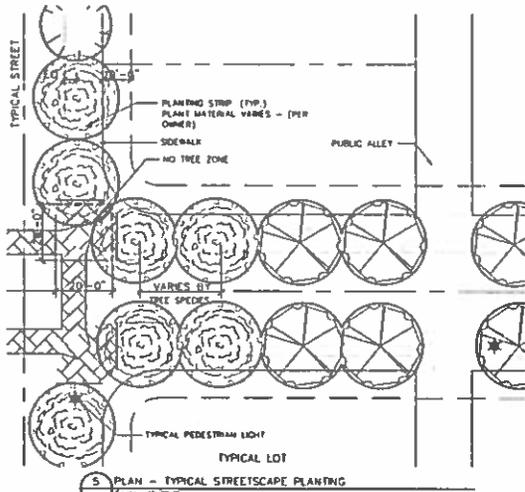
2 SECTION - TREE PLANTING AND STAKING DETAIL
Scale: 4"=1'



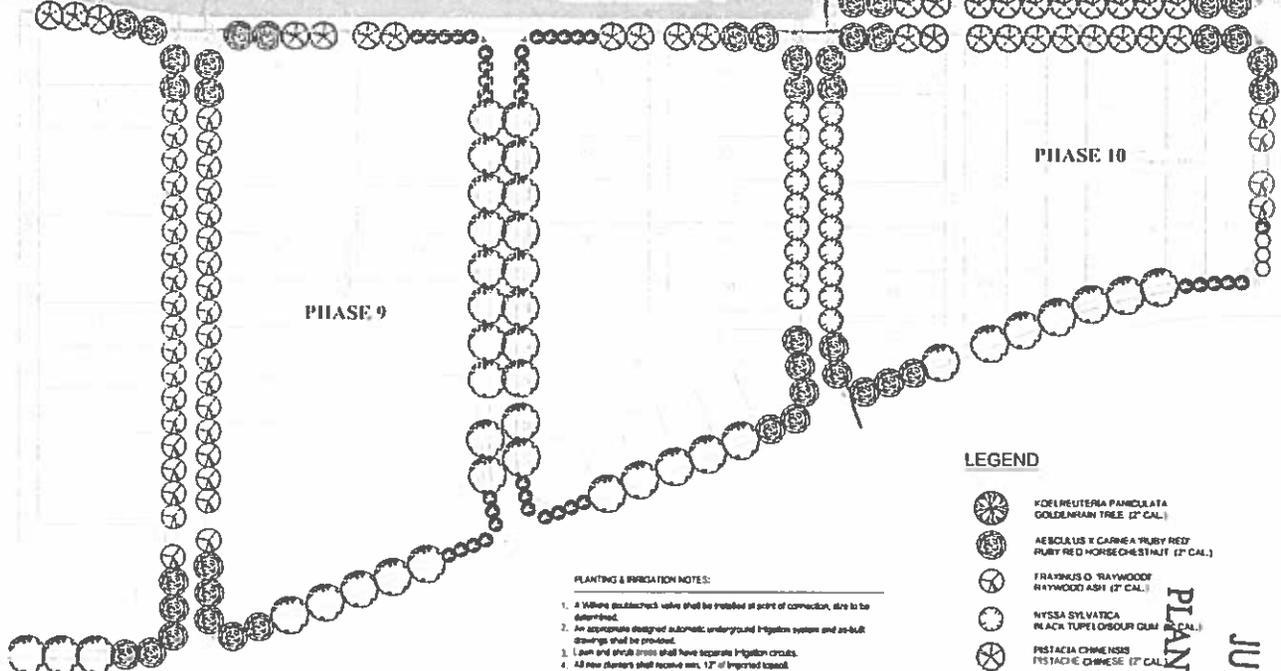
3 TREE ROOT BARRIER - LINEAR APPLICATION
Scale: 4"=1'



4 SECTION - TYPICAL STREETSCAPE PLANTER STRIP
Scale: 1/4\"/>



5 PLAN - TYPICAL STREETSCAPE PLANTING
Scale: 1\"/>



PHASE 9 - 10 - 11
TREE MASTERPLAN
SCALE: 1\"/>

PLANTING & IRRIGATION NOTES:

1. A white substructure valve shall be installed at point of connection, size to be determined.
2. An appropriate designed automatic underground irrigation system and as-built drawings shall be provided.
3. Lawn and shrub areas shall have separate irrigation circuits.
4. All new planters shall receive min. 12\"/>

LEGEND

- KOELREUTERIA PANICULATA
GOLDENRAIN TREE (2\"/>
- AEBCLUS X CARNEA 'RUBY RED'
RUBY RED HORSE CHESTNUT (2\"/>
- FRAXINUS O 'RAYWOOD'
RAYWOOD ASH (2\"/>
- NYSSA SYLVATICA
IN ACRA TUPELO/SOUR GUM (2\"/>
- PISTACHIA CHINESSIS
PISTACHE CHINESE (2\"/>
- PRUNUS CERASIFERA 'KRANTZ'
FRUITFUL VE BURNING PLOW (2\"/>
- QUERCUS ALBURA
RED OAK (2\"/>

galbraith
LAND ARCHITECTS

LANDSCAPE ARCHITECTS & SITE PLANNING

1415 10th St., Suite 1
Boulder, CO 80502
PH: 303.440.7800
FAX: 303.440.7804

REGISTRATION No. 2124-A-2008

REGISTERED
254
JOHN S. GALBRAITH
04/01/70
LANDSCAPE ARCHITECT

SUMMERFIELD
AT SOUTH EAST
PARK
(Phase 9, 10 & 11)

CALL & VISIT ONLY
NO ON-SITE VISITS

11 VISAS
1-800 (Tree Replacement)

| | |
|-------|-------|
| DATE | BY |
| 06-01 | 06-01 |
| 06-01 | 06-01 |
| 06-01 | 06-01 |

DATE: 6-10-06

L1

JUN 30 2016

PLANNING DEPT.

RECEIVED

RECEIVED
JUN 30 2016
PLANNING DEPT.

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

IN THE MATTER OF APPLICATION)
CONCERNING THE SUMMERFIELD PUD)
PHASE 9 TENTATIVE SUBDIVISION)
PLAT, AFFECTING 10.65 ACRES OF)
LAND IN THE SOUTHEAST PLAN AREA)
BETWEEN SUNLEAF AVENUE AND)
SHAMROCK DRIVE IN THE CITY OF)
MEDFORD, OREGON)
Applicant: Crystal Springs Development)
Group)
Owner: Mahar Homes, Inc)
Agent: CSA Planning, Ltd.)

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

Applicant's Exhibit 1

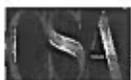
I

PUD NARRATIVE AND SCOPE OF APPLICATION

Crystal Springs Development Group seeks a Land Division (Tentative Subdivision Plat) approval for the Phase 9 small-lot alley access residential subdivision within Sub-area 6 of the Southeast Plan.

Phase 9 is part of the *Summerfield at Southeast Park Phases 9 to 11 PUD* that was originally approved in 2006 along with Tentative Plats for each phase. The Preliminary PUD Plan included 115 Single Family Dwelling Lots. Development of the project is proposed in three phases that correspond to the overall phasing of the Summerfield at Southeast Park project. The Final PUD was approved for Phases 9 - 11 in 2009. The Tentative Plats for Phases 9 - 11 were re-approved in 2011 for a five-year period. Since that time, the Final Plats for Phases 11a and 11b were approved in 2013 and 2014. The Final Plat for Phase 10 was approved in 2016. Phase 9 is the last to go into construction of the PUD's three phases. Installation of the infrastructure has begun for Phase 9, but not is complete, and therefore the Final Plat has not been submitted.

At this point, the five-year phased Tentative Plat approval period has passed, consequently the approved Tentative Plat for Phase 9 has expired. Therefore, in order to complete the work on Phase 9 and file for Final Plat, we are resubmitting the approved Tentative Plat for Phase 9 with no substantive changes, for approval.



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Similar to Phases 10 and 11, Phase 9 is devoted to a small-lot single family residential pattern. Phase 9 includes 56 small-lot alley access single family detached residential lots on 10.65 acres. Each lot will be individually owned and the alleys and streets depicted on the plans are proposed for dedication to the City of Medford. The findings of fact and conclusions of law herein support the re-approval of the Phase 9 Tentative Plat.

II

EVIDENCE SUBMITTED WITH APPLICATION

Applicant herewith submits the following evidence with its applications for Land Division(Tentative Subdivision Plat):

- Exhibit 1.** The proposed Findings of Fact and Conclusions of Law (this document) demonstrating how the Land Division (Tentative Subdivision Plat) application complies with the applicable substantive criteria of the MLDC
- Exhibit 2.** Jackson County Assessor plat maps (37-1W-27), which contains and depicts the subject properties
- Exhibit 3.** Medford General Land Use Plan Map (GLUP)
- Exhibit 4.** Current Zoning Map
- Exhibit 5.** Previous Tentative Plat Approval, dated June 9, 2011
- Exhibit 6.** Tentative Subdivision Plat
- Exhibit 7.** Streetscape and Planter Strip Plan (Tree Master Plan)
- Exhibit 8.** Preliminary Grading and Drainage Plan
- Exhibit 9.** Draft Conditions, Covenants and Restrictions
- Exhibit 10.** Completed Land Division application forms and agent authorization from the record owner of the property



III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The criteria under which the application for Land Division(Tentative Subdivision Plat) must be approved are in Article II of the Medford Land Development Code (MLDC). The criteria for this Land Division application is recited verbatim below and again in Section V where each is followed by the applicable conclusions of law.

City of Medford Approval Criteria

A. LAND DIVISION – Tentative Subdivision Plat

MLDC 10.270 Land Division Criteria.

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

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, 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.

B. Transit Facilities

MLDC 10.806 Transit Facilities for New Subdivisions

Transit improvements, including provision of bus stops, pullouts, shelters, on-street parking restrictions, optimum road geometrics and similar facilities shall be provided at the time of development of new subdivisions of 25 lots or more, when such improvements are appropriate. The transit provider shall make this determination either through an adopted plan or on a case by case basis in response to a development proposal review. Applicants for new subdivisions shall consult with the transit provider on necessary transit facility improvements.



IV

FINDINGS OF FACT

The Planning Commission reaches the following facts and finds them to be true with respect to this matter:

1. **Description; Size; Tax Code; Existing Development:** According to the records of the Jackson County Assessor, the subject property has the following characteristics:
 - The parcel is designated as Tax Lot 1004 in Township 37 South, Range 1 West, Section 27 on the assessment maps of Jackson County, *see* Exhibit 2.
 - The parcel contains 10.65 acres
 - The Tax Code is 49-01
 - The parcel is currently vacant.
2. **Property Location:** The subject property is within the corporate limits of Medford and its urban growth boundary. It is located South of Sunleaf Avenue and north of Shamrock Drive and West of Windsong Way in the Southeast (SE) plan area of the City of Medford. The location of the property in relation to other land in the surrounding area is depicted in Exhibits 2 and 5.
3. **Comprehensive Plan and Zoning:** All of the subject properties are within Medford's *Urban Residential* Comprehensive plan map designation (GLUP)¹, *see* Exhibit 3. The City of Medford approved a zone change in 2002 to SFR-10 through Planning File No. ZC-02-77. All adjacent and nearby lands are within the Medford UGB.
4. **Surrounding Land Uses:** The current zoning map, *see* Exhibit 6, accurately depicts the pattern of land partitioning and development in the surrounding area. Exhibit 2 identifies the subject and nearby parcels as to Tax Lot number. Land uses that presently surround the property are:
 - North:** All lands to the north are planned Urban Residential. Land to the north is zoned SFR-4 and is part of the earlier phases of Summerfield at Southeast Park.
 - West:** Land to the west is zoned SFR-00. These lands are planned Urban High Density Residential and include multiple ownerships.
 - South:** Lands to the south are planned Service Commercial. These lands are currently zoned SFR-00. Land to the southeast is zoned MFR-20. Ownership includes the City of Medford, Susan Craven and the Applicant.
 - East:** Lands to the east are planned Urban Residential and are owned by the applicants. Phase 11 of this PUD is northeast of the Phase 9 area and has been completely

¹ Medford refers to its comprehensive plan map as the GLUP (General Land Use Plan).



built out. Phase 10, which is currently starting house construction, abuts Phase 9 along its east border. These lands are zoned SFR-10, with SFR-4 beyond to the east.

5. **Topography:** The topography of the proposed PUD is gently sloping from the southwest up to the northeast as shown on the tentative plat. It is outside the Hillside Protection Overlay District and is therefore, not subject to Hillside Ordinance requirements.
6. **Approval History for Summerfield at Southeast Park Phases 9-11:**

| Summerfield Phases | Approval | Date | Approved By | File Number |
|--------------------|---|--------------------|---------------------|-------------------------|
| Phases 9-11 | <ul style="list-style-type: none"> • Preliminary PUD • Tentative Plat | January 26, 2006 | Planning Commission | PUD-05-247/LDS-05-246 |
| Phases 9-11 | <ul style="list-style-type: none"> • Final PUD Plan | March 26, 2009 | Planning Director | LDS-05-246 (PUD-05-247) |
| Phases 9-11 | <ul style="list-style-type: none"> • Tentative Plat time extension to January 26, 2010 | March 26, 2009 | Planning Director | LDS-05-246 (PUD-05-247) |
| Phase 11 | <ul style="list-style-type: none"> • Phase 11 split into two sub-phases- 11a and 11b. | September 24, 2009 | Planning Commission | LDS-05-246 |
| Phases 9-11 | <ul style="list-style-type: none"> • Tentative Plat – Approval expires June 9, 2016 | June 9, 2011 | Planning Commission | LDS-11-036 |
| Phase 11a | <ul style="list-style-type: none"> • Final Plat Phase 11a | September 3, 2013 | Planning Director | LDS-11-036 |
| Phase 11b | <ul style="list-style-type: none"> • Final Plat Phase 11b | June 4, 2014 | Planning Director | LDS-11-036 |
| Phase 10 | <ul style="list-style-type: none"> • Final Plat Phase 10 | April 20, 2016 | Planning Director | LDS-11-036 |

7. Description of Summerfield Phases 9 – 11:

A. Phases; Number of Housing Units: The PUD was proposed to be completed as a continuation of the Summerfield at Southeast Park Subdivision, to be constructed in three subsequent phases:

- Phase 9 consists of 56 small-lot alley-access units. Phase 9’s infrastructure is currently being installed. Lots are identified as Lot 266 -321.
- Phase 10 consists of 21 small-lot alley-access units. Phase 10 houses are currently under construction. Lots are identified as Lot 322 -342.
- Phase 11 consists of 38 small-lot alley-access units constructed in two sub-phases and has been fully built out. Lots are identified as Lot 343 -380.

B. Density: One detached single family dwelling was proposed for each lot for a total of 115 dwelling units. Applicant’s registered professional surveyor, Dave Minneci,



calculated the project to contain 22.24 gross acres in accordance with acreage measurement methodology for the purposes of calculating density under the MLDC. Within the MFR-10 district, this equates to a maximum number of 222 dwelling units. With respect to minimum density requirements, amendments to the Southeast Overlay District adopted in December 2004 provide that the minimum density may be reduced from 6 units per acre to 5 units per acre where access to all lots is exclusively from an alley, see MLDC 10.373(2)(A). Since all lots in this project receive vehicular access solely from an alley, the applicable minimum density is five units per acre. Thus, the minimum density applicable to the overall project is 112 lots where each lot is planned for one single family dwelling. Therefore, with a total of 115 dwelling units within the PUD, the subdivision meets the density standard.

- C. Common Elements:** No common elements are proposed.
 - D. Landscaping; Landscape Maintenance:** A Streetscape and Planter Strip Plan was approved as part of the PUD application, see Exhibit 7. It is included here for reference. This plan includes those specific details as required by MLDC 10.379 and the same has been prepared by applicant's registered landscape architect John Galbraith.
 - E. Lot Size, Coverage, Dimensions:** Lot sizes range from 4,950 square feet to 7,474 square feet. Those lot coverage standards specific to the SE Overlay area contained in MLDC 10.375 are applicable to the project and all lots have sufficient size to assure ultimate building footprints can feasibly and will comply with those same lot coverage standards. Lot widths range from 45 feet to 50 feet. Lot depths range from 110 feet to 134 feet.
 - F. Lighting:** Pedestrian scale street-lighting will be installed in accordance with the City of Medford Street Lighting requirements that are applicable within the SE Overlay District for public streets, and as approved in the Final PUD plan. A typical lighting arrangement is shown on the site detail component of the landscape plan.
 - G. Sidewalks and Walkways:** All streets within the project are public streets and consequently sidewalks are proposed for both sides all streets in accordance with the sidewalk design contained in Medford's street specifications.
 - H. Fencing:** All fencing can feasibly and will comply with the fencing provisions of 10.382.
 - I. Off-street Parking:** Lots are sufficiently large to assure each lot can feasibly and will be required to provide two off-street parking spaces.
- 8. Approved PUD Modifications:** This PUD includes only a small set of modifications that all relate to side-yard setbacks. Because lot widths are as narrow as 42 feet, applicant believes the project will be able to balance the desire for varied architecture from unit-to-unit against the need for separation between units through modifications to the standard minimum side yard setbacks. Minimum side yard setback for a one-story building is



proposed to be 4 feet regardless of height and any architectural projections, such as roof eaves or fireplaces could encroach into the required yard up to 12 inches. The approved minimum side yard setback for a 2-story structure is proposed to be 6 feet. In addition to these modifications, it is approved that outdoor air conditioning equipment is exempt from setback standards to allow units to be centered on the lots.

9. Essential (Category "A") Public Facilities: The Medford Comprehensive Plan defines Category "A" public facilities as: (1) Sanitary sewage collection and treatment; (2) Storm Drainage; (3) Water Service; (4) Transportation Facilities. The Planning Commission finds the following facts with regard to the Category "A" public facilities that serve the subject property:

A. Sanitary Sewer Service (Collection): The site is within the City of Medford sewer system boundaries. There is an existing 8-inch line in North Phoenix Road that was determined to be adequate at the time of zone change for the contemplated future development as is herein requested, pursuant to Planning File ZC-02-77.

B. Water Distribution Lines: There is an existing 16-inch line in North Phoenix Road that was determined to be adequate at the time of zone change for the contemplated future development, pursuant to Planning File ZC-02-77.

C. Storm Drainage: A preliminary grading and drainage plan is provided with the application in accordance with MLDC submittal requirements for tentative plat, *see* Exhibit 8. The zone change approval for this area required controlled storm water discharge at a rate no more than 0.25 cfs per acre. At this metered rate, the site will be constricted to a discharge rate no greater than 5.56 cubic feet per second. To attain this discharge rate, the preliminary drainage plan includes three 48-inch detention pipes to meter discharge from the site to the specified rate. Applicant's professional engineer Jeff Jensen, has prepared this preliminary grading and drainage plan to comply with the conditioned discharge rate and the system can feasibly and will be constructed to comply with this discharge requirements. Applicant can feasibly and will convey any storm drainage easements necessary for the City to maintain the system where facilities may be located outside the public right of way. The Planning Commission approved Applicant's plan for storm discharge as part of the 2009 PUD approval.

D. Streets and Transportation: The Planning Commission reaches the following findings of fact with respect to streets and traffic:

(1) **Access:** All lots will take vehicular access solely from the public alleys depicted on the Tentative Plat and Final PUD Plan.

(2) **Street Classification:** According to the Medford Transportation System Plan, Lone Oak Drive that abuts Phases 10 and 11 is classified as a Major Collector. All other streets within the development are either local minor residential streets or public alleys.



- (3) **Roadway Improvements:** All streets connect with and will extend the existing grid pattern. Applicant can feasibly and will construct all streets adjacent to Phase 9 that are currently unbuilt in accordance with the specifications and requirements of the City of Medford.

The Southeast Plan and the Southeast Neighborhood Circulation both contemplate alleys as an integral design feature in residential areas. The Neighborhood Circulation Plan provides:

New alleys should be accepted as public rights-of-way when a public benefit results, such as eliminating the need for through-lots along a higher order street

The Conclusions in the Southeast Plan recognize the public benefit of alternative forms of transportation associated with alleys by stating:

Residential design features such as placing garages on alleys, providing front porches, park strips with street trees, sidewalks, and pedestrian-scale lighting, etc., promotes alternative forms of transportation such as walking.

All garages are proposed to be placed on alleys. The alley configuration minimizes the need for private driveways onto the surrounding minor and major residential streets.

- (4) **Traffic Impacts:** According to the ITE Trip Generation Manual 7th Edition, single family dwellings generate trips at a rate of 9.57 average daily trips per unit. So the entire PUD is projected to generate 1100 ADT. At the time of zone change, the City of Medford attached certain specific conditions to trip generation through Planning File ZC-02-77 that pertain to development of the site. Those conditions require traffic signals at the North Phoenix Road/Cherry Street and a signal or other approved traffic mitigation measure at Pierce Street/Hillcrest Road intersections. Those conditions have been met.
- (5) **Transit Facilities:** Phase 9 does not border on any collector or arterial streets. The nearest collector will be Lone Oak Drive. Neither the Medford TSP nor the 2005 Regional Transportation Plan identifies Lone Oak Drive as a future transit corridor. Applicant discussed this situation verbally with an RVTD official at the time of the approval of the Tentative Plats for Phases 10 and 11 which border on Lone Oak Drive, and the official concurred that the lack of transit routes planned for this area do not warrant transit improvements at this time.

10. **Subdivision Name:** The name of the proposed subdivision is *Summerfield at Southeast Park Phases 9-11*, a name that is already approved by the city for earlier phases of this project completed by the applicants. The requested subdivision name is a continuation of these previously approved subdivision phases.

11. **General Project Description:** The general description of this project hereinabove in Section I is herewith incorporated by reference as the testimony of the undersigned applicant's agent.



V

CONCLUSIONS OF LAW

The following conclusions of law are based on the evidence enumerated in Section II and the findings of fact contained above in Section IV of this document and relate to the approval criteria for Land Division. The approval criteria are recited verbatim below and are followed by the conclusions of law of the Planning Commission:

A. LAND DIVISION – Tentative Subdivision Plat

MLDC 10.270 Land Division Criteria.

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

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

Conclusions of Law: As to consistency with the Comprehensive Plan, the Planning Commission concludes the Comprehensive Plan contains no specific goals, policies, and/or implementation strategies that by their language and context operate as approval criterion that is applicable to this land use decision. However, the Planning Commission herewith finds that this land use application is subject to conditions of approval of the zone change approved by Planning File ZC-02-77 and that these conditions operate as instruments to assure compliance with the Comprehensive Plan. To this end, the Planning Commission concludes the preliminary grading and drainage plan evidenced in Exhibit 8, the phasing plan and applicant's stipulations are sufficient to assure compliance with the conditions to which the application is subject and thereby establishes consistency with the Comprehensive Plan.

As to consistency with specific plans, the Planning Commission herewith incorporates and adopts its findings of fact and conclusions of law for compliance with the SE Plan and implementing regulations, as the same are hereinabove addressed and, based thereupon, the Planning Commission concludes that the land division is compliant. Based upon the findings of fact regarding Roadway Improvements in Section IV herein adopted and incorporated, the Commission further concludes the proposed alleys will be accepted for dedication because public benefit is categorically established through promotion of alternative transportation by operation of the ultimate conclusions contained the Southeast Plan.

With respect to design standards of the MLDC, based upon the findings of fact in Section IV and evidence enumerated in Section II, the Planning Commission concludes that the land division is compliant with the requirements in MLDC Articles IV and V, except where authorized in this consolidated application by the Planning Commission under its authority to approve code modifications as part of a PUD, pursuant to MLDC 10.230(D). Based upon the findings of fact with respect to Access and Roadway Improvements, the Planning Commission further concludes that the proposed alley configuration does not violate any express language of the code and that MLDC 10.425 requires these alleys proposed for use by the general public be offered for dedication.



Findings of Fact and Conclusions of Law

Application for Tentative Subdivision Plat
Crystal Springs Development Group: Applicant
Mahar Homes, Inc.: Owner

Based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that the application is consistent with the requirements of Criterion 1.

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

Conclusions of Law: Based upon the evidence in Section II and the Findings of Fact in Section IV, the Planning Commission concludes that this is the final phase of the *Summerfield at Southeast Park Phases 9 to 11 PUD* owned by Mahar Homes, Inc. Mahar Homes, Inc also owns the property to the east which is Phase 10 of the same PUD which has been platted and is currently being developed. Ownership of properties to the south includes the City of Medford, Susan Craven and the Applicant. The Planning Commission further concludes sufficient street stubs to the south are provided to assure development of adjacent lands to the south and west will not be prevented.

- (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;

Conclusions of Law: The Planning Commission concludes the requested land division is extending earlier phases of the *Summerfield at Southeast Park subdivision* and that this subdivision is contiguous to those earlier phases which were platted by the applicant.

- (4) Includes the creation of streets, that such streets are laid out to conform, within the limits of the City of Medford and its Urban Growth Boundary, to 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;

Conclusions of Law: The Planning Commission concludes Windgate, Sunleaf, Windsong, Waterbury, and Canterwood are all existing streets on land divisions already approved and that the proposed subdivision will conform to these approved plats.

- (5) Has streets that are proposed to be held for private use, that they are distinguished from the public street on the tentative plat, and reservations or restrictions relating to the private streets are set forth;

Conclusions of Law: Based upon the evidence, the Planning Commission concludes the PUD and subdivision does not propose any streets proposed to be held for private use.

- (6) Contains streets, if applicable, and lots which are oriented to make maximum effective use of passive solar energy; exceptions to this provision may be granted whenever it is impractical to comply due to:

- (a) The configuration or orientation of the property;
(b) The nature of surrounding circulation patterns, or other existing physical features of the site such as topography;

Conclusions of Law: Based upon the evidence in Section II and the Findings of Fact in Section IV establishing that this area is planned by the Southeast Plan for small lot single family residential development and that the streets are required and do conform to the neighborhood circulation plan applicable to this area, the Planning Commission concludes the lot orientations assure maximum effective use of passive solar energy to the maximum



practical extent within the confines of surrounding circulation patterns and planned land uses.

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

Conclusions of Law: Based upon the evidence in Section II and the Findings of Fact in Section IV adopted and incorporated herein, the Planning Commission herewith concludes that there are no adjoining agricultural lands nor EFU zoned land, and finds therefore this criteria is inapplicable.

B. Transit Facilities

10.806 Transit Facilities for New Subdivisions

Transit improvements, including provision of bus stops, pullouts, shelters, on-street parking restrictions, optimum road geometrics and similar facilities shall be provided at the time of development of new subdivisions of 25 lots or more, when such improvements are appropriate. The transit provider shall make this determination either through an adopted plan or on a case by case basis in response to a development proposal review. Applicants for new subdivisions shall consult with the transit provider on necessary transit facility improvements.

Conclusions of Law: Based upon the findings of fact in Section IV, the Planning Commission concludes there are no planned transit routes adjacent to Phase 9 that would make transit improvements appropriate at the time of development.

VI

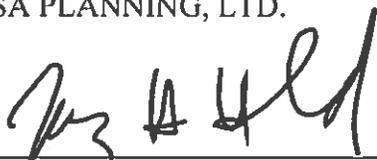
ULTIMATE CONCLUSIONS

Based upon the preceding findings of fact and conclusions of law, the Planning Commission ultimately concludes that the case for Land Division approval is consistent with all of the relevant criteria in the Medford Land Development Code as hereinabove enumerated and addressed.

Revisions Dated, June 28, 2016

Respectfully submitted on behalf of the applicant and owner Crystal Springs Development Group:

CSA PLANNING, LTD.



Jay Harland
Consulting Planner





Continuous Improvement Customer Service

CITY OF MEDFORD

Revised Date: 9/7/2016
File Numbers: LDS-16-079

PUBLIC WORKS DEPARTMENT STAFF REPORT **Summerfield at Southeast Park** *Phase 9*

- Project:** Consideration of Summerfield at Southeast Park Phase 9, a proposed 56 lot residential subdivision on 10.7 gross acres.
- Location:** Located directly south of Sunleaf Avenue and 1,175 feet east of N. Phoenix Road, in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (371W241004).
- Applicant:** Crystal Springs Development Group, Applicant (CSA Planning, Ltd., Agent).
Dustin Severs, Planner.

Applicability: The Medford Public Works Department's conditions of Approval for Summerfield PUD were adopted by Order of the Medford Planning Commission (PUD-05-247 and also LDS-05-246) on January 26th, 2006. In addition, Summerfield at Southeast Park, Phase 9, 10 and 11 were adopted by Order of the Medford Planning Commission (LDS-11-036) and has since expired (on June 9, 2016). The adopted conditions of these actions which have not expired shall remain in full force as originally adopted except as amended or added to below.

NOTE: Public improvements have commenced per Summerfield Phase 9 Public Improvement Plans, P1844D. At this time the improvements have yet to be completed, therefore criteria for improvements have been included with this report.

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

Shamrock Drive is classified as a Standard Residential street within the MLDC 10.430. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage of this proposed subdivision to comply with the half width of right-of-way plus 13-feet south of centerline, which is 44.5-feet. There is currently a 40-foot right-of-way dedicated per plat "Fair Oaks Orchard Tracts", which intersects portions of the required dedication on Shamrock Drive. Furthermore, a strip of land that adjoins the aforementioned rights-of-way was dedicated per document #2016-012168. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

Canterwood Drive, Waterbury Way are proposed as a Minor Residential street with a right-of-way width of 55-feet, consistent with the standard prescribed by MLDC 10.430. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage of this proposed subdivision to comply with the full-width of right-of-way, which is 55-feet. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

Sunleaf Avenue is proposed as a Minor Residential street with a right-of-way width of 55-feet, consistent with the standard prescribed by MLDC 10.430. Most of this full right-of-way has already been dedicated as part of the Summerfield Phase 6 final plat, except for a small portion on the south side at the west end. This area shall be dedicated in conformance to MLDC 10.430. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

Windsong Way is proposed as a Minor Residential street with a right-of-way width of 55-feet, consistent with the standard prescribed by MLDC 10.430. This full right-of-way has already been dedicated as part of the Summerfield Phase 10 final plat. **No additional right-of-way is required.**

Alleys – The Tentative Plat illustrates the alleys being dedicated as public right-of-way. In accordance with Section 10.430A (2)(C) MMC, the minimum dedicated width shall be 20 feet for a public alley. A radius of 20-feet on the right-of-way line at their intersection with other alleys, and a radius of 15-feet on the right-of-way line at their intersection with a street right-of-way line shall also be provided. All public alleys shall be "through alleys", or connected to other alleys.

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

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

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

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

2. Public Improvements

a. Public Streets

Shamrock Drive shall be improved to Standard 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.

Canterwood Drive shall be improved to Minor Residential street standards, along the frontage of this development, in accordance with MLDC 10.430.

Sunleaf Avenue has already been improved to Minor Residential street standards in accordance with MLDC 10.430 as part of Summerfield Phase 6 (P1804D).

Waterbury Way shall be improved to Minor Residential street standards, along the frontage of this development, in accordance with MLDC 10.430.

Windsong Way has already been improved to Minor Residential street standards in accordance with MLDC 10.430 as part of Summerfield Phase 10 (P1838D).

Alleys – The alleys shall be improved to City of Medford Standards in accordance with MLDC 10.430(A). Alley street approaches shall be constructed as standard commercial driveway approaches.

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 & Signage - Developer Provided & Installed

- A. 2 – 100 watt HPS Type R Street Lights
- B. 45 – 100 watt Pedestrian Scale Lights
- C. 3 – Street Name Signs
- D. 1 – Barricade
- E. 1 – Dead End Sign

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

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

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

c. Pavement Moratoriums

There is a pavement cutting moratorium currently in effect along this frontage to Windsong Way, which is set to expire November 19th, 2018 (street improvements are currently in process along all other roads within Phase 9 per P1844D).

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

d. Soils Report

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

e. Access to Public Street System

Driveway access to the proposed development shall comply with MLDC 10.550

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, and pedestrians. It can be found that the listed right-of-way dedications and improvements have a nexus to these purposes and policies.

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

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

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

Shamrock Drive, Canterwood Drive, Waterbury Way, Windsong Way and Sunleaf Avenue: In determining rough proportionality, the City averaged the lineal footage of roadway per dwelling unit for road improvements and averaged square foot of right-of-way per dwelling unit for dedications. The alleys are not included in the Dolan analysis because they are not a condition of public works. The proposed development has 56 dwelling units and will improve approximately 3,240 lineal feet of roadway which equates to 57.9 lineal feet per dwelling unit. Also the development will dedicate approximately 185,080 square feet of right-of-way which equates to approximately 3,305 square feet per dwelling unit.

To determine proportionality a neighborhood with similar characteristics was used. The development used was previous phases of Summerfield Subdivision located between Stanford and Lone Oak and Cherry Lane and Shamrock and consisted of 152 dwelling units. The previous development improved approximately 7,530 lineal feet of roadway and dedicated approximately 425,230 square feet of right-of-way (GIS data used to calculate, approximations

only). This equates to approximately 49.5 lineal feet of road per dwelling unit and approximately 2,800 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 56 Lots within the City of Medford and increase vehicular traffic by approximately 533 average daily trips. The proposed street improvements will provide a safe environment of all modes of travel (vehicular, bicycles, & pedestrians) to and from this development.
- b. Dedication will ensure adequate street circulation is maintained. The street layout and connectivity proposed in this development will provide alternate route choices for the residents that will live in this neighborhood. This will decrease emergency vehicle response times and will decrease overall vehicle miles traveled.
- c. Dedication will provide access and transportation connections at urban level of service standards for this development. Each Lot in this development will have direct access to a public street with facilities that will allow for safe travel for vehicles, bicycles and pedestrians. There is also sufficient space for on-street parking with the exception of Lone Oak Drive. The connections proposed in this development will enhance the connectivity for all modes of transportation and reduce trip lengths. As trip lengths are reduced, it increases the potential for other modes of travel including walking and cycling.
- d. Dedication of connecting streets will decrease emergency response times and provide emergency vehicles alternate choices in getting to an incident and reducing miles traveled.
- e. Dedication of PUE will benefit development by providing public utility services, which are out of the roadway and more readily available to each Lot being served.
- f. The additional traffic of all modes of travel generated by this proposed development supports the dedication and improvements for all modes of travel and utilities. As indicated above, the area required to be dedicated and improved for this development is necessary and roughly proportional to that required in previous adjacent developments to provide a transportation system that meets the needs for urban level services.

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

B. SANITARY SEWERS

The proposed development is situated within the Medford sewer service area. The Developer shall provide one service lateral to each platted lot prior to approval of the Final Plat. A 12-foot

wide paved access shall be provided to any public sanitary sewer manholes which are not constructed within the street section.

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

C. STORM DRAINAGE

1. Hydrology

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

2. Stormwater Detention and Water Quality Treatment

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

Upon completion of the project, the developer's design Engineer shall provide written certification to the Engineering Division that the construction of the controlled storm water release drainage system was constructed per plan. This letter shall be received by the City of Medford Public Works Engineering Department prior to certificate of occupancy of the new building.

3. 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. Easements shall be shown on the Final Plat for storm drain laterals crossing lots other than the one being served by the lateral.

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

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.

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

3. Phasing

The Tentative Plat shows that this subdivision will be developed in phases. Any public improvements needed to serve a particular phase shall be improved at the time each corresponding phase is being developed. Public improvements not necessarily included within the geometric boundaries of any given phase, but are needed to serve that phase shall be constructed at the same time. 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 collection, treatment and street SDCs. These SDC fees shall be paid at the time individual building permits are taken out.

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

7. Construction and Inspection

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

Summerfield at Southeast Park, *Phase 9*

LDS-16-079

A. Streets

1. Street Dedications to the Public:

- Dedicate additional right-of-way on **Shamrock Drive**.
- Dedicate full width right-of-way on **Canterwood Drive**.
- Dedicate full width right-of-way on **Waterbury Way**.
- No additional right-of-way on **Windsong Way**.
- Some additional right-of-way on **Sunleaf Avenue**.
- Dedicate 10-foot public utility easements (PUE).

2. Improvements:

Public Streets

- Improve **Shamrock Drive** half plus 12-feet, to Standard Residential street standards.
- Improve **Canterwood Drive** full width, to Minor Residential street standards.
- Improve **Waterbury Way** full width, to Minor Residential street standards.
- **Windsong Way**, completed per P1838D.
- **Sunleaf Avenue**, completed per P1804D.

Lighting and Signing

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

Other

- Provide pavement moratorium letters.
- Provide soils report.

B. Sanitary Sewer:

- Provide a private lateral to each lot.

C. Storm Drainage:

- Provide an investigative drainage report.
- Provide water quality and detention facilities.
- Provide a comprehensive grading plan.
- Provide storm drain laterals to each tax lot.
- Provide Erosion Control Permit from DEQ.

D. Survey Monumentation

- Provide all survey monumentation.

E. General Conditions

- Provide public improvement plans and drafts of the final plat.

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



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: LDS-16-079
PARCEL ID: 371W27 TL 1004
PROJECT: Consideration of Summerfield at Southeast Park Phase 9, a proposed 56 lot residential subdivision on 10.7 gross acres located directly south of Sunleaf Avenue and 1,175 feet east of N. Phoenix Road, in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district. (371W241004); Crystal Springs Development Group, Applicant (CSA Planning, Ltd., Agent). Dustin Severs, Planner.
DATE: September 7, 2016

RECEIVED

SEP 09 2016

PLANNING DEPT

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

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. Installation of 8-inch water lines is required in Canterwood Drive and Waterbury Way between Sunleaf Avenue and Shamrock Drive. *(Already Installed)*
4. Installation of an 8-inch water line is also required in Shamrock Drive between Canterwood Drive and Windsong Way. *(Already Installed)*
5. Installation on a 12-inch water line is required in Shamrock Drive between Wingsong Way and Canterwood Drive. *(Already Installed)*
6. The existing 1-inch irrigation water meter located near the northwest property corner is required to be abandoned from its current location, and to be reinstalled by MWC forces in the west end of the proposed Shamrock Drive extension. *(Complete)*

COMMENTS

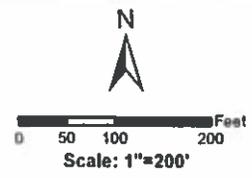
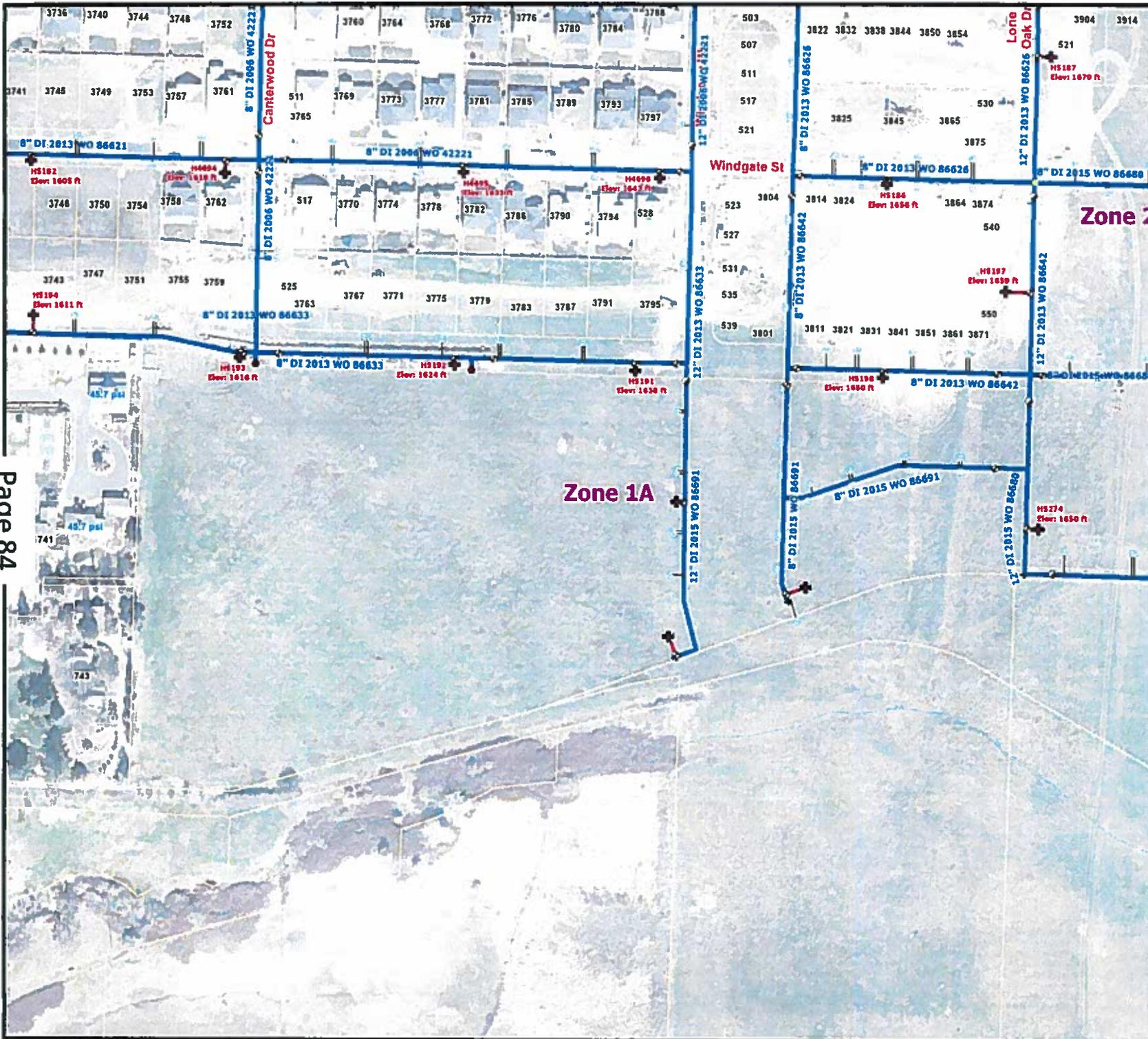
1. Off-site water line installation is not required.
2. On-site water facility construction is required. (See Condition 3, 4 and 5 above)

Continued to Next Page



Continued from Previous Page

3. This subdivision is located within MWC's "Zone 1A" Pressure Zone.
4. Static water pressure is expected to be between 40 and 50 psi.
5. MWC-metered water service does exist to this property. There is existing 1-inch water meter located at the northwest property corner that serves water to 743 N Phoenix Road for irrigation purposes. (See Condition 6 above)
6. Access to MWC water lines is available. There is an existing 12-inch water line in Windsong Way, and there is 8-inch water line Sunleaf Avenue.



**Water Facility Map for
LDS-16-079
(Summerfield Sub
Phase 9 (Lots 266-321))**

- Legend**
- Air Valve
 - Sample Station
 - Fire Service
 - Hydrant
 - Reducer
 - Blow Off
 - Plug-Caps
- Water Meters:**
- Active Meter
 - On Well
 - Unknown
 - Vacant
- Water Valves:**
- Butterfly Valve
 - Gate Valve
 - Tapping Valve
- Water Mains:**
- Active Main
 - Abandoned Main
 - Reservoir Drain Pipe
 - Pressure Zone Line
- Boundaries:**
- Urban Growth Boundary
 - City Limits
 - Tax Lots
- MWC Facilities:**
- Control Station
 - Pump Station
 - Reservoir



This map is based on a digital elevation model by Geospatial Solutions. Construction lines are shown in red. All other lines are shown in blue. The map is not intended to be used for any other purpose. All other lines are shown in blue. The map is not intended to be used for any other purpose.



Medford Fire Department

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

LAND DEVELOPMENT REPORT - PLANNING

To: Dustin Severs

LD Meeting Date: 09/07/2016

From: Greg Kleinberg

Report Prepared: 08/31/2016

Applicant: Crystal Springs Development Group, Applicant (CSA Planning, Ltd., Agent)

File #: LDS - 16 - 79

Site Name/Description: of Summerfield at Southeast Park Phase 9

Consideration of Summerfield at Southeast Park Phase 9, a proposed 56 lot residential LDsubdivision on 10.7 gross acres located directly south of Sunleaf Avenue and 1,175 feet east of N. Phoenix Road, in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district. (371W241004); Crystal Springs Development Group, Applicant (CSA Planning, Ltd., Agent). Dustin Severs, Planner.

| DESCRIPTION OF CORRECTIONS | REFERENCE |
|----------------------------|-----------|
|----------------------------|-----------|

Requirement FIRE HYDRANTS

OFC

508.5

Fire hydrants with reflectors will be required for this project.

Fire hydrant locations shall be as follows: 9 fire hydrants required. Fire hydrants are already installed and approved in locations as installed.

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

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

Requirement MEDFORD CODE STREET DESIGN OPTIONS

MEDFORD

10.430

Section 10.430 of the Medford Code states the following:

In order to ensure that there is at least twenty (20) feet of unobstructed clearance for fire apparatus, the developer shall choose from one of the following design options:

(a) Clustered, offset (staggered) driveways (see example) (design approved by Fire Department), and fire hydrants 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.

CITY OF MEDFORD
EXHIBIT # H
File # LDS-16-079



Medford Fire Department

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

LAND DEVELOPMENT REPORT - PLANNING

To: Dustin Severs

LD Meeting Date: 09/07/2016

From: Greg Kleinberg

Report Prepared: 08/31/2016

Applicant: Crystal Springs Development Group, Applicant (CSA Planning, Ltd., Agent)

File #: LDS - 16 - 79

Site Name/Description: of Summerfield at Southeast Park Phase 9

The Oregon Fire Code requires; "Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches" (OFC 503.2.1). "The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established in Section 503.2.1, shall be maintained at all times." (OFC 503.4).

When the clustered-offset driveway option is chosen, a note indicating driveway locations shall be included on the final plat. In areas where the clustered-offset option cannot be utilized because of lot layout, parking restrictions may apply in certain areas and No Parking - Fire Lane signs may be required.

Minor residential streets have a 28 foot paved surface. When vehicles are parked on both sides of the street there is 14 feet for fire department access, which is considerably less than the 20 foot requirement. Fire department pumpers are approximately 9 feet wide, this leaves approximately 2.5 feet on each side to remove equipment, drag hose, etc. We normally dispatch 3 fire engines and the ladder truck to all reported structure fires. The 14 feet becomes so congested that fire engines and or ambulances are required to back-up to leave the fire scene. Sometimes the on scene equipment is dispatched to another alarm. This backing up slows response times. The citizens of the City of Medford have certain expectations that when they require our assistance we will arrive in a timely manner. With a 20 foot clear and unobstructed width engines are able to pass on the side when necessary to respond to another incident or clear to return to their assigned area.

Requirement "NO PARKING" SIGNS REQUIRED

OFC

503.3

Parking shall be posted as prohibited on the South side of Shamrock Dr. until the street is fully improved.

Where parking is prohibited on public roads for fire department vehicle access purposes, NO PARKING signs shall be spaced at minimum 50' intervals along the fire lane (minimum 75' intervals in 1 & 2 family residential areas) and at fire department designated turn-around areas. The signs shall have red letters on a white background stating "NO PARKING".

Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths (20' wide) and clearances (13' 6" vertical) shall be maintained at all times (OFC 503.4; ORS 98.810-12).

Fire apparatus access roads 20-26' wide shall be posted on both sides as a fire lane. Fire apparatus access roads more than 26' to 32' wide shall be posted on one side as a fire lane (OFC D103.6.1).



Medford Fire Department

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

LAND DEVELOPMENT REPORT - PLANNING

To: Dustin Severs

LD Meeting Date: 09/07/2016

From: Greg Kleinberg

Report Prepared: 08/31/2016

Applicant: Crystal Springs Development Group, Applicant (CSA Planning, Ltd., Agent)

File #: LDS - 16 - 79

Site Name/Description: of Summerfield at Southeast Park Phase 9

This restriction shall be recorded on the property deed as a requirement for future construction.

Contact Public Works Transportation Manager Karl MacNair 541-774-2115 for further information.

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

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

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

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

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

SOUTHEAST VILLAGE CENTER

ADOPTED March 7, 2013
ORDINANCE #2013-42

 Southeast Village Center
TOD Boundary

 Southeast Plan -
Land Use Sub-Areas

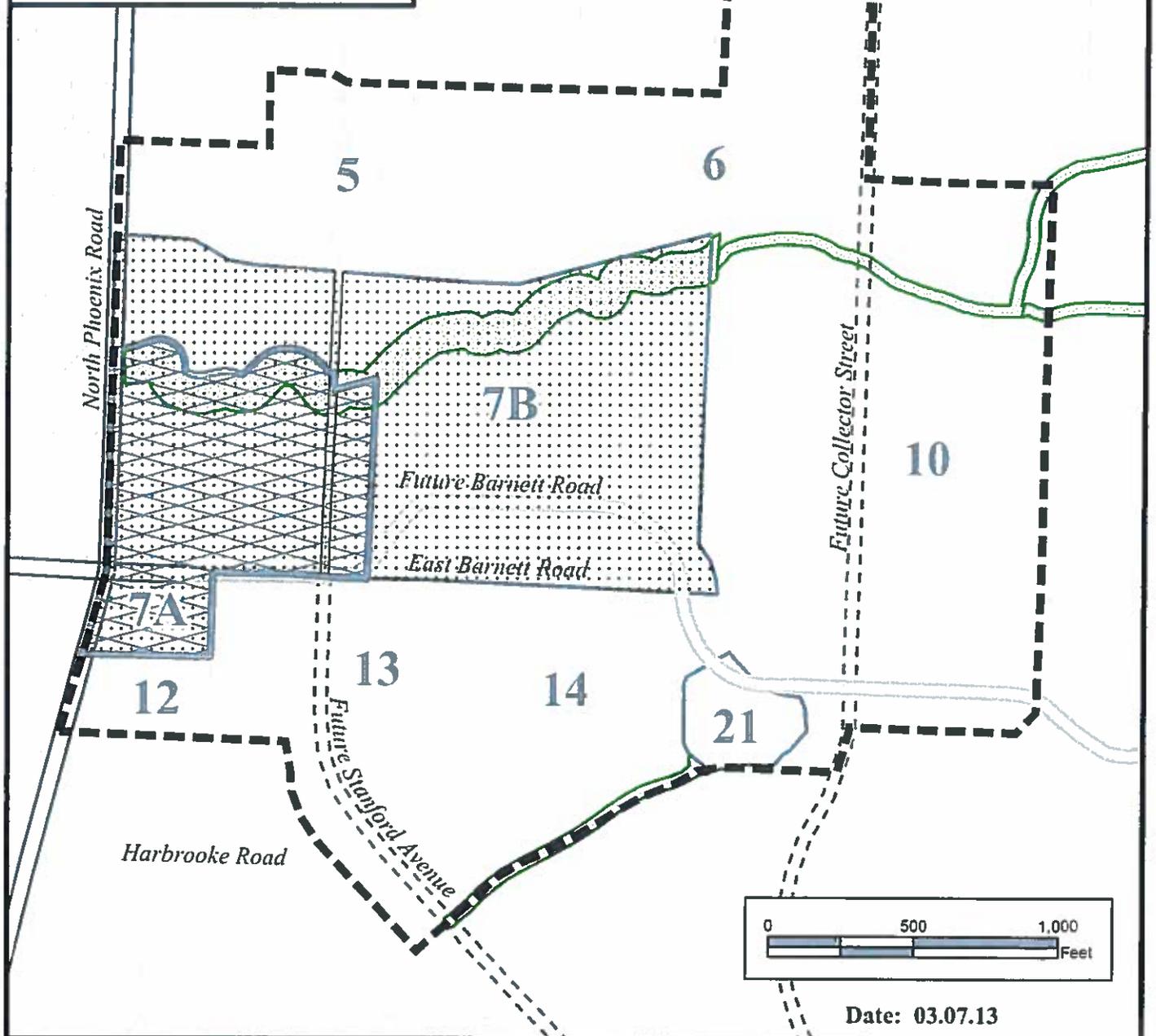
Note: See Southeast Plan Map for land use
descriptions for each Plan Sub-Area.

Commercial Areas

 Commercial Center

 Commercial Center Core Area

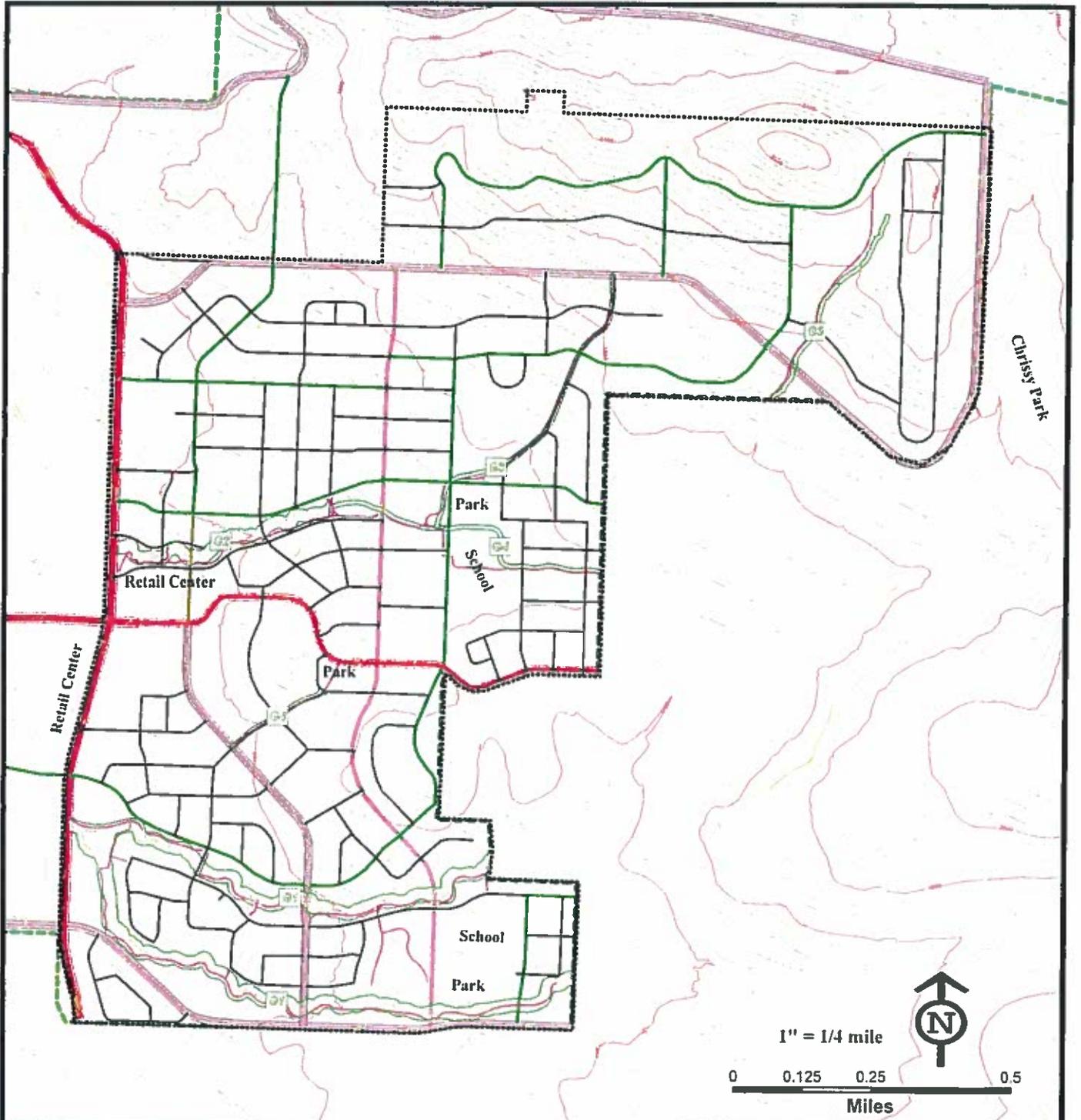
 Greenways



- d. The irrigation rights on these properties shall either be removed or arrangements be made with TID to retain the irrigation rights.
2. The Final Plats for the 3 proposed phases of the subdivision shall be approved within 3 years of the adoption of the Final Order for the land division.
3. Modifications to the standards, as proposed in the applicant's findings, shall be allowed as follows:
 - a. A 4-foot minimum side-yard setback for one-story residences, regardless of actual height. Any architectural projections, such as roof eaves or fireplaces could encroach into the required side-yard up to 12 inches.
 - b. A 6-foot minimum side-yard setback for two-story structures.
 - c. Outdoor HVAC equipment be exempt from setback standards.

CODE REQUIREMENTS:

1. Prior to Final Plat approval of individual phases, Final Plan approval is required.
2. Approval of each of the Final Plats for individual phases shall be in conformance with the Restrictive Covenant placed upon the subject property as a condition of approval of zone change file ZC-02-77.
3. Prior to final plat approval, the applicant shall comply with items identified in the revised Recommendations from the Public Works Department, dated January 12, 2006 (Exhibit "E-1") which include, but are not limited to:
 - a. Street dedication and construction.
 - b. Installation of approved street lighting.
 - c. Assurances that the only vehicular turning movement at the alley/Lone Oak Drive intersections will be a "right out" movement.
4. Prior to final plat approval, water service shall be extended to each parcel subject to the specifications and approval of the Medford Water Commission (Exhibit "G").
5. Prior to final plat approval, the applicant shall comply with the item identified in the Memorandum from the Bureau of Fire Prevention (Exhibit "F") which relates to requirement to the installation of fire hydrants. All other items in that memorandum



**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

RECEIVED
JUL 08 2016
PLANNING DEPT.



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

Memorandum

To: City of Medford
Planning Department

Date: July 8, 2016

Subject: LDS-16-079 Change of Applicant name

Please be advised that Crystal Springs Development Group is no longer involved with the Summerfield PUD Phase 9 - 11 project. The Applicant for LDS-16-079 is now Mahar Homes, Inc., the property owner. We would appreciate your updating the Applicant name on the file.

Thank you~

CSA Planning, Ltd.

A handwritten signature in black ink, appearing to read 'Beverly Thruston', written over a horizontal line.

Beverly Thruston, AIA
Associate

CSA/bt M-Change Applicant name-070816.docx
cc. File

CITY OF MEDFORD
EXHIBIT # L
File # LDS-16-079

Dustin J. Severs

From: MCDONALD John <John.MCDONALD@odot.state.or.us>
Sent: Friday, September 09, 2016 2:50 PM
To: Dustin J. Severs
Subject: LDS-16-079 ODOT comments

RECEIVED

SEP 09 2016

PLANNING DEPT

Dustin,

Regarding LDS-16-079, we have reviewed the file and do not believe the proposed development will significantly affect state transportation facilities.

We have no other comments.

Sincerely,

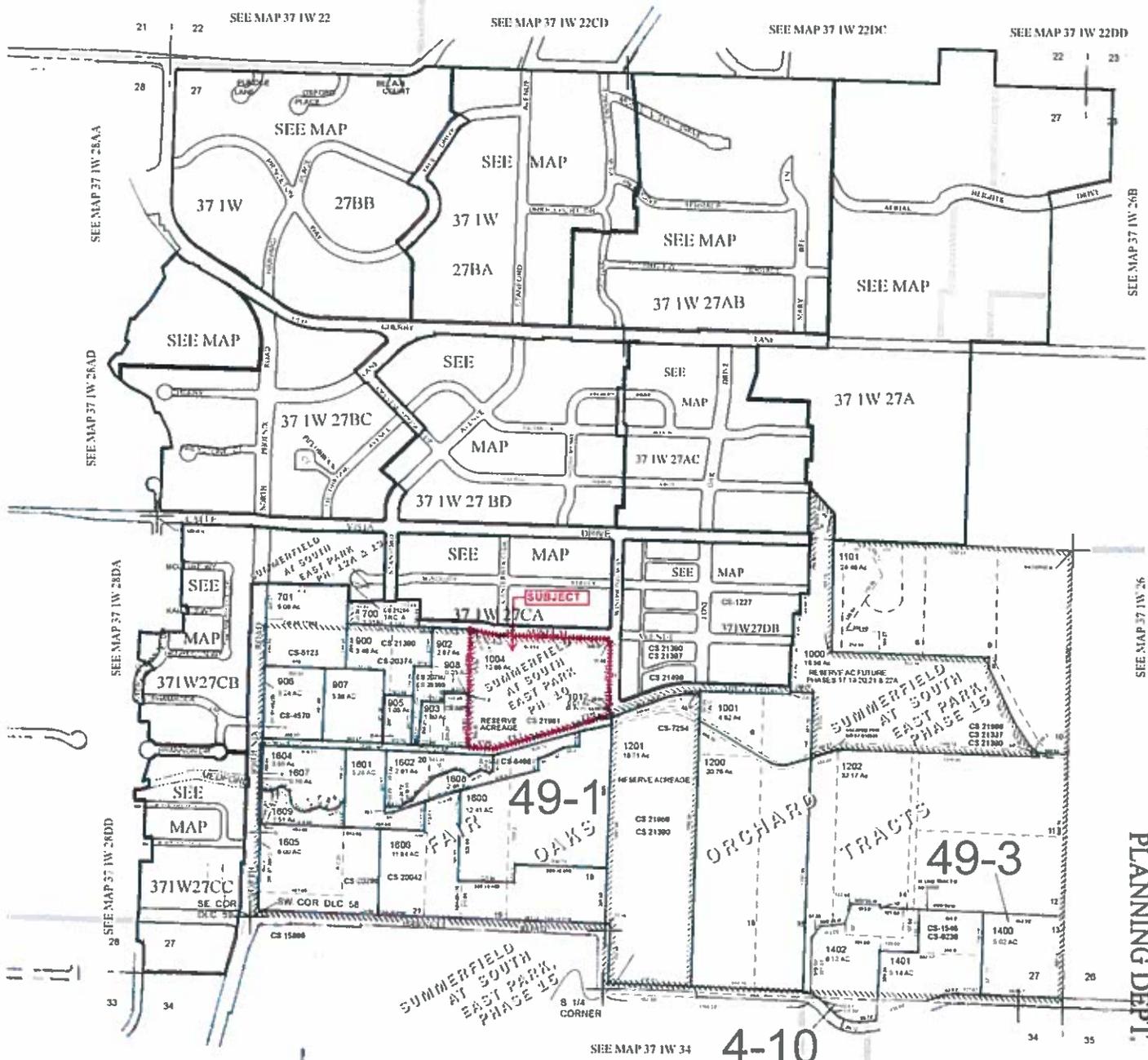
John McDonald
Development Review Planner
ODOT Southwestern Region
541-957-3688

FOR ASSESSMENT AND TAXATION ONLY

SECTION 27, T.37S., R.1W., W.M. JACKSON COUNTY 1" = 400'

EXHIBIT 2 Pg 1 of 2

37 1W 27 & INDEX MEDFORD



- CANCELLED TAX LOT NUMBERS
- 100-101
 - 1002 ADDED TO 802
 - 1001 ADDED TO 371W27A-2301
 - 1005 ADDED TO 1004
 - 1006, 1007 REMAPPED TO 3711
 - 1008 REMAPPED TO 371W27CA
 - 1009 REMAPPED TO 372W27DH
 - 1010 ADDED TO 1201
 - 1011 REMAPPED TO 371W27DH-500
 - 1100
 - 1300
 - 1401
 - 1603
 - 1800
 - 1900
 - 2000
 - 2100-2111
 - 2100
 - 2200
 - 2300
 - 300
 - 400
 - 430
 - 500-519
 - 541-542 REMAPPED TO 371W27HC
 - 600-601
 - 702 REMAPPED TO 371W27CH-2300
 - 703, 705 ADDED TO 702
 - 705 REMAPPED TO 371W27HD
 - 706-729
 - 800, 802 REMAPPED TO 371W27CA
 - 801 REMAPPED TO 371W27HD
 - 801 REMAPPED TO 371W27HD
 - 901, 909 ADDED TO 905
 - 934
 - 910

RECEIVED
JUN 30 2016
PLANNING DEPT.
37 1W 27 & INDEX
MEDFORD

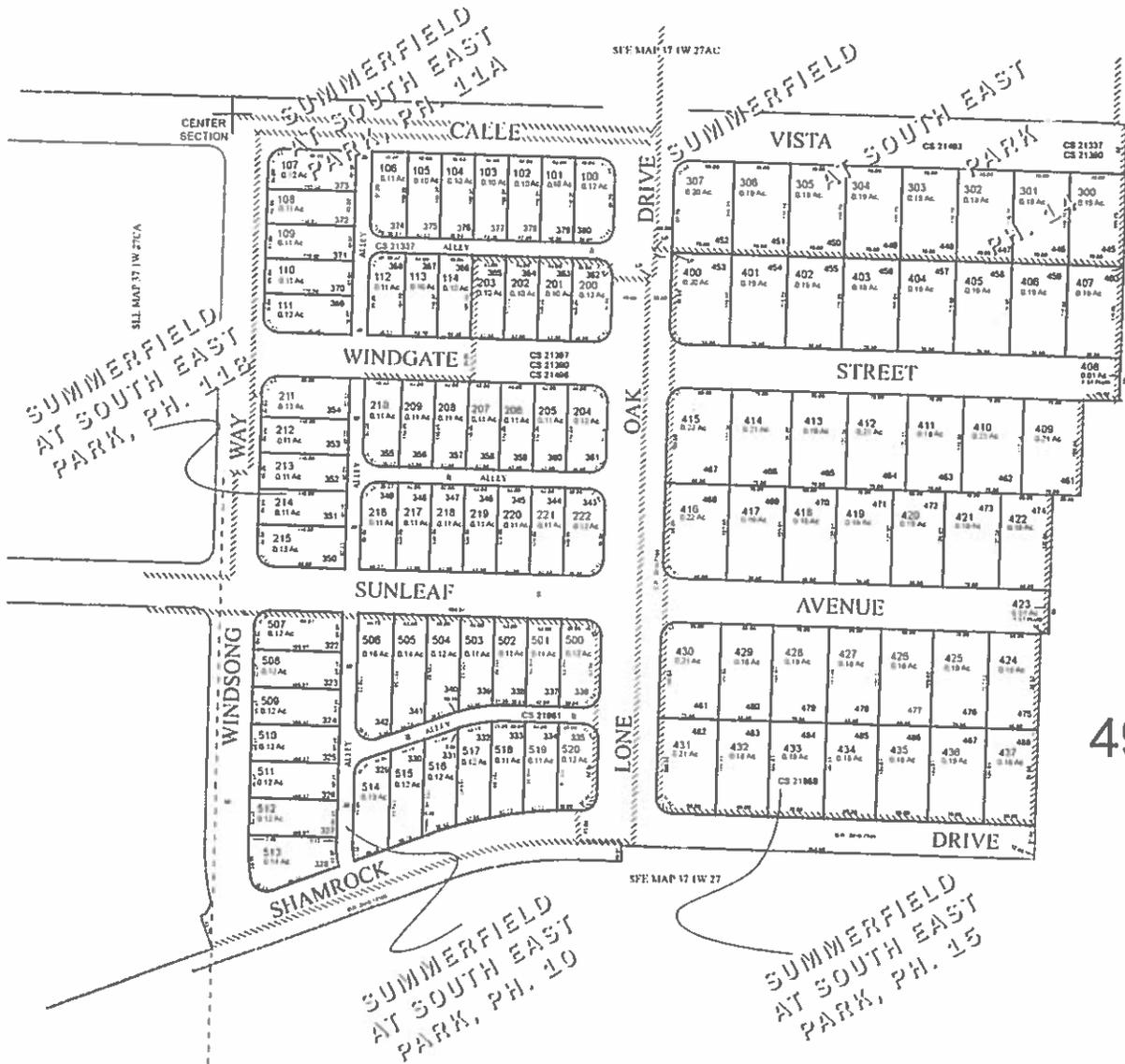
Page 93

CITY OF MEDFORD
EXHIBIT # N
File # LDS-16-079

GIS DATA
06/07/2016 12:26:07 PM

4-10

SEE MAP 37 1W 34



CANCELLED TAX
LOT NUMBERS
223 KILLED TO ROAD

49-1

RECEIVED

SEP 14 2016

PLANNING DEPT.

September 13, 2016

Mr. James E. Huber, Planning Director
City of Medford
Planning Department, Lausmann Annex
200 South Ivy Street
Medford, Oregon 97501

Reference: Public Hearing, Sept. 22, 2016
File No. LDS 16-079

Dear Sir;

The Mahar Family, Mahar Homes and Mahar Brothers, are developing a 56 lot residential subdivision, titled Summerfield at South East Park Phase No. 9. The development is located west of Lone Oak Road and south of a Mahar residential development, Summerfield South East Park Phase No. 5.

Calle Vista Drive runs through the middle of Phase No. 5, between North Phoenix Road and Lone Oak Road. Calle Vista Drive is a residential street and was not built to be used as a truck route. The Mahars are currently developing property east of Lone Oak Road. Large construction vehicles weighing up to 80,000 pounds, along with cement trucks and other heavy equipment, were using Calle Vista Drive, to access the construction site. As a result, Calle Vista Drive was deteriorating from the constant traffic and heavy weight.

With the assistance of Councilor Daniel Bunn, Christina Charvat, Traffic Engineering Technician, and the Medford Traffic Control Committee, these large heavy vehicles were restricted from traveling on Calle Vista Drive. Both Mahar Homes and Mahar Brothers were notified in writing of the restriction.

In May 2016 the Public Works Department posted no truck signs on Calle Vista Drive, one sign at Lone Oak Road and one sign at North Phoenix Road. The signs state that service trucks are exempt per City Code Number 6.365.

CITY OF MEDFORD
EXHIBIT # 0
File # LDS-16-079

The Mahars provided very little assistance, in redirecting the traffic to Cherry Lane and Lone Oak Road, to access their residential development. With residents stopping the trucks and phoning their companies, most of the truck traffic has been redirected away from Calle Vista Drive. The drivers of the trucks and the people in their offices have been very polite and cooperative.

The Mahars will be engaged in this new development for several years. We would like to request, that as a condition of approval, of Summerfield at South East Park Phase No. 9, the Mahars be required to inform their contractors and suppliers, with large equipment and heavy loads, to access the construction site, using Cherry Lane and Lone Oak Road. Not Calle Vista Drive, as a short cut to the site.

I would like to attend the Public Hearing on September 22, but a prior commitment in California prevents me from attending. The residents of Calle Vista Drive thank you for your consideration.

Respectively,



Harold W. Lutes
3755 Calle Vista Drive
Medford, OR. 97504-9464
Phone (541) 773-3159

Dustin J. Severs

From: randy <randy@maharhomes.com>
Sent: Wednesday, September 14, 2016 8:14 PM
To: Dustin J. Severs; Jay Harland (Elysia)
Subject: RE: SF phase 9 File #LDS 16-079

Dustin J. Severs
Planner 2
City of Medford

Please share with the Medford Planning Commission for their meeting on September 22 concerning file LDS 16-079

Dear Commissioners:

The letter you received dated September 13, 2016 from Harold W. Lutes is not factually correct, but certainly addresses a concern we all share and shared.

Alex Georgevitch as Deputy Public Work Director and City Engineer called me in early May of this year after Councilor Dan Bunn had talked to him about the heavy construction traffic on Calle Vista Drive and asked what we could do about it. I informed him that we had received some customer complaints about this issue as well and the speeding of neighborhood residents early morning before 8am.

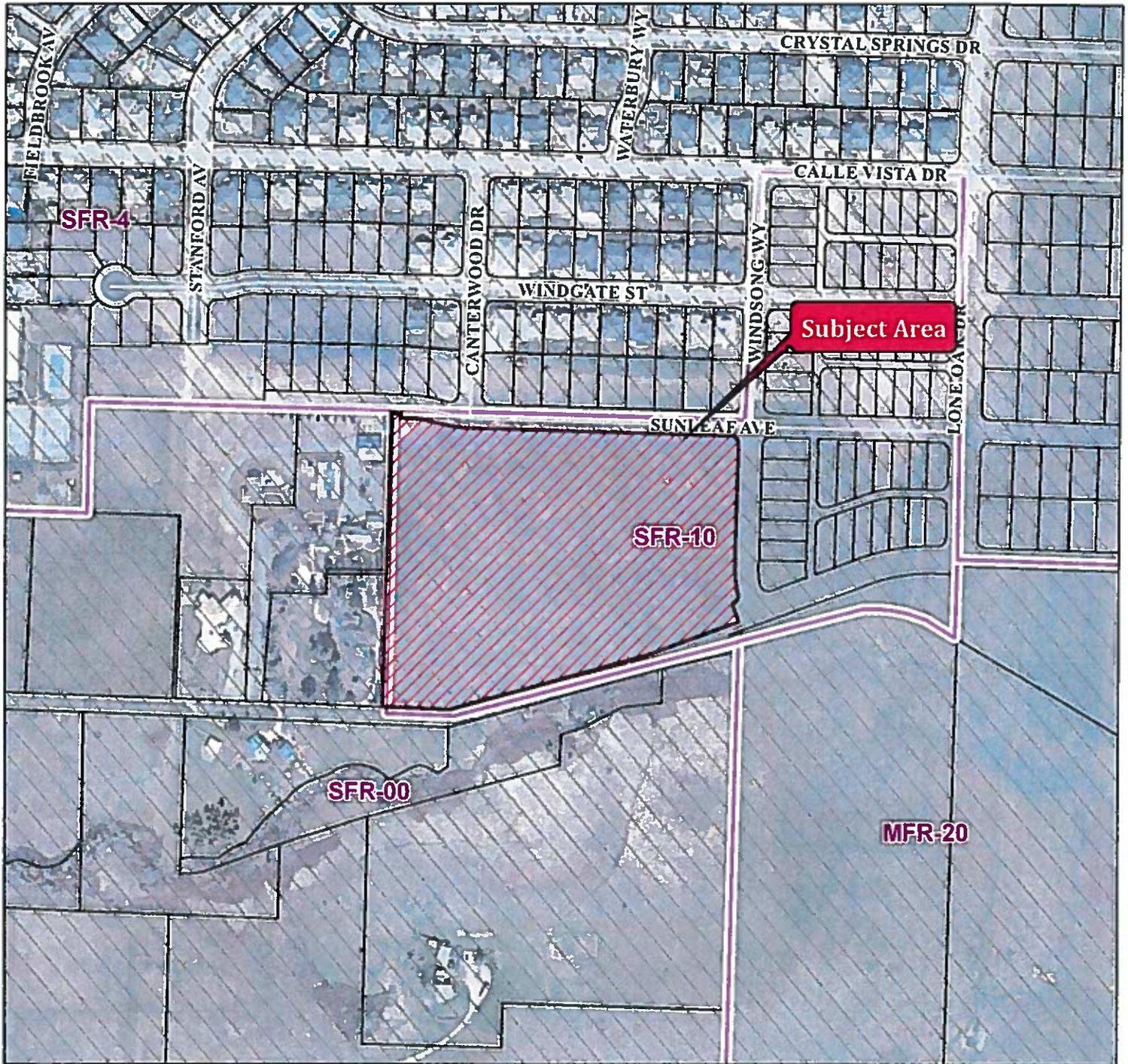
I told Alex that our bookkeepers had the previous couple of months included notices to our trades and suppliers in their billing payments to ask their drivers to access Summerfield from Cherry Lane to Lone Oak as they are both higher order roads. Our field superintendants also told the drivers of the delivery vehicles the same. I personally called some owners of the larger delivery trucks to do the same. Our attempts to keep the heavy vehicles off Calle Vista that served our company was not totally successful. We also had no control of other building company trades on a public street. Alex and I agreed that the best solution would be to post and limit truck sizes on Calle Vista and to cite violators. I asked him to also request the photo van for speed violators, especially the before 8am rush to work group since many of our residents in Summerfield Subdivision had complained about this.

The load limit on Calle Vista has worked well since the posting. It will continue to be effective as we build through phase 9 and other phases of Summerfield Subdivision in the future. We are proud of the community we are helping to create and plan on finishing with the same high standards we begin years ago with the unfolding of the Southeast Medford Plan.

Sincerely,

Randy Jones
General Manager/Partner
Mahar Homes, Inc.
815 Alder Creek Drive
Medford, Oregon
97504

CITY OF MEDFORD
EXHIBIT # 9
File # LDS-16-079



Project Name:
**Summerfield PUD at
Southeast Park Phase 9**

Map/Taxlot:
371W27 TL 1004



07/07/2016

Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots
-  Streets

