PLANNING COMMISSION AGENDA

DECEMBER 27, 2018

Commission Members

David Culbertson

Joe Foley

Bill Mansfield

David McFadden

Mark McKechnie

E. J. McManus

Patrick Miranda

Alex Poythress

Jared Pulver

Regular Planning Commission meetings are held on the second and fourth Thursdays of every month

Meetings begin at 5:30 PM

City of Medford

City Council Chambers

411 W. Eighth Street, Third Floor

Medford, OR 97501

541-774-2380

Agenda

Public Hearing
December 27, 2018
5:30 PM
Council Chambers, City Hall, Room 300
411 West Eighth Street, Medford, Oregon

10. Roll Call

20. Consent Calendar/Written Communications (voice vote)

20.1 **ZC-18-132 / CP-18-133** Final Order for concurrent consideration of a minor General Land Use Plan (GLUP) amendment to reclassify four parcels of land, totaling 2.35 acres located at 2231 & 2251 Table Rock Road from Urban High Density (UH) to Service Commercial (SC); and a change of zone of the subject parcels from SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre) and MFR-20 (Multiple Family Residential – 15 to 20 dwelling units per gross acre) to Service Commercial and Professional Offices (C-S/P) (372W13CA 2400, 4903, 4904 & 5000). Applicant: Housing Authority of Jackson County; Agent: Scott Sinner Consulting, Inc.; Planner: Steffen Roennfeldt.

20.2 **LDS-18-078** Final Order of tentative plat approval for Pioneer Marketplace Subdivision, a proposed two-phase, 12-lot land division consisting of six standard lots, four pad lots and two common area tracts on two contiguous parcels totaling 7.6-acres located at the southeast corner of West McAndrews Road and North Ross lane in the C-C (Community Commercial) zoning district (372W26AD TL 2400 & 2600). Applicant: CDT-Bar LLC.; Agent: CSA Planning, Ltd.; Planner: Dustin Severs.

30. Minutes

30.1 Consideration for approval of minutes from the December 13, 2018, hearing.

40. Oral and Written Requests and Communications
Comments will be limited to 3 minutes per individual or 5 minutes if representing an organization. **PLEASE SIGN IN.**

50. Public Hearings
Comments are limited to a total of 10 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. All others will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. **PLEASE SIGN IN.**

Continuance Request

50.1 **LDS-18-153** Consideration of a request to revise the tentative plat of Phases 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A and 7B of the "High Cedars at Cedar Landing a

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

Planned Community". The project area is located south of Cedar Links Drive and west of Foothill Road within the SFR-4/PD (Single Family Residential four dwelling units per gross acre/Planned Development Overlay) zone. (371W16CA, TL 2200-2206, 371W16D, TL 7000-7005). Applicant: Cedar Landing Development LLC.; Agent: CSA Planning Ltd.; Planner: Liz Conner. **The applicant has requested to continue this time to the January 10, 2019, Planning Commission meeting.**

New Business

50.2 **LDS-18-149 / E-18-150** Consideration of tentative plat approval for McKenzie Village, a proposed 25-lot residential subdivision, along with a request for an Exception for lot depth, on three contiguous parcels totaling 3.51-acres located north of Midway Road, west of Interstate 5, and east of Cummings Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (372W13AA TL 700/601 & 372W13AB TL 211). Applicant: Tom Malot Construction, Inc.; Agent: Richard Stevens & Associates; Planner: Dustin Severs.

50.3 **LDS-18-155 / PUD-18-156 / ZC-18-157 / CUP-18-158** Consideration of a Preliminary PUD Plan for the Middlefork Creek Planned Unit Development – Phases 1-7, which include requests for a tentative plat approval for a 105-lot residential subdivision; a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single Family Residential, four dwelling units per gross acre) on a 12.26-acre portion of the property and a 2.95-acre portion of the property, and a change of zone from SFR-00 to SFR-10 (Single Family Residential, ten dwelling units per gross acre) on a 12.61-acre portion of the property; and a Conditional Use Permit (CUP) in order to locate shared use paths and storm drain facilities within the Riparian Corridors of Larson Creek. The property totals 27.82-acres and is located south of East Barnett Road, east of North Phoenix Road, and abuts Coal Mine Road along its southerly boundary; is within the Southeast (SE) Overlay District, and is currently zoned SFR-00 (371W34300). Applicant: Southeast View LLC.; Agent: Neathamer Surveying; Planner: Dustin Severs.

60. Reports

60.1 Site Plan and Architectural Commission

60.2 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-18-132 APPLICATION FOR A ZONE CHANGE SUBMITTED BY HOUSING AUTHORITY OF JACKSON COUNTY	)))	**ORDER**

ORDER granting approval with conditions of a Request for concurrent consideration of a minor General Land Use Plan (GLUP) amendment to reclassify four parcels of land, totaling 2.35 acres located at 2231 & 2251 Table Rock Road from Urban High Density (UH) to Service Commercial (SC); and a change of zone of the subject parcels from SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre) and MFR-20 (Multiple Family Residential – 15 to 20 dwelling units per gross acre) to Service Commercial and Professional Offices (C-S/P.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below, within corporate limits of the City of Medford; and

WHEREAS, the City Planning Commission has given notice of, and held a public hearing, and, after considering all the evidence presented, finds that the zone change is supported by, and hereby adopts the Planning Commission Report dated November 29, 2018, and the Findings contained therein – Exhibit "A," and Legal Description – Exhibit "B" attached hereto and hereby incorporated by reference; now, therefore,

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

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

37 2W 13CA Tax Lots 2400, 4903, 4904 & 5000

is hereby changed from SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre) and MFR-20 (Multiple Family Residential – 15 to 20 dwelling units per gross acre) to Service Commercial and Professional Office (C-S/P) zoning district.

Accepted and approved this 27th day of December, 2018.

CITY OF MEDFORD PLANNING COMMISSION

_____
Planning Commission Chair

ATTEST:

_____
Planning Department Representative

RECEIVED
SEP 17 2018
PLANNING DEPT.

TELEPHONE
541-772-2782

JAMES E. HIBBS, PLS

L.J. FRIAR & ASSOCIATES P.C.
CONSULTING LAND SURVEYORS
P.O. BOX 1947
PHOENIX, OR 97535

FAX
541-772-8465

ljfriar@charter.net

LEGAL DESCRIPTION Exhibit "B"

Beginning at the Southeast corner of Parcel 2 per Partition Plat No. P-11-1996, according to the official plat thereof, now of record, in Volume 7, Page 11 of "Record of Partition Plats" of Jackson County, Oregon and filed as Survey No. 14825 in the Office of the Jackson County Surveyor; thence North 21°00'13" West, 127.18 feet to the Northeast corner thereof; thence North 89°42'41" West, 199.28 feet to the Northwest corner thereof; thence South 00°03'47" West, 118.50 feet to the North line of that tract described in Document No. 82-10039, Official Records of Jackson County, Oregon; thence North 89°42'41" West, 114.72 feet to the Northwest corner thereof; thence South 00°03'37" West, 143.75 feet to the West Southwest corner thereof; thence along the South line thereof, South 89°42'38" East, 175.01 feet to the Northwest corner of that tract described in Document No. 2016-033812, said Official Records; thence South 00°03'37" West, 130.26 feet to the North line of Berrydale Avenue; thence along said North line, South 89°42'38" East, 60.00 feet to the Southeast corner of that tract described in Document No. 2016-033812, said Official Records; thence North 00°03'37" East, 130.26 feet to the South line of that tract described in Document No. 82-10039, said Official Records; thence along said South line, South 89°42'38" East, 70.00 feet to an angle point thereof; thence along the Westerly line thereof, South 34°17'34" East, 84.66 feet to the Northwest corner of that tract described in Document No. 84-05544, said Official Records; thence South 21°00'58" East, 65.00 feet to the Southwest corner thereof; thence along the Northerly and Westerly lines of that tract described in Document No. 97-25091, said Official Records the following three courses: North 76°20'05" East, 67.64 feet to an angle point; thence North 27°40'12" East, 30.06 feet; thence North 21°00'13" West, 18.84 feet to the South line of that tract described in Document No. 82-10039, said Official Records; thence along said South line, South 89°42'38" East, 3.76 feet to the Westerly line of Table Rock Road; thence along said Westerly line, North 21°00'13" West, 229.10 feet to the Northeast corner of that tract described in Document No. 82-10039, said Official Records; thence North 89°42'41" West, 10.73 feet to the point of beginning. Containing 2.378 acres, more or less.

TRACT TO BE REZONED
372W13CA TL'S 2400, 4903, 4904 & 5000
HAJC
18-194
September 12, 2018

REGISTERED
PROFESSIONAL
LAND SURVEYOR
James E. Hibbs
OREGON
JULY 17, 1986
JAMES E. HIBBS
2234
RENEWAL DATE : 6-30-19

CITY OF MEDFORD
EXHIBIT # O
FILE # ZC-18-132

COMMISSION REPORT

for a Type III and Type IV quasi-judicial and legislative decision: **Zone Change and Minor Comprehensive Plan (General Land Use Plan Map) Amendment**

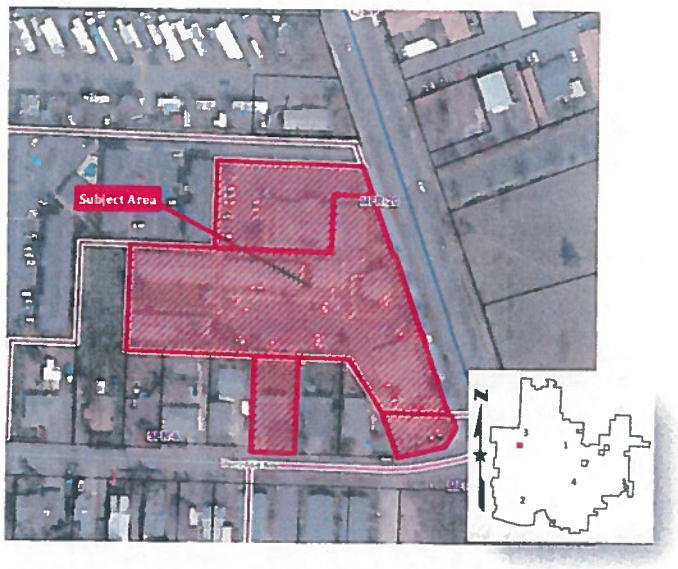
Project	Housing Authority of Jackson County Applicant: Housing Authority of Jackson County; Agent: Scott Sinner Consulting, Inc.
File no.	ZC-18-132 CP-18-133
Date	November 29, 2018

BACKGROUND

Proposal

Concurrent consideration of a Minor General Land Use Plan (GLUP) amendment to reclassify four parcels of land, totaling 2.35 acres located at 2231 & 2251 Table Rock Road from Urban High Density (UH) to Service Commercial (SC); and a change of zone of the subject parcels from SFR-6 (Single-Family Residential – 4 to 6 dwelling units per gross acre) and MFR-20 (Multiple Family Residential – 15 to 20 dwelling units per gross acre) to Service Commercial and Professional Offices (C-S/P) (372W13CA 2400, 4903, 4904 & 5000).

Vicinity Map



Subject Site Characteristics

Zoning	SFR-6	Single Family Residential – 4 to 6 dwelling units per gross acre
	MFR-20	Multiple Family Residential – 15 to 20 dwelling units per gross acre
GLUP	UH	Urban High Density Residential
Use	Offices for the Housing Authority of Jackson County Multiple multi-family dwelling units	

Surrounding Site Characteristics

North	Zone:	MFR-20 & MFR-30 (Multiple Family Residential – 20 to 30 dwelling units per gross acre)
	Use:	Multiple multi-family residential dwelling units
South	Zone:	SFR-6
	Use:	Detached single-family residential
East	Zone:	MFR-20
	Use:	Vacant & detached single-family residential
West	Zone:	SFR-6 & MFR-30
	Use:	detached single-family residential & attached multi-family residential

Related Projects

CUP-95-017	Housing Authority of Jackson County; 4,000 square foot office building.
CUP-02-084	Housing Authority Office Expansion – Revision to a Conditional Use Permit to allow a 2,930 square-foot addition to an office building.
AC-02-101	Housing Authority Office Expansion Site Design Review
CUP-09-100	Revision to an existing CUP to allow for the conversion of an existing duplex to office space together with the addition of a vestibule as part of the Housing Authority of Jackson County facility.
PA-13-125	Pre-Application conference regarding conceptual plans for a CUP regarding the conversion of a duplex to an office and the paving of a parking area.

Applicable Criteria

ZONE CHANGE APPROVAL CRITERIA – MEDFORD LAND DEVELOPMENT CODE SECTION 10.204

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

The Planning Commission shall approve a quasi-judicial, minor zone change if it finds that the zone change complies with subsections (1) and (3) below:

(1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.

***

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

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

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

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

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

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

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

b. an applicant funds the improvement through a reimbursement district pursuant to the Section 10.432. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

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

(c) In determining the adequacy of Category A facilities, the Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change request. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant, and must be recorded at the County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but are not limited to the following:

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

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

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

MINOR COMPREHENSIVE PLAN AMENDMENT CRITERIA – MEDFORD LAND DEVELOPMENT CODE SECTION 10.222

For the applicable criteria the Medford Land Development Code (MLDC) 10.222(B) redirects to the Review and Amendment section of the Comprehensive Plan. The applicable criteria in this action are those for map amendments, and are based on the following:

1. *A significant change in one or more Goal, Policy, or Implementation Strategy.*
2. *Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.*
3. *The orderly and economic provision of key public facilities.*
4. *Maximum efficiency of land uses within the current urbanizable area.*
5. *Environmental, energy, economic, and social consequences.*
6. *Compatibility of the proposed change with other elements of the City Comprehensive Plan.*
7. *All applicable Statewide Planning Goals.*

Corporate Names

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

Authority

The Planning Commission is designated as the approving authority for Type III land use actions involving zone changes. The subject application also includes a Type IV legislative Comprehensive Plan amendment. The Planning Commission is authorized to act as an advisory agency, forwarding a recommendation to City Council for proposed amendments to the Comprehensive Plan.

ISSUES AND ANALYSIS

Project Summary

Figure 1 depicts the subject site with its current zoning designations. Proposed is a zone change from SFR-6 (Tax Lots 4904 and 5000) and MFR-20 (Tax Lots 2400 and 4903) to C-S/P (Service Commercial and Professional Offices).

Figure 1: Current Zoning

Figure 2: Current GLUP Map

Also proposed is a General Land Use Plan (GLUP) map designation change from UH (Urban High Density Residential) to SC (Service Commercial). The current General Land Use Plan designation map is shown in Figure 2.

The Housing Authority of Jackson County has been operating under various Conditional Use Permits at the subject site for over 20 years. In 2002, with an amendment in 2009, the Housing Authority began its operational activities at the site.

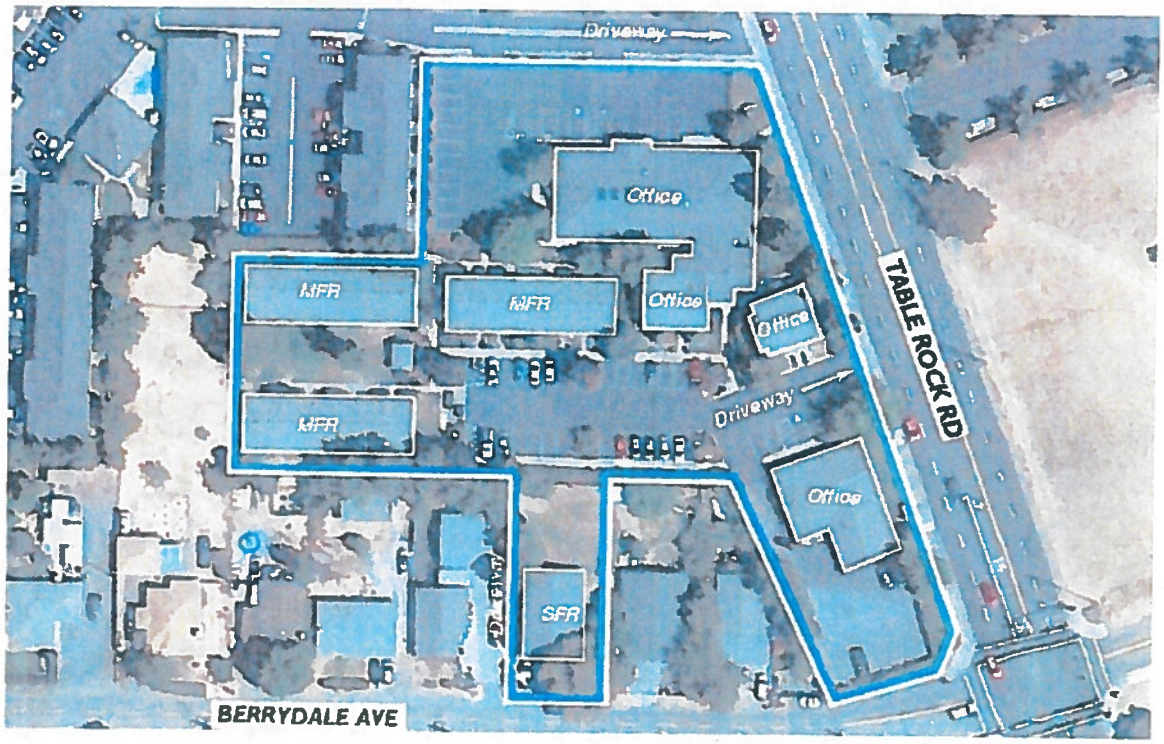


Figure 3: Current Layout and Uses

Changing the zone from Single- and Multi-Family Residential to Service Commercial and Professional Office and concurrently changing the GLUP Map to operate the existing office and multi-family units as outright permitted uses instead of conditional uses subject to the terms of a Conditional Use Permit. With the new zoning, the applicant will be able to avoid amendments to the CUP every time there is a change in business operations.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
001	Business Offices. nec - no material or equipment storage	P	P	P	P	P	P	X	X

Facility Adequacy

MLDC 10.204(3) requires demonstration that Category A facilities (storm drainage, sanitary sewer, water and streets) must already be adequate in condition, capacity and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of building permits for construction. The Public Works Report (Exhibit G) states that changing the proposed zoning to C-S/P has the potential to increase flows to the sanitary sewer system. This is because C-S/P zoning also allows for the construction of dwelling units to the dwelling standards established for housing within the MFR-30 (Multiple Family Residential – 20 to 30 dwelling units per gross acre) standard.

The downstream sanitary sewer system currently has capacity constraints. Based on this information, the Public Works Department recommends one of four options: the zone change be denied, the applicant stipulate to only develop so the total sewer flows do not exceed current zoning limitation, or the developer make improvements to the downstream sanitary sewer system to alleviate capacity constraints, or the Developer provide an engineering study of the downstream sewer system to show capacity exists to allow the proposed zone change. The applicant does not propose any construction work to be done as part of this application.

Prior to the public hearing, the applicant submitted three separate new exhibits (Exhibits S, T & U) discussing the sanitary sewer capacity issues. After discussion with staff the applicant provided the following stipulation which is acceptable to staff:

> ***Any new multifamily development on the subject properties will be developed at 20 dwelling units per acre. The stipulation only applies to new residential development and there are no constraints for the other permitted uses in the C-S/P zoning district.***

There are no known issues regarding transportation, storm drainage or water facilities for the subject area.

Restricted Zoning

Based on the sewer system capacity issued and MLDC 10.204(3)(c)(i), the Commission can implement a restriction of uses by type or intensity. The applicant stated that he requested Comprehensive Plan Amendment and Zone Change application will not impact the sewer capacity issues at this time which was confirmed in an e-mail by the City's Utilities Engineer (Exhibit Q).

The restricted zoning applies to the zone change only.

FINDINGS AND CONCLUSIONS

Applicable Criteria – Minor Comprehensive Plan Amendment

For the applicable criteria for Minor Comprehensive Plan Amendments, MLDC Section 10.222(B) redirects to the criteria in the "Review and Amendments" chapter of the Comprehensive Plan. The applicable criteria in this action are those for map amendments. The criteria are set in *italics* below, findings and conclusions are in Roman type.

Comprehensive Plan, Review and Amendments chapter: Amendments [to Map Designations] shall be based on the following [criteria 1-7]:

1. *A significant change in one or more Goal, Policy, or Implementation Strategy.*

   Findings:

   The City recently completed an Urban Growth Boundary amendment which addressed future land needs of all types. The subject proposal includes less than 2.5 acres and would create only minimal changes resulting in an insignificant difference of residential and commercial inventories.

   Conclusions:

   The proposed change is consistent with pertinent Comprehensive Plan policies and implementation strategies that seek to provide an adequate supply of commercial land.

2. *Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.*

   Findings:

   The Economic Element of the Comprehensive Plan identifies a projected need for Service Commercial land to provide employment opportunities. While the proposal is quite small in size and the changes would be minimal, it does provide an opportunity to provide a greater mix of uses. In addition, Service Commercial and Professional Offices zoned land outright permits residential density up to 30 dwelling units per gross acre which will be an increase in permitted density from 6 single-family and 20 multi-family dwelling units per gross acre.

   Conclusions:

   The proposal responds to a demonstrated need for adequate employment opportunities. The subject property's location near a major arterial, in close proximity to the North Medford I-5 Interchange and the Rogue Valley International Airport highlights the appropriateness of the SC (Service Commercial) designation.

3. *The orderly and economic provision of key public facilities.*

   Findings:

   Transportation, water, and sewer utilities are available to the site and are adequate to serve the changes without upgrading the facilities. A Traffic Impact Analysis (TIA) was included with this application. The conclusion of the analysis stated that *'the proposed comprehensive plan map amendment and concurrent zone change can be approved without significantly affecting any existing or planned transportation facility nor result in types of levels of travel or access that are inconsistent with the functional classification of any existing or planned transportation facility such that it would not meet the performance standard identified in the City's TSP or Comprehensive Plan.'*

   Conclusions:

   Public Works concurs with the report and levies no conditions of approval regarding facility adequacy. Sufficient facilities exist to accommodate the proposed classification change.

4. *Maximum efficiency of land uses within the current urbanizable area.*

   Findings:

   The Service Commercial GLUP designation allows for high-density residential in addition to permitted commercial uses. A change would allow the applicant to expand the current offices on site and would also not eliminate possible high-density residential use of the site.

   Conclusions:

   A designation change would mean the land could be used for both service commercial and high density residential uses.

5. *Environmental, energy, economic, and social consequences.*

   Findings:

   Environmental: The subject site is already within the UGB, thus has already met the test concerning environmental impact.

   Energy: There are no energy consequences.

   Economic: By addressing an employment land deficit, there is an economic benefit. Change of designation will also allow for the applicant to more efficiently manage their portfolio of dwelling units.

   Social: The General Land Use Plan Element of the Comprehensive Plan states that the Service Commercial designation may be located adjacent to residential designations. Also, retaining the offices in the current location will have a positive social impact for clients. The location is also located adjacent to a RVTD bus stop and bus route.

Conclusions:

Environmental: Since the subject property is not in a natural state and has long been identified for urban development, there will be no adverse environmental impacts.

Energy: There are no energy consequences.

Economic: By addressing an employment land deficit, there is an economic benefit.

Social: The Service Commercial designation is appropriately located adjacent to the Urban High Density Residential designation.

6. *Compatibility of the proposed change with other elements of the City Comprehensive Plan.*

Findings:

Policy 1-5: The City of Medford shall assure that adequate commercial and industrial lands are available to accommodate the types and amount of economic development needed to support the anticipated growth in employment in the City of Medford and the region.

Implementation 1-5-b: Reduce projected deficits in employment lands by changing GLUP Map designations with the existing Urban Growth Boundary.

Conclusions:

This proposed change does supply a small amount of the projected need for Service Commercial land.

7. *All applicable Statewide Planning Goals.*

Goal 1 – Citizen Involvement

Findings:

Goal 1 requires the City to have a citizen involvement program that sets the procedures by which affected citizens will be involved in the land use decision process, including participation in the quasi-judicial revision of the Comprehensive Plan. The City of Medford has an established citizen-involvement program consistent with Goal 1 that includes public review of proposed Comprehensive Plan amendments by the Planning Commission and City Council.

Conclusions:

By following the standard notification and comment procedure, the City provided adequate opportunities for citizen input.

Goal 2 – Land Use Planning

Findings:

The City has a land use planning process and policy framework in the form of a Comprehensive Plan and development regulations in Chapter 10 of the Municipal Code that comply with Goal 2. These are the bases for decisions and actions.

Conclusions:

There is an adequate factual basis for the proposed designation change.

Goal 3 – Agricultural Lands - does not apply

Goal 4 – Forest Lands – does not apply

Goal 5 – Natural Resources, Scenic & Historic Areas and Open Spaces – does not apply

Goal 6 – Air, Water, and Land Resources Quality

Findings:

The allowable uses in the Service Commercial designation do not generally produce discharges that are notably different from allowed uses in the Urban High Density Residential designation. There are no streams on the property that would be impacted. The land in question is not classified as a resource in terms of agriculture because it is classified as urbanizable.

Conclusions:

The proposed change will have no discernable effect on the production of pollutants. There are no water or land resource quality impacts.

Goal 7 – Areas Subject to Natural Hazards – does not apply

Goal 8 – Recreation Needs – does not apply

Goal 9 – Economic Development

Findings:

Goal 9 outlines that Comprehensive Plans shall "provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies."

Conclusions

Service Commercial allows for both commercial and high density residential uses. There is a benefit in retaining a housing potential on the subject property.

Goal 10 – Housing

Findings:

The goal requires that "plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density." The proposed change would partially remove the potential for a definite number of low-density housing units and replace it with a potential for a greater number of high-density housing units.

Conclusions:

There is a benefit in retaining a housing potential on the subject property.

Goal 11 – Public Facilities and Services

Findings:

Refer to findings under Criterion 3, above.

Conclusions:

Refer to conclusions under Criterion 3, above.

Goal 12 – Transportation

Findings:

The "Transportation Planning Rule" (OAR 660-012) requires cities to have plans to accommodate anticipated transportation system needs. A traffic impact analysis was provided with this proposal and the corresponding zone change.

Conclusions:

The submitted traffic impact analysis states that the potential development associated with the proposed GLUP designation change and subsequent zone change would generate 1,180 Average Daily Trips (ADT), which is 410 ADT more than they are currently generating. The report states that no higher order intersections will be significantly impacted by the 41 additional PM peak hour trips the property could potentially generate. The traffic engineering division of the Public Works Department has reviewed the analysis and concluded that the proposed changes and corresponding trip generation would not significantly impact the surrounding system facilities.

Goal 13 – Energy Conservation – does not apply

Goal 14 – Urbanization – does not apply

Goals 15 to 19 – do not apply to this part of the State

Applicable Criteria – Zone Change

Zone Change Approval Criteria are provided in MLDC Section 10.204(B). The applicable criteria are set in *italics*; findings and conclusions are in roman type. The zone change criteria that are not relevant to this particular application are hereby omitted from the following citation and noted by ***.

The Planning Commission shall approve a quasi-judicial, minor zone change if it finds that the zone change complies with subsections (1) and (3) below:

(1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.

Findings:

The proposed minor Comprehensive Plan amendment (changing the GLUP map designation from UH to SC) results in the proposed zone change being consistent with the GLUP map.

A traffic impact analysis has been provided, reviewed, and approved by the Public Works Department. It was deemed to be consistent with the Transportation System Plan and no conditions of approval were required.

Conclusions:

The approval of the GLUP map designation for the subject property from UH to SC results in the proposed zone change being consistent with the GLUP map. It has been adequately demonstrated that the proposed zone change is consistent with the TSP.

***

(3) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 as well as the Public Facilities Element and Transportation System Plan in the Comprehensive Plan.
(a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.
(b) Adequate streets and street capacity must be provided in one of the following ways:

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

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

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

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

b. an applicant funds the improvement through a reimbursement district pursuant to the Section 10.432. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

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

(c) In determining the adequacy of Category A facilities, the Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change request. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant, and must be recorded at the County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but are not limited to the following:

(i) Restricted Zoning is a restriction of uses by type or intensity. In cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development on the subject property or adjacent

parcels. In no case shall residential densities be approved that do not meet minimum density standards;
(ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule;
(iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

Findings:

The proposed zone change has been reviewed for facility adequacy by the appropriate City departments and outside agencies. Reports from the Public Works Department and Medford Water Commission indicate adequate capacity in all Category A services and facilities except for sanitary sewer. See 'Facility Adequacy' and 'Restricted Zoning' above for more information.

Conclusions:

The Category A services and facilities, including storm drain, water, and streets have adequate capacity to support the proposed zone change. By stipulating to one option as proposed in the Public Works Staff Report (Exhibit G), Sanitary Sewer can be found to have adequate capacity, as well.

Per Exhibit U, the applicant stipulated to the following: Any new multifamily development on the subject properties will be developed at 20 dwelling units per acre. The stipulation only applies to new residential development and there are no constraints for the other permitted uses in the C-S/P zoning district.

ACTION TAKEN

Zone Change

Adopted the findings as recommended by staff and directed staff to prepare the Final Order for approval of ZC-18-132 per the staff report dated November 16, 2018, including Exhibits A through R, adding Exhibits S, T and U, provided the City Council approved the GLUP amendment.

Minor Comprehensive Plan (GLUP Map) Amendment
Forwarded a favorable recommendation for approval of CP-18-133 to the City Council per the staff report dated November 16, 2018, including Exhibits A through R, adding Exhibits S, T and U.

City Council hearing scheduled for December 20, 2018.

EXHIBITS

A Conditions of Approval, dated November 16, 2018
B Tract Map, received September 17, 2018
C Subject Site Assessor Map, received September 17, 2018
D General Land Use Plan Map Excerpt, received September 17, 2018
E Applicant's Findings of Fact re: Comprehensive Plan Amendment, received September 17, 2018
F Applicant's Findings of Fact re: Zone Change, received September 17, 2018
G Public Works Staff Report, dated October 31, 2018
H Medford Water Commission Memo, revised November 9, 2018
I Fire Department Report, dated October 31, 2018
J Building Department Memo, dated October 29, 2018
K Jackson County Roads Memo, received October 19, 2018
L Traffic Impact Analysis Scoping Letter, dated September 10, 2018
M Public Works Memo re: Traffic Impact Analysis, dated September 25, 2018
N Traffic Impact Analysis Summary and Conclusion, received September 17, 2018
O Legal Description, received September 17, 2018
P City Surveyor Memo, dated October 25, 2018
Q E-Mail from Scott Sinner re: sewer constraints, received November 15, 2018
R 'Lawfully Created Parcels' letter from J. Hibbs, received November 15, 2018
S E-Mail from Scott Sinner re: sewer constraints, received November 21, 2018
T Applicant's Additional Findings re: sewer constraints, received November 26, 2018
U E-Mail from Scott Sinner providing a stipulation re: sewer constraints, received November 29, 2018
Vicinity map

MEDFORD PLANNING COMMISSION

_____
Patrick Miranda, Chair

PLANNING COMMISSION AGENDA: **NOVEMBER 29, 2018**
DECEMBER 27, 2018

Steffen K. Roennfeldt

From: scottsinner@yahoo.com
Sent: Wednesday, November 21, 2018 11:31 AM
To: Steffen K. Roennfeldt
Subject: FW: FW: Housing Authority Zone Change

Steffen,

I just read the staff report for the Housing Authority Comp Plan Amendment and zone change. Please review the email below.

I believe the comments from Roger Thom and also the independent findings of our civil engineer indicate the zone change sanitary sewer stipulation indicated in the staff report is no longer warranted and the sanitary sewer capacity is adequate for an unrestricted zone change approval.

Please add this email to the record and distribute to the commission for their consideration.

Thank you

Scott

Scott Sinner Consulting, Inc.
4401 San Juan Dr. Suite G
Medford, OR 97504
541-601-0917

From: Brandon Hall <brandon@cecengineering.com>
Sent: Thursday, November 15, 2018 8:32 AM
To: Scott Sinner <scottsinner@yahoo.com>
Cc: Mark Kamrath <mark@cecengineering.com>; ryan@hajc.net; Trinity@hajc.net; Tony Bakke <tony@cecengineering.com>
Subject: Re: FW: Housing Authority Zone Change

Hi Scott,

We also ran the preliminary calculations and found that there should be no increase in flows, to confirm Roger's statement. I was just a little late getting the email out until this morning.

Thanks,

--

Brandon Hall, EIT
CEC Engineering
(541) 779-5268, ext. 115

On Wed, Nov 14, 2018 at 5:09 PM <scottsinner@yahoo.com> wrote:

Hello all,

CITY OF MEDFORD
EXHIBIT # S
FILE # ZC-18-132
CP-18-133

See below, it looks like we are good on the Sanitary sewer issue.

Scott

Scott Sinner Consulting, Inc.

4401 San Juan Dr. Suite G

Medford, OR 97504

541-601-0917

From: Roger E. Thom <Roger.Thom@cityofmedford.org>
Sent: Wednesday, November 14, 2018 2:39 PM
To: 'scottsinner@yahoo.com' <scottsinner@yahoo.com>
Subject: RE: Housing Authority Zone Change

Scott:

2005 SSMP is 180 gal/day/unit for SFR-20, and commercial is 1700 gal/day/acre.

2018 SSMP (likely to get adopted December 5th) Urban High Density Residential is 1800 gal/day/acre. Service Commercial is 840 gal/day/acre.

So, no problem going from MFR -20 to Service Commercial, but pretty tough to go the other way if there is SS capacity issues.

Hope that helps,

Thanks,

Roger

From: scottsinner@yahoo.com [mailto:scottsinner@yahoo.com]
Sent: Tuesday, November 13, 2018 4:37 PM
To: Roger E. Thom <Roger.Thom@cityofmedford.org>
Subject: Housing Authority Zone Change

Hello Roger,

Could you please confirm the Sanitary Sewer impacts the City uses for the MFR-20 zoning district and the C-SP zoning district.

Thanks

Scott

Scott Sinner Consulting, Inc.

4401 San Juan Dr. Suite G

Medford, OR 97504

541-601-0917

Scott Sinner Consulting, Inc.

Land Use Planning, Conservation Consulting

RECEIVED
2018
NG DEPT.

November 26, 2018

RECEIVED
NOV 2 6 2018
PLANNING DEPT.

Steffen Roennfeldt
City of Medford
200 S Ivy
Medford, OR 97501

Re: Housing Authority Zone Change ZC-18-132

Steffen,

I would like to provide additional findings supporting the sanitary sewer capacity for an unrestricted zone change to C/SP for ZC-18-132. Roger Thom from Public Works provided sanitary sewer values relevant to the proposed zone change as included below, the SSMP reference is Sanitary Sewer Master Plan:

> *Scott:*
> *2005 SSMP is 180 gal/day/unit for SFR-20, and commercial is 1700 gal/day/acre.*
> *2018 SSMP (likely to get adopted December 5th) Urban High Density Residential is 1800 gal/day/acre. Service Commercial is 840 gal/day/acre.*
> *So, no problem going from MFR -20 to Service Commercial, but pretty tough to go the other way if there is SS capacity issues.*
> *Hope that helps,*
> *Thanks,*
> *Roger*

The majority of the property is currently in the MFR-20 zoning district, one .18 acre parcel is within the SFR-6 zoning district and does not materially affect the following calculations. The site is currently 3.0 gross acres within the MFR-20 zoning district.

Using the adopted 2005 Sanitary Sewer Master Plan values of 180 gallons per day (GPD)per dwelling unit, the gross acreage of 3 acres of the site is currently zoned to allow 60 dwelling units for a total impact of 60 dwelling units x 180 GPD for a total of 10,800 GPD.

Using the current adopted 2005 Sanitary Sewer Master Plan values for commercial zoning of 1,700 GPD x 3 acres results in a sanitary sewer impact of 5,100 GPD. The net result of the approval of the proposed zone change is a reduction of 5,700 GPD to the sanitary sewer system.

A L L Y

4401 San Juan Drive, Suite G
Medford, Oregon 97504

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

CITY OF MEDFORD
EXHIBIT # T
File # ZC-18-132
CP-18-122

Roger also provided the sanitary sewer values contained within the Proposed 2018 Sanitary Sewer Master Plan that is likely to be adopted by Council on December 5th.

The proposed master plan uses 1,800 GPD for the Urban High Density Residential classification for a total of 3 acres x 1,800 totaling 5,400 GPD for the subject property. The proposed plan also adds a Service Commercial category with a value of 840 GPD per acre resulting in a sanitary sewer impact of 3 acres x 840 GPD for a total of 2,520 GPD. Assuming the proposed Sanitary Sewer Master Plan the impact of the proposed zone change is a reduction of 2,880 GPD reduction.

The application was submitted with the 2005 Sanitary Sewer Master plan in effect and those values result in a reduction of 5,700 GPD in the sanitary sewer impacts of the subject property with respect to the proposed zone change.

The proposed Sanitary Sewer Master Plan, while not adopted or in effect for this application, also demonstrates a reduction in impacts to the sanitary sewer facilities as a result of the approval of this application.

The Planning Commission can conclude the requested can conclude this application meets re criteria for the Category A facilities for sanitary sewer since the approval of the zone change will result in a reduction in allowable sanitary sewer discharge into the public sanitary sewer facilities.

On behalf of the applicant, I request approval of the zone change without any restrictions or stipulations with respect to sanitary sewer capacity issues.

Regards,

Scott Sinner, President
Scott Sinner Consulting, Inc.

A L L Y

4401 San Juan Drive, Suite G
Medford, Oregon 97504

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

Steffen K. Roennfeldt

From: scottsinner@yahoo.com
Sent: Thursday, November 29, 2018 10:27 AM
To: Steffen K. Roennfeldt; Kelly A. Akin; Alex T. Georgevitch; 'Ryan Haynes'
Subject: Sanitary Sewer stipulation

Steffen,

After a discussion with staff and my Client with respect to the Sanitary sewer capacity issues for the proposed zone change, We would like provide the following stipulation.

Any new multifamily development on the subject properties will be developed at 20 dwelling units per acre. The stipulation only applies to new residential development and there are no constraints for the other permitted uses in the C/SP zoning district.

Thank you

Scott

Scott Sinner Consulting, Inc.
4401 San Juan Dr. Suite G
Medford, OR 97504
541-601-0917

CITY OF MEDFORD
EXHIBIT 4
FILE ZC-18-132
CP-18-133

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

IN THE MATTER OF TENTATIVE PLAT APPROVAL OF	)	
	)	**ORDER**
PIONEER MARKETPLACE SUBDIVISION [LDS-18-078]	)	

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

A proposed two-phase, 12-lot land division consisting of six standard lots, four pad lots and two common area tracts on two contiguous parcels totaling 7.6-acres located at the southeast corner of West McAndrews Road and North Ross lane in the C-C (Community Commercial) zoning district (372W26AD TL 2400 & 2600).

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Section 10.202; and

2. The Medford Planning Commission has duly held a public hearing on the request for tentative plat for *Pioneer Marketplace Subdivision,* as described above, with the public hearing a matter of record of the Planning Commission on December 13, 2018.

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

4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat for *Pioneer Marketplace Subdivision,* as described above and directed staff to prepare a final order with all conditions and findings set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for *Pioneer Marketplace Subdivision,* stands approved per the Planning Commission Report dated December 13, 2018, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Planning Commission Report dated December 13, 2018.

BASED UPON THE ABOVE, the Planning Commission determined that the tentative plat is in conformity with the provisions of law and Section 10.202(E) Land Division Criteria of the Land Development Code of the City of Medford.

Accepted and approved this 27th day of December, 2018.

CITY OF MEDFORD PLANNING COMMISSION

_____
Planning Commission Chair

ATTEST:

_____
Planning Department Representative

City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

PLANNING COMMISSION REPORT

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

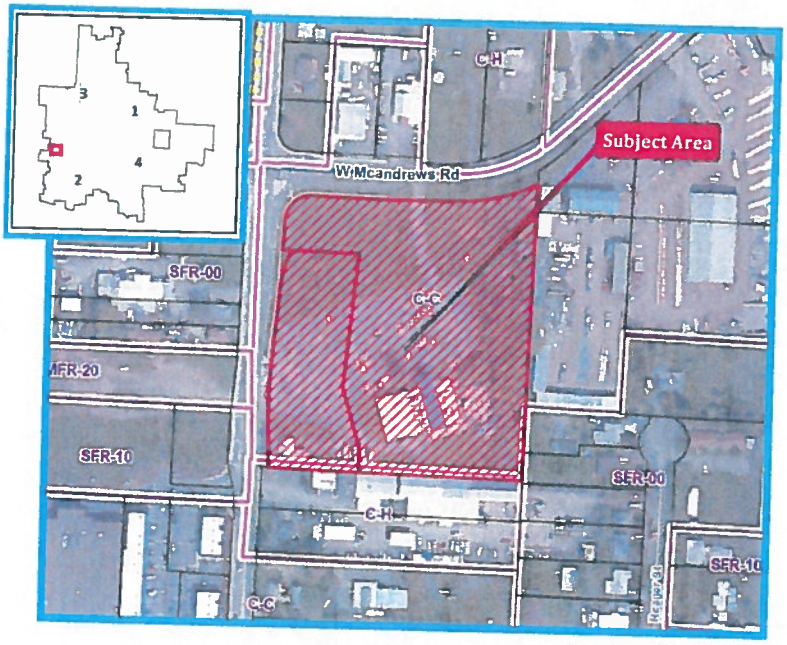
PROJECT	Pioneer Marketplace Subdivision Applicant: CDT-Bar LLC. Agent: CSA Planning Ltd.
FILE NO.	LDS-18-078
DATE	December 13, 2018

BACKGROUND

Proposal

Consideration of tentative plat approval for Pioneer Marketplace Subdivision, a proposed two-phase, 12-lot land division consisting of six standard lots, four pad lots and two common area tracts on two contiguous parcels totaling 7.6-acres located at the southeast corner of West McAndrews Road and North Ross Lane in the C-C (Community Commercial) zoning district.

Vicinity Map



Subject Site Characteristics

Zoning: C-C

GLUP: CM (Commercial)

Overlay(s): None

Use(s): Electronic cigarette manufacturer (occupying existing 16,137 square foot building)

Surrounding Site Characteristics

North Zone: C-C, SFR-00 (Single Family Residential – one dwelling unit per lot), and SFR 10 (Single Family Residential – ten dwelling units per gross acre).
Use(s): Mercury Air & Metal and Crater Automotive Repair

South Zone: C-H (Heavy Commercial)
Use(s): Batzer Construction, Inc.

East Zone: C-C
Use(s): Rogue Pacific Lumber Company

West Zone: SFR-10, SFR-00, and MFR-20 (Multiple Family Residential – twenty dwelling units per gross acre).
Use(s): Residential

Related Projects

A-99-149	Annexation
ZC-08-144	Zone Change from County SR-2.5 to C-C (included trip cap stipulation)
ZC-10-072	Zone Change from County SR-2.5 to C-C
AC-10-089	Approved Master Plan for Pioneer Market Place shopping center
PLA-11-052	Property Line Adjustment (recorded July 2011)
LDS-11-108	3-lot Partition (expired)

Applicable Criteria

MLDC 10.202(E): Land Division Criteria

The 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.

10.703 Pad Lot Development

A. Purpose. It is the purpose of this Section to provide a process for the creation of tax lots within a common area for non-residential uses. This Section is not intended to provide relief from the strict standards elsewhere established in this Code.

B. Development Standards.

(1) All lot-lines created within the common area shall be located along a common or exterior building wall, or within four (4) feet of an exterior building wall, unless the approving authority (Planning Commission) allows a greater distance for special purposes.

(2) The parent parcel shall meet the site development standards established in Section 10.721.

(3) All pad lot developments shall obtain Site Plan and Architectural Review approval prior to the tentative plat application being accepted for review by the Planning Commission.

(4) A pad lot development shall be identified as such on both the tentative and final plats, and on the site plan submitted for the project. At the time of recording of the final plat,

Covenants, Conditions, and Restrictions (CC&Rs) shall be approved by the City and recorded. The recorded CC&Rs shall provide:

(a) That the owners are jointly and severally responsible for the continued maintenance and repair of the common elements of the development, such as common portions of buildings, parking areas, access, landscaping, etc., and share equitable in the cost of such upkeep.

(b) An association for the purpose of governing the operation of the common interests.

(c) Maintenance access easements on individual lots where necessary for the purpose of property maintenance and repair.

(d) The specific rights of, or limitations on, individual lot owners to modify any portion of a building or lot, including the provision that no common elements be modified without the consent of the association.

ISSUES AND ANALYSIS

Project Summary

Project site

The subject site consists of two parcels totaling 7.55 acres (TL 2400 and 2600), and currently contains two structures: a 16,137 square foot commercial building (originally constructed for a Moose Lodge) currently being leased to an electronic cigarette manufacturer, which includes a large paved parking lot; and a residential structure located at the southwest corner of the site (TL 2600), which the applicant's findings state is in a deteriorated condition and will be demolished as part of the redevelopment of the site.

As stated in the applicant's findings, of the site's 7.55 acres, only 6.34 acres is buildable, as the easterly portion of the site – identified as Common Area "B" on the tentative plat – is encumbered by an approximate one-acre of wetlands.

The site is currently accessed by three driveways: two driveways taking access off of North Ross lane – classified as a Major Collector Street – along the site's westerly boundary (TL 2600), and

one driveway taking access of West McAndrews Road – also classified as a Major Collector street – along the site's northerly boundary (TL 2400).

Site History

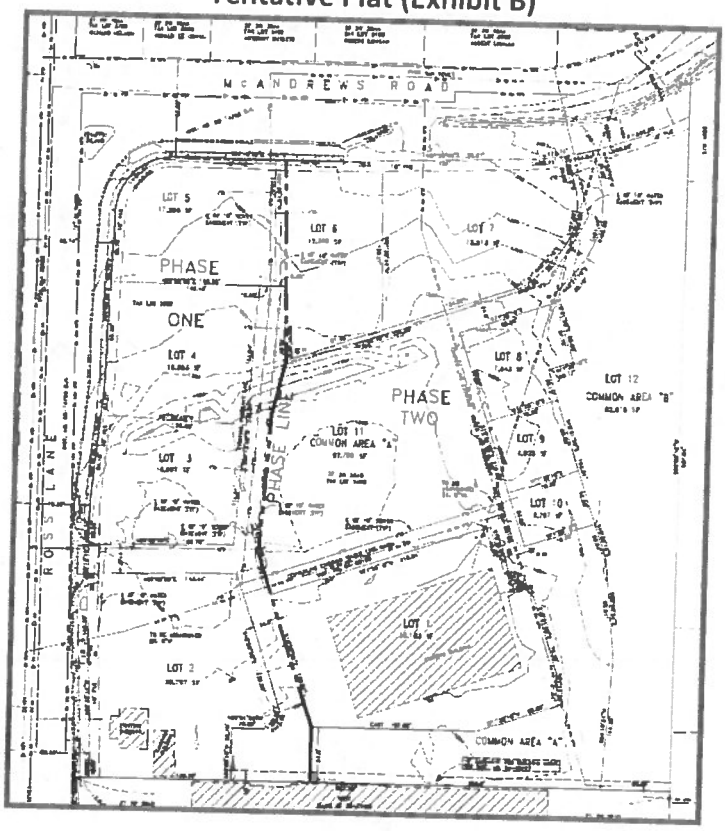
The subject site was rezoned from County SR-2.5 to its current zoning of C-C (Community Commercial) in 2009. The approval of the rezone included a trip cap stipulation, limiting the development of the site to no more than 69,370 square feet of construction. However, the Traffic Impact Analysis (TIA) that was submitted with the rezone application identified the need for a traffic signal mitigation at the intersection of McAndrews Road and North Ross Lane, and at the intersection of North Ross Lane and Highway 238. Both traffic signals have since been installed, therefore the trip cap is no longer applicable to the subject site.

The Site Plan & Architectural Commission approved the Master Plan for the Pioneer Marketplace shopping center on February 18, 2011 (AC-10-089), which is the basis for the layout of the subject subdivision request. The approved site plan includes 52,084 square feet of retail and restaurant space in seven buildings, plus the existing 16,137 square foot building.

The SPAC approval expired on February 18, 2016; however, the Disposition and Development Agreement (DDA) (Exhibit L), adopted by City Council on May 17, 2012, regarding reservations for a proposed future road along the south boundary of the site included an extension of the expiration date to February 18, 2022.

Current Proposal

Tentative Plat (Exhibit B)



As shown on the submitted tentative plat above, the applicant is now proposing a 12-lot subdivision of the property – based on the layout of the approved Master Plan for the Pioneer Marketplace shopping center – consisting of six standard parcels, four pad lots, and two common areas.

The six proposed standard lots, identified on the tentative plat as Lots 2-7, will all have frontage on either North Ross Lane or West McAndrews Road, consistent with the requirements of the Code; however, no direct access to the individual lots are proposed, as the Master Plan for the shopping center approved by SPAC included a common circulation area providing two (existing) driveways from which all the proposed buildings within the shopping center will take access from, thereby reducing the number of access points needed for the development. Cross-access easements and shared parking agreements will be required to be recorded for all lots within the shopping center prior to final plat approval.

The four proposed pad lots, identified on the tentative plat as Lots 1, 8, 9, and 10, are proposed for the existing Building A and for the proposed Building H, with none having direct street frontage as is required of standard lots. Two types of pad lots are proposed: one with and three without dedicated parking.

Lot 1, as identified on the plat, is proposed to include existing Building A along with the abutting walkways and adjacent parking spaces. The applicant's submitted findings state that this proposed layout is intended to allow each pad lot owner greater control of its immediate surroundings, as the building may be reconfigured in the future into multiple tenant spaces. Lots 8-9, as identified on the plat, are proposed to include future Building H, which will be divided by lot lines – more typical of pad lots – creating three individual units, and with all off-street parking provided within the Common Area.

The applicant is also proposing two common area parcels, identified as Lots 11 and 12 on the submitted plat. Common Area A will contain the circulation and parking area, while Common Area B consists of the non-buildable wetland area along the site's easterly boundary.

With the subject application, the applicant is requesting approval for the submitted tentative plat – to be developed in two phases – along with a separate request for the creation of four pad lots within the subdivision, which include requests to locate the lots lines of the proposed pad lots greater than four feet of the exterior building walls – a deviation contingent on approval by the Commission pursuant to MLDC 10.703(1). The applicant is also requesting the maximum timetable for the development of five years for the site as allowed for phased developments, contingent on Commission approval per MLDC 10.202(D)(2).

Development Standards

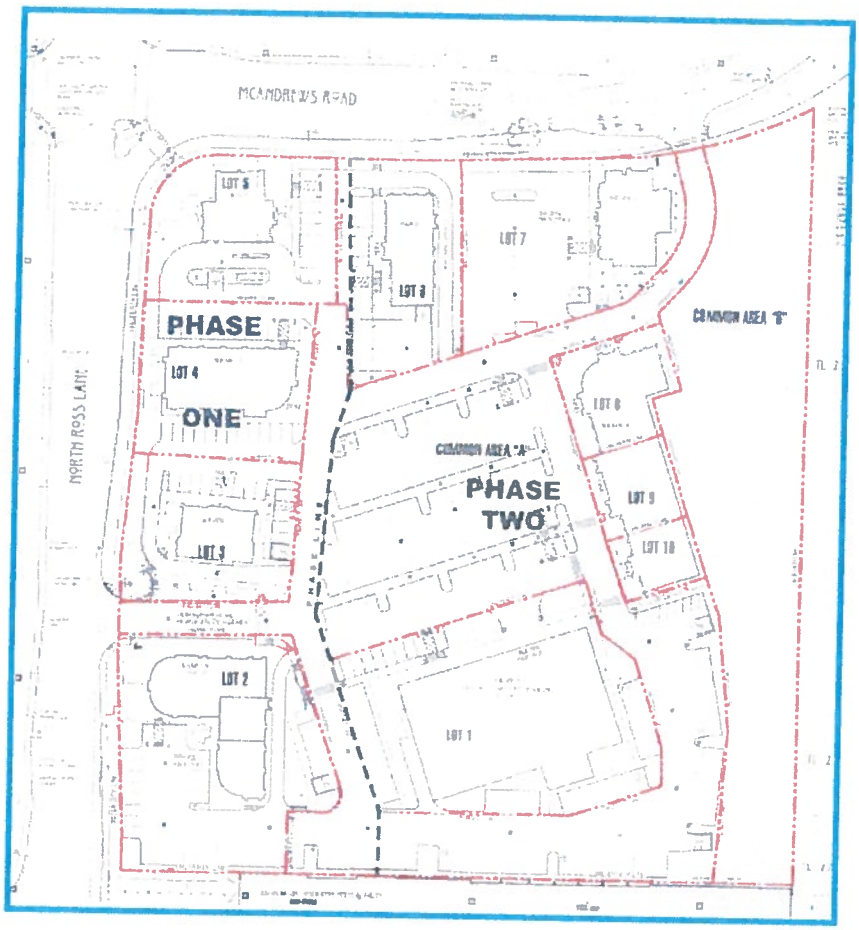
Site Development Table

C-C	Lot Area	Min. lot Width (Interior)	Min. lot Depth	Min. Lot Frontage
Required	15,000 min.	70 feet	100 feet	70 feet

It can be found that the six proposed standard lots and the two proposed Common Area lots identified on the submitted tentative plat meet all the dimensional standards for the C-C (Community Commercial) zoning district as found in Article V of the Medford Land Development Code.

Phasing

Phasing Plan (Exhibit B)



As shown in the Phasing Plan above, the applicant is proposing to develop the property in two phases in accordance with the phasing of the Master Plan of the Pioneer Marketplace shopping center development as previously approved by SPAC. Phase 1 is proposed to include Lots 2-5, an access off of North Ross Lane, and the internal access drive connecting the lots to North Ross lane; while Phase 2 will include Lot 1 and Lots 6-10. As stated in their submitted findings, the applicant is requesting to plat the four lots with frontage along North Ross Lane with Phase 1, and then complete the street improvements along West McAndrews Road with the future platting of Phase 2. However, as per the Public Works report (Exhibit M), staff recommends that all public improvements be completed prior to final plat approval of the *initial* phase of the site. These improvements include the construction of a westbound left turn lane on McAndrews Road at the site access driveway, and the construction of a northbound right turn lane on Ross lane at the site access driveway. These requirements are consistent with the conditions of approval tied

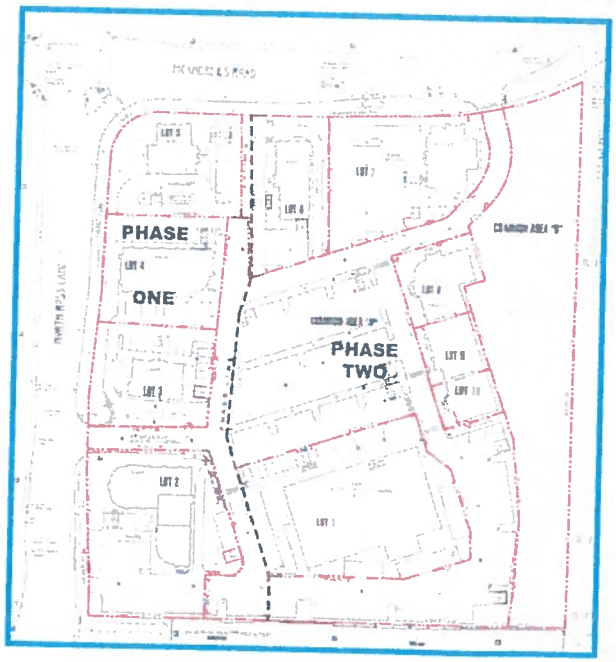
to the prior zone change approval, which required that these improvements be installed prior to the occupancy of the site.

Wetland

Though the Medford Wetland Inventory does not show the presence of a wetland on the subject property, the applicant had a wetland delineation performed on the property in 2007 by Terra Science, Inc. (Exhibit R), which did identify an approximate one-acre wetland located along the easterly boundary of the site. Accordingly, the site layout was designed to prevent encroachment of any future development within the areas identified as wetlands, and with the approval of the subject application, the wetland area – identified as Common Area "B" – will be partitioned off from the developable area of the site.

Access

The subject site is currently served by three access points: two driveways off of North Ross Lane along the site's easterly boundary, and one driveway off of West McAndrews Road along the site's northerly boundary. With the approval of the subject request, the applicant is proposing to relocate the existing northerly driveway off of West McAndrews Road approximately 95 feet to the east. The driveway off of North Ross lane, which currently serves the existing residential building on the site, is also proposed to be removed.



As a condition of the SPAC approval for the Master Plan for the Pioneer Marketplace shopping center, a DDA was negotiated reserving a 35-foot wide strip along the southerly boundary of the site for the development of a future commercial street (Newbridge Way). Per the Public Works staff report (Exhibit M), the applicant will be required to dedicate 23.5 feet of public right-of-way along the southerly property line, which will be required to be recorded with the approval of the final plat. Per the adopted DDA for Pioneer Marketplace (Exhibit L), the applicant shall enter into a deferred improvement agreement for the future improvement of the street.

Pad lot development – Criteria Analysis

(1) All lot-lines created within the common area shall be located along a common or exterior building wall, or within four (4) feet of an exterior building wall, unless the approving authority (Planning Commission) allows a greater distance for special purposes.

The submitted tentative plat shows the proposed lot lines for all four pad lots extending beyond four feet of the exterior wall of both the existing and the proposed buildings on the site; however, the Code does provide the Planning Commission the authority to a allow a greater distance for *special purposes*, and it is the burden of the applicant to effectively demonstrate such *special purposes* in their submitted findings. Accordingly, the applicant's findings acknowledge that the proposed lot lines do not comply with criterion cited above, and formally requests that the lot line for Building A be set to include the walkways and parking spaces abutting the approved building, and that the lot line for Building H be set to include the abutting walkways. The applicant's findings state the following:

The stated reason for this greater distance is to allow each pad lot owner greater control of their immediate surrounds. Commission notes that landscaping maintenance for the entire center will be under one contract to the owner's association so that the common area upkeep and the landscaping on all properties will be maintained at all times.

The Code does not include a definition for *special purposes,* nor does the Code provide any guidance in evaluating a request to deviate from the standards found in criterion 1 cited above; nevertheless, it is staff's view that the applicant's findings as submitted are sound, as the creation of individual parcel ownership for a shopping center within a large, deep parcel that only has frontage along a portion of the site, necessitates the use of such alternative infill strategies as provided through a commercial pad lot development. Therefore the granting of relief from strict adherence with criterion 1 can be made in keeping with the purpose of a pad lot development as found in MLDC 10.703(A): to provide a process for the creation of tax lots within a common area for non-residential uses.

This criterion can be met provided that the Commission – citing a *special purpose* - allows the applicant relief from the requirement that all lot lines located within the common area be located within four feet of the exterior walls of the buildings within the site.

(2) The parent parcel shall meet the site development standards established in Section 10.721.

The applicant's submitted findings demonstrate that the parent parcel meets the site development standards established in MLDC 10.721. Criterion is met.

(3) All pad lot developments shall obtain Site Plan and Architectural Review approval prior to the tentative plat application being accepted for review by the Planning Commission.

The Master Plan for the Pioneer Marketplace shopping center was approved by SPAC in February of 2011, and was approved for an extension of the expiration date to February 18, 2022. Criterion is met.

(4) A pad lot development shall be identified as such on both the tentative and final plats, and on the site plan submitted for the project. At the time of recording of the final plat, Covenants, Conditions, and Restrictions (CC&Rs) shall be approved by the City and recorded. The recorded CC&Rs shall provide:

(a) That the owners are jointly and severally responsible for the continued maintenance and repair of the common elements of the development, such as common portions of buildings, parking areas, access, landscaping, etc., and share equitable in the cost of such upkeep.

(b) An association for the purpose of governing the operation of the common interests.

(c) Maintenance access easements on individual lots where necessary for the purpose of property maintenance and repair.

(d) The specific rights of, or limitations on, individual lot owners to modify any portion of a building or lot, including the provision that no common elements be modified without the consent of the association.

The applicant's submitted findings (Exhibit I, page 14) state the following:

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

1. *At the time of final plat to provide Covenants, Conditions, and Restrictions (CC&Rs) to be approved by the City that meet the requirements detailed in MLDC Section 10.704(4). The Applicant further stipulates to recording the aforementioned CC&R's along with the Final Plat.*

With the imposition of conditions of approval found in Exhibit A and/or the adoption of the applicant's stipulation cited above, this criterion can be met.

Facility Adequacy

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

Other Agency Comments

Rogue Valley Sewer Services (RVSS) (Exhibit P)

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

Jackson County Roads (Exhibit Q)

The portion of West McAndrews Road fronting the property along its northerly boundary is both a City and County maintained road. The applicant will be required to comply with all requirements of Jackson County Roads prior to final plat approval.

Committee Comments

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

DECISION

At the public hearing held on December 13, 2018, the commission voted unanimously to approve the request while, at the request of staff, adding into the record a memo received from the applicant, and presented at the hearing, concerning the phasing of street improvements. The memo has been added to this Commission Report as Exhibit S. In response to the memo submitted by the applicant (Exhibit S), Public Works agreed to revise their previously submitted staff report at the public hearing, which has been added to this Commission Report as Exhibit M-1. The commission also approved a proposed revision to condition #2, as requested by staff, which established an expiration date for the tentative plat of February 18, 2022, in order to coincide with the approved site plan. An additional condition, requiring that the applicant obtain approval of the Planning Commission to amend the condition requiring the right turn lane on North Ross Lane as required per ZC-08-144, was also approved by the commission at the hearing. This condition has been added to the revised conditions of approval (Exhibit A-1).

FINDINGS AND CONCLUSIONS

Land Division

Staff finds the subdivision plat consistent with the Comprehensive Plan and all applicable design standards set forth in Article IV and V. Furthermore, the subdivision will not prevent development of the remainder of the property under the same ownership or of adjoining land; bears a name (Pioneer Marketplace) that has been reviewed and approved by the City's Address Technician; could potentially create a future standard residential street – Newbridge Way, which will be constructed in accordance with the adopted DDA for Pioneer Marketplace; and criteria 5 and 6 are not applicable to the subject development.

Pad Lot

Staff finds the applicant's tentative plat (Exhibit B) can meet the criteria established for a pad lot development with the Commission's concurrence with staff's findings that *special purposes* exist

on the site, warranting the granting of relief from complying with the strict standards identified in criterion #1.

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

ACTION TAKEN

Adopted the findings as recommended by staff and directed staff to prepare a Final Order for approval of LDS-18-078 per the Planning Commission Report dated December 13, 2018, including Exhibits A through S.

EXHIBITS

A-1	**Conditions of Approval (revised), dated December 13, 2018.**
B	Tentative Plat, received November 28, 2018.
C	Phasing Plan, received June 1, 2018.
D	GLUP Map, received June 1, 2018.
E	Zoning Map, received June 1, 2018.
F	Wetland & Floodplain Map, received June 1, 2018.
G	Photo Key Map (1 of 3), received June 1, 2018.
H	Accessor's Map, received June 1, 2018.
I	Applicant's Findings of Fact, received June 1, 2018.
J	Demonstration of Compliance with Applicable Development Standards, received June 1, 2018.
K	Declaration of Reciprocal Easements and Operation Agreement, received June 1, 2018.
L	Disposition and Development Agreement, received June 1, 2018.
M-1	**Public Works Staff Report (Revised), dated December 20, 2018.**
N	Medford Water Commission memo & associated map, dated December 3, 2018.
O	Medford Fire Department Report, dated November 21, 2018.
P	Rogue Valley Sewer Services (RVSS) report, received November 8, 2018.
Q	Jackson County Roads report, dated November 16, 2018.
R	Wetland report, dated September 28, 2007.
S	**Memo from applicant concerning the phasing of public improvements, received December 13, 2018.**
	Vicinity map

MEDFORD PLANNING COMMISSION

_____

Patrick Miranda, Chair

PLANNING COMMISSION AGENDA: **DECEMBER 13, 2018**
DECEMBER 27, 2018

EXHIBIT A-1

Pioneer Marketplace Subdivision
LDS-18-078
Revised Conditions of Approval
December 13, 2018

DISCRETIONARY CONDITIONS

1. The Commission accepts the applicant's stipulations as stated in the submitted Findings of Fact and Conclusions of Law (Exhibit I), and applies them as conditions except as modified.
2. **Approval of the tentative plat shall expire on February 18, 2022, coinciding with the expiration of the approved site plan for Pioneer Marketplace.**

CODE REQUIRED CONDITIONS

Prior to final plat approval, the applicant shall:

3. Comply with all conditions stipulated by the Public Works Department (Exhibit M).
4. Comply with all conditions stipulated by the Medford Water Commission (Exhibit N).
5. Comply with all conditions stipulated by the Rogue Valley Sewer Services (Exhibit P).
6. Comply will all requirements of Jackson County Roads (Exhibit Q).
7. Submit a revised tentative plat showing a 35-foot road reservation for a future street (Newbridge Way) along the site's southerly boundary in accordance with the adopted Disposition and Development Agreement (DDA) (ORD NO. 2012-67).
8. **Obtain approval of the Planning Commission to amend the condition requiring the right turn lane on North Ross Lane as required per ZC-08-144.**

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CITY OF MEDFORD

Commission Update: 12/19/2018
File Number: LDS-18-078

PUBLIC WORKS DEPARTMENT STAFF REPORT
Pioneer Marketplace Subdivision – 12 Commercial Lots
TLs 2400 & 2600

Project: Consideration of tentative plat approval for Pioneer Marketplace Subdivision, a proposed two-phase, 12-lot land division consisting of six standard lots, four pad lots and two common area tracts on two contiguous parcels totaling 7.6-acres.

Location: Located at the southeast corner of West McAndrews Road and North Ross lane in the C-C (Community Commercial) zoning district (372W26AD TL 2400 & 2600).

Applicant: Applicant: CDT- Bar LLC, Agent: CSA Planning, Planner, Dustin Severs.

Applicability: The Medford Public Works Department's conditions of ZC-08-144 and AC-10-089 as preserved in the Disposition and Development Agreement (DDA) for Pioneer Market Place as well as the conditions of the DDA itself shall remain in full force as originally adopted except as amended or added to below.

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

Prior to approval of Final Plat of Phase 1 or 2 (whichever occurs first) and/or the issuance of a building permit for vertical construction, whichever occurs first:

- 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)
- Items A – E, unless noted otherwise.

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

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

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

CITY OF MEDFORD
EXHIBIT # M-1
File # LDS-18-078

A. STREETS

1. Dedications

West McAndrews Road is classified as a Major Arterial street within the Medford Land Development Code (MLDC), Section 10.428. The developer shall dedicate for public right-of-way, sufficient width of land along the frontage of this development to comply with the half width of right-of-way for a Major Arterial street, which is 50-feet. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

North Ross Lane is classified as a Major Collector street within the MLDC, Section 10.428. No additional right-of-way is required except as necessary to accommodate a right turn lane as a condition of Zone Change ZC-08-144. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

Newbridge Way will be classified as a Commercial street within the MLDC, Section 10.429. In accordance with the adopted Disposition and Development Agreement (DDA) for Pioneer Market Place, ORD No. 2012-67, **the Developer shall dedicate 23.5-feet of public right-of-way along their southerly property line.**

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

Public Utility Easements, 10-feet in width, shall be dedicated along the street frontage of 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

West McAndrews Road has been partially improved to Major Arterial standards, along the frontage of this development, in accordance with MLDC Section 10.428. The Developer shall

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improve the south half plus 12-feet north of the centerline, or to the far edge of the existing pavement, whichever is greater, along the remaining approximately 340-feet of frontage on the east side of this development.

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

North Ross Lane is classified as a Major Collector street within the MLDC, Section 10.428. Street section improvements have been completed, including pavement, curb and gutter and sidewalk (P1740D). Street lights were not included with the previous street improvements constructed by Jackson County. Therefore, no additional improvements are required along the frontage of this development, except street lights as noted below, and a right turn lane as a condition of Zone Change ZC-08-144.

Newbridge Way will be classified as a Commercial street within the MLDC, Section 10.429. In accordance with the adopted Disposition and Development Agreement (DDA) for Pioneer Market Place, ORD No. 2012-67, **the Developer shall enter into a deferred improvement agreement (DIA) for the improvement of this street.**

Commission Update: As noted in the Applicants memo dated December 13, 2018, item #4, prior to final plat for Phase 2 or the first building permit on the site for vertical construction, whichever comes first, the Applicant shall complete the DIA for Newbridge Way (referred to as South Street in the DDA).

b. Street Lights and Signing

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

Street Lighting – Developer Provided & Installed:

A. 3 – Type A-400 (West McAndrews Road)
B. 3 – Type C-250 (Ross Lane North)
C. 1 – BMC

Note – The existing overhead power lines on Ross Lane at the south end of the project may interfere with the installation. Some modification might be needed.

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

A. None

Numbers are subject to change if changes are made to the plans. All street lights shall be

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

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

c. Pavement Moratoriums

There is no pavement cutting moratorium currently in effect along this frontage to Ross Lane North or West McAndrews Road.

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

d. Soils Report

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

e. Transportation System

In accordance with the conditions of the prior zone change (ZC-08-144):

1. A westbound left turn lane shall be constructed on McAndrews Road at the site access driveway.
2. A northbound right turn lane shall be constructed on North Ross Lane at the site access driveway.

Public Works recommends that the applicant revise their site plan to accommodate the future public street.

Cross-access easements or restrictive covenants, consistent with the shared accesses shown on the approved site plan, shall be shown on, or recorded with, the final plat.

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

f. Easements

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

3. Section 10.668 Analysis

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

10.668 Limitation of Exactions

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

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

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

1. Nexus to a legitimate government purpose

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

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

No mathematical formula is required to support the rough proportionality analysis. Furthermore, benefits to the development resulting from the dedication and improvements when determining "rough proportionality" have been considered, including but not limited to:

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increased property values, intensification of use, as well as connections to municipal services and the transportation network.

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

West McAndrews Road

The additional right-of-way will provide the needed width for a future planter strip on West McAndrews Road. West McAndrews Road is a 35 mile per hour facility, which currently carries approximately 6,700 vehicles per day. The 10-foot planter strip moves pedestrians a safe distance from the edge of the roadway. West McAndrews Road will be the primary route for pedestrians traveling to and from this development.

The additional street lighting on West McAndrews Road and Ross Lane North will provide the needed illumination to meet current MLDC requirements.

The City assesses System Development Charges (SDCs) to help pay for acquisition of right-of-way and construction of additional Arterial & Collector street capacity required as a result of new development. Because a mechanism exists in the form of SDC credit for right-of-way dedication and street improvements in accordance with Medford Municipal Code (MMC) 3.815 and other applicable parts of the Code, to fairly compensate the applicant, the conditions of MLDC, Section 10.668 are satisfied.

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

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

B. SANITARY SEWERS

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

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C. STORM DRAINAGE

1. Hydrology

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

2. Storm Drainage Conditions

Developer shall make improvements to this branch of Little Elk Creek to convey the 10-year storm with one foot of freeboard, or provide calculations showing this condition now exists.

Developer shall provide a 20 foot Creek and Riparian easement for Little Elk Creek measured from the centerline of the Creek.

Developer shall provide riparian plantings meeting Oregon Department of Fish and Wildlife (ODFW) standards within the Creek easement.

3. Stormwater Detention and Water Quality Treatment

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

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

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

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4. Grading

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

5. Mains and Laterals

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

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

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

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

6. 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 approval of the final plat.

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FAX (541) 774-2552

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. All public improvements shall be improved at the time any phase is being developed, unless noted otherwise.

Commission Update: As noted in the Applicants memo dated December 13, 2018, item #2, the timing of required public improvements shall be consistent with the timing specified in the site Plan and Architectural Commission (SPAC) approval (AC-10-089). In terms of tentative plat, this means that the SPAC conditions of approval associated with Tax Lot 2600 shall be timed

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according to subdivision Phase 1 and those conditions of approval timing associated with Tax Lot 2400 will be required as conditions of approval for Phase 2.

As noted in the Applicants memo dated December 13, 2018, item #3, prior to issuance of building permits for no more than 20,000 square feet of development on the site, Newbridge Way (referred to as South Street in the DDA) shall be constructed or else the Applicant shall install a right-turn lane at the project driveway to North Ross Lane.

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 SDC fees. 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.

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

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: Jodi K Cope
Reviewed by: Doug Burroughs
Revised by: Jodi K Cope

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SUMMARY CONDITIONS OF APPROVAL

Pioneer Marketplace Subdivision – 12 Commercial Lots, TLs 2400 & 2600 LDS-18-078

A. Streets

1. Street Dedications to the Public:

- **West McAndrews Road** – Dedicate additional right-of-way.
- **Ross Lane North** – Dedicate additional right-of-way for right turn lane at driveway.
- **Newbridge Way** – Dedicate additional right-of-way.

2. Improvements:

a. Public Streets

- Improve **West McAndrews Road** to Major Arterial street standards, along the easterly section of frontage.
- **North Ross Lane** improvements for right turn lane at driveway.
- **Newbridge Way** – Enter into a DIA.

b. Lighting and Signing

- Developer supplies and installs all street lights at own expense.

c. Transportation System

- Public Works recommends that the applicant revise their site plan to accommodate the future public street.
- Cross-access easements or restrictive covenants, consistent with the shared accesses shown on the approved site plan, shall be shown on, or recorded with, the final plat.
- Driveway access to the proposed development site shall comply with MLDC 10.550.\
- Address zone change conditions.

d. Other

- There is no pavement moratorium currently in effect along this frontage.
- Provide pavement moratorium letters.
- o Provide soils report.
- Easements

B. Sanitary Sewer

- The site is situated within the RVSS area.

C. Storm Drainage

- Provide an investigative drainage report.
- Comply with Storm Drainage Conditions.
- Provide a comprehensive grading plan.
- Provide water quality and detention facilities, calculations and O&M Manual.
- Provide engineers certification of stormwater facility construction.
- Provide storm drain laterals to each tax lot.

D. Survey Monumentation

- Provide all survey monumentation.

E. General Conditions

- Building permits will not be issued until after final plat approval.

- = City Code Requirement
- o = Discretionary recommendations/comments

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

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ENGINEERING & DEVELOPMENT DIVISION
200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us
TELEPHONE (541) 774-2100
FAX (541) 774-2552

50.1

Memorandum

CSA Planning, Ltd
4497 Brownridge, Suite 101
Medford, OR 97504
Telephone 541 779 0569
Fax 541.779.0114
Jay@CSAplanning.net

To: Medford Planning Commission

Cc: Alex Georgevitch, Deputy Public Works Director
Kelly Evans, Assistant Planning Director

Date: December 13, 2018

Subject: Pioneer Marketplace Subdivision

This morning, CSA met with the Alex and Kelly to discuss two specific issues with Public Works conditions of approval. After much discussion, language was settled upon to address the two issues. The below language is the suggested changes to the condition language to address these public works conditions of approval as well as relevant background information and interrelated conditions of approval.

1. The first condition of approval modification is a change to Discretionary Condition #2 as follows:

   > The Commission grants the applicant a timetable for the platting of the site ending February 18, 2022, per MLDC 10.202(D)(2).

   This change will align the tentative subdivision approval expiration with the SPAC approval upon which the plat is based and helps deal with the timing issues of some of the related conditions of approval.

2. That second condition of approval change concerns the timing of certain improvements. Following the initial SPAC approval, the Applicant requested the timing of certain public improvements be staggered to allow the project to be developed incrementally in a way that made reasonable business sense. A memo detailing those timing adjustments was provided to SPAC at its December 2, 2011 meeting. The request was approved. The CSA memo detailing the timing of the conditions of approval and the letter from Planning Director Huber confirming approval by SPAC is attached to this memo. This timing was also assumed as part of the DDA between the City and the Applicant. The recommended condition of approval be to Code Condition #3 as follows:

   > Comply with all conditions of approval stipulated by the Public Works Department (Exhibit M) except that the timing of required improvements shall be consistent with the timing specified in the SPAC approval. In terms of tentative plat, this means that the SPAC conditions of approval associated with Tax Lot 2600 shall be timed according to subdivision Phase 1 and those conditions of approval timing associated with Tax Lot 2400 will be required as conditions of approval for Phase 2

3. The next issue is the right-turn lane at the project driveway. This was conditioned as part of the zone change. However, it was not known at the time of the zone change that the City would be requiring a road at the south side of the property. This road became the subject of some dispute and ultimately resulted in a DDA between the City and the Applicant. While it should have been cleared up at that time, the right-turn lane is appropriate if there is no city street at the south property line and it is unnecessary if there is a city street. We propose the following condition language to address this issue that we think carries forward the intent of the DDA on this issue:

   > Prior to issuance of building permits for more than 37,000 square feet of development on the site, Newbridge Way (referred to as South Street in the DDA) shall be constructed or else the Applicant shall install a right-turn lane at the project driveway

CITY OF MEDFORD
EXHIBIT # S
File # LDS-18-078

4. The last condition of approval issue concerns the timing of the Deferred Improvement Agreement in the event the project is platted but no permits for vertical construction have been pulled and the DDA has not been extended.

> Prior to final plat for Phase 2 or the first building permit on the site for vertical construction whichever comes first, the Applicant shall complete the Deferred Improvement Agreement for Newbridge Way (referred to as South Street in the DDA).

CSA Planning, Ltd.

Jay Harland
President

Attachment: SPAC Amendment letter dated Dec. 7, 2011 with background materials

cc: File, Batzer

CITY OF MEDFORD
PLANNING DEPARTMENT

December 7, 2011

Plata Station LLC
P O Box 970
Medford OR 97501

Re: File No. AC-10-089
Revision to Timing of Conditions of Approval

On December 2, 2011, the Site Plan & Architectural Commission considered a request to modify the timing of conditions of approval for a previously approved application for Pioneer Marketplace, a 52,084 square foot commercial shopping center, on a 7.64 acre project site located on the southeast corner of West McAndrews Road and North Ross Lane within a C-C (Community Commercial) zoning district. Said request was approved effective on December 2, 2011.

This action does not change the expiration date of February 18, 2016.

If you have any questions regarding the above, please contact our office.

Sincerely,

James E. Huber

James E. Huber
Planning Director

ds
Enclosure: Commission Report/Exhibits G and H

cc: CSA Planning LTD, Jay Harland, 4497 Brownridge, Suite 101, Medford, Oregon 97504

RECEIVED
DEC 12 2011
BY: CSA

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phone (541) 774-2380 • fax (541) 774-2564
www.ci.medford.or.us

CITY OF MEDFORD
PLANNING DEPARTMENT

WRITTEN COMMUNICATION

Date: December 2, 2011

To: Site Plan & Architectural Commission

From: Sarah Sousa, Planner III

Reviewed By: Kelly Akin, Senior Planner

Subject: Pioneer Marketplace (AC-10-089)
Plata Station, LLC. (CSA Planning, Agent)

Proposal

Consideration of a request to modify the timing of conditions of approval for a previously approved application for Pioneer Marketplace, a 52,084 square foot commercial shopping center, on a 7.64 acre project site located on the southeast corner of West McAndrews Road and North Ross Lane within a C-C (Community Commercial) zoning district.

Background

The Commission adopted the Final Order granting approval of the project on February 18, 2011. Although no specific phasing plan was submitted, the project was given a five year approval period consistent with the maximum allowance for phased projects. The applicant has submitted a request to modify the timing of conditions for the project specific to Condition #7 which relates to:

1. The Public Works Department Staff Report items IA (1-7), 1B (1-2), 1D(1), 1E(1), & IV (A & B);
2. Fire Department Report (section labeled Fire Hydrants); and
3. Medford Water Commission Memo (section labeled Conditions) #3.

The applicant's agent has submitted a memo requesting the Commission modify the conditions to the language proposed within the memo (Exhibit A). Staff anticipates there will be revised comments from the Public Works Department, Fire Department, and Medford Water Commission available by the Commission meeting of December 2, 2011.

Project Review

The project includes two tax lots, Tax Lot 2400 & 2600 of the Jackson County Assessor's Map page 372W26AD (Exhibit F). Since the project has received Site Plan & Architectural Commission approval, Tax Lot 2600 has also been approved for a property

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

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Fax: (541) 774-2552

CITY OF MEDFORD
INTER-OFFICE MEMORANDUM

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PLANNING DEPT

Date: December 1, 2011 (Revise)

To: Sarah Sousa, Planning Department

From: Larry Beskow, City Engineer

Subject: Pioneer Market Place Condition Timing (AC 10-089)

This memo is the Public Works Department response to a request submitted by CSA Planning, Ltd to adjust and clarify the timing of conditions required by the Site Plan and Architectural Commission (SPAC) approval for the subject project, AC 10-089. The following response adheres to the same numbering format taken from the Public Works Staff Report dated February 15, 2011.

The Public Works Department has no objections to the requested changes in sub-sections I.A.1 through I.A.3 and I.A.5 through IV. D. The one item that needs additional discussion is I.A.4, which is the timing of the reservation, dedication, and construction of improvements of the street along the southerly boundary of this development ("the South Street").

The language in the draft of the proposed reservation for the South Street is generally acceptable to the Public Works Department, especially as it applies to the approval for AC 10-089 as a whole. Aside from the recent application of LDP 11-108, which is a land division of the reconfigured TL 2600 (County Map No. 37-2W-26AD), the Public Works Department has no issue with the requested change or clarification to item I.A.4. Public Works will be recommending a couple of minor revisions to the proposed reservations, but is in general agreement with them for both Tax Lots 2400 and 2600.

The Public Works Department would also like to take this opportunity to make the applicant aware that the Public Works Department will recommend to the Planning Commission in its report for LDP 11-108 that this Partition actually dedicate the South Street as public right-of-way on the final plat. This Partition will parcel the westerly portion of the Pioneer Market Place project into three parcels, and proposes to place the most westerly 210 feet of the South Street in Parcel 1, and under different ownership. The Public Works Department views this proposed land division as the appropriate time to get the dedication for this street, especially since it is the piece that fronts Ross Lane North and will set the location for the westerly extension of the South Street to the west of Ross Lane North. The Public Works Department can support the reservation for the South Street along the southerly boundary of TL 2400, or the balance of the Pioneer Market Place east of this partition.

The following points are provided to support the Public Works Department position for recommending the South Street dedication as a condition of the proposed partition, LDP 11-108:

1. The South Street is a needed connection in West Medford. It's proposed location is on the southerly 35 feet of Parcel 1. This street when fully connected will help relieve congestion on McAndrews Road, Ross Lane North, and West Main Street. The future easterly extension of this

CITY OF MEDFORD
EXHIBIT # G
File # AC-10-089
Rev Request

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

Memorandum

To: City of Medford
Site Plan and Architectural Commission

Date: November 18, 2011

Subject: Pioneer Market Place Condition timing
AC-10-089

On May 18, 2011, we met with City Staff to review the next steps in developing the Pioneer Market Place project. We discussed the need to partition portions of the development into separate lots and how any future land division of the site could potentially impact the compliance with the SPAC conditions, and what would be the best process to address the timing for meeting the substantive condition requirements of AC-10-089. It was agreed that the primary impact of land partition would be to make the timing unclear as to when those conditions would be met in relation to the phasing of the project.

Since that time, Tax Lot 2600 has been expanded through a property line adjustment and now we have submitted a partition application to divide the parcel into three lots, each containing the site for one of the proposed Buildings B to D from the approved Pioneer Market Place site plan. The proposed lots will all front on North Ross Lane. The partition is intended to provide needed flexibility for the development of the Pioneer Market Place project and to provide the owner with the opportunity to offer the lots for sale, thus bringing in funding needed to complete the project.

Therefore, we request the attached proposed condition timing language be considered as a minor revision at the next regularly scheduled Site Plan and Architectural Commission meeting to amend the timing for compliance with the approved conditions. No changes are anticipated to be needed to the content of the conditions, just changes as to when, in relation to the development of the project, each condition is to be met. We have attached to this memorandum a copy of the pertinent conditions as well as a copy of the approved site plan.

Thank you for your consideration of this matter.

CSA Planning, Ltd.

Jay Harland
Principal

cc. File

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NOV 18 2011

Planning Dept.

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

Memorandum

To: City of Medford
Site Plan and Architectural Commission

Date: November 18, 2011

Subject: Pioneer Market Place Condition timing
AC-10-089

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Since that time, Tax Lot 2600 has been expanded through a property line adjustment and now we have submitted a partition application to divide the parcel into three lots, each containing the site for one of the proposed Buildings B to D from the approved Pioneer Market Place site plan. The proposed lots will all front on North Ross Lane. The partition is intended to provide needed flexibility for the development of the Pioneer Market Place project and to provide the owner with the opportunity to offer the lots for sale, thus bringing in funding needed to complete the project.

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Thank you for your consideration of this matter.

CSA Planning, Ltd.

Jay Hariand
Principal

cc. File

Site Plan and Architectural Review Condition revisions

Because the site has a Commercial Site Master Plan that will be developed in phases, the substantive conditions that apply to the entire site need to be amended so that they are appropriately timed according to the project development phasing. In this regard, the Applicant herewith requests the conditions imposed in Planning File No. AC-10-089 be amended in a manner specifying which improvements relate to the development of the Ross Lane frontage and the McAndrews frontage portions of the development Applicant herewith requests the following condition implementation timing for the conditions imposed under AC-10-089 be approved as follows:

1. No changes requested
2. No changes requested
3. No changes requested
4. No changes requested
5. No changes requested
6. No changes requested
7. Changes requested are as follows:

   Prior to the issuance of the first building permit, or at such time as is otherwise specified in items a-h below, the applicant shall:

   a. Comply with the "Revised Public Works Department Report" dated February 15, 2011 (*AC-10-89, Exhibit N-1*) except that the timing of such conditions will be modified hereafter as follows:

      I.A.1 shall be completed prior to either final plat or the first building permit on the area of land that is currently identified as Tax Lot 2400.

      I.A.2 shall be completed prior to either final plat or the first building permit on the area of land that is currently identified as Tax Lot 2400.

      I.A.3 shall be completed prior to either final plat or the first building permit on the area of land that is currently identified as Tax Lot 2600.

      IA.4 The deed reservation described in this condition shall occur on the area of land that is currently identified as Tax Lot 2600 prior to issuance of the first building permit or final plat affecting said area identified as Tax Lot 2600. The deed reservation described in this condition shall occur on the area of land that is currently identified as Tax Lot 2400 prior to issuance of the first building permit or final plat affecting said area identified as Tax Lot 2400.

      IA.5 No changes

      IA.6 The PUE described in this condition shall occur on the area of land that is currently identified as Tax Lot 2600 prior to issuance of the first building permit or final plat affecting said area identified as Tax Lot 2600. The PUE described in this condition shall occur on the area of land that is currently identified as Tax Lot 2400 prior to issuance of the first building permit or final plat affecting said area identified as Tax Lot 2400.

      IA.7 The first sentence shall be amended to read, "The right-of-way dedications shall be recorded in accordance with the timing requirements in IA1 through 3 above."

      IB.1 Improvements shall be completed prior to the first building permit or prior to final plat on the area of land that is currently identified as Tax Lot 2400.

      IB.2 Improvements shall be completed prior to the first building permit or prior to final plat on the area of land that is currently identified as Tax Lot 2600.

      IB.3 No Changes

      IC. No Changes

ID. Following approval of the street lighting for the Master Plan, street lights required for the area of land currently identified as Tax Lot 2600 shall be installed prior to the issuance of building permits or final plat on said area identified as Tax Lot 2600. Following approval of the street lighting for the Master Plan, streets lights required for the area of land currently identified as Tax Lot 2400 shall be installed prior to the issuance of building permits or final plat on said area identified as Tax Lot 2400.

IE. Sentence 3 shall be amended to read as follows: The existing residential driveway on Tax Lot 2600 shall be removed prior to or contemporaneous with the issuance of a demolition permit for the existing residence.

IF. No changes.

II. No Changes

IIIA. No Changes

IIIB. No Changes

IIIC. No Changes

IVA. Prior to issuance of Building Permit or final plat on the land area currently identified as Tax Lot 2400.

IVB. Drainage easement -Prior to issuance of Building Permit or final plat on the land area currently identified as Tax Lot 2400.

PUE easement- Required PUE's to be provided as noted on each parcel prior to issuance of Building Permit or final plat for that parcel

IVC. No Changes

IVD. No Changes

b. Comply with the memo from the Fire Department Report dated January 7, 2011 (*AC-10-089, Exhibit O*), where the hydrant by Building D shall be installed prior to the issuance of a building permit or final plat on the land area currently identified as Tax Lot 2600 and where the other two hydrants shall be installed prior to the issuance of a building permit or final plat on the land area currently identified as Tax Lot 2400.

c. Regarding the memo from the Medford Water Commission Memo dated January 11, 2011 (*AC-10-089, Exhibit P*), the Applicant desires to reuse the water service to the existing residence on Tax Lot 2600 for irrigation purposes once the residence has been demolished rather than abandoning the line. Therefore the Applicant requests that the condition be changed to allow continued use of the existing water service for site irrigation.

d. No changes

e. No changes

f. No changes

g. No changes

h. No changes

8. No changes requested

Sarah,

We approve their request.

Thank you,

Greg Kleinberg
Fire Marshal
Medford Fire-Rescue
541-774-2317
www.medfordfirerescue.org

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NOV 22 2011
PLANNING DEPT

From: Sarah K. Sousa
Sent: Tuesday, November 22, 2011 2:38 PM
To: Greg G. Kleinberg
Subject: FW: Pioneer Marketplace - Request for condition modification

Hi Greg,

CSA Planning has requested a revision to the Pioneer Marketplace (AC-10-089) Site Plan Commission approval related to the conditions. They are requesting to change the language of the conditions to specify timing. One of the conditions they would like to have modified is a condition of the Fire Department . Please take a look at the attached request. (specifically, page 3 b).

The revision request is going before the Site Plan Commission on December 2nd. I'm not going to make a recommendation for approval without the consent of Public Works, MWC, and the Fire Department. Please let me know your comments/recommendation on this request.

Thanks,
Sarah

Sarah Sousa
Land Use Planner
Medford Planning Department
200 S. Ivy Street
Medford, OR 97501

CITY OF MEDFORD
EXHIBIT # H
File # AC-10-089
Revision Request

Minutes

From Public Hearing on **December 13, 2018**

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

Commissioners Present
Patrick Miranda, Chair
David McFadden, Vice Chair
David Culbertson
Joe Foley
Bill Mansfield
E.J. McManus

Staff Present
Kelly Evans, Assistant Planning Director
Madison Simmons, Senior Assistant City Attorney
Alex Georgevitch, City Engineer
Terri Richards, Recording Secretary
Dustin Severs, Planner III

Commissioner Absent
Jared Pulver, Excused Absence
Mark McKechnie, Excused Absence
Alex Poythress, Excused Absence

10. Roll Call

20. Consent Calendar/Written Communications.

20.1 E-18-137 Final Order of a request for an Exception to the lot depth requirement for Lot 10 of Phase 7 of West View Village Subdivision, located north of Lozier Court, approximately 300 feet east of Lozier Lane within the SFR-10 (Single Family Residential, 6 to 10 dwelling units per gross acre) zoning district (372W26DD900). Applicant: PDK Properties; Agent: Scott Sinner Consulting; Planner: Steffen Roennfeldt.

20.2 LDP-18-140 / ZC-18-141 Final Orders of a request for tentative plat approval of a proposed two-lot partition, along with a request for a change of zone from C-C (Community Commercial) to, in part, MFR-30 (Multi Family Residential, 20 to 30 dwelling units per gross acre) on a 4.31-acre parcel located at 59, 75 & 101 Lozier Lane and 2267 & 2287 W Main Street within the C-C zoning district (372W26DA1000). Applicant: Manjoh LLC; Agent: Scott Sinner Consulting; Planner: Steffen Roennfeldt.

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

Moved by: Vice Chair McFadden Seconded by: Commissioner Foley

Roll Call Vote: Motion passed, 6-0.

30. Minutes

30.1 The minutes for November 29, 2018, were approved as submitted.

40. Oral and Written Requests and Communications. None.

Madison Simmons, Senior Assistant City Attorney, read the Quasi-Judicial Statement.

50. Public Hearings – **New Business**

50.1 LDS-18-078 Consideration of tentative plat approval for Pioneer Marketplace Subdivision, a proposed two-phase, 12-lot land division consisting of six standard lots, four pad lots and two common area tracts on two contiguous parcels totaling 7.6-acres located at the southeast corner of West McAndrews Road and North Ross lane in the C-C (Community Commercial) zoning district (372W26AD TL 2400 & 2600). Applicant: CDT-Bar LLC.; Agent: CSA Planning, Ltd.; Planner: Dustin Severs.

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner Foley disclosed that he worked through June for the company that operates on the facility. He has since retired and has not financial interest in the company. He has had zero contact with them about this matter.

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

Dustin Severs, Planner III stated that staff received a new exhibit that summarizes a meeting that was held this morning with CSA Planning Ltd., to discuss the possibility of revising the time table for the street improvements required along North Ross Lane and West McAndrews. Based on that meeting Public Works has agreed to revise their staff report that will be included in the Commission report. Alex Georgevitch, City Engineer is in attendance this evening and will discuss what is in the revised staff report. The new exhibit will be entered into the record as Exhibit S.

The Land Division approval criteria can be found in the Medford Land Development Code Section 10.202(E). The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance.

Mr. Severs gave a staff report.

There are several modifications to the Conditions of Approval. Change discretionary condition #2 to read: *"Approval of the tentative plat shall expire on February 18 2022, coinciding with the expiration of the approved site plan for Pioneer Marketplace."* Also, adding discretionary condition #3 to prior to the approval of final plat for phase one the

applicant shall obtain approval of the Planning Commission to amend the condition requiring the right turn lane on North Ross Lane and right in for ZC-08-144 which means the zone change will have to be reopened in order to modify that condition.

Commissioner Foley asked for clarification on the third discretionary condition. Mr. Severs stated that the applicant was required to construct a right turn lane off North Ross Lane. They would like to have that phased with the future development of the site. It is curious whether or not this body has the authority to amend that condition of approval established in 2008. It was decided that the Planning Commission could not. In order to make any changes to previously established conditions the zone change would have to be reopened. It will require the applicant to get an updated traffic study that shows it is not necessary or to have a condition added that the applicant will install the right turn lane if the reservation road is never created. The reservation road was required with the DDA that runs east/west along the southerly boundary of the site. The applicant's view is that it is not necessary to install the right turn lane if they are to construct that future street. Mr. Severs deferred the clarification to Mr. Georgevitch.

Mr. Severs continued with his staff report. In summary, there are three discretionary matters before the Commission and in addition to the standard approval for the land division and pad lots. They are: 1) Allow the lot lines of the four proposed pad lots a greater distance than four feet from the exterior walls of the future buildings, as per MLDC 10.703(B)(1); 2) Revise Condition #2: Establishing an expiration date for the tentative plat of February 18, 2022, in order to coincide with the site plan approval; and 3) Addition of discretionary condition #3: Prior to approval of the final plat for phase 1, the applicant shall obtain the approval of the Planning Commission to amend the condition requiring the right turn lane on North Ross Lane for ZC-08-144.

Vice Chair McFadden asked, is it required that traffic between phase 1 and phase 2 be isolated for each areas during development? Mr. Severs stated that is what the applicant is wanting to do. They have been negotiating as late as this afternoon. Mr. Severs deferred the question to Mr. Georgevitch.

Alex Georgevitch, City Engineer reported that there are several changes to the Public Works staff report. As stated they met with the applicant's agent earlier today to discuss several of the issues. This particular site has a long history going back to 2008. It also had a Site Plan and Architectural Commission application and a DDA with the City Council.

Staff reviewed the old applications and conditions of approval and saw language that they did not realize had subsequent revisions to that language and therefore the Public Works staff report language needs to change. Jay Harland, CSA Planning Ltd., has addressed this well with a minor revision. In his memorandum there are four points. Mr. Severs covered item #1 of the memorandum in regards to a time table for the platting of the site ending February 18, 2022.

Item #2 deals with when public improvements will be required. Public Works supports the language and will incorporate it into their staff report for the Commission Report.

Item #3, Public Works has a clarification that it states "...for more than 37,000 square feet..." There is an existing building on the site that is 17,000 square feet. Is the applicant adding 37,000 new square feet or is it 37,000 cumulative? The intent is for it to be no more than 37,000 cumulative square feet. Public Works wants it changed to read: *"Prior to issuance of building permits for no more than 20,000 new square feet of development on the site..."* Than will be amended into the Public Works staff report for the Commission Report.

Item #4 is specific dealing with the DDA and site development adding clarity to what happens if the DDA goes away and how it will be dealt with when they sign the Deferred Improvement Agreement.

Commissioner Foley asked, what is the decision of the right turn lane off North Ross Lane into the driveway? Mr. Georgevitch reported that is Item #3 in Mr. Harland's memorandum. It will be after 20,000 square feet of new development occurs on the site they will have to either build a right turn lane or build the southerly street. Mr. Harland should clarify that number as well.

Vice Chair McFadden asked, without improvement of the intersection at the northeast corner is that an agreeable issue for City Traffic? Mr. Georgevitch stated that there is an existing driveway and an asphalt path to the phase line. The zone change requires a left turn there and phase 2 requires frontage improvements. The applicant will have to decide how to proceed with that. The zone change will dictate when the left turn lane will be built. The question is when will mitigation occur and per Item #2 it will be when phase 2 moves forward. The left turn lane is a separate issue that needs to be addressed either through an analysis by the applicant and deciding if they want to modify that as well through the reopening of the zone change.

The public hearing was opened.

a. Jay Harland, CSA Planning Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon 97504. Mr. Harland reported that the 20,000 square feet was the intent. The 37,000 square feet would be the total and at that point it would trigger the right turn lane or the street. The zone change analyzed approximately 25% more square footage than ultimately in the center. It had half the trips coming in and out of the intersection of North Ross Lane. If the street goes in there would be a significant splitting of trips.

The cross access issue is that they are two separate properties. The applicant wants to get a couple buildings built in the first phase to create cash flow to do the site

improvements that are extensive. Between the turn lane and half plus they are rebuilding almost all of McAndrews Road in that area.

Commissioner Foley asked, is the new road on this property or on the southern property? Mr. Harland reported that it is split. There are two strips. One is a reservation of right-of-way that came from the Site Plan and Architectural Commission that is 35 feet from the property line. As part of the subdivision the applicant will be required to dedicate 23½ feet that is the width needed to put the road on the center line. There will be an additional reservation that will allow the half plus on this property in the event the property on the south does not redevelop.

Commissioner Foley asked, is the parking on the southerly side on the right-of-way? Mr. Harland stated yes. That would be in the dedicated right-of-way and the DDA provides the City will do an encroachment permit back in the interim to allow it to be used for parking until it becomes a street. The center does not need that row of parking to meet its parking requirements.

Mr. Harland reserved rebuttal time.

Mr. Severs requested the Planning Commission to include the three discretionary conditions in their motion.

The public hearing was closed.

Motion: The Planning Commission adopted the findings as recommended by staff and directed staff to prepare the Final Order for approval of LDS-18-078 per the staff report dated December 6, 2018, including Exhibits A through R, adding Exhibit S; Allow the lot lines of the four proposed lots a greater distance than four (4) feet from the exterior walls of the future buildings as per MLDC 10.703(B)(1); Revise Condition #2: Establishing an expiration date for the tentative plat of February 18, 2022, in order to coincide with the site plan approval; and Addition of discretionary condition #3: Prior to approval of the final plat for phase 1, the applicant shall obtain the approval of the Planning Commission to amend the condition requiring the right turn land on North Ross Lane for ZC-08-144.

Moved by: Vice Chair McFadden Seconded by: Commissioner Foley

Roll Call Vote: Motion passed, 6-0.

60. Reports

60.1 Site Plan and Architectural Commission.

Commissioner Culbertson reported that the Site Plan and Architectural met on Friday, December 7, 2018. He was not able to attend. He believes there was one item on the consent calendar that was approved.

Kelly Evans, Assistant Planning Director stated that the business item was continued to the January 18, 2019 meeting in order to obtain information about a traffic analysis.

60.2 Planning Department
Ms. Evans reported that the Boards and Commissions luncheon is scheduled for Friday, January 11, 2019 at the Inn at the Commons at noon. Ms. Evans encourage the Planning Commission to attend.

The next Planning Commission study session scheduled for Monday, December 24, 2018 has been cancelled. The next study session is scheduled for Monday, January 14, 2019. Discussion will be on the Phoenix-Talent School District Masterplan.

There is business scheduled for the Planning Commission on Thursday, December 27, 2018, Thursday, January 10, 2019 and Thursday, January 24, 2019.

Last week the City Council approved the Housing and Housekeeping amendments and the Accessory Dwelling Units. They made a change to the Housekeeping amendments to incorporate the ability to go back and forth between commercial and residential uses.

Next week the City Council will hear the Wetlands Inventory and Regulations and the Housing Authority Comprehensive Plan amendment.

Ms. Evans wished the Planning Commission Happy Holidays. Staff appreciates their thoughtfulness, effort and commitment to the City.

70. Messages and Papers from the Chair.
70.1 Chair Miranda stated that staff has done a phenomenal job putting together the agenda packets and presenting the information to the Planning Commission. Giving them the necessary groundwork and foundations to do the work they have been able to accomplish this year. He thanked staff.

80. Remarks from the City Attorney. None

90. Propositions and Remarks from the Commission.
90.1 Commission Foley noted that the luncheon last year was lightly attended by the Planning Commission. Just Commissioner McKechnie and he attended. It was the first year at the Inn at the Commons.

Chair Miranda remarked that he plans on attending the luncheon this year. He was out of town last year.

100. Adjournment

The meeting was adjourned at 6:14 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Terri L. Richards
Recording Secretary

Patrick Miranda
Planning Commission Chair

Approved: December 27, 2018

STAFF REPORT – CONTINUANCE REQUEST

for a Type III quasi-judicial decision: **Land Division**

Project	High Cedars and Cedar Landing PUD, Phases 3 through 7 Applicant: Cedar Landing Development LLC; Agent: CSA Planning Ltd.	
File no.	LDS-18-153	
To	Planning Commission	*for 12/27/2018 hearing*
From	Liz Conner, Planner II	
Reviewer	Kelly Evans, Assistant Planning Director	
Date	December 20, 2018	

BACKGROUND

Proposal

Consideration of a request to revise the tentative plat of Phases 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A and 7B of the "High Cedars at Cedar Landing a Planned Community". The project area is located south of Cedar Links Drive and west of Foothill Road within the SFR-4/PD (Single Family Residential four dwelling units per gross acre/Planned Development Overlay) zone. (371W16CA, TL 2200-2206, 371W16D, TL 7000-7005)

Request

The applicant has requested that the item be continued to January 10, 2019, in order to amend the tentative plat and provide additional information on proposed intersections.

EXHIBITS

A Continuance request received December 13, 2018
Vicinity map

PLANNING COMMISSION AGENDA: **DECEMBER 27, 2018**

Continuance Request

To:
- ☐ Landmarks and Historic Preservation Commission
- ☒ Planning Commission
- ☐ Site Plan and Architectural Commission

RE: Project Name: Revisions to portion of High Cedars at Cedar Landing

File No(s): LDS-18-153

I am the ☐applicant ☒ authorized agent for the above referenced project. Please continue the public hearing for the above referenced file to the following date:

January 10, 2019

Reason for request: 1. Revisions to exclude portions of High Cedars at Cedar Landing that have already been or are in the process of reveiving final plat. 2.Will provide new evidence on proposed intersections.

This request is made pursuant to ORS 222.178(5):

> *The 120-day period set in subsection (1) of this section may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (11) of this section for mediation, may not exceed 245 days.*

I understand that this request extends the 120-day period equal to the number of calendar days between hearings (i.e., April 10 to May 8 = 28 days).

Signature

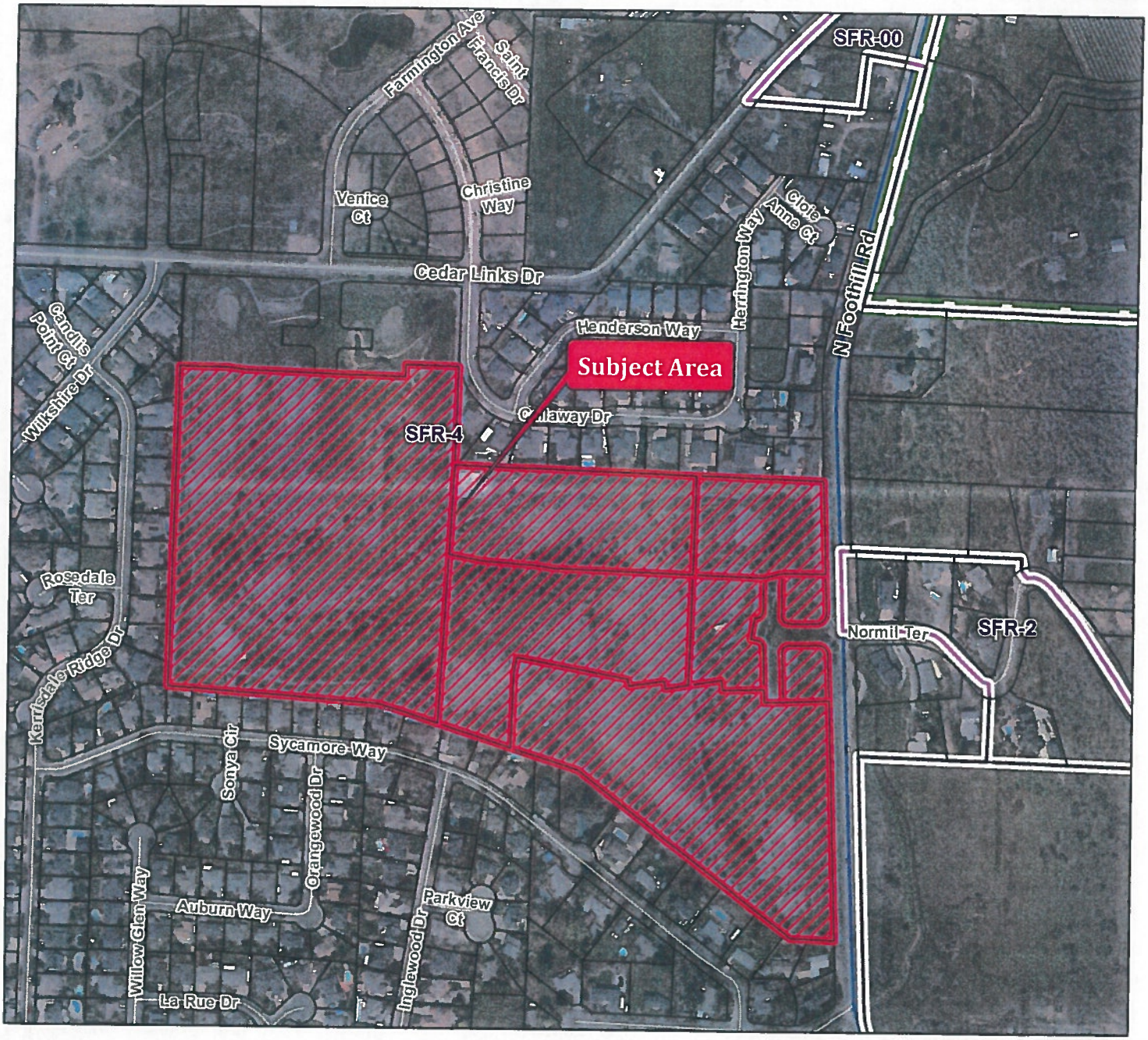
12-13-2018
Date

CSA Planning, Ltd. Mike Savage
Print Name

City of Medford
Planning Department

Vicinity Map

File Number:
LDS-18-153



Project Name:

High Cedars at Cedar Landing Phases 3A & B -7 A& B

Map/Taxlot:

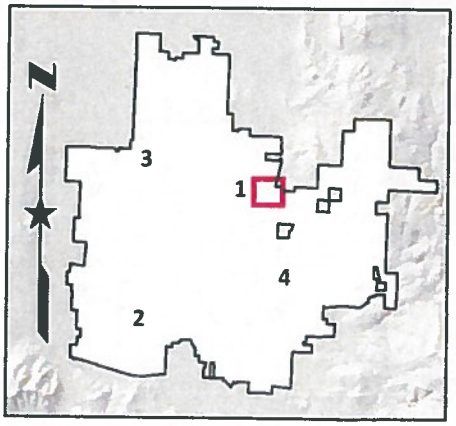
371W16CA
TL 2202, 2203
371W16D
TL 7000-7005

0 310 620 Feet

Legend

- Subject Area
- Zoning Districts
- Tax Lots

12/06/2018



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT

for a type-III quasi-judicial decision: *Land Division & Exception*

PROJECT	McKenzie Village Applicant: Tom Malot Construction, Inc. Agent: Richard Stevens & Associates
FILE NO.	LDS-18-149 / E-18-150
TO	Planning Commission
FROM	Dustin Severs, Planner III
REVIEWER	Kelly Evans, Assistant Planning Director
DATE	December 20, 2018

for December 27, 2018 hearing

BACKGROUND

Proposal

Consideration of tentative plat approval for McKenzie Village, a proposed 25-lot residential subdivision, along with a request for an Exception for lot depth, on three contiguous parcels totaling 3.51-acres located north of Midway Road, west of Interstate 5, and east of Cummings Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district.

Vicinity Map

Subject Site Characteristics

Zoning: SFR-10 (Single-Family Residential, ten dwelling units per gross acre)

GLUP: UR (Urban Residential)

Overlay(s): AC (Airport Area of Concern)

Use(s): Vacant

Surrounding Site Characteristics

North Zone: SFR-10
Use(s): Residential subdivision (Forette Place)

South Zone: SFR-10 & P-1 (Public Parks)
Use(s): Residential Subdivision (Midway Park)

East Zone: SFR-00 (Single Family Residential, one dwelling unit per lot) & P-1
Use(s): I-5

West Zone: SFR-10
Use(s): Residential subdivision (Cummings Place)

Related Projects

ZC-03-255 zone change going from County zoning to SFR-10

PLA-17-060 property line adjustment

Applicable Criteria

MLDC 10.202(E): Land Division Criteria

The 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.

MLDC 10.186: Exception

(A) Exception, Purpose.

The purpose of this section is to empower the approving authority to vary or adapt the strict application of the public improvement and site development standards as contained in Article III, Sections 10.349 through 10.361, and 10.370 through 10.385, as well as Articles IV and V of this chapter. Exceptions may be appropriate for reasons of:

(1) exceptional narrowness or shape of a parcel; or

(2) exceptional topographic conditions; or

(3) extraordinary and exceptional building restrictions on a piece of property; or

(4) if strict applications of the public improvement or site development standards in the above-referenced Articles would result in peculiar, exceptional, and undue hardship on the owner.

(B) 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 land use review 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.

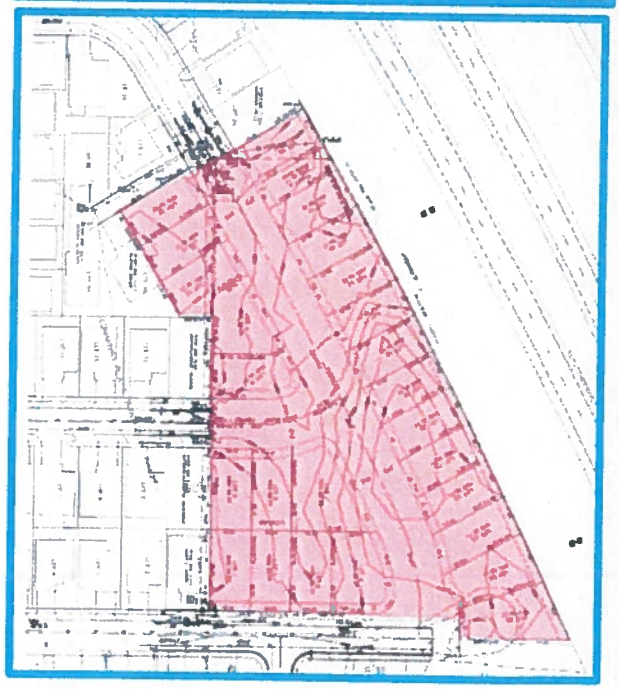
(2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.

(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.

ISSUES AND ANALYSIS

Project Summary



The subject property totals 3.51 acres of vacant land, and is largely encompassed by existing neighborhoods of single-family residential subdivisions, including Cummings Place Subdivision to the west of the site, Midway Park Subdivision to the south, and Forette Place to the north. The subject site is also bounded by I-5 along its easterly boundary, and Midway Road – a Minor Residential street – along its southerly boundary.

The applicant is proposing a 25-lot residential subdivision with the development of the site with the submitted tentative plat showing a lot layout expanding on the existing residential subdivisions in which are adjacent to the site. The applicant will be completing three existing streets, which currently abut the site: the north side of Midway Road, running along the site's southerly boundary, will be improved to Minor Residential street standards, including an 8-foot park strip and a 5-foot sidewalk; Isabell Drive, which is currently stubbed at the site's easterly boundary, will be constructed to Minor Residential street standards, and extended to Reanna Way; and Reanna Way, currently stubbed at the site's northerly boundary, will be extended south to Midway Road, and constructed to Minor Residential street standards.

The applicant is also requesting an Exception from lot depth requirements. Pursuant to MLDC 10.114, the proposed 25-lot residential subdivision and the Exception request may be heard concurrently, and the Planning Commission is the authorized approving authority for both land use reviews, as per MLDC 10.108(1).

Density

Density Table

SFR-10	Allowed	Shown
Min. /Max. Density ***6.0 to 10.0 dwelling units per gross acre***	22 min. / 36 max.	25 lots

As shown on the Density Table above, based on 3.64 gross acres of land, the creation of 25 lots, as identified on the submitted tentative plat, falls within the minimum/maximum range permitted for the SFR-10 zoning district as per MLDC 10.710.

Development Standards

Site Development Table (MLDC 10.710)

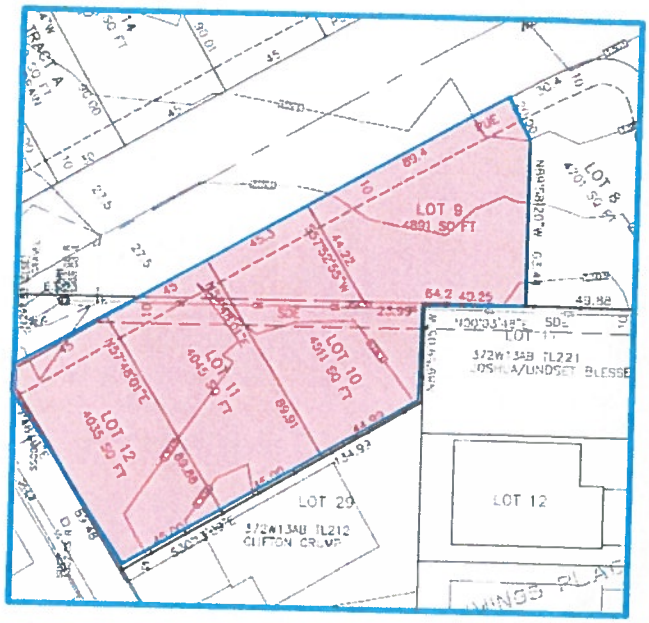
SFR-10	Lot Area	Min. lot Width (Interior)	Min. lot Width (Corner)	Min. lot Depth	Min. Lot Frontage
Required	3,600 to 8,125	40 feet	50 feet	90 feet	30 feet
Shown	4,035 to 7,200	+ 40 feet	+ 50 feet	-90 feet (lot 9-12)	+ 30 feet

As shown in the Site Development Table above, it can be found that, with the exception of lot depth for lots 9-12, the 25 proposed lots identified on the submitted tentative plat meet all the dimensional standards for the SFR-10 zoning district as found in Article V of the Medford Land Development Code.

Exception

SFR-10	Min. lot Depth: 90 feet
Lot 9	62 feet
Lot 10	89.91 feet
Lot 11	89.88 feet
Lot 12	89.48 feet

The applicant is requesting an exception from meeting the minimum lot depth standard of the Code for lots 9-12, as identified on the tentative plat. Pursuant to MLDC 10.710, the SFR-10 zoning district requires a minimum depth of 90 feet for all newly created lots. While lots 10-12 are only inches from meeting the minimum, lot 9 is short by 28 feet. All four lots meet all other dimensional standards of the Code (e.g., area, width, frontage). It is the applicant's responsibility to effectively demonstrate in their submitted findings that there are circumstances unique to the physical characteristics of the site which do not apply elsewhere in the City, and which constitute an undue hardship on the owner.



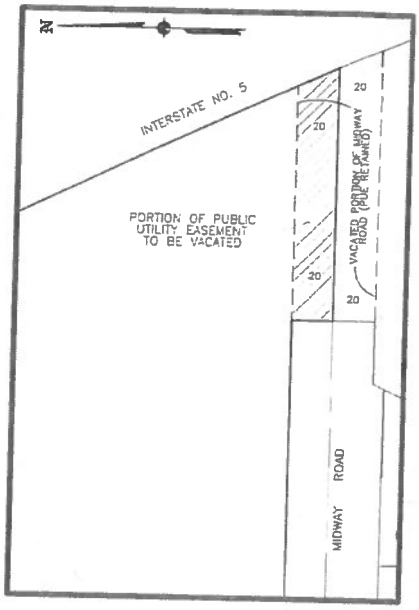
The applicants submitted findings state the following:

> *The unusual circumstances with this proposal is the presence of I-5 at an angle with the project area and the existing urban residential development (Cummings Place) on lands to the west. Meeting all of the minimum requirements is not feasible along the frontage of Reanna Way, north of Isabell Drive. Insufficient area exists to meet the standards; therefore, this request is being made. It was determined that maintaining the lot depths adjacent to I-5 and also meeting the right-of-way standards for a minor residential street was in the best interest of the neighborhood. This subdivision can be defined as an infill project that completes road connectivity in the vicinity with a planned street system. Due to the existing constraints with lots 9-12 it is not feasible to meet the lot depth standard and a hardship on the owner would exist without an exception to the lot depth.*

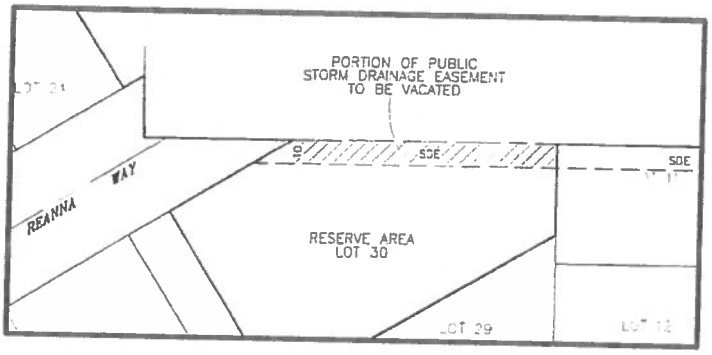
Staff concurs with the applicant's findings. Infill developments on vacant/developable land are often constrained by historic development patterns, making it difficult to plat a site to maximum density while meeting all applicable dimensional standards of the Code. In the interest of promoting greater housing density and efficient use of land within the City – as identified in the *Housing Element* of the *Medford Comprehensive Plan* and Goal 10 of the *Oregon Statewide Planning Goals* – allowing exceptions for infill projects that do not adhere to the strict standards of the Code in meeting lot size standards is often necessary in order to accommodate needed population growth within the City's existing urban growth boundary. It is further staff's view that the infill nature of the subject development constitutes an exceptional circumstance of the property, and that given the slight relief requested by the applicant, an exception can be granted in keeping with the purpose and intent of the Code in created parcels that provide adequate spacing for the type of housing units permitted within the SFR-10 zoning district.

Easements

Maps of survey submitted by the applicant (Exhibit I) identify two separate public easements currently located on the site: a 10-foot public storm drainage easement running through lots 10-12, and a 20-foot public utility easement at the site's southeast corner.



As a condition of approval, the applicant will be required to gain approval for the vacation of the public easements identified on the submitted maps of survey (Exhibit I), prior to final plat approval.



Facility Adequacy

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

Other Agency Comments

Oregon Department of Transportation (ODOT) (Exhibit H)

Per the email submitted to staff, ODOT requires the following:

- Any work within the state right of way will require a permit.
- ODOT will need to review and approve hydro calculations for the proposed development.

The applicant will be required to comply with all applicable requirements of the Oregon Department of Transportation, prior to final plat approval.

Committee Comments

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

FINDINGS AND CONCLUSIONS

Land Division

Staff finds the subdivision plat consistent with the Comprehensive Plan and all applicable design standards set forth in Articles IV and V. Furthermore, the subdivision will not prevent development of the remainder of the property under the same ownership or of adjoining land; bears a name (McKenzie Village) that has been reviewed and approved by the City's Address Technician; the plat includes the creation of streets, which are laid out to be consistent with existing and planned streets of the adjoining properties; and criterion 5-6 are inapplicable.

Exception

Staff finds that the approval of the exception request is in harmony with the general purpose and intent of the SFR-10 zoning district, and will not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources; will not permit the establishment of a use which is not permitted in the SFR-10 zoning district; the exceptional shape of the property combined with the infill nature of the development constitutes a unique or unusual circumstance which applies to the site which does not apply elsewhere in the City, and would thereby result in a an undue hardship on the owner; and the need for the exception is not the result of an illegal act.

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

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of LDS-18-149 & E-18-150 per the staff report dated December 20, 2018, including Exhibits A through I.

EXHIBITS

A Conditions of Approval, dated December 20, 2018.
B Tentative Plat, received December 5, 2018.
C Conceptual Grading & Drainage Plan, received November 9, 2018.
D Applicant's Findings of Fact, received December 5, 2017.
E Public Works Staff Report, received December 5, 2018.
F Medford Water Commission memo & associated map, received December 5, 2018.
G Medford Fire Department Report, received December 5, 2018.
H Oregon Department of Transportation (ODOT), November 27, 2018.
I Survey maps showing vacation areas (1 of 2), dated December 5, 2018.
Vicinity map

PLANNING COMMISSION AGENDA: **DECEMBER 27, 2018**

EXHIBIT A

McKenzie Village
LDS-18-149 / E-18-150
Conditions of Approval
December 20, 2018

CODE REQUIRED CONDITIONS

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

1. Comply with all conditions stipulated by Medford Public Works Department (Exhibit E)
2. Comply with all conditions stipulated by the Medford Water Commission (Exhibit F).
3. Comply with all requirements of the Medford Fire Department (Exhibit G).
4. Comply will all applicable requirements of the Oregon Department of Transportation (Exhibit H).
5. Gain approval for the vacation of the public easements identified on the submitted maps of survey (Exhibit I).

CITY OF MEDFORD
EXHIBIT # A
FILE # LDS-18-149/E-18-150

RECEIVED

NOV 09 2018

PLANNING DEPT.

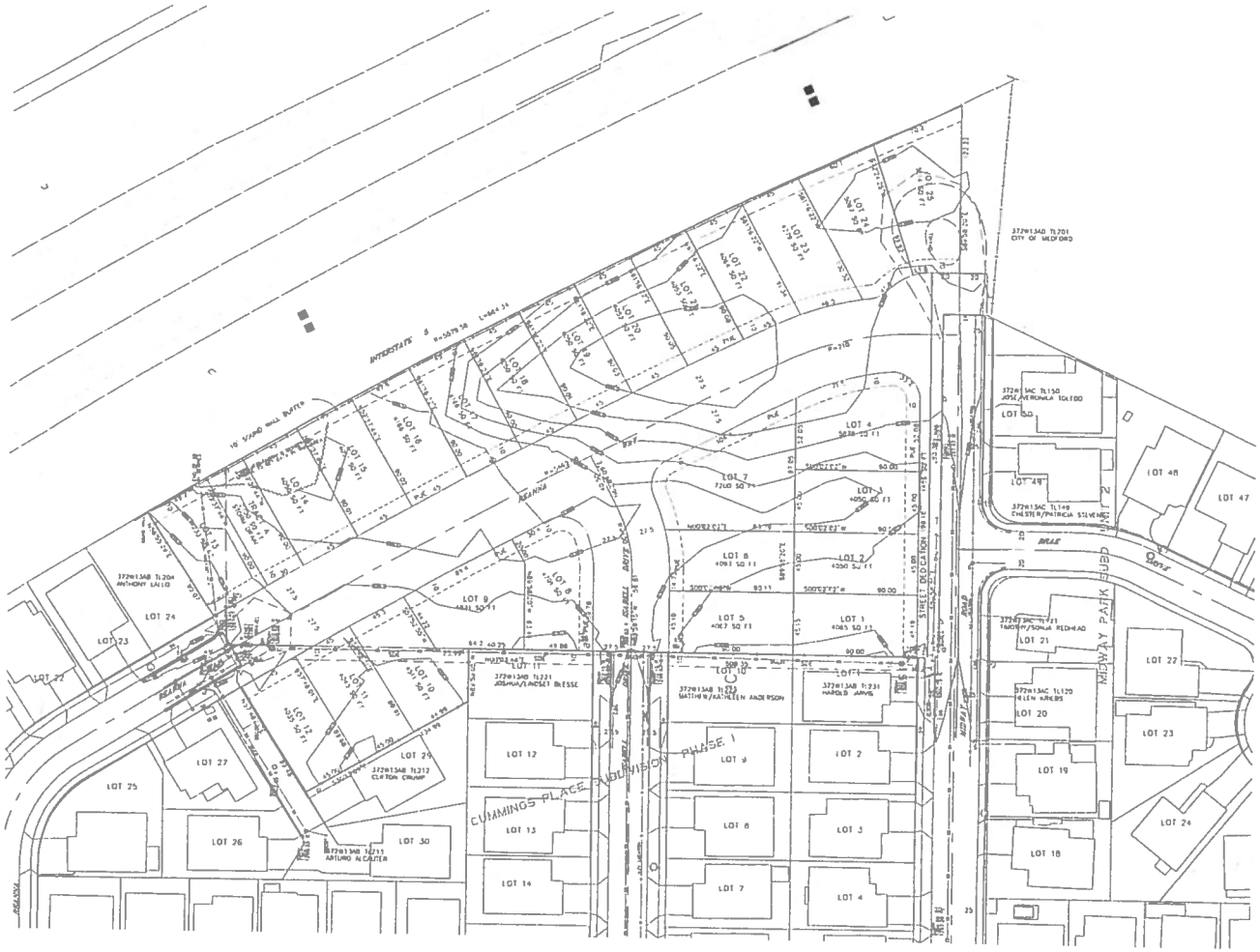
Tentative Plat Of

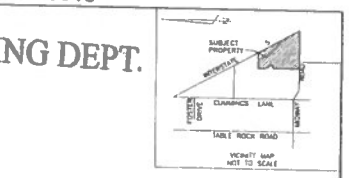
MCKENZIE VILLAGE

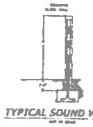
A Subdivision

In the N.E. 1/4 of Section 13 T.37S. R.2W. W.M.

In the City of Medford Jackson County, Oregon







TYPICAL SOUND WALL

GENERAL NOTES

REANNA WAY & ISABELL DRIVE

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JULY 17, 1986 JAMES E. HIBBS 2234

RENEWAL DATE 6-30-18

TITLE: TENTATIVE SUBDIVISION PLAT & TOPOGRAPHIC SURVEY

ASSESSOR'S MAP & TAX LOT: 372W13AA TL'S 601 & 700; 372W13AB TL'S 211 & 213

OWNER: TOM MALOT CONSTRUCTION CO. INC. PO BOX 3304 CENTRAL POINT, OR 97502

LJ FRAR & ASSOCIATES P.C. CIVIL ENGINEERS, LAND SURVEYORS 1400 OAK STREET, PHOENIX, OR 97535 (541) 772 3761

DATE: 5 NOV 2018

SCALE: 1 inch = 20 feet

DRAWN BY: JTV

CHK BY:

DRAWING:

REVISION NO:

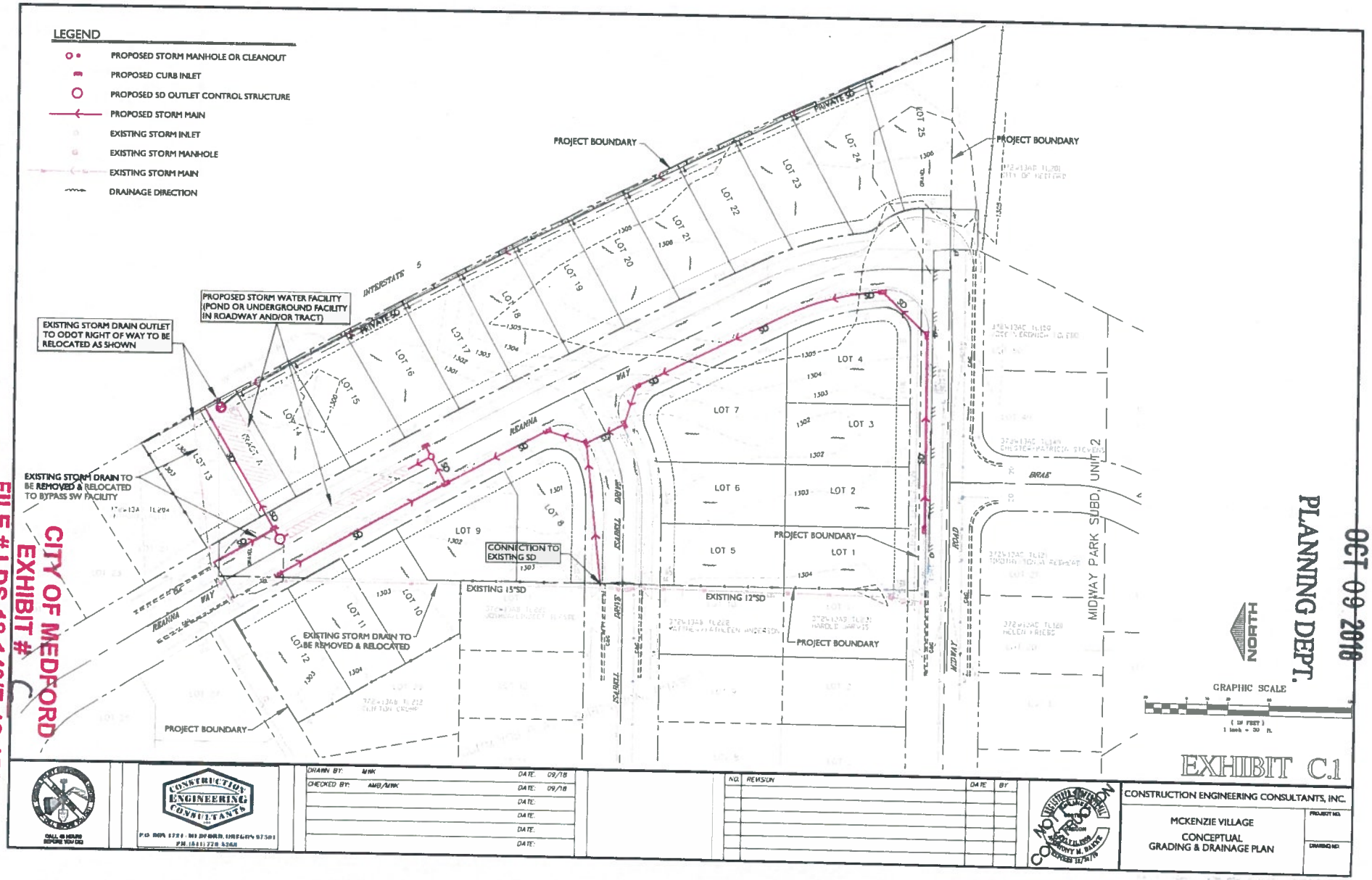
JOB# 18-175PU

Sheet 1 of 1

© L.J. FRAR & ASSOCIATES P.C. 2018

CITY OF MEDFORD
EXHIBIT # R
FILE # LDS-18-149/E-18-150

RECEIVED
OCT 09 2018
PLANNING DEPT.



CITY OF MEDFORD
EXHIBIT #
FILE # LDS-18-149/E-18-150

BEFORE THE PLANNING COMMISSION
CITY OF MEDFORD, OREGON

IN THE MATTER OF AN APPLICATION FOR A LAND DIVISION FOR 3.51 ACRES OF LAND, LOCATED AT THE EASTERN TERMINUS OF MIDWAY ROAD, NORTH OF BRAE DRIVE AND SOUTH OF REANNA WAY; DESCRIBED AS T.37S-R.2W-S.13AA, TAX LOTS 601 AND 700, T.37S-R.2W-S.13AB TAX LOT 211; TOM MALOT CONST. CO. APPLICANT; RICHARD STEVENS & ASSOCIATES, INC., AGENTS	**FINDINGS OF FACT**

RECITALS:

Property Owner:	Tom Malot Tom Malot Construction Co., Inc. PO Box 5384 Central Point, OR 97502
Surveyor:	LJ Friar & Associates, P.C. PO Box 1947 Phoenix, OR 97535
Engineer:	CEC Engineering PO Box 1724 Medford, OR 97501
Agents:	Richard Stevens & Associates, Inc. P.O. Box 4368 Medford, OR 97501 (541) 773-2646
Zoning-	SFR-10
GLUP Map-	UR, Urban Residential
Area-	3.51 net acres 3.64 gross acres

CITY OF MEDFORD
EXHIBIT # D (1 of 2)
FILE # LDS-18-149/E-18-150

INTRODUCTION:

This land division application for McKenzie Village is submitted by the property owner / applicant to demonstrate consistency with Section 10.202 of the Medford Land Development Code (MLDC) for a detached single family dwelling residential development.

The subject property is located at the eastern terminus of Midway Road, north of Brae Drive and south of Reanna Way (735 Midway Road, Medford, OR).

SUBDIVISION TENTATIVE PLAT:

The application materials, information and approval criteria for a subdivision are found in Section 10.202 MLDC. The approval criteria for a subdivision is found in Section 10.202(E), which states:

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

Section 10.202(E)(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:*

FINDING:

The subject property is designated on the Medford Comprehensive Plan, General Land Use Plan map as Urban Residential (UR). The zoning on the subject area is SFR-10, which is consistent with the Comprehensive Plan. The minimum density for the site is 22 Dwelling Units and the maximum density for the site is 36 Dwelling Units. McKenzie Village is proposing 25 detached single family lots meeting the density standards of the Code.

The subdivision Tentative Plat has been designed to meet the needs of the future residents in the City of Medford. There are no Neighborhood Street Circulation Plans adopted for this area of the City; however, the design of the street system does consider the existing plats and plans adjacent to the site.

This application is also in compliance with Section 10.426 for block length and block perimeter length. Using the center line of Reanna Way, Midway Road, Cummings Lane and Isabell Drive it is calculated to have approximately 1440-feet of block perimeter length, consistent with Table 10.426-1.

All lots have frontage onto residential streets for access purposes. The applicant agrees to maintain street side setbacks for corner lots as prescribed in Section 10.710, MLDC. Lots 9-12 do not meet the minimum lot depth standards for the SFR-10 district in Section 10.710. Due to the existing platted subdivisions and the I-5 corridor, it was not feasible to meet the site development standards; therefore, an exception is being requested for lot depth concurrent with this application. This proposed land division for McKenzie Village meets all other standards required in Articles IV and V, of the Code for public improvement standards and site development standards.

Section 10.202(E)(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:*

FINDING:

The design of McKenzie Village was planned for the entire site under the applicant's ownership; therefore, this application will not prevent the development of the remainder of the property under the same ownership. Sufficient street frontage is provided to ensure future development and street circulation for the abutting property to the south, Tax Lot 201, in the ownership of Medford Parks Department.

There are two separate public easements existing on the subject site; therefore, the applicant will be requesting a vacation to these easements to ensure that there are no hindrances to the development of the site. Exhibit maps are attached that identify the location of the easements to be vacated, prior to final plat.

The surrounding lands to the north, west and a majority to the south are developed to urban residential standards and the area to the east contains the I-5 right of way. This land division application does not prevent access or appropriate development on the adjacent surrounding lands.

Section 10.202(E)(3): *Bears a name that has been approved by the approving authority...*

FINDING:

The name of the subdivision "McKenzie Village" has been accepted by the Jackson County Surveyor's office, which meets this standard.

Section 10.202(E)(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 plats of land division already approved for adjoining property, unless the approving authority determines it is in the public interest to modify the street pattern:*

FINDING:

As identified on the subdivision tentative plat, the proposed street system conforms with the existing and planned street design and is in compliance with the connectivity standards to the greatest extent, consistent with Section 10.426, MLDC. The proposed public streets are planned and designed to be residential streets and there are no alleys proposed with this application.

This subdivision application is consistent with Sections 10.426 & 10.550, MLDC for street design, connectivity and access.

Section 10.202(E)(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...*

FINDING:

There is no minimum access street or private street proposed within McKenzie Village. This standard is not applicable.

Section 10.202(E)(6): *Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU zoning district:*

FINDING:

Not Applicable. There are no abutting EFU lands.

CONCLUSIONS:

Based on the above Findings and the Tentative Plat for McKenzie Village, the City of Medford can conclude that this subdivision request meets the minimum requirements and standards for a land division found in Section 10.202, 10.426 and 10.550, MLDC. With the requested exception for Lots 9 – 12, this application is also in compliance with the GLUP map UR designation and the SFR-10 development standards in Section 10.710, MLDC.

SUMMARY:

Based upon the above Findings and the Tentative Plat map submitted for review, the City of Medford can find that with the approved exception request, the proposed subdivision for McKenzie Village meets or exceeds the minimum requirements for a Land Division application. The City of Medford can also find that this application is consistent with the requirements for submission with the City and is in compliance with Articles IV & V of the Medford Land Development Code.

Respectfully Submitted,

Richard Stevens & Associates, Inc.
Clark Stevens

BEFORE THE PLANNING COMMISSION
FOR THE CITY OF MEDFORD, OREGON

RECEIVED
OCT 09 2018
PLANNING DEPT.

IN THE MATTER OF AN APPLICATION FOR AN EXCEPTION FOR A SUBDIVISION PROJECT ON 3.51 ACRES OF LAND, LOCATED AT THE EASTERN TERMINUS OF MIDWAY, AND SOUTH OF REANNA WAY; DESCRIBED AS T.37S-R.2W-S.13AA LOTS 601 & 700, T.37S-R.2W-S.13AB TAX LOT 211; TOM MALOT CONSTRUCTION, APPLICANT; RICHARD STEVENS & ASSOCIATES, INC., AGENTS	)	FINDINGS OF FACT AND CONCLUSIONS

RECITALS:

Property Owner-	Tom Malot Tom Malot Construction Company, Inc. PO Box 5384 Central Point, OR 97502
Agents-	Richard Stevens & Associates, Inc. P.O. Box 4368 Medford, OR 97501 (541) 773-2646
Property Description-	T.37S-R.2W-S.13AA, 601 & 700, T.37S-R.2W-S.13AB, 211
Acreage-	3.51 net acres
Zoning-	SFR-10

CITY OF MEDFORD
EXHIBIT # D (2 of 2)
FILE # LDS-18-149/E-18-150

PROPOSAL:

The applicant is requesting approval for an exception to the lot depth standard found in Section 10.710 for the SFR-10 zoning district. Due to the platted subdivision lots, specifically Tax Lot 221, and the alignment of the I-5 corridor, Lots 9-12 can't meet the depth standard of 90-feet consistent with Section 10.710, MLDC. Therefore, the applicant is requesting an exception to the Code, in compliance with Section 10.186, MLDC.

As shown on the tentative plat for McKenzie Village, the development will meet all other code provisions for site development, including setbacks.

EXCEPTION CRITERIA; SECTION 10.186:

The applicant is requesting an Exception to the Site Development Standards for the SFR-10 district found in Section 10.710. Per the Code requirements, an exception, in compliance with Section 10.186 for the lot depths for Lots 9-12 is being requested.

Section 10.186(B): *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 terms of this code shall be sparingly exercised. Findings must indicate that:*

10.186(B)(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."*

Discussion:

The requested exception is for the lot depth standard of the Code for Lots 9-12, located along Reanna Way. This exception is being requested to preserve the minimum standard for public street dedication of 55-feet for Reanna Way. The exception being requested is only inches from the 90 foot minimum requirement which still ensures sufficient yard area for the future residents. By meeting the public road dedication and full road improvements for a minor residential street, the exception being requested will not have a significant impact in the neighborhood and will not have a significant impact to the health, safety and general welfare in the area.

There are no natural resources found on the subject site. Bear Creek does traverse the property to the south; however, this exception and all storm water directed to the north will not have an adverse impact on the adjacent lands, Bear Creek and riparian corridor.

10.186(B)(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."*

Discussion:

The proposed use is for detached single family residential homes within the SFR-10 zoning district. Dwellings are a permitted use in the SFR-10 district.

10.186(B)(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 standards for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner."*

Discussion:

The unusual circumstance with this proposal is the presence of I-5 at an angle with the project area and the existing urban residential development (Cummings Place) on lands to the west. Meeting all of the minimum requirements is not feasible along the frontage of Reanna Way, north of Isabell Drive. Insufficient area exists to meet the standards; therefore, this request is being made. It was determined that maintaining the lot depths adjacent to I-5 and also meeting the right of way standards for a minor residential street was in the best interest of the neighborhood. This subdivision can be defined as an infill project that completes road connectivity in the vicinity with a planned street system. Due to the existing constraints with Lots 9-12 it is not feasible to meet the lot depth standard and a hardship on the owner would exist without an exception to the lot depth.

10.186(B)(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."*

Discussion:

There are no code violations or noncompliance uses or structures within the McKenzie Village project area. The Code requires lot depths to be 90-feet for the SFR-10 district. This site is the last subdivision development within the neighborhood, an infill development. Therefore, based on the previous platted subdivision lots with the

presence of I-5 at an angle with the project, there was not sufficient area for Lots 9-12 to meet the lot depth standards of the Code.

FINDINGS:

The City of Medford finds that this exception request is in compliance with the standards found in Section 10.186, MLDC, in that the request is for a reduction, by inches, to the lot depth standards within the SFR-10 district, which will not have a significant impact on the neighboring lands health, safety and general welfare. The City of Medford can also find that there are unusual circumstances that may create an undue hardship with the presence of I-5 constraining the site to meet code requirements. The intent is to develop the property to urban residential standards and request the minimum exception necessary to the lot depth standard while maintaining sufficient public road dedication and improvements. The exception requested does not result is greater profit, nor is it the result of an illegal use or structure.

SUMMARY & CONCLUSIONS:

Based upon the above discussions addressing Section 10.186, and the submitted application materials, including the tentative plat and exhibits, the Medford Planning Commission can conclude that the proposed development for McKenzie Village meets the criteria for the requested exception to the 90-foot lot depth standard for a subdivision within the SFR-10 zoning district, by being in harmony with the intent of the development standards and not having a significant adverse impact on adjacent lands.

The Medford Planning Commission can conclude that the requested exception for the required lot depth found in Section 10.710 is in compliance with Section 10.186, MLDC for an exception request and is in compliance with all of the applicable provisions of Medford Land Development Code.

Respectfully Submitted:

RICHARD STEVENS & ASSOCIATES, INC.

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CITY OF MEDFORD

LD Date: 12/5/2018
File Number: LDS-18-149/E-18-150

PUBLIC WORKS DEPARTMENT STAFF REPORT
McKenzie Village Subdivision
(TL 600/701 & 211)

Project: Consideration of tentative plat approval for McKenzie Village, a proposed 25-lot residential subdivision, along with a request for an Exception for lot depth, on three contiguous parcels totaling 3.51-acres.

Location: Located north of Midway Road, west of Interstate 5, and east of Cummings Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (372W13AA TL 700/601 & 372W13AB TL 211).

Applicant: Applicant, Tom Malot Construction, Inc.; Agent, Richard Stevens & Associates; Planner, Dustin Severs.
Related Applications: PA-15-018, LDS-03-235

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

- Approval of Final Plat:
  Right-of-way, construction and/or assurance of the public improvements in accordance with Medford Land Development Code (MLDC), Section 10.666 & 10.667 (Items A, B & C)

- Issuance of first building permit for residential construction:
  Construction of public improvements (Items A through E)

- Issuance of Certificates of Occupancy for individual units:
  Sidewalks (Items A2)

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MEDFORD, OREGON 97501
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CITY OF MEDFORD
EXHIBIT # E
FILE # LDS-18-149/E-18-150

A. STREETS

1. Dedications

Reanna Way and **Isabell Drive** are proposed as Minor Residential Streets within the MLDC 10.430. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the full width of right-of-way, which is 55-feet.

Midway Road is classified as a Minor Residential Street within the MLDC 10.430. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the half width of right-of-way, which is 27.5-feet. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

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

All non-access reserve strips (1-foot dedication) per MLDC 10.439, which were granted in fee to the City of Medford, shall be dedicated to the public as part of these connections.

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

Reanna Way and **Isabell Drive** shall be constructed to Minor Residential Street standards, in accordance with MLDC 10.430.

Midway Road was partially constructed with Midway Park Subdivision (P966D). The Developer shall improve the north half of Midway Road from a point 1-foot inside the existing edge of pavement, plus an 8-foot park strip, 5-foot sidewalk along the frontage of this development.

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:

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Street Lighting – Developer Provided & Installed:

A. 5 – Type R-100

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

A. 5 – Street Name Signs
B. 1 – Type 4 Object Marker

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 no pavement cutting moratorium currently in effect along the respective frontages to this proposed development.

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

d. Soils Report

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

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shall be completed by a licensed Geotechnical Engineer in the state of Oregon.

e. Access to Public Street System

Driveways shall comply with MLDC 10.550.

f. Easements

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

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

3. Section 10.668 Analysis

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

10.668 Limitation of Exactions

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

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

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

1. Nexus to a legitimate government purpose

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

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

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

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

Reanna Way, Isabell Drive and Midway Road: In determining rough proportionality, the City averaged the lineal footage of roadway per dwelling unit for road improvements and averaged square footage of right-of-way per dwelling unit for dedications. The proposed development has 25 lots and will improve approximately 690 lineal feet of roadway which equates to 38 lineal feet per dwelling unit. Also the development will dedicate approximately 39,500 square feet of right-of-way, which equates to approximately 1,580 square feet per dwelling unit.

To determine proportionality a neighborhood with similar characteristics was used. The development used was Orchard Court Subdivision which is south of this development between Diamond Street and Orchard Home Court and consisted of 7 dwelling units. The previous development improved approximately 430 lineal feet of roadway and dedicated approximately 10,800 square feet of right-of-way (GIS data used to calculate, approximations only). This equates to approximately 61 lineal feet of road per dwelling unit and approximately 1,543 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 25 new Lots within the City of Medford and increase vehicular traffic by approximately 236 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. There is also sufficient space for on-street parking

b. Dedication will ensure adequate street circulation is maintained. The street layout and connectivity proposed in this development will provide alternate route choices for the residents that will live in this neighborhood.

c. Dedication will provide access and transportation connections at urban level of service standards for this development. 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 PUE will benefit development by providing public utility services, which

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are out of the roadway and more readily available to each Lot being served.

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

B. SANITARY SEWERS

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

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.

The Developer shall provide a drainage connection to a public main for any lot that is connected to the existing stormdrain main proposed to be removed and relocated.

2. Stormwater Detention and Water Quality Treatment

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

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

The City is responsible for operational maintenance of the public detention facility. Irrigation and maintenance of landscape components shall be the responsibility of the developer or a Home Owners Association (HOA). The developers engineer shall provide

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

It appears that this development is on soils classified as belonging to the Type 'A' and B' hydrologic soil group as mapped by the Soil Survey of Jackson County, and on a slope of 5% or less. As such, the project will need to implement Low Impact Development techniques as listed in the Rogue Valley Stormwater Quality Design Manual. The Applicant may elect to test the soil to determine classification, and if so, testing must be conducted by a licensed Geotechnical Engineer in the state of Oregon.

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

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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 approval of the final plat.

The tentative plat does not show an easement through or around proposed lot 25. The vacation document for Midway Road makes specific reference to an existing PUE in the area vacated. The Tentative Plat shall show all existing and proposed easements within the subdivision.

The final plat shall show resolution of existing streets with adequate monumentation to ensure prolongation of existing streets with no jogs at the tract boundaries and centerline of street(s) continuation.

The final plat shall note that lot 12 has no access or use of "Access/Utility Easement" northerly of said lot.

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.

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

- Clustered driveways,
- Building to have sprinklers, or
- 33-foot paved width.

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

3. Phasing

The proposed plans do not show any phasing.

4. Draft of Final Plat

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

5. Easements

Easements shall be shown on the Final Plat for all sanitary sewer laterals and storm drainage laterals that cross lots other than the one being served by the laterals.

6. 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.

7. System Development Charges (SDCs)

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

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

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.

8. Construction and Inspection

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

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: Jodi K Cope
Reviewed by: Doug Burroughs

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SUMMARY CONDITIONS OF APPROVAL

McKenzie Village Subdivision
(TL 600/701 & 211)

LDS-18-149/E-18-150

A. Streets

1. Street Dedications to the Public:

- Dedicate full width right-of-way (55') on **Reanna Way** and **Isabelle Drive**.
- Dedicate right-of-way on **Midway Road**, as required.
- Dedicate 10-foot public utility easements (PUE).

2. Improvements:

Public Streets

- Construct **Reanna Way** and **Isabell Drive** full width, to Minor Residential street standards.
- Improve remaining unimproved portion of **Midway Road** to Minor Residential street standards.

Lighting and Signing

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

Access to Public Street System

- Driveways shall comply with MLDC 10.550.

Other

- There is no pavement moratorium in effect along the respective frontages.
- Provide pavement moratorium letters.
- Provide soils report.

B. Sanitary Sewer:

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

C. Storm Drainage:

- Provide an investigative drainage report.
- Provide water quality and detention facilities.
- Provide Engineers certification of stormwater facility construction.
- Implement Low Impact Development techniques or conduct testing.
- 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.
- Additional Site Plan to ensure fire apparatus access per MLDC 10.430(2) if project includes Minor Residential streets.

▪ = City Code Requirement
o = Discretionary recommendations/comments

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

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION
200 S. IVY STREET
MEDFORD, OREGON 97501
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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: LDS-18-149 & E-18-150

PARCEL ID: 372W13AA TL 601&700 & 372W13AB TL 211

PROJECT: Consideration of tentative plat approval for McKenzie Village, a proposed 25-lot residential subdivision, along with a request for an Exception for lot depth, on three contiguous parcels totaling 3.51-acres located north of Midway Road, west of Interstate 5, and east of Cummings Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (372W13AA TL 700/601 & 372W13AB TL 211); Applicant, Tom Malot Construction, Inc.; Agent, Richard Stevens & Associates; Planner, Dustin Severs.

DATE: December 5, 2018

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

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. Installation of an 8-inch water line is required in the extension of Reanna Way between the existing northerly end and Midway Road.
4. Installation of an 8-inch water line is required in the undeveloped portion of Isabella Drive.
5. Static water pressure is expected to be between near 85 psi. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".
6. Applicant shall coordinate with Medford Fire Department for Fire Hydrant locations.

COMMENTS

1. Off-site water line installation is not required.
2. On-site water facility construction is required. (See Conditions 3 & 4 above)

Continued to Next Page

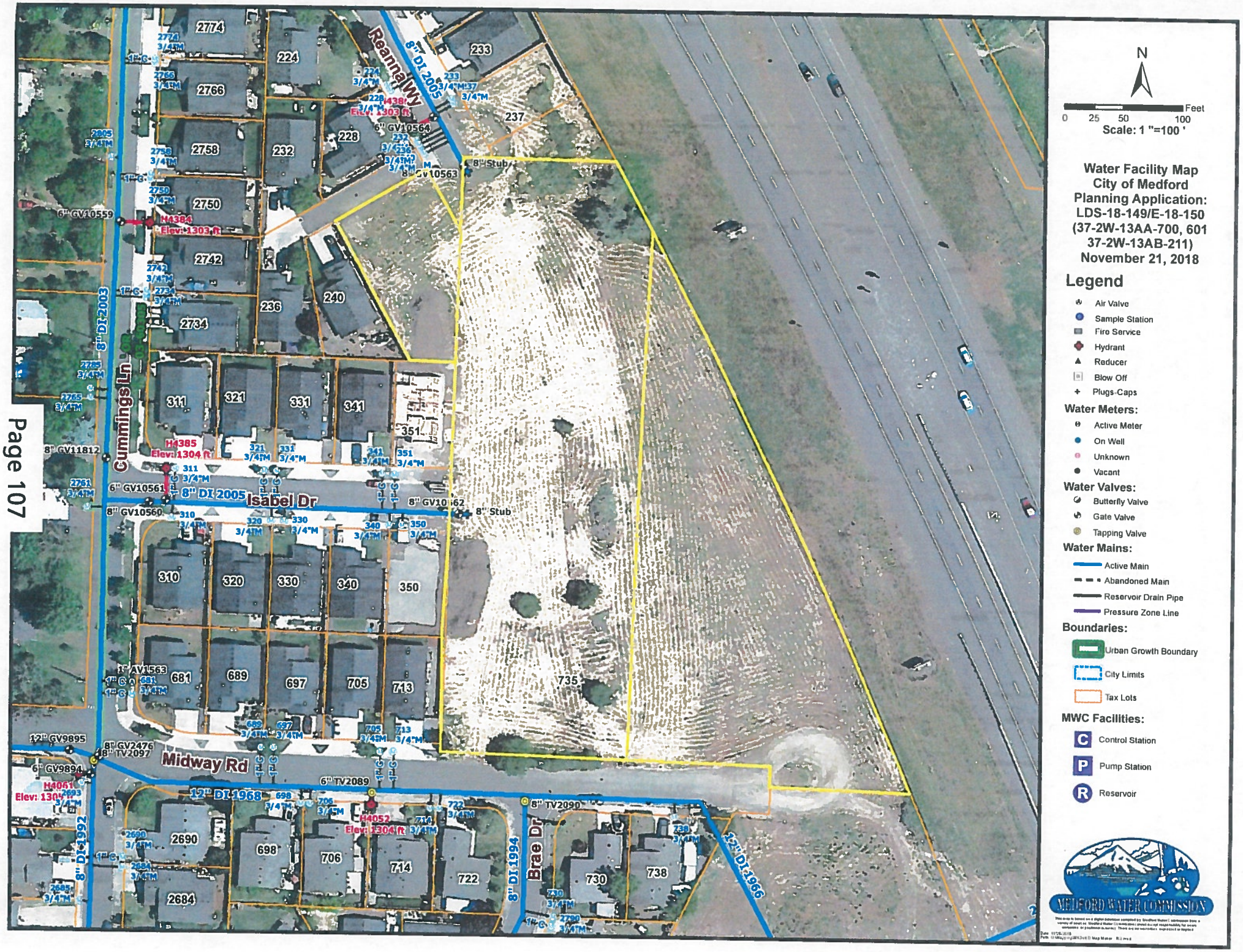
CITY OF MEDFORD
EXHIBIT # F
FILE # LDS-18-149/E-18-150

Continued from Previous Page

3. Static water pressure is approximately 85 psi. (See Condition 5 above)

4. MWC-metered water service does not exist to this property.

5. Access to MWC water lines is available. There is an 8-inch water line in the developed portion of Reanna Way (north), and an 8-inch water line in the developed portion of Isabella Drive. and a 12-inch water line in Midway Road.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Water Facility Map
City of Medford
Planning Application:
LDS-18-149/E-18-150
(37-2W-13AA-700, 601
37-2W-13AB-211)
November 21, 2018
Legend
Air Valve
Sample Station
Fire Service
Hydrant
Reducer
Blow Off
Plugs-Caps
Water Meters:
Active Meter
On Well
Unknown
Vacant
Water Valves:
Butterfly Valve
Gate Valve
Tapping Valve
Water Mains:
Active Main
Abandoned Main
Reservoir Drain Pipe
Pressure Zone Line
Boundaries:
Urban Growth Boundary
City Limits
Tax Lots
MWC Facilities:
Control Station
Pump Station
Reservoir
MEDFORD WATER COMMISSION
Reanna Wy
8" DI 2005
Cummings Ln
8" DI 2003
Isabel Dr
8" DI 2005
Midway Rd
12" DI 1968
8" DI 1992
8" DI 1994
Brae Dr
12" DI 1966
6" GV10564
8" GV10563
8" Stub
6" GV10559
H4384
Elev: 1303 ft
8" GV11812
H4385
Elev: 1304 ft
6" GV10561
8" GV10560
8" GV10562
8" Stub
1" AV1563
12" GV9895
8" GV2476
8" TV2097
6" GV9894
H4061
Elev: 1304 ft
6" TV2089
8" TV2090
H4052
Elev: 1304 ft
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Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 11/29/2018
Meeting Date: 12/5/2018

LD File #: LDS18149 **Associated File #1:** E18150 **Associated File #2:** LDS03235

Planner: Dustin Severs

Applicant: Tom Malot Construction, Inc

Site Name: McKenzie Village

Project Location: Located north of Midway Road, west of Interstate 5, and east of Cummings Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district

ProjectDescription: Consideration of tentative plat approval for McKenzie Village, a proposed 25-lot residential subdivision, along with a request for an Exception for lot depth, on three contiguous parcels totaling 3.51-acres

Specific Development Requirements for Access & Water Supply

CITY OF MEDFORD
EXHIBIT # G
FILE # LDS-18-149/E-18-150

Reference	Comments	Conditions Description
OFC 508.5	Two (2) new fire hydrants will be required for this project in the following recommended locations: One near the corner of Reanna Way/Midway Rd in front of lot #4; One near the corner of Reanna Way/Isabell Dr in front of lot #8.	Fire hydrants with reflectors will be required for this project. The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site. Plans and specifications for fire hydrant system shall be submitted to Medford Fire-Rescue for review and approval prior to construction. Submittal shall include a copy of this review (OFC 501.3).
MMC 10.430	The developer shall choose one of these design options for the 28' wide residential streets.	Section 10.430 of the Medford Code states the following: In order to ensure that there is at least twenty (20) feet of unobstructed clearance for fire apparatus, the developer shall choose from one of the following design options: (a) Clustered, offset (staggered) driveways (see example) (design approved by Fire Department), and fire hydrants located at intersections with the maximum fire hydrant spacing along the street of 250-feet. (b) All dwellings that front and take access from minor residential streets to be equipped with a residential (NFPA 13D) fire sprinkler system, and fire hydrants located at intersection with the maximum fire hydrant spacing along the street of 500-feet. (c) Total paved width of 33-feet with five-and-a-half (5 ½) foot planter strips. The Oregon Fire Code requires; "Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches" (OFC 503.2.1). "The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established in Section 503.2.1, shall be maintained at all times." (OFC 503.4). When the clustered-offset driveway option is chosen, a note indicating driveway locations shall be included on the final plat. In areas where the clustered-offset option cannot be utilized because of lot layout, parking restrictions may apply in certain areas and no parking signs may be required.

Construction General Information/Requirements

Development shall comply with access and water supply requirements in accordance with the Oregon Fire Code in affect at the time of development submittal. Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (fire hydrants) is required to be installed prior to construction when combustible material arrives at the site.

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

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

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

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

www.medfordfirerescue.org

Dustin J. Severs

From: Cinthya Y. Perezchica
Sent: Tuesday, November 27, 2018 3:16 PM
To: 'MCDONALD John'
Cc: Dustin J. Severs
Subject: FW: Land Development Meeting: December 5, 2018

Thank you John,

I will forward the comments to the planner assigned to this file.

Thank you,
Cinthya Y. Perezchica
City of Medford
541-774-2384

From: MCDONALD John [mailto:John.MCDONALD@odot.state.or.us]
Sent: Tuesday, November 27, 2018 3:05 PM
To: Cinthya Y. Perezchica
Cc: SCRUGGS Julee Y ; WANG Wei * Michael
Subject: RE: Land Development Meeting: December 5, 2018

Cinthya,

Regarding LDS-18-149/E-18-150, McKenzie Village, we have the following comments:

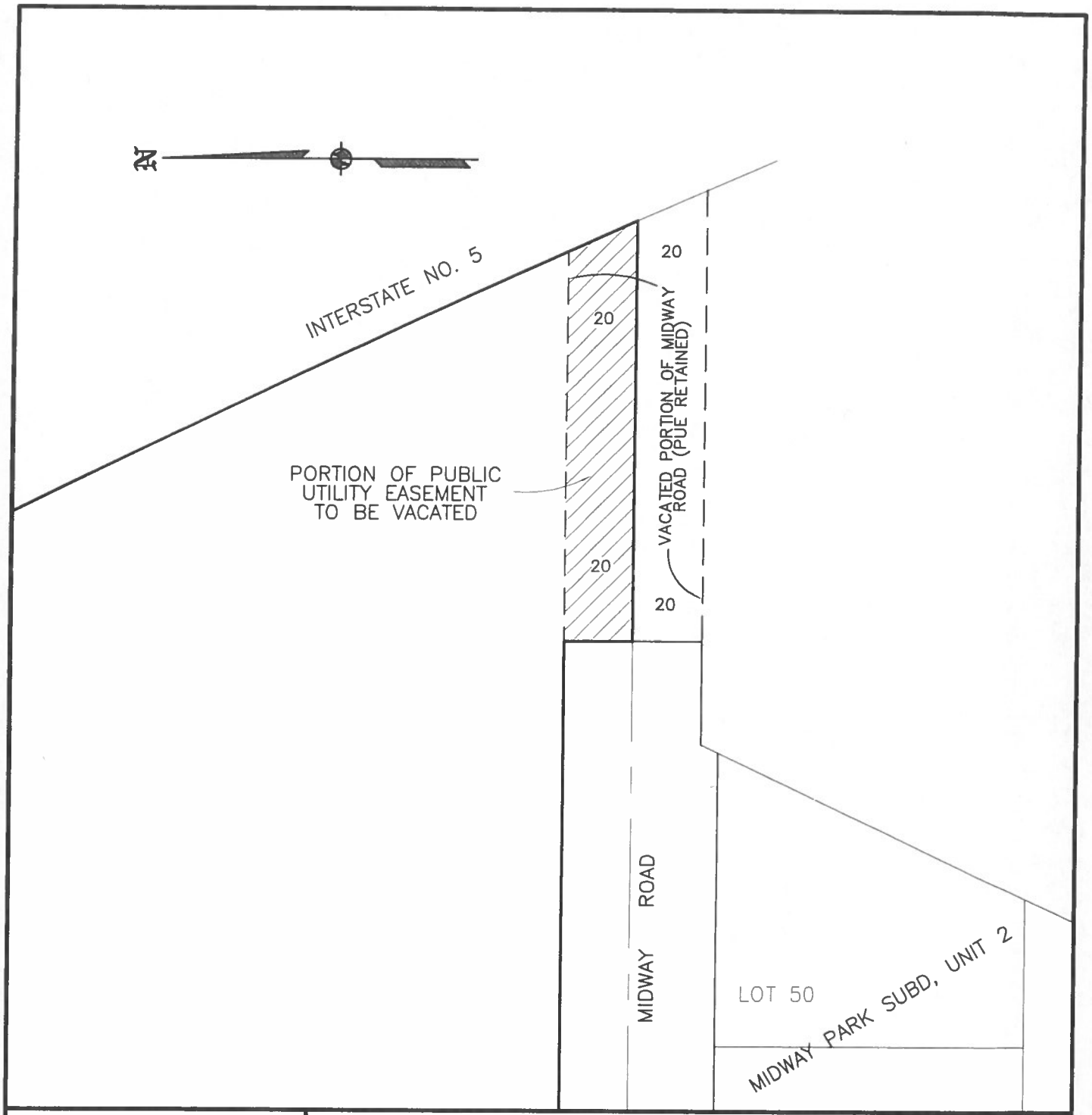
1. Any work within the state right of way will require a permit. Please have the applicant contact Julee Scruggs at Julee.Y.Scruggs or 541.864.8811 to obtain a permit.
2. ODOT will need to review and approve hydro calculations for the proposed development.

Sincerely,

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

From: Cinthya Y. Perezchica <Cinthya.Perezchica@cityofmedford.org>
Sent: Wednesday, November 21, 2018 3:43 PM
To: Angela R. Durant <Angela.Durant@cityofmedford.org>; Bob Neathamer <bob@neathamer.com>; Brian <Brian@GWEarch.com>; Brian N. Sjothun <Brian.Sjothun@cityofmedford.org>; Brian W. Robinson <Brian.Robinson@cityofmedford.org>; Carla G. Paladino <Carla.Paladino@cityofmedford.org>; Cassie J. Neahr <Cassandra.Neahr@cityofmedford.org>; HARSHMAN Cathaleen A * Cathy <Cathaleen.A.HARSHMAN@odot.state.or.us>; Chad E. Wiltrout <Chad.Wiltrout@cityofmedford.org>; Chad Pliler - ECSO <Chad.Pliler@ECSO911.com>; Cinthya Y. Perezchica <Cinthya.Perezchica@cityofmedford.org>; Darrell - Hoffbuhr <dlh@hoffbuhr.com>; David Searcy <david.searcy@medfordwater.org>; MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>; Douglas E. Burroughs <Douglas.Burroughs@cityofmedford.org>; Dustin J. Severs <Dustin.Severs@cityofmedford.org>; Earl R. Lighthill <Earl.Lighthill@cityofmedford.org>; Gayle G. Cotone <Gayle.Cotone@cityofmedford.org>; Gene Abell <gabell@abellarchgroup.com>; Greg G. Kleinberg <John.Kleinberg@cityofmedford.org>; Haley C. Cox <Haley.Cox@cityofmedford.org>; Heather M. Merrihew <Heather.Merrihew@cityofmedford.org>; Jeremiah Fox <jfox@[illegible]com

CITY OF MEDFORD
EXHIBIT # H
FILE # LDS-18-149/E-18-150



REGISTERED PROFESSIONAL LAND SURVEYOR

James E. Hibbs

OREGON
JULY 17, 1986
JAMES E. HIBBS
2234

RENEWAL DATE 6-30-19

TITLE: PUBLIC UTILITY EASEMENT VACATION

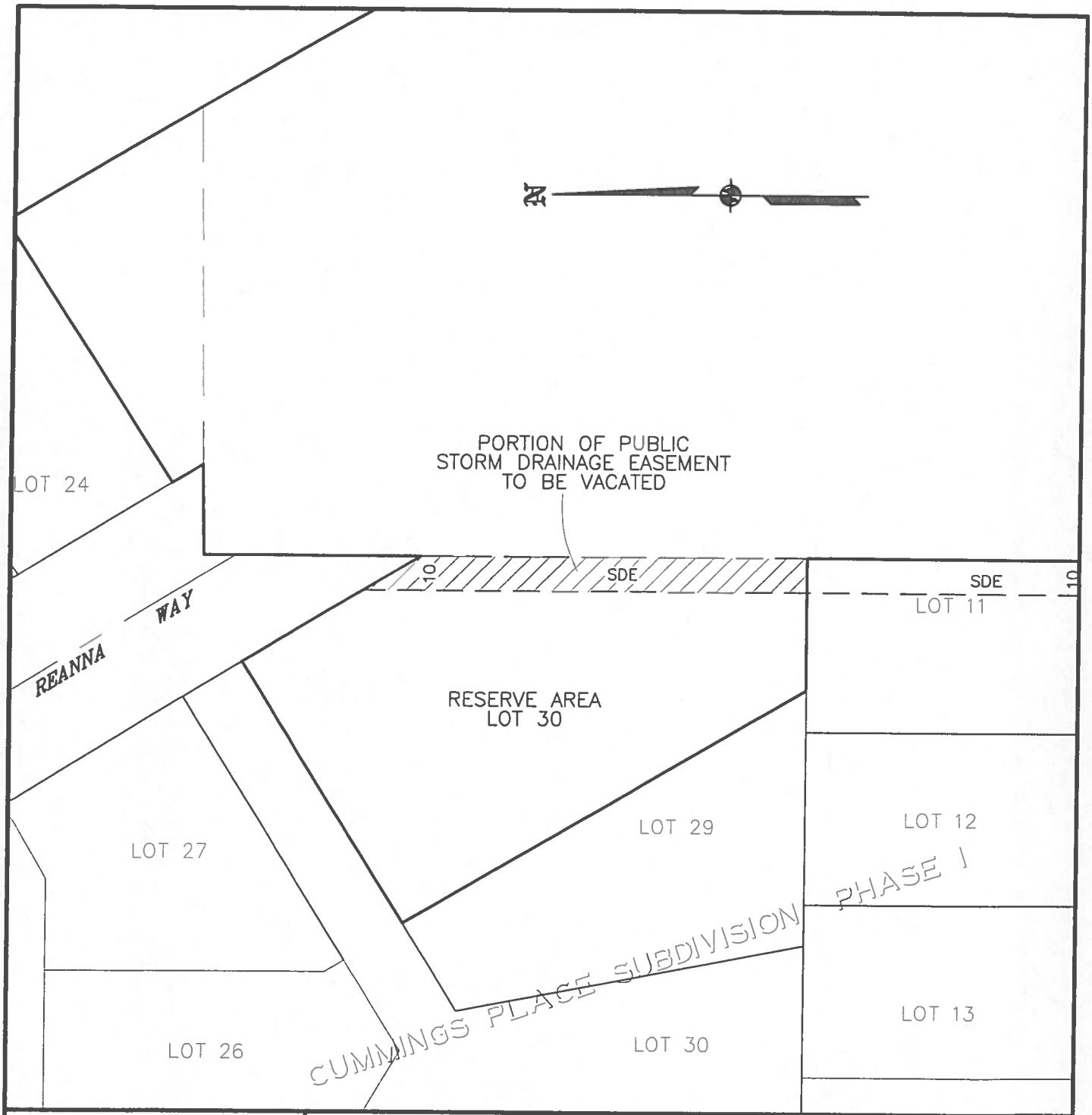
ASSESSOR'S MAP #: 372W13AA TL601

FOR: TOM MALOT CONSTRUCTION CO. INC.
PO BOX 5384
CENTRAL POINT, OR 97502

L.J. FRIAR & ASSOCIATES P.C.
CONSULTING LAND SURVEYORS
PO BOX 1947, PHOENIX, OR 97535
(541) 772-2782
ljfriar@charter.net

DATE: 5 DEC 2018
SCALE: 1 inch : 40 feet
DRAWN BY: JEH
CHK BY:
ORIGIN:
ROTATION: 270°
JOB#: 18175FM
Sheet of 1

CITY OF MEDFORD
EXHIBIT # I
FILE # LDS-18-149/E-18-150



REGISTERED
PROFESSIONAL
LAND SURVEYOR

James E. Hibbs

OREGON
JULY 17, 1986
JAMES E. HIBBS
2234

RENEWAL DATE 6-30-19

TITLE:
PUBLIC STORM DRAINAGE EASEMENT VACATION

ASSESSOR'S MAP #:
372W13AB TL211

FOR: TOM MALOT CONSTRUCTION CO. INC.
PO BOX 5384
CENTRAL POINT, OR 97502

L.J. FRIAR & ASSOCIATES P.C.
CONSULTING LAND SURVEYORS
PO BOX 1947, PHOENIX, OR 97535
(541) 772-2782
ljfriar@charter.net

DATE: 5 DEC 2018
SCALE: 1 inch : 40 feet
DRAWN BY: JEH
CHK BY:
ORIGIN:
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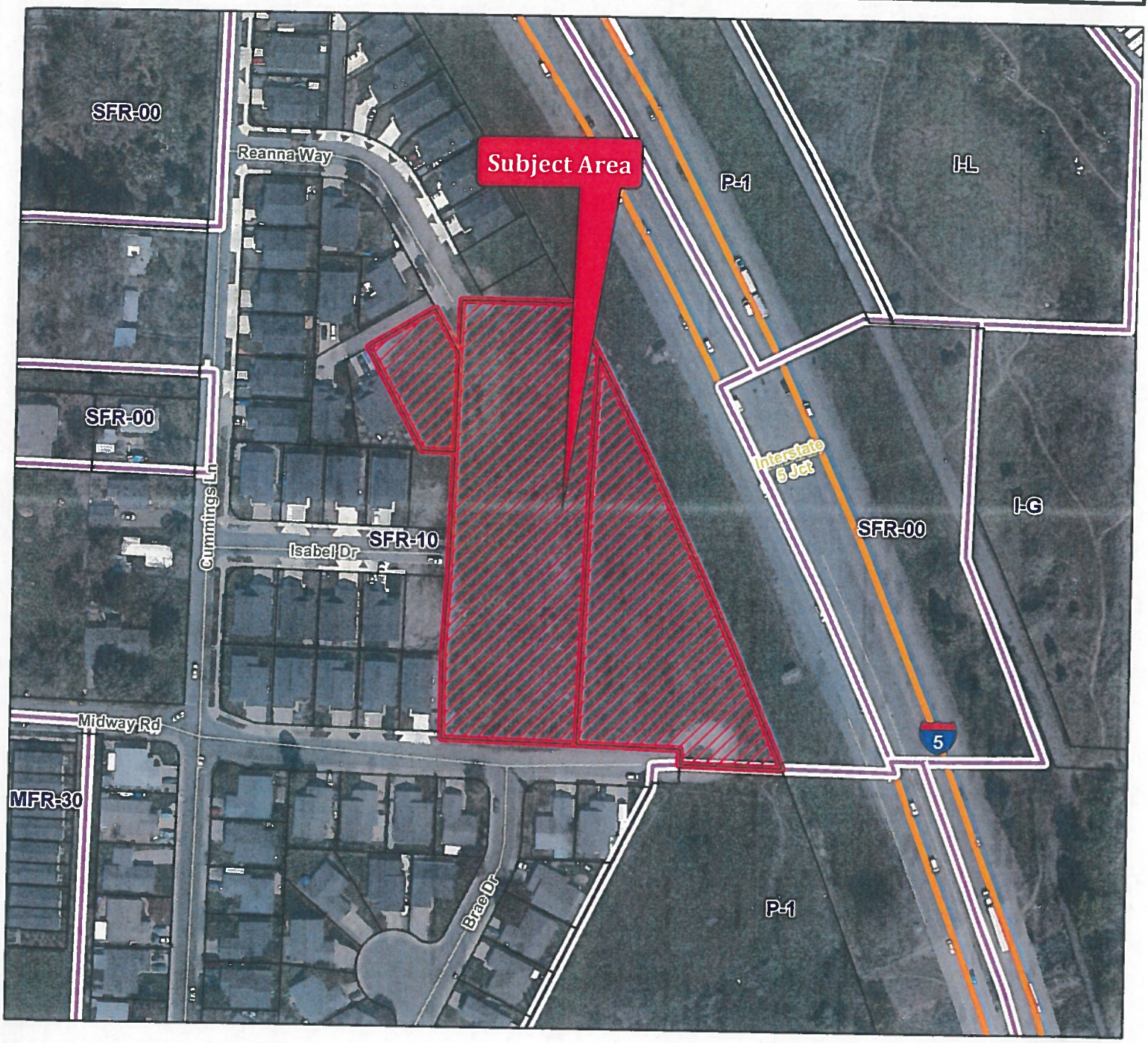
Sheet 1 of 1.

City of Medford
Planning Department

Vicinity Map

File Number: LDS-18-149
E-18-150



Project Name:

McKenzie Village

Map/Taxlot:

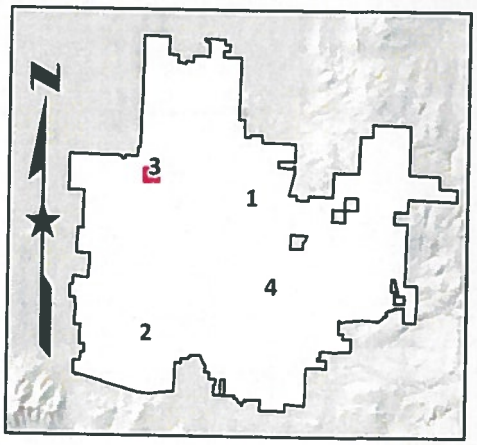
372W13AA TL 601, 700
372W13AB TL 211

0 125 250 Feet

10/15/2018

Legend

- Subject Area
- Zoning Districts
- Tax Lots



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

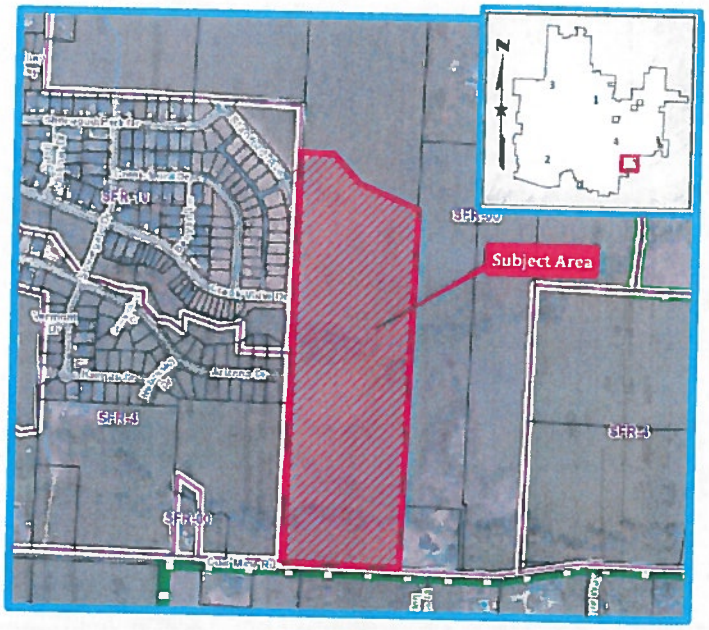
STAFF REPORT

for a Type-III quasi-judicial decision: PUD, Land Division, Zone Change, & Conditional Use Permit

PROJECT	Middlefork Creek PUD Applicant: South View LLC. Agent: Neathamer Surveying, Inc.
FILE NO.	PUD-18-156/LDS-18-155/ZC-18-157/CUP-18-158
TO	Planning Commission *for 12/27/2018 hearing*
FROM	Dustin Severs, Planner III
REVIEWER	Kelly Evans, Assistant Planning Director
DATE	December 20, 2016

BACKGROUND

Proposal



Consideration of a Preliminary PUD Plan for the Middlefork Creek Planned Unit Development – Phases 1-7, which include requests for a tentative plat approval for a 105-lot residential subdivision; a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single Family Residential, four dwelling units per gross acre) on a 12.26-acre portion of the property and a 2.95-acre portion of the property, and a change of zone from SFR-00 to SFR-10 (Single Family Residential, ten dwelling units per gross acre) on a 12.61-acre portion of the property; and a Conditional Use Permit (CUP) in order to locate shared use paths and storm drain facilities within the Riparian Corridors of Larson Creek. The property totals 27.82-acres and is located south of East Barnett Road, east of North Phoenix Road, and abuts Coal Mine Road along its southerly boundary; is within the Southeast (SE) Overlay District, and is currently zoned SFR-00 (371W34300).

Subject Site Characteristics

Zoning: SFR-00 (Single Family Residential – one dwelling unit per gross acre)

GLUP: UR (Urban Residential)

Overlay: SE (Southeast)

Use(s): Vacant land

Surrounding Site Characteristics

North Zone: SFR-00
Uses: Vacant land

South Zone: Jackson County RR-5
Uses: Single Family Residences

East Zone: SFR-00
Uses: Vacant land

West Zone: SFR-10 & SFR-4
Uses: Stonegate Estates Subdivision

Applicable Criteria

Planned Unit Development, §10.235(D)

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

1. *The proposed PUD:*
   a. *preserves an important natural feature of the land, or*
   b. *includes a mixture of residential and commercial land uses, or*
   c. *includes a mixture of housing types in residential areas, or*
   d. *includes open space, common areas, or other elements intended for common use or ownership, or*
   e. *is otherwise required by the Medford Land Development Code.*

2. *The proposed PUD complies with the applicable requirements of this Code, or*
   a. *the proposed modified applications of the Code are necessary for the project to be consistent with the criteria in Section 10.235(C)(1)(a-e), and*
   b. *the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and*

c. *the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.*

3. *The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria there under:*
   a. *Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.*
   b. *Public Facilities Strategy pursuant to ORS 197.768 as amended.*
   c. *Limited Service Area adopted as part of the Medford Comprehensive Plan.*

4. *The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.*

5. *If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D) (8)(c), the applicant shall alternatively demonstrate that either:*
   1) *demands for the Category "A" public facilities listed below are equivalent to or less than for one or more permitted uses listed for the underlying zone, or*
   2) *the property can be supplied by the time of development with the following Category "A" public facilities which can be supplied in sufficient condition and capacity to support development of the proposed use:*
      a. *Public sanitary sewerage collection and treatment facilities.*
      b. *Public domestic water distribution and treatment facilities.*
      c. *Storm drainage facilities.*
      d. *Public streets.*

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

6. *If the Preliminary PUD Plan includes uses proposed under Subsection 10.192(B)(7)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.248.*

7. *If approval of the PUD application includes the division of land or the approval of other concurrent development permits applications as authorized in Subsection 10.230(C),*

approval of the PUD shall also be subject to compliance with the substantive approval criteria in Article II for each of the additional development applications.

Zone Change Approval Criteria, §10.204

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

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

(B) Zone Change Approval Criteria.
The Planning Commission shall approve a quasi-judicial, minor zone change if it finds that the zone change complies with subsections (1) and (2) below:

(1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.

(2) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (2)(a), (2)(b), (2)(c), or (2)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.

***

(b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one (1) of the following conditions must exist:

(i) At least one (1) parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or

(ii) The area to be rezoned is five (5) acres or larger; or

(iii) The subject property, and any abutting parcel(s) that is (are) in the same General Land Use Plan Map designation ad is (are) vacant, when combined, total at least five (5) acres.

***

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

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

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

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

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

(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one (1) proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs:

(a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two (2) years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or

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

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

Conditional Use Permit Approval Criteria, §10.184(C)

(C) Conditional Use Permit Approval Criteria.

(1) The Planning Commission must determine that the development proposal complies

with either of the following criteria before approval can be granted.

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

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

MLDC 10.202(E): Land Division Criteria

The 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.

Related Projects

A-04-210 Annexation
PLA-18-115 Property Line Adjustment

Corporate Names

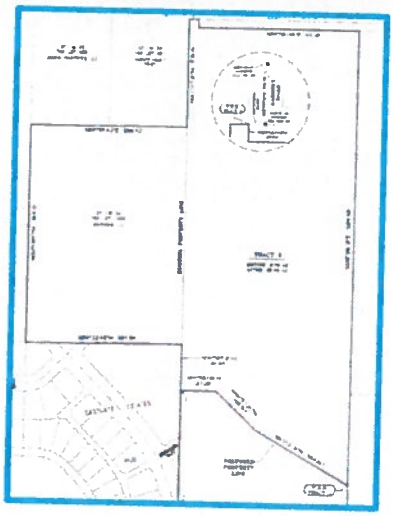
South View, LLC is the owner of the subject property. The Oregon Secretary of State Business registry lists South View, LLC as located at 815 Creek Drive in the City of Medford, Oregon, and lists Sydnee Dreyer as the registered agent.

ISSUES AND ANALYSIS

Background

Project Site

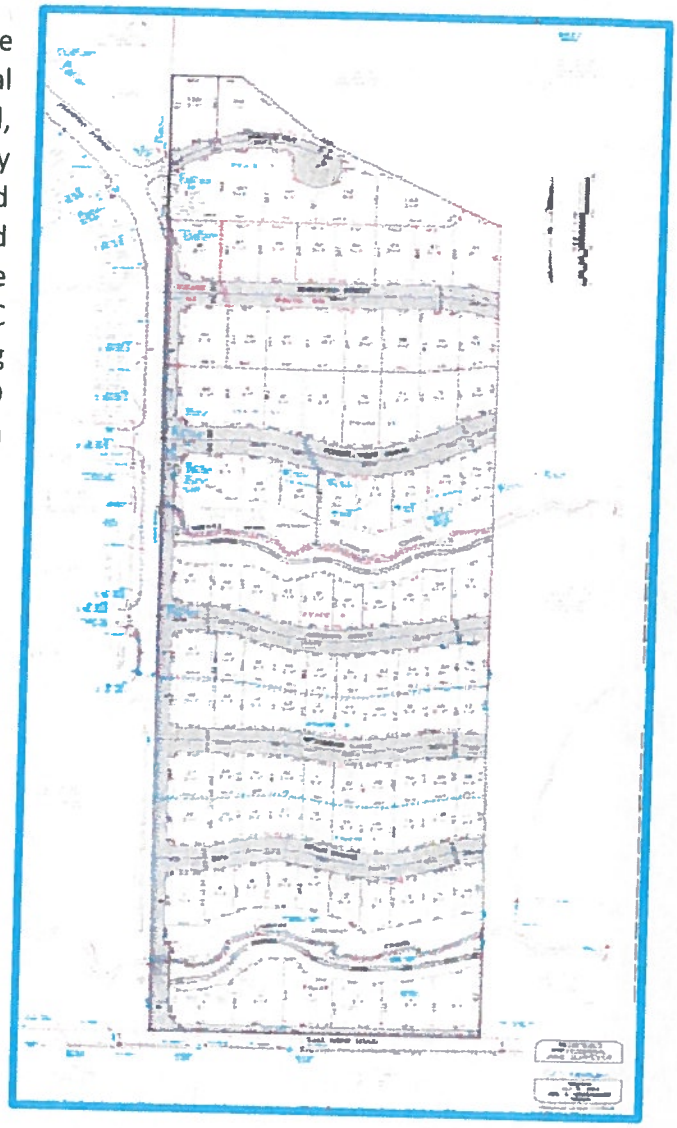
The subject site totals 27.55 acres of open, vacant land located in the southeast corner of City limits, abutting Jackson County land along the site's southerly property, which is divided by Coal Mine Road. The undeveloped site includes two riparian waterways traversing the site east/west: North Fork Larson Creek, running through the middle of the site; and Larson Creek, running through the southerly portion of the site. Both of these creeks are classified as riparian corridors – protected waterways within the City. The site is fronted by Coal Mine Road, classified as Major Collector street under the jurisdiction of Jackson County, and located along the site's southerly boundary; and Stanford Avenue, a Major Collector Street under the jurisdiction of the City, located along the westerly boundary of the site and currently stubbed north of North Fork Larson Creek within the Stonegate Estates subdivision.



Project History

The subject site was approved for a property line adjustment on September 5, 2018 (PLA-18-115), which adjusted the property lines of the subject site and tax lot 1200 to the north in order to match the exterior boundary of the proposed PUD.

Current Proposal



The applicant is now requesting to subdivide the property, proposing a 105-lot residential subdivision to be developed with detached, single-family dwelling units. As the property is located within portions of sub-areas 15 and 17 of the Southeast Plan, the proposed residential subdivision will additionally be required to be developed as a PUD, per MLDC 10.374. As such, the applicant is proposing the creation of the Middlefork Creek PUD with the development of the site as a residential subdivision.

The applicant is additionally requesting a change of zone for the subject site, as the property's current zone of SFR-00 – a holding zone for properties that have not yet been tested for facility adequacy – is required to be rezoned in order to allow the development of the site to urban level densities and intensities. Accordingly, the applicant is requesting to rezone the site to both SFR-10 and SFR-4. The northerly 12.26-acre portion of the site, located north of North Fork Larson Creek; along with the southerly 2.95-acre portion of the site, located south of Larson Creek, are both proposed to be rezoned to SFR-4. The remaining 12.61 acre portion of the site, located between the site's two riparian waterways, is proposed to be rezoned to SFR-10, allowing a higher density of single-family lots to be developed within the central portion of the site.

Finally, the applicant is requesting a CUP, as the adopted Southeast Circulation Plan Map requires shared use paths to be located within the Greenway, obliging the applicant to obtain a CUP in order to install said shared use paths as part of the future development of the site.

Ultimately, the approval of the proposed Middlefork Creek PUD will require the applicant to obtain concurrent approvals for four separate applications: a land division, a PUD, zone changes, and a CUP. As per MLDC 10.114, the consideration of all four applications may be heard concurrently by the same approving authority, at the request of the applicant, and the Planning Commission is the designated approving authority for all of the subject requests, as per MLDC 10.108(1).

Residential Density

Residential Density Table

Zone	Acreage	Minimum/ Maximum Dwelling Units per Acre	Minimum Dwelling Units	Maximum Dwelling Units	Proposed Dwelling Units
SFR-4	13.76	2/4	34	55	45
SFR-10	10.99	6/10	66	110	60
Totals				**100-165**	**105**

As shown on the Residential Density Table above, the total number of dwelling units proposed for the PUD meets the density requirements as prescribed per the Code.

Proposed Modifications of Standards

Per MLDC 10.192(B)(1-8), the approval of PUDs may include modifications which vary from the strict standards of the Code, limited to specific categories. The applicant is requesting the following modifications from the strict standards of the code:

Lot sizes

MLDC 10.192(B)(2)

(1) Lots and Parcels in PUDs. Limitations, restrictions and design standards pertaining to the size, dimension, location, position and coverage of lots, and restrictions related to through lots.

SFR-10	Allowed	Proposed
Lot Area	3,600 to 8,125	Lot 7: 8,390 Lot 26: 8,354 Lot 27: 8,321 Lot 46: 8,596 Lot 47: 8,560 Lot 57: 8,834

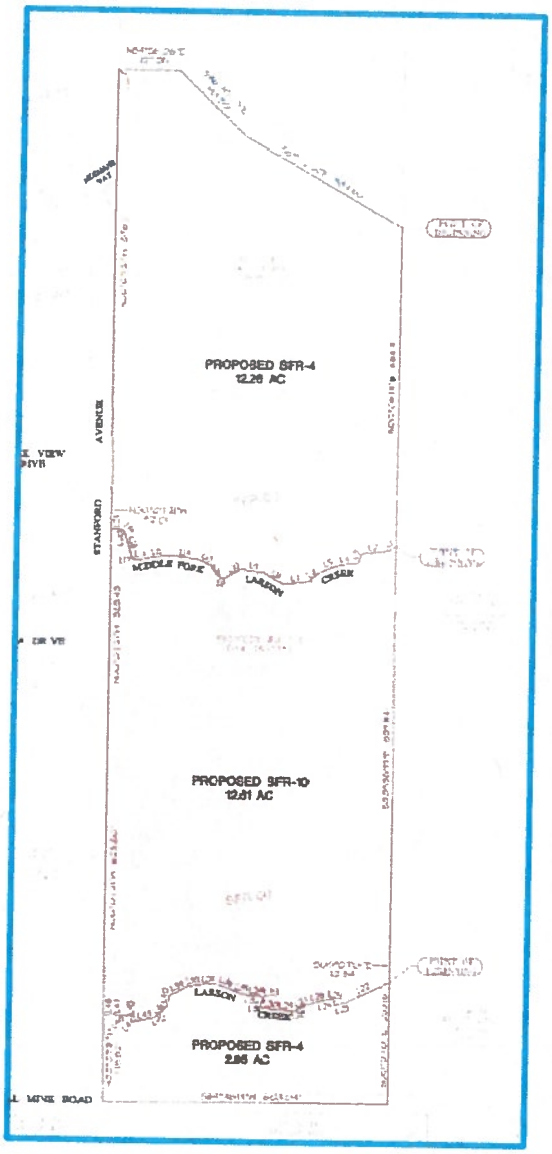
The submitted tentative plat includes six lots, which exceed the maximum area allowed for the creation of lots in the SFR-10 zoning district. The applicant requests, in accordance with MLDC 10.192(B)(2) above, relief from strict compliance with the minimum lot area requirement for the five lots cited above.

Southeast Plan/zoning

TABLE 10.373: Southeast Sub-Area, General Land Use Plan Map, Southeast Plan Map, Zoning, and Residential Density

Sub-Area	General Land Use Plan Map Designation	Southeast Plan Map Land Use Category[1]	Permitted Zoning	Permitted Residential Density Range Du/Ac[1]
2, 16, 17, and 20	UR	Standard Lot	SFR-4 or SFR-6	2.5 to 6.0
6, 11, and 15	UR	Small Lot	SFR-10 with alleys[2]	5.0 to 10.0[2]
			SFR-10 without alleys	6.0 to 10.0

The portion of the property located southerly of the Middle Fork of Larson Creek is located within the Sub-Area 17, requiring standard lots corresponding with the zoning of SFR-4 and SFR-6. The remaining portion of the property is located within Sub-Area 15, which require small lots corresponding with the zoning of SFR-10. The applicant is proposing to swap these two SE land use categories, rezoning the portion of the property located within Sub-Area 17 as SFR-10, while rezoning the portion of the property located within Sub-Area 15 as SFR-4. (Per MLDC 10.309, SFR-4 zoning should be located in areas where slopes exceed five percent, but are less than fifteen percent to prevent excessive grading.)



As stated in the applicant's findings, and shown on their submitted Slope Analysis (Exhibit G), the existing slopes located between the creeks are more gradual than those located northerly of the creek. Accordingly, lower density development is being proposed for those areas prescribed for SFR-10 zoning, as per Table 10.373 shown above, while higher density is proposed for those areas prescribed for SFR-4. As further stated in the submitted findings, the swapped areas are similar in quantity, although the proposed SFR-10 zoning is larger by 0.4 tenths of an acre when compared to the SFR-4 area.

Proposed Development Schedule by Phase

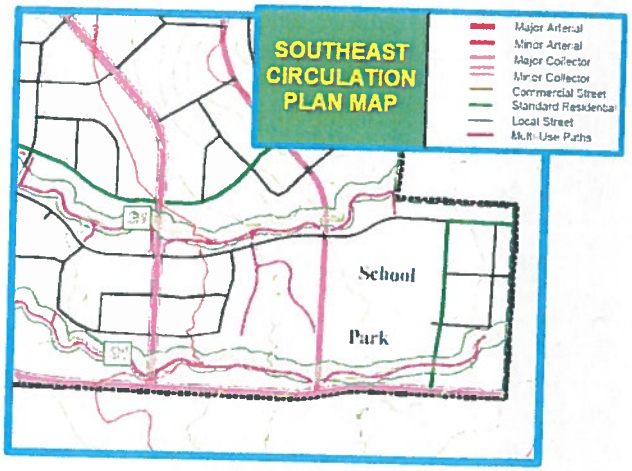
Phase	Year
2,3,4,5A, 5B	2020
1, 6A, 6B, 7	2023

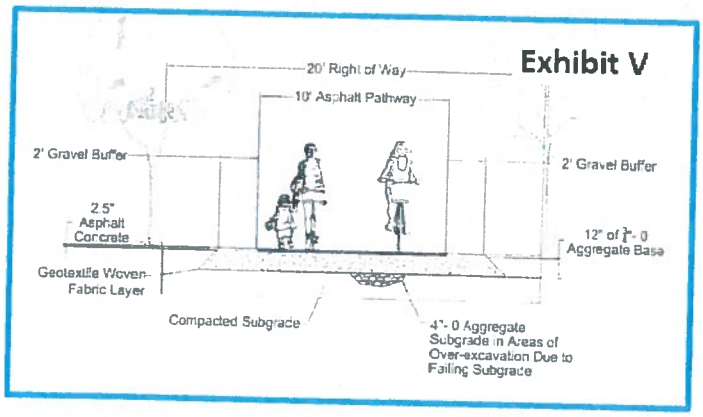
The applicant is proposing to develop the property in several phases. Per MLDC 10.202(D), when it is the developer's intent to record and develop a tentatively platted land division in phases, the Planning Commission may authorize a time schedule for platting the various phases in periods exceeding one year, but in no case shall the total time period for platting all phases be greater than five years without having to re-submit the tentative plat.

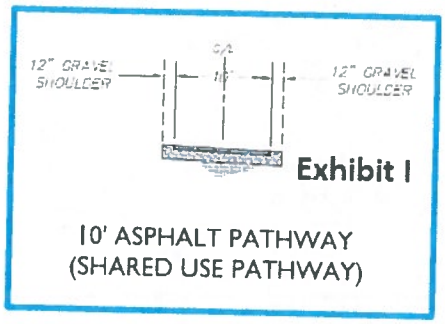
Greenways

The Southeast Area Circulation Plan and the Leisure Services Plan require the construction of a shared use pathway along both Larson Creek greenways within the development.

As per the staff report submitted by the Parks Department (Exhibit V), the applicant will be required to enter in an agreement with the City that outlines the development ownership, and maintenance of the Greenway and shared use pathway prior to final plat approval.





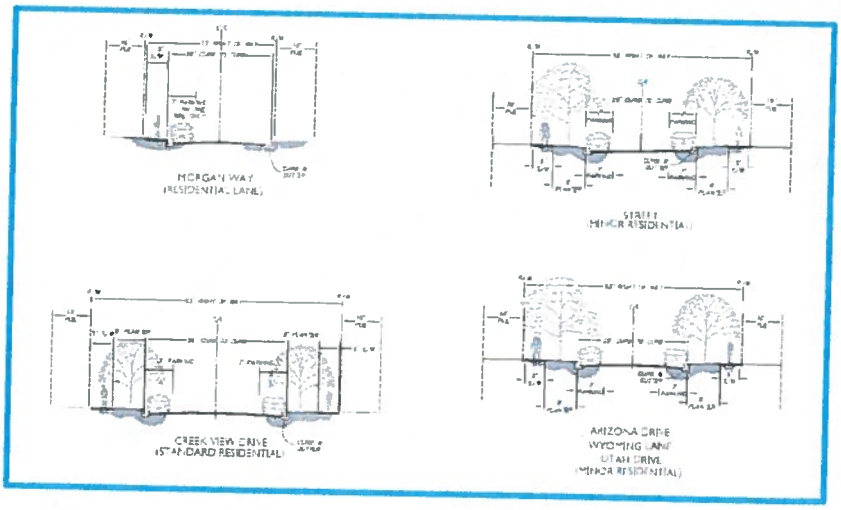


Wetlands

There is a designated wetland identified on the Local Wetland Inventory map which shows the subject site partially impacted by the presence of wetlands within the southern portion of the parcel. As stated in their submitted findings, the applicant has retained Schott & Associates, Inc. to conduct wetland delineation within the project's area. Per the report provided by Schott & Associates, no wetlands were found within the study area boundaries.

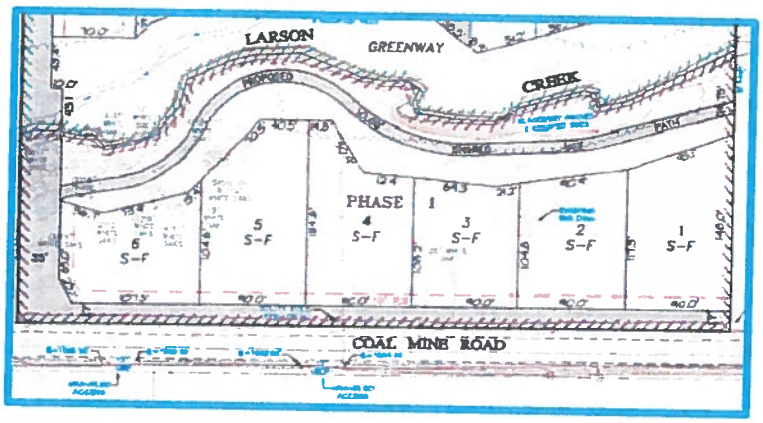
As a condition of approval, the applicant will be required to submit to staff documentation from the Department of State Lands (DSL) confirming that the proposed development will not conflict with state and federal regulations related to the preservation of wetlands.

Streets/Access

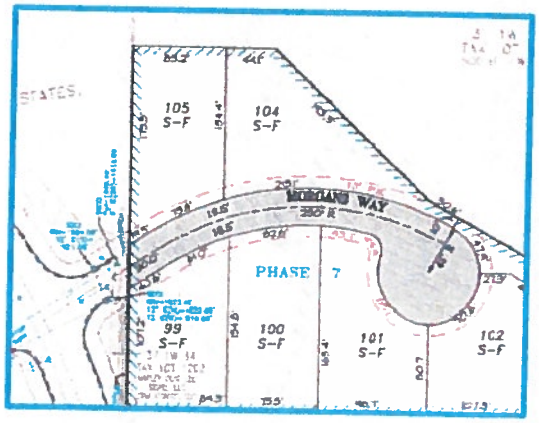


As shown on the submitted tentative plat, the applicant is proposing the creation of three new streets: Hartford Street, Wyoming Lane and Utah Drive – all to be constructed to Minor Residential street standards, and stubbed at the site's easterly boundary. Additionally, the applicant is proposing the extension of four streets: Morgan Way, Creek View Drive, Arizona Drive and Stanford Avenue. Arizona Drive will be constructed to Minor Residential street standards, and stubbed at the site's easterly boundary; Creek View Drive will be constructed to Standard Residential street standards, and also stubbed at the site's easterly boundary; Morgans Way will be constructed to Residential Lane standards, and will terminate in a cul-de-sac; and the applicant will improve the east half of Stanford Avenue, a Major Collector street, from where the street is currently stubbed south of Arizona Drive to Coal Mine Road. The applicant will also be required to improve the north half of Coal Mine Road, which runs along the southerly boundary of the site.

Lots 1-6, as identified on the tentative plat, are bound by Larson Creek to the north and Coal Mine Road to the south. Accordingly, the applicant is requesting for these lots to take direct access off of Coal Mine Road – a Major Collector street. Per the Public Works staff report, staff is not supportive of individual driveways on Coal Mine Road; however, in accordance with MLDC 10.550, staff is amenable to allowing shared driveways off of Coal Mine Road to serve these lots.



The tentative plat shows Morgans Way as a cul-de-sac, which is not consistent with the Southeast Area Neighborhood Circulation Plan. As stated in the staff report submitted by Public Works, staff recommends that if a cul-de-sac is approved, that an accessway, in conformance with MLDC 10.464-10.466, be required for a future connection between the Morgan Way cul-de-sac and Lone Oak Drive. At the request of staff, the applicant has submitted supplemental findings (Exhibit Y) addressing the proposed cul-de-sac and the absence of an accesway at the end of Morgans Way.



In regards to the proposed cul-de-sac, the applicant's findings state the following:

> *The proposed cul-de-sac street is under 450 feet in length, has a vehicle turnaround area with a radius of 45 feet and will have a minimum paved section radius of 37 feet. As a result, said cul-de-sac meets the relevant criteria and is therefore permitted.*

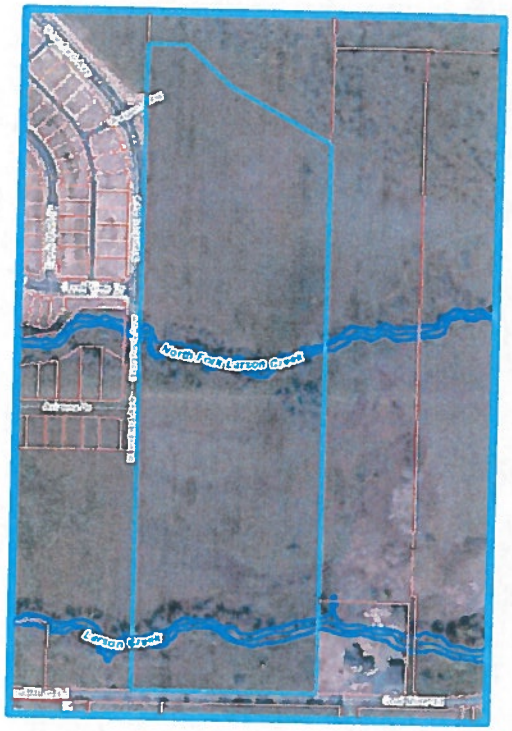
In regards to the absence of an accessway at the end of Morgans Way, the applicant's findings state the following:

> *The intent of an accessway is to provide safe and convenient pedestrian and bicycle access throughout a subdivision and nearby areas. Part of the proposed development includes two Greenways, located southerly of the cul-de-sac. Both Greenways provide paths that meet the intentions of an accessway that is being referred to in MLDC Section*

10.464. The existence of said Greenway paths together with the sidewalks that will be constructed on the nearby streets provide a network of connectivity and sufficient access to meet the intentions of MLDC Section 10.464, while mitigation the need to create an accessway off the cul-de-sac that would be neither safe or convenient with slopes that exceed 15%.

Riparian Corridor

The subject property is encumbered by the riparian corridors of North Fork Larson Creek to the north and Larson Creek to the south. Per MLDC 10.922, both Larson Creek and North Fork Larson Creek are identified as protected waterways within the City. As such, a 50-foot riparian corridor, which is measured horizontally from the top-of-bank on both sides of the creek, is applied to the sections of both creeks running through the subject site, restricting development within these established corridors.



The applicant is requesting to locate storm drain facilities within the riparian corridors of both creeks. Per MLDC 10.925, utilities and other such public improvements (e.g., storm drain facilities) are allowed within a riparian corridor subject to approval of a Conditional Use Permit. As such, the applicant is requesting a CUP in order to locate the storm water facilities within the riparian corridors, and for the proposed shared use path required of the development per the Southeast Circulation Plan.

Staff received a memo from the Oregon Department of Fish and Wildlife (ODFW) (Exhibit X), with ODFW making a series of suggestions along with requesting that the applicant submit a detailed plan of any impacts on the riparian corridor of both Larson and Middle Fork Larson Creek and any associated plans for mitigation.

As a condition of approval, the applicant will be required gain approval from ODFW for any impacts within the riparian corridor of both Larson and Middle Fork Larson Creek, prior to final plat approval.

Traffic Impact Analysis (TIA)

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

A TIA was prepared by Southern Oregon Transportation Engineering, LLC for the subject development, and received by staff on October 25, 2018. The findings of the TIA concluded that the proposed zone change from SFR-00 to SFR-4 and SFR-10 can be accommodated on the existing transportation system with the proposed mitigation. A summary of results are as follows:

1. The unsignalized intersection of Juanipero Way and N Phoenix Road Exceed LOS "D" in the westbound left turn movement under future year 2023 no-build and build conditions once Coal Mine Road is re-aligned with Juanipero Way.
    a. Proposed mitigation includes a traffic signal once signal warrants are met.
    b. Up to 61 SFR dwelling units can develop before 25 p.m. trips reach this intersection.
    c. A pro-rate fair share of signal costs is estimated to be 3% based on total entering volume and development tip impacts. Once a pro-rate share is paid, full development can occur.

The TIA was originally received by Public Works on October 26, 2018, and Public Works received an addendum on December 3, 2018, addressing concerns raised by staff. In the memo submitted to the Planning staff (Exhibit Z), Public Works concurs with the report as modified and recommends the following conditions of approval:

1. The development shall be restricted to a trip cap stipulation based on 105 single family residential units per the submitted PUD plan
2. The applicant shall pay a 3% proportional share toward the design and construction of a traffic signal at the intersection of Juanipero Way and N. Phoenix Road prior to approval of the final plat that creates 61 or more single family units total in the PUD.
3. If Coal Mine Road is not realigned then the applicant shall design and construct a southbound left turn lane and a northbound right turn lane at the existing intersection of Coal Mine Road and N. Phoenix Road prior to construction of phases 1, 6 and 7.

Floodplain

Per the floodplain memo (Exhibit AA), the property contains a 1% Special Flood Hazard Area with Base Flood Elevations and Floodway. Prior to Construction Drawings and site grading, the following will be required of the applicant:

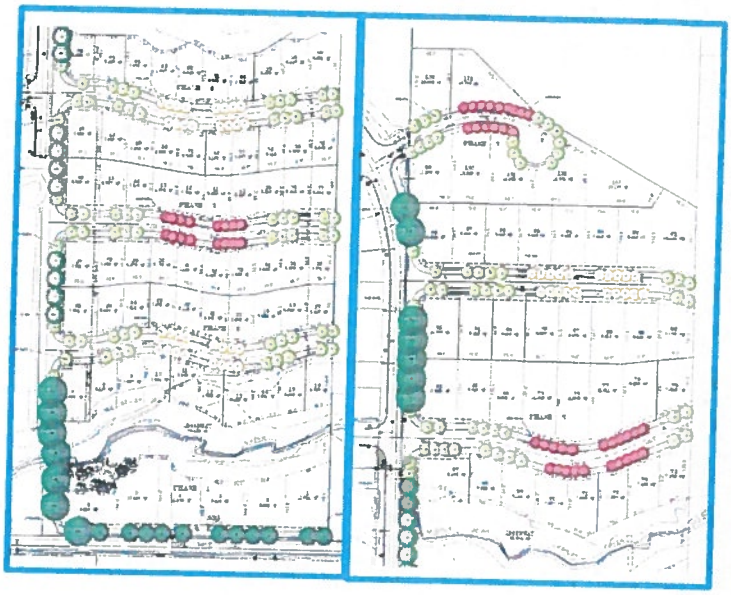
- Provide a detailed Flood Study with FIS profiles for the entire reach within the development boundaries of South Fork Larson Creek and Middle Ford Larson Creek, which show the 10 year, 25 year and 100 year water surface elevations.

- Provide a hydrologic analysis for both crossings on Stanford Avenue that shows floodplain and floodway.

- If the crossings require development within the floodway then a no-rise analysis shall be required.

Landscaping

Per MLDC 10.379, new developments within the Southeast Overlay District require a streetscape and Planter Strip Plan. Accordingly, the applicant has submitted landscape plans showing streetscapes and planter strips along all street frontages of the proposed development, consistent with the requirements outlined in MLDC 10.379.



Public Improvements

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

Committee Comments

No comments were received from committees such as BPAC.

Other Agency Comments

Jackson County Roads (Exhibit W)

In the staff report submitted, Jackson County Roads requests:

- An updated traffic study be submitted to determine if improvements to North Phoenix Road are needed.
- To review and comment on the hydraulic report including the calculations and drainage plan.

As a condition of approval, the applicant will be required to comply with all requirements of Jackson County Roads prior to final plat approval.

FINDINGS AND CONCLUSIONS

Planned Unit Development (PUD)

Staff finds that the proposed PUD preserves an important natural feature of the land (riparian areas); the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole; the property is not subject to a moratorium on construction or land

development, Public Facilities Strategy, or a Limited Service Area; there are no common elements proposed for the PUD; the proposed PUD does not include uses not allowed in the underlying zone; nor does it include proposed uses subject to compliance with the conditional use permit criteria as per MLDC 10.192(B(7)(c); and the proposed 105-lot residential land division meets all the substantive approval criteria in Article II for each of the additional development applications.

Zone Change

Staff finds that, in regards to Criterion 1, there is adequate evidence in the record to demonstrate that the proposal is consistent with the UR General Land Use Plan Map designation and the Transportation System Plan, and meets the locational criteria for a change of zone to SFR-10; in regards Criterion 2, the agency comments included as Exhibits S through V, together with the approved TIA submitted by the applicant, demonstrate that there are adequate Category A facilities available to serve the subject site.

Land Division

Staff finds the partition plat consistent with the Comprehensive Plan and all applicable design standards set forth in Articles IV and V; will not prevent development of the remainder of the property under the same ownership or of adjoining land; all proposed street names have been reviewed and approved by the City's Address Technician; all proposed streets are laid out to be consistent with existing and planned streets with the plats of land divisions already approved for adjoining property; and criterion 5 and 6 are inapplicable to the subject development.

Conditional Use Permit (CUP)

Staff finds that, in regards to Criterion 1(b), the proposed location of storm drain facilities and a shared use path within the riparian corridors of both Larson Creek and North Fork Larson Creek are in the public interest, and although the development proposal may cause some adverse impacts, a condition of approval requiring the review and approval of the applicant's mitigation plans by the Oregon Department of Fish and Wildlife will ensure the protection of the riparian area. Additionally, as stated in the applicant's submitted findings, the location of the storm drain facilities within the riparian corridors will assist in mitigating potential flood damage by keeping any overflow that may occur in a large flood event away from private property and near the creek for discharge, effectively producing a balance between conflicting interests.

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

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of PUD-18-156, LDS-18-155, ZC-18-157, and CUP-18-158 per the staff report dated December 20, 2018, including Exhibits A through Z.

EXHIBITS

A Conditions of Approval, drafted December 20, 2018.
B Preliminary PUD Plan, received October 19, 2018
C Tentative Plat, received October 19, 2018.
D Landscape Plan, received October 19, 2018.
E Conceptual Sewer & Water Plan, received October 19, 2018.
F Conceptual Grading & Drainage Plan, received October 19, 2018.
G Slope Analysis Plan, received October 19, 2018.
H Zone Change site plan, received October 19, 2018.
I Conceptual Road Sections, received October 19, 2018.
J Findings of Fact and Conclusions of Law (PUD), received October 19, 2018.
K Findings of Fact and Conclusions of Law (LDS), received October 19, 2018.
L Findings of Fact and Conclusions of Law (ZC), received October 19, 2018.
M Findings of Fact and Conclusions of Law (CUP), received October 19, 2018.
N Narrative description: Middlefork PUD, received October 19, 2018.
O Geotechnical Report, received October 19, 2018.
P Legal descriptions, received October 19, 2018.
Q Declarations of Conditions and Covenants, received October 19, 2018.
R Traffic Impact Analysis (TIA) (Cover and Executive Summary), received October 25, 2018.
S Public Works report (PUD/ZC), dated November 28, 2018.
T Medford Water Commission (MWC) report and map, received November 28, 2018.
U Medford Fire Department report, received November 28, 2018.
V Parks Department report, dated November 28, 2018.
W Jackson County Roads report, received November 20, 2018.
X Oregon Department of Fish and Wildlife, received December 4, 2018.
Y Supplemental Findings, received December 12, 2018.
Z Public Works memo regarding TIA, received December 12, 2018.
AA Floodplain report, received December 20, 2018.
Vicinity Map

PLANNING COMMISSION AGENDA: **DECEMBER 27, 2018**

EXHIBIT A

Middlefork Creek PUD
PUD-18-156/LDS-18-155/ZC-18-157/CUP-18-158
Conditions of Approval
December 20, 2018

DISCRETIONARY CONDITIONS

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

CODE REQUIRED CONDITIONS

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

2. Gain final PUD approval pursuant to MLDC 10.196.
3. Comply with all conditions stipulated by the Medford Water Commission (Exhibit T).
4. Comply with all conditions stipulated by the Public Works Department (S).
5. Comply with all requirements of the Medford Fire Department (Exhibit U).
6. Comply with all requirements of Jackson County Roads (Exhibit W)
7. Provide staff with documentation from the Department of State Lands showing compliance with state and federal regulations related to the preservation of any wetlands identified on the property.
8. Gain approval from the Oregon Department of Fish and Wildlife (ODFW) for any proposed construction within the riparian corridors of Larson Creek and Middle Fork Larson Creek.
9. Comply with all requirements of the Parks Department regarding the installation of the 12-foot shared use pathways as identified on the PUD Plan (Exhibit V).
10. Provide staff with a copy of Covenants, Conditions, and Restrictions (CC&Rs), recorded in the official records of Jackson County, outlining the continued responsibilities of the abutting property owners in installing and maintaining the approved landscaping, including street trees, as identified on the approved landscape plan, pursuant to MLDC 10.739(1)(A)(b).

Prior to Construction Drawings and site grading for each applicable phase, the applicant shall:

11. Provide a detailed Flood Study with FIS profiles for the entire reach within the development boundaries of South Fork Larson Creek and Middle Ford Larson Creek, which show the 10 year, 25 year and 100 year water surface elevations; Provide a hydrologic analysis for both crossings on Stanford Avenue that shows floodplain and floodway; and if the crossings require development within the floodway then a no-rise analysis shall be required.

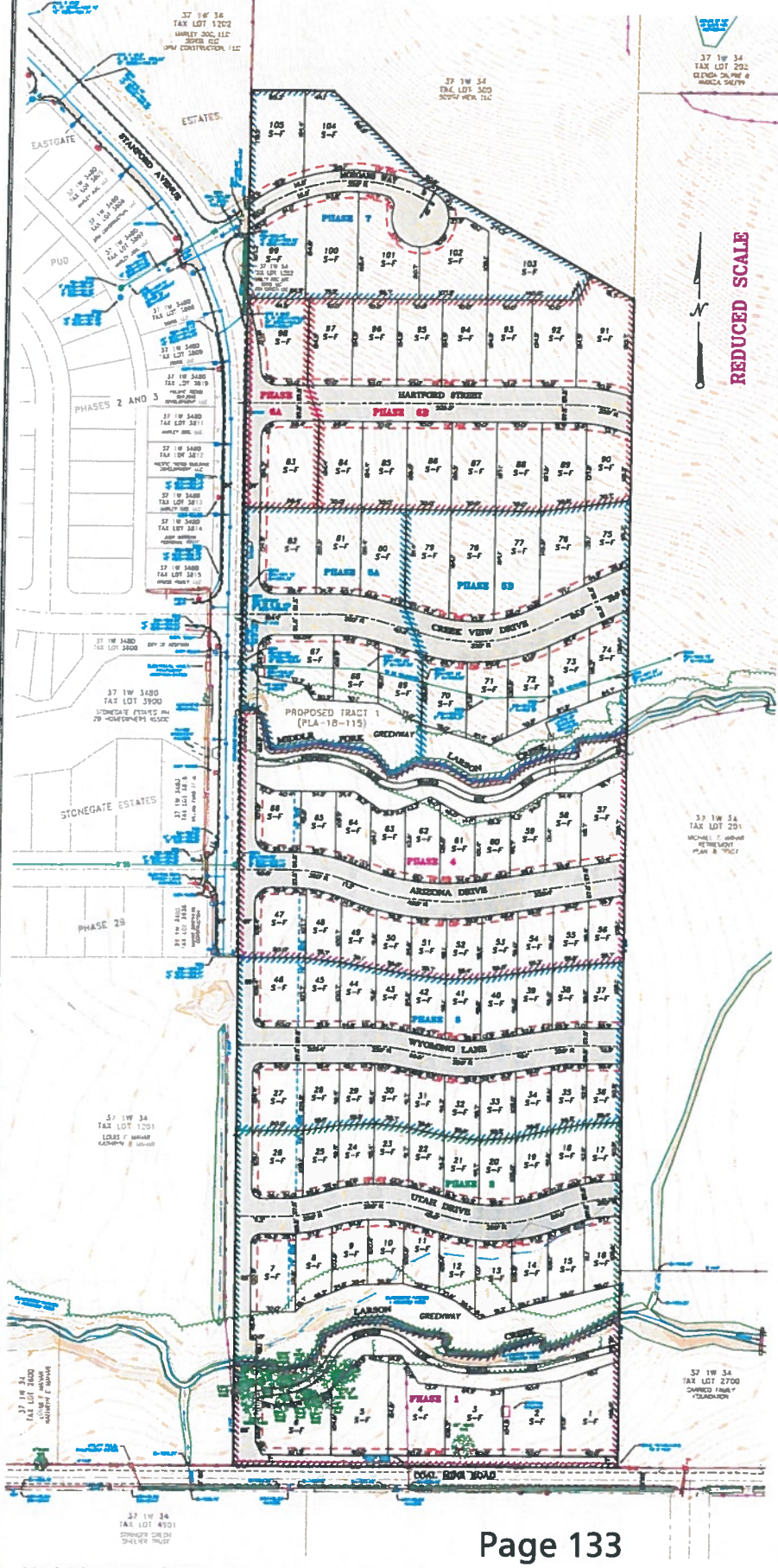
CITY OF MEDFORD
EXHIBIT # A
FILE # PUD-18-156/LDS-18-155/ZC-18-157/CUP-18-158

RECEIVED
OCT 19 2018
PLANNING DEPT

PRELIMINARY PUD PLAN FOR:
MIDDLEFORK CREEK PUD, PHASES 1-7

Located within Section 34, Township 37 South Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon.

PREPARED FOR:
SOUTH VIEW, LLC.
816 Alder Creek Drive
Medford, OR 97504



LEGEND

PROJECT NOTES

LAND USE INFORMATION	PERMITTED PLANS

SURVEY NOTES

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Cael E. Neathamer

OREGON
JULY 9, 2001
CAEL E. NEATHAMER
56545

Renewal Date 12/31/18

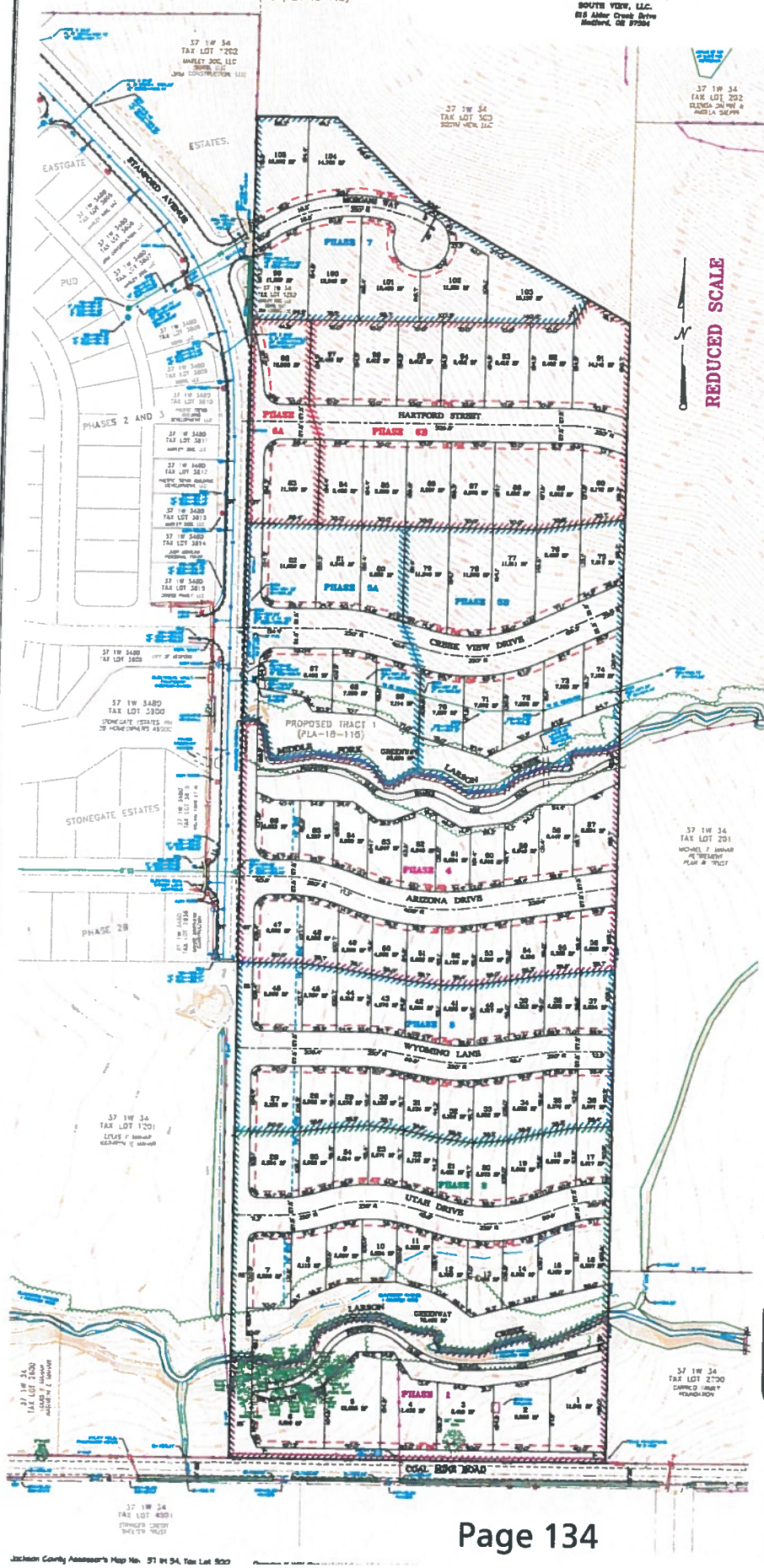
CITY OF MEDFORD
EXHIBIT # 6
FILE # PUD-18-156/LDS-18-155/ZC-18-157/CUP-18-158

RECEIVED
OCT 19 2018
PLANNING DEPT

TENTATIVE PLAT FOR:
MIDDLEFORK CREEK PUD, PHASES 1-7

Located within Section 34, Township 37 South Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon.

PREPARED FOR:
SOUTH VIEW, LLC.
818 Alder Creek Drive
Medford, OR 97504



LEGEND:

SURVEY REFERENCE NOTES:

GENERAL SURVEY NOTES:

REGISTERED PROFESSIONAL LAND SURVEYOR

Cael E. Neathamer

OREGON
JULY 9, 2001
CAEL E. NEATHAMER
56545

Renewal Date 12/31/18

CITY OF MEDFORD
EXHIBIT #
FILE # PUD-18-156/LDS-18-155/ZC-18-157/CUP-18-158

Jackson County Assessor's Map No. 37 1W 34, Tax Lot 500

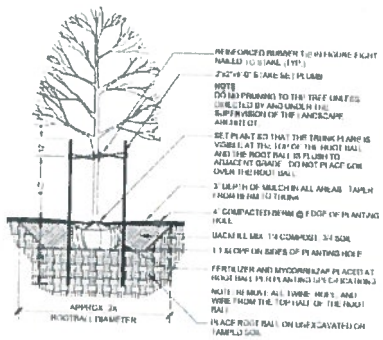
galbraith

LANDSCAPE ARCHITECTURE & SITE PLANNING

REGISTERED LANDSCAPE ARCHITECT

This document, and the ideas and designs incorporated herein, as an instrument of professional service is the property of Galbraith & Associates, Inc. and is not to be used, modified, or changed in whole or in part, for any other purpose without the written authorization of John Galbraith, Landscape Architect.

PLANT SCHEDULE



1 SECTION: DOUBLE STAKE TREE PLANTING

Middlefork Creek
PUD Phase 1-7
Medford, OR

REVISIONS

0 50 100 150 200 feet
1" = 50'

NORTH

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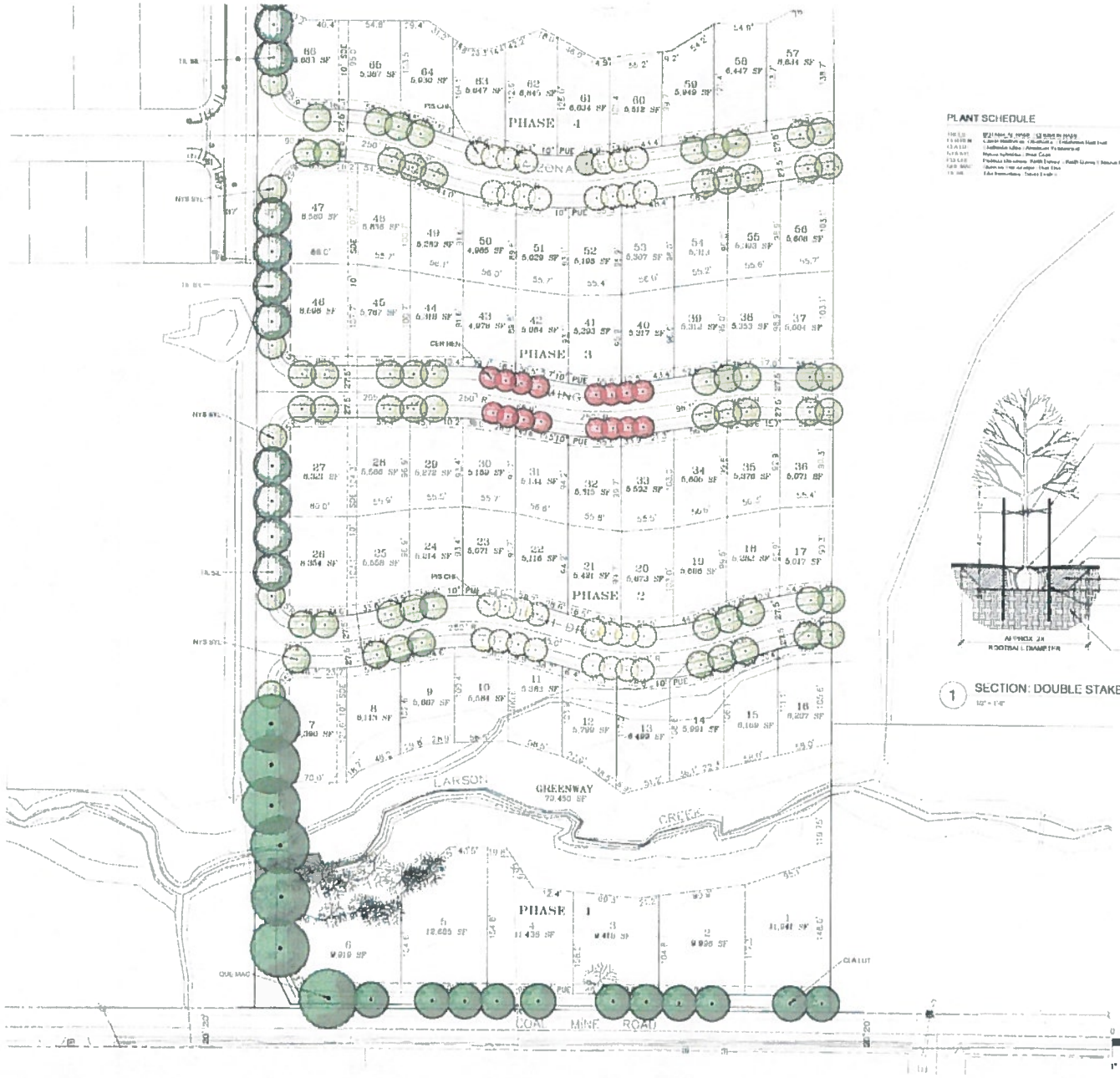
PLANNING DEPT

CITY OF MEDFORD
EXHIBIT # D
FILE # PUD-18-156/LDS-18-155/ZC-18-157/CUP-18-158



PLANT SCHEDULE

1 SECTION: DOUBLE STAKE TREE PLANTING

galbraith
LANDSCAPE ARCHITECTURE & SITE PLANNING

REGISTERED LANDSCAPE ARCHITECT

Middlefork Creek
PUD Phase 1-7
Medford, OR

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PLANNING DEPT

E2

CITY OF MEDFORD
EXHIBIT #
FILE # PUD-18-156/LDS-18-155/TC-18-157/CUD-18-159

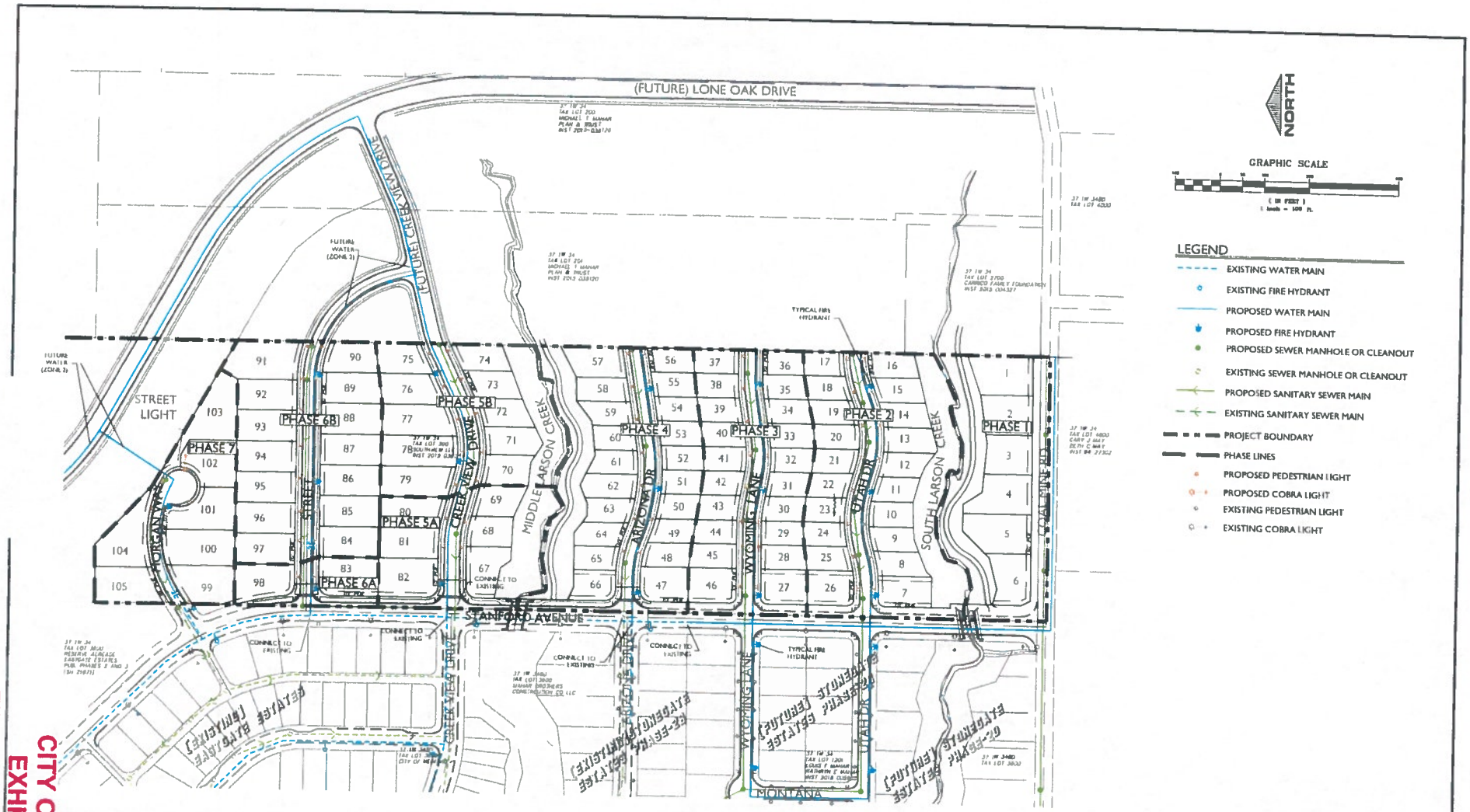


EXHIBIT C.1

CONSTRUCTION ENGINEERING CONSULTANTS

DRAWN BY: ZLZ DATE: 10/15/18
CHECKED BY: AMB DATE: 10/15/18

NO.	REVISION	DATE	BY

CITY OF MEDFORD

MIDDLEFORK CREEK PUD
PHASES 1-7

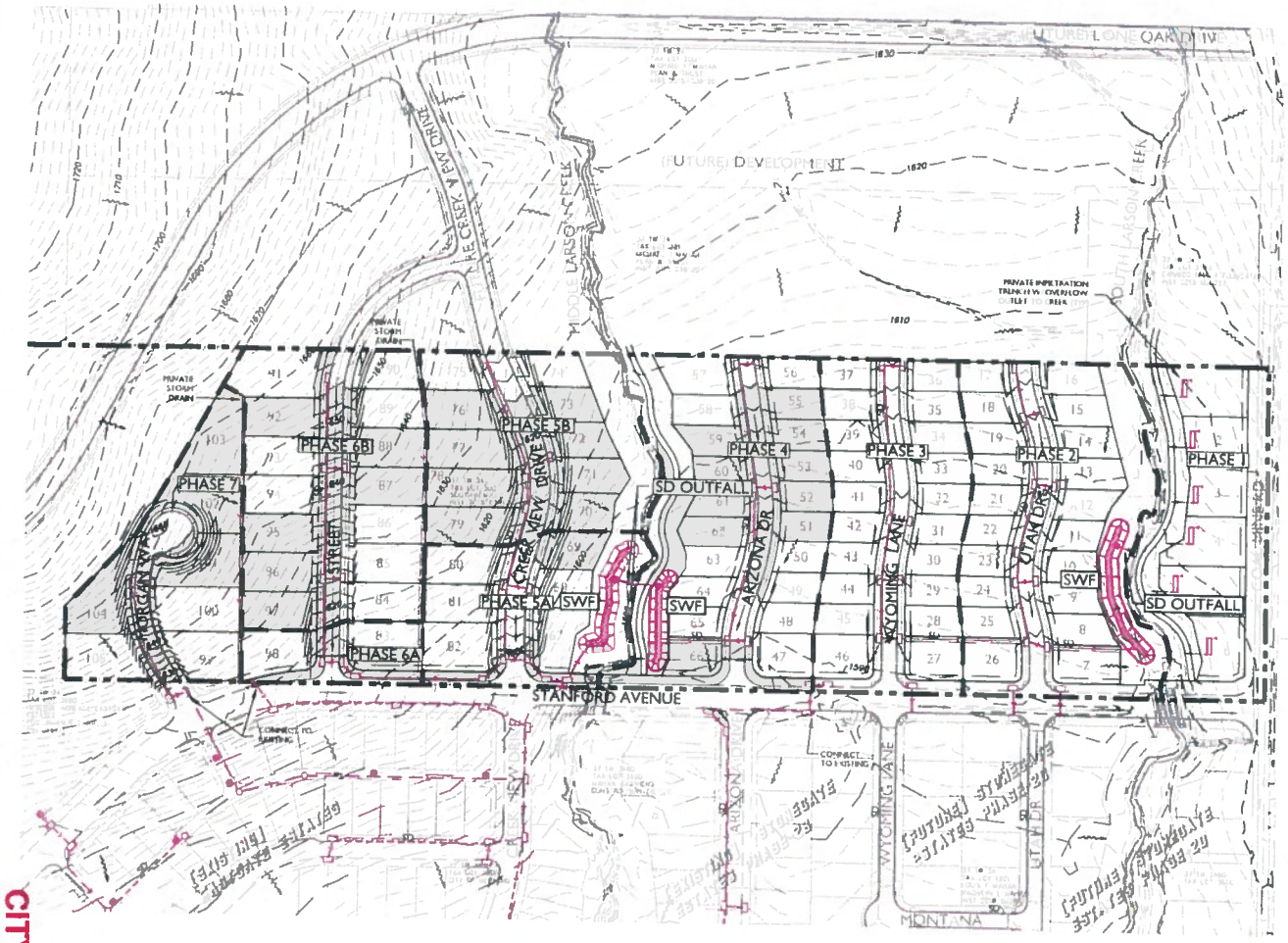
CONCEPTUAL
SEWER & WATER PLAN

DRAWING NAME: MD-CON-UTE.dwg

RECEIVED
OCT 19 2018
PLANNING DEPT

CITY OF MEDFORD
EXHIBIT #
FILE # PUD-18-156/LDS-18-155/TC-18-157/CIP-18-159

RECEIVED
OCT 19 2018
PLANNING DEPT



NORTH

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

LEGEND

- STREET DRAINAGE DIRECTION
- DRAINAGE DIRECTION
- SD — PROPOSED STORM MAIN
- SD — EXISTING STORM MAIN
- SD — FUTURE STORM MAIN
- PROPOSED INFILTRATION TRENCH
- PROPOSED LYNCH BASIN
- PROPOSED CURB INLET
- PROPOSED SD MANHOLE
- EXISTING SD MANHOLE
- SWF — STORM WATER FACILITY
- PROJECT BOUNDARY
- PHASE LINES

CONTOURS

CONTOUR INTERVAL = 2'
INDEX INTERVAL = 10'

EXISTING INDEX CONTOUR — ELEV —
EXISTING MINOR CONTOUR
PROPOSED INDEX CONTOUR — ELEV —
PROPOSED MINOR CONTOUR

EXHIBIT C.2

CITY OF MEDFORD

MIDDLEFORK CREEK PUD
PHASES 1-7

CONCEPTUAL
GRADING & DRAINAGE PLAN

CONSTRUCTION ENGINEERING CONSULTANTS
P.O. BOX 1724 · MEDFORD, OREGON 97501
PH. (541) 779-8386

DRAWN BY:	ZLZ	DATE:	10/15/18
CHECKED BY:	BSH/AMB	DATE:	10/15/18
		DATE:	
		DATE:	
		DATE:	
		DATE:	

NO.	REVISION	DATE	BY

NOT FOR CONSTRUCTION

DRAWING NAME: MID-CON-GRAD.dwg PROJ. NO. 18-24 PLOT DATE: 10/18/18

CITY OF MEDFORD
EXHIBIT #
FILE # PUD-18-156/LDS-18-155/7C-18-157/CUP-18-158

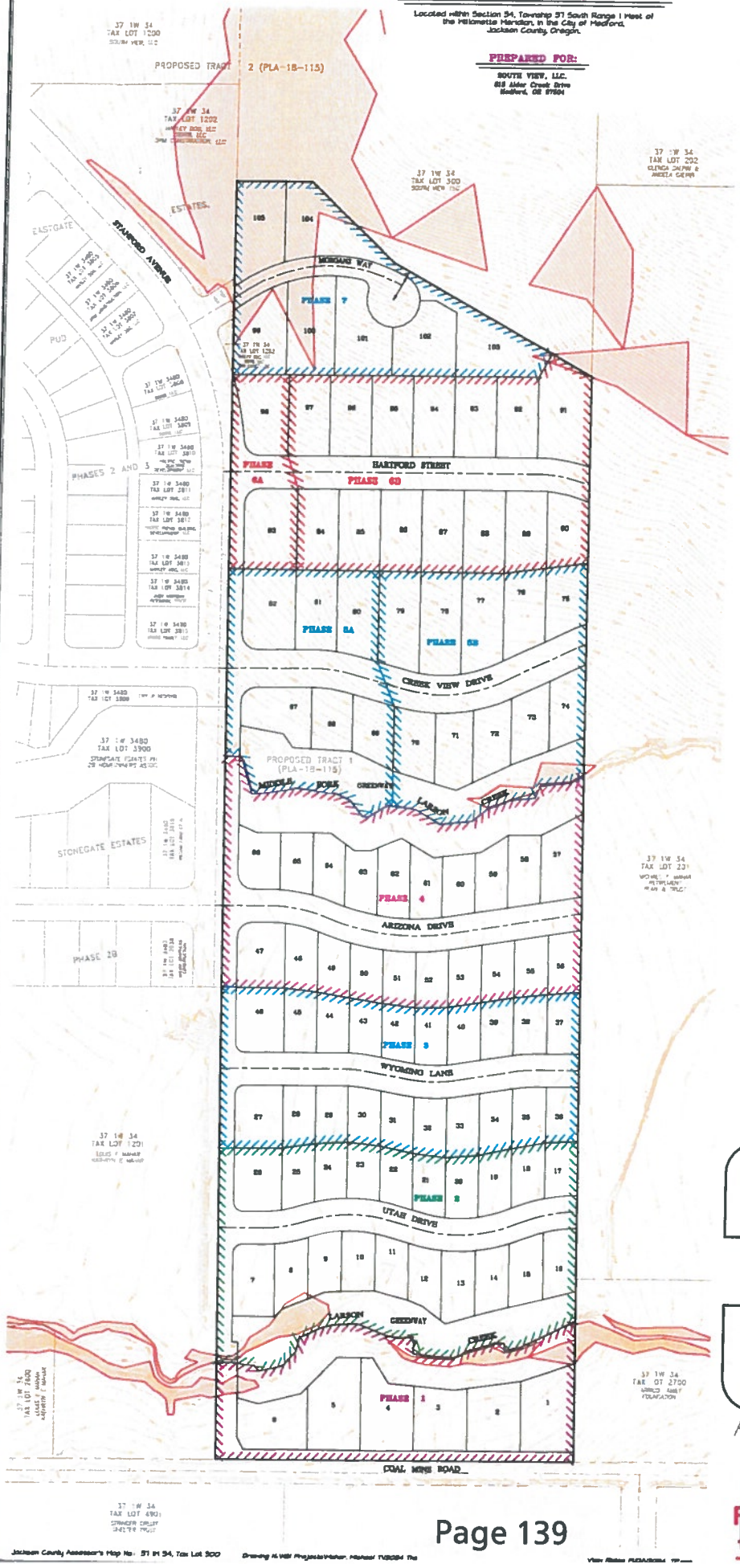
RECEIVED
OCT 19 2018
PLANNING DEPT

SLOPE ANALYSIS FOR:
MIDDLEFORK CREEK PUD, PHASES 1-7

Located within Section 34, Township 37 South Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon.

PREPARED FOR:

SOUTH VIEW, LLC.
815 Alder Creek Drive
Medford, OR 97504



LEGEND:

Indicates slopes 15% - 35%.

N

REDUCED SCALE

SURVEY REFERENCE NOTES:

Linear unit (horizontal): International Feet (ft)
Linear unit (vertical): U.S. Survey Feet (sft).
Vertical datum: City of Medford Vertical Datum (NAVD24)
Geodetic information:
Datum: North American Datum (NAD) of 1983 (2011) epoch 2010.00
System: Oregon Coordinate Reference System
Zone: Grants Pass-Ashland
Projection: Transverse Mercator
Latitude of grid origin: 41°45'00" N
Longitude of central meridian: 123°20'00" W
Northing at grid origin: 0.000 m
Easting at central meridian: 50,000.000 m (164,041.995 ft)
Scale factor on central meridian: 1.000 045 (exact)

All bearings and distances shown hereon are projected (grid) values based on the projection definition herein and above. This projection was utilized in order to minimize the difference between projected (grid) distances and horizontal (ground) distances at the topographic surface within the design area of this coordinate system.

The basis of bearings for this survey is Geodetic North. Note that the grid bearings shown or implied hereon do not equal Geodetic North due to meridian convergence.

Orthometric heights (elevations) are referenced to the City of Medford Vertical Datum (reported to be on the NAVD24 datum). Elevations established via GPS measurements utilizing GPS (Online Positioning User Service) solution sets, thence via classical terrestrial methods with elevations being based on the NAVD88 datum. From which, made ties to City of Medford benchmarks and performed a vertical translation to have elevations referenced to the City of Medford Vertical Datum.

This survey was conducted utilizing the Global Navigation Satellite System (GNSS) referenced to the National Spatial Reference System (NSRS). NSRS coordinate values were established via Trimble R10 GPS equipment, a Trimble TSC3 data collector with Trimble Access software, and RTK methods.

Established primary control and ties to found monuments utilizing said R10, RTK methods and redundant ties. From which, utilized terrestrial methods with a Trimble S7 robotic instrument and a Trimble TSC3 data collector with Access software to establish all remaining control, monument ties and topographic locations.

REGISTERED PROFESSIONAL LAND SURVEYOR

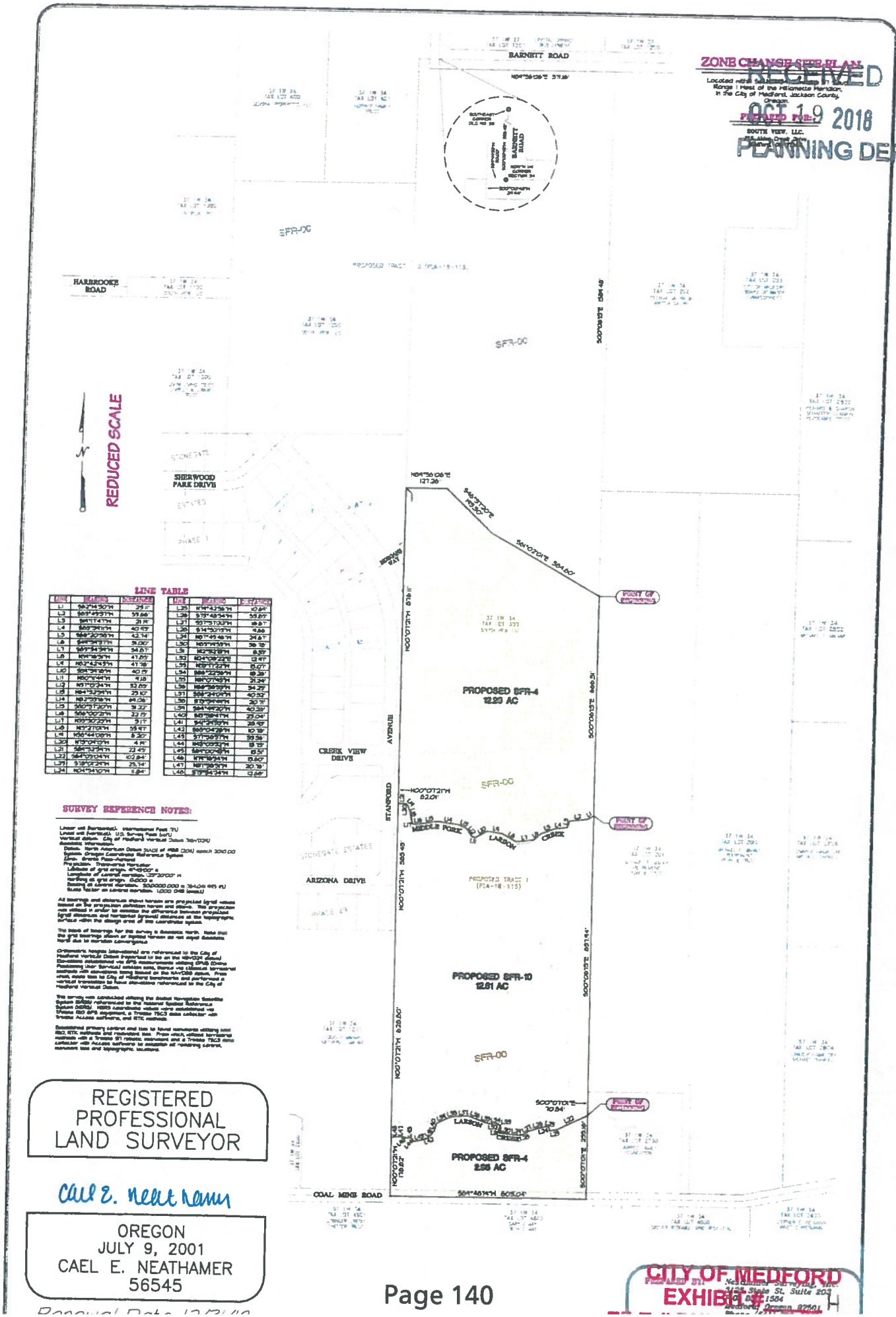
Cael E. Neathamer

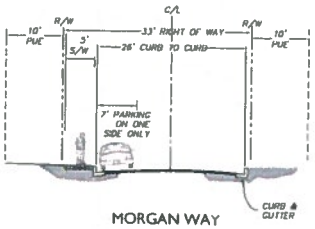
OREGON
JULY 9, 2001
CAEL E. NEATHAMER
56545

Renewal Date 12/31/18

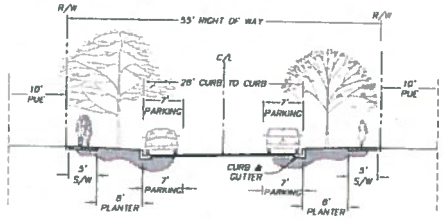
PREPARED BY: Neathamer Surveying, Inc.
[illegible] St. Suite 203
P.O. Box 1564
Medford, Oregon 97501
[illegible]

CITY OF MEDFORD
EXHIBIT G
FILE # PUD-18-156/EDS-18-155/ZC-18-157/CUP-18-158

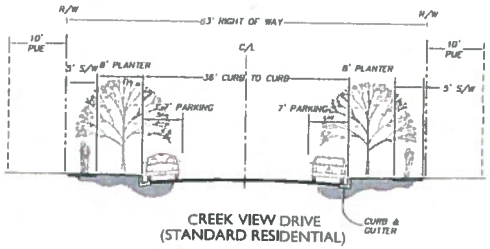

ZONE CHANGE SITE PLAN
Located within Section 34, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon.
PREPARED FOR:
SOUTH VIEW, LLC.
RECEIVED
OCT 19 2018
PLANNING DEPT
BARNETT ROAD
HARBROOKE ROAD
SHERWOOD PARK DRIVE
REDUCED SCALE
SFR-00
PROPOSED SFR-4
12.29 AC
PROPOSED SFR-10
12.61 AC
PROPOSED SFR-4
2.95 AC
CREEK VIEW DRIVE
ARIZONA DRIVE
STANFORD AVENUE
MIDDLE FORK
LARSON CREEK
COAL MINE ROAD
POINT OF BEGINNING
LINE TABLE
SURVEY REFERENCE NOTES:
REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 9, 2001
CAEL E. NEATHAMER
56545
CITY OF MEDFORD
EXHIBIT H



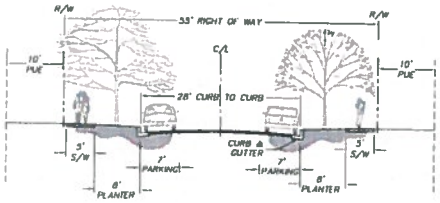
MORGAN WAY
(RESIDENTIAL LANE)



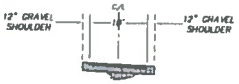
STREET
(MINOR RESIDENTIAL)



CREEK VIEW DRIVE
(STANDARD RESIDENTIAL)



ARIZONA DRIVE
WYOMING LANE
UTAH DRIVE
(MINOR RESIDENTIAL)



10' ASPHALT PATHWAY
(SHARED USE PATHWAY)

EXHIBIT C.3

CONSTRUCTION ENGINEERING CONSULTANTS
P.O. BOX 1784 · MEDFORD, OREGON 97501
PH. (541) 779-5880 · FAX (541) 779-3130

DRAWN BY: BSH/ZLZ	DATE: 10/15/18		
CHECKED BY: AMB/AWK	DATE: 10/15/18		
	DATE:		
	DATE:		
	DATE:		
	DATE:		

NO.	REVISION	DATE	BY

PRELIMINARY NOT FOR CONSTRUCTION

CITY OF MEDFORD

MIDDLEFORK CREEK PUD
PHASES 1-7
CONCEPTUAL
ROAD SECTIONS

PROJECT NO.
DRAWING NO. 3

NAME: SOUTH-XSECS.dwg PROJ.: 18-24 PLOT DATE: 10/15/18

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CITY OF MEDFORD
EXHIBIT #
FILE # PUD-18-156/LDS-18-155/CUD-18-159

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

BEFORE THE CITY OF MEDFORD PLANNING COMMISSION

IN THE MATTER OF AN APPLICATION FOR THE APPROVAL OF THE PLANNED UNIT DEVELOPMENT KNOWN AS MIDDLEFORK CREEK PUD, PHASES 1-7.

APPLICANT: South View, LLC.
815 Alder Creek Drive
Medford, OR 97504

AGENT: Neathamer Surveying, Inc.
P.O. Box 1584
Medford, OR 97501

A. BACKGROUND INFORMATION

The subject property is located between East Barnett Road and Coal Mine Road (Jackson County Assessor's Map Number 37 1W 34, Tax Lot 300). According to the City of Medford Zoning Map, the property is zoned SFR-00 and is located in the Southeast overlay.

The property is currently open space land without structures. Northerly of the subject site is the approved subdivision known as Summerfield at South East Park, Phases 23-29 (LDS-17-113). To the west are the developed subdivisions known as Eastgate Estates, PUD, Phases 2-3 and Stonegate Estates, Phase 2B. Surrounding the site to the east and south are a mixture of single family residences and vacant lands.

An application for a property line adjustment was submitted on August 17, 2018 and was preliminarily approved on September 5, 2018 (PLA-18-115). The purpose of which is to adjust the property lines of Tax Lots 300 and 1200 to match the exterior boundary of the proposed planned unit development contained herein to be located on the southern portion of Tax Lot 300 (proposed Tract 1) consisting of 27.55 acres.

This application is being submitted concurrently with a land division, conditional use permit and a zone change application to re-zone the southerly portion of Tax Lot 300 (being Tract 1 per PLA-18-115) from its current zoning designation of SFR-00 to SFR-4 and SFR-10.

CITY OF MEDFORD
EXHIBIT # J
FILE # PUD-18-156/LDS-18-155/ZC-18-157/CUP-18-158

B. SCOPE, PURPOSE, AND OVERVIEW OF THE APPLICATION

The purpose of this application is for the approval of a Preliminary PUD Plan for Middlefork Creek PUD, Phases 1-7 consisting of 105 residential lots with detached, single-family dwelling units.

C. APPROVAL CRITERIA

CITY OF MEDFORD LAND DEVELOPMENT CODE

SECTION 10.190(D) – PRELIMINARY PUD PLAN APPROVAL CRITERIA

Section 10.190(D) of the Medford's Land Development Code (MLDC) states that:

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

1. *The proposed PUD:*
   - *(a) preserves an important natural feature of the land; or*
   - *(b) includes a mixture of residential and commercial land uses; or*
   - *(c) includes a mixture of housing types in residential areas; or*
   - *(d) includes open space, common areas, or other elements intended for common use or ownership; or*
   - *(e) is otherwise required by the Medford Land Development Code.*

2. *The proposed PUD complies with the applicable requirements of this Code, or*
   - *(a) the narrative describes the proposed modified standards of the Code and how they are related specifically to the implementation of the rationale for the PUD as described in the application, and*
   - *(b) the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and*
   - *(c) the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.*

3. *The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria thereunder:*
   - *(a) Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.*
   - *(b) Public Facilities Strategy pursuant to ORS 197.768 as amended.*
   - *(c) Limited Service Area adopted as part of the Medford Comprehensive Plan.*

4. *The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.*

5. *If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.192(B)(7)(c), the applicant shall alternatively demonstrate that either:*

(a) Demands for the Category "A" public facilities listed below are equivalent to or less than for one or more permitted uses listed for the underlying zone, or

(b) By the time of development, the property can be supplied with the following Category "A" public facilities in sufficient condition and capacity to support development of the proposed use:

i. Public sanitary sewerage collection and treatment facilities.

ii. Public domestic water distribution and treatment facilities.

iii. Storm drainage facilities.

iv. Public streets.

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

6. *If the Preliminary PUD Plan includes uses proposed under Subsection 10.192(B)(7)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.184.*

7. *If approval of the PUD application includes the division of land or the approval of other concurrent land use applications as authorized in Subsection 10.190(B), approval of the PUD shall also be subject to compliance with the substantive approval criteria in Article II for each of the additional land use applications.*

D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

CRITERION NO. 1

1. *The proposed PUD:*

(a) preserves an important natural feature of the land; or

(b) includes a mixture of residential and commercial land uses; or

(c) includes a mixture of housing types in residential areas; or

(d) includes open space, common areas, or other elements intended for common use or ownership; or

(e) is otherwise required by the Medford Land Development Code.

FINDINGS OF FACT

Pursuant to Chapter 10.374(1) of the MLDC, "*All new developments consisting of one or more acres shall require approval of a Planned Unit Development pursuant to Sections 10.190 through 10.198 and all applicable provisions of the S-E Overlay District.*" Additionally, Chapter 10.374(2) of the MLDC states that the following exceptions shall not require a PUD:

a. Projects less than one acre,

b. Mixed-use residential projects of fewer than four dwellings, or

c. Projects that lie within the Southeast Plan land use areas 1, 2, 7A, 16, 17, 18, 19, or 20; or

d. Institutional uses that require a Conditional Use Permit; or

e. Projects that are otherwise exempted by the S-E Overlay District.

The Southeast Plan Map shows that the subject project is located within Subareas 15 and 17. Since Subarea 15 is not exempt from a PUD and the proposed development is over 1.0 acre in size, a PUD is required per the MLDC.

CRITERION NO. 2

2. *The proposed PUD complies with the applicable requirements of this Code, or*
   (a) the narrative describes the proposed modified standards of the Code and how they are related specifically to the implementation of the rationale for the PUD as described in the application, and
   (b) the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and
   (c) the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.

FINDINGS OF FACT

The application proposes that all of the applicable standards and requirements of the Code will be met, except for the following modifications:

Zoning Areas:

According to the Southeast Plan Map, the portion of the property located southerly of the Middle Fork of Larson Creek is within Subarea 17, being designated as Standard Lots with a corresponding zoning of SFR-4 or SFR-6. The remaining portion of the property is within Subarea 15, being designated as Small Lot with a corresponding zoning of SFR-10. The existing slopes located between the creeks are more gradual than those located northerly of the creek. As such, the area located between the creeks is proposed to be rezoned to SFR-10, and the area located northerly of Middle Fork of Larson Creek is proposed to be rezoned to SFR-4. It should be noted that the swapped areas are similar in quantity, although the proposed SFR-10 zoning is larger by 0.4 tenths of an acre when compared to the SFR-4 area.

Density:

The following table demonstrates the density calculations for the project, using the proposed zoning contained in the zone change application. It should be noted that the Greenway areas were removed from the project's gross area.

Zoning Designation	Area	Minimum Density Factor	Maximum Density Factor	Permitted Range of Dwelling Units	Proposed Dwelling Units
SFR-4	13.76 AC	2.5 units/acre	4 units/acre	34 – 55 units	45 units
SFR-10	10.99 AC	6 units/acre	10 units/acre	66 - 110 units	60 units
			TOTAL	100 – 165 units	105 units

Although the proposed number of dwelling units for the proposed SFR-10 zoning area is six units short of meeting the minimum dwelling units, the surplus of SFR-4 dwelling units places the total proposed units within the permitted range.

Access (Coal Mine):

Lots 1 through 6 are bound by Larson Creek to the north and Coal Mine Road to the south. As a result, access is limited to be taken from Coal Mine Road. Due to the rural nature of the proposed lots, the applicant request that a modification is approved to allow individual access to the lots from Coal Mine Road.

Street Design (Morgans Way):

Since the project is located within the Southeast Plan, it is subject to the Southeast Circulation Plan Map that was adopted on March 7, 2013. Morgans Way is shown as a through street, connecting Stanford Avenue to the Future Lone Oak Drive. However, due to the vertical relief in the area, the design team concluded that a through street was not practical. As a result, Morgans Way has been designed to end in a cul-de-sac.

CRITERION NO. 3

3. *The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria thereunder:*
   - *(a) Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.*
   - *(b) Public Facilities Strategy pursuant to ORS 197.768 as amended.*
   - *(c) Limited Service Area adopted as part of the Medford Comprehensive Plan.*

FINDINGS OF FACT

The City of Medford does not have a Moratorium on Construction or Land Development, or a Public Facilities Strategy. Furthermore, the development is not located within a Limited Service Area.

CRITERION NO. 4

4. *The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.*

FINDINGS OF FACT

Included in the Southeast Circulation Plan is the existence of a shared use path located within the Greenway. The purpose of the proposed path is to provide a means of pedestrian and bike access that connect to the surrounding properties. The path will be maintained by the City once the Greenways have been dedicated.

The path will be a 10-foot wide, paved surface per Appendix B of the Neighborhood Circulation Plan and Transportation Policies and Guidelines for the Neighborhood Element Southeast Plan. As a result, the location size, shape and character of the path will be appropriate for its intended use and function.

No other common elements are being proposed.

CRITERION NO. 5

5. *If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.192(B)(7)(c), the applicant shall alternatively demonstrate that either:*
   - *(a) Demands for the Category "A" public facilities listed below are equivalent to or less than for one or more permitted uses listed for the underlying zone, or*
   - *(b) By the time of development, the property can be supplied with the following Category "A" public facilities in sufficient condition and capacity to support development of the proposed use:*
     - *i. Public sanitary sewerage collection and treatment facilities.*
     - *ii. Public domestic water distribution and treatment facilities.*
     - *iii. Storm drainage facilities.*
     - *iv. Public streets.*

   Determinations of compliance with this criterion shall be based upon standards of public facility adequacy as set forth in this Code and in goals and policies of the comprehensive plan which by their language and context function as approval criteria for comprehensive plan amendments, zone changes or new development. In instances where the Planning Commission

determines that there is insufficient public facility capacity to support the development of a particular use, nothing in this criterion shall prevent the approval of early phases of a phased PUD which can be supplied with adequate public facilities.

FINDINGS OF FACT

A zone change application is being submitted with this application to change the zoning from SFR-00 to SFR-4 and SFR-10. Both SFR-4 and SFR-10 are the underlying zoning districts contained within Subareas 15 and 17 on the Southeast Plan Map.

According to the table contained in MLDC Chapter 10.314, the proposed single-family, detached residential dwellings is a permitted use in both SFR-4 and SFR-10 zoning districts.

CRITERION NO. 6

6. *If the Preliminary PUD Plan includes uses proposed under Subsection 10.192(B)(7)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.184.*

FINDINGS OF FACT

A conditional use permit is not required for the proposed single-family, detached residential dwellings (see Criterion No. 5 hereinabove). However, a conditional use permit (CUP) application is being submitted for the proposed shared use path and storm drain facilities that are to be located within the Greenways of the proposed development. Findings addressing the criteria specified in Chapter 10.184 of the MLDC have been included in said application.

CRITERION NO. 7

7. *If approval of the PUD application includes the division of land or the approval of other concurrent land use applications as authorized in Subsection 10.190(B), approval of the PUD shall also be subject to compliance with the substantive approval criteria in Article II for each of the additional land use applications.*

FINDINGS OF FACT

In addition to the preliminary PUD plan, applications for a land division, zone change, and conditional use permit are being submitted concurrently for Middlefork Creek PUD, Phases 1-7. The applications have corresponding findings that address the approval criteria in Article II, which demonstrates substantive compliance with the associated approval criteria.

CONCLUSION OF LAW

Based upon the submitted application materials and the above Findings of Facts, the Planning Commission concludes that the application complies with the applicable provisions of the city ordinances.

E. ULTIMATE CONCLUSION

The Planning Commission concludes that the application for Middlefork Creek PUD, Phases 1-7 is consistent with the relevant criteria for a preliminary planned unit development plan found in Section 10.190(C) of Medford's Land Development Code, and can therefore be approved.

Respectively Submitted,

Neathamer Surveying, Inc.

Robert V. Neathamer, PLS

Robert V. Neathamer, President

Agent for Applicant:
South View, LLC.

Date: October 16, 2018

RECEIVED
OCT 19 2018
PLANNING DEPT

FINDINGS OF FACT AND CONCLUSIONS OF LAW

BEFORE THE CITY OF MEDFORD PLANNING COMMISSION

IN THE MATTER OF AN APPLICATION FOR THE TENTATIVE PLAT APPROVAL OF MIDDLEFORK CREEK PUD, PHASES 1-7.

APPLICANT: South View, LLC.
815 Alder Creek Drive
Medford, OR 97504

AGENT: Neathamer Surveying, Inc.
P.O. Box 1584
Medford, OR 97501

A. BACKGROUND INFORMATION

The subject property is located between East Barnett Road and Coal Mine Road (Jackson County Assessor's Map Number 37 1W 34, Tax Lot 300). According to the City of Medford Zoning Map, the property is zoned SFR-00 and is located in the Southeast overlay.

The property is currently open space land without structures. Northerly of the subject site is the approved subdivision known as Summerfield at South East Park, Phases 23-29 (LDS-17-113). To the west are the developed subdivisions known as Eastgate Estates, PUD, Phases 2-3 and Stonegate Estates, Phase 2B. Surrounding the site to the east and south are a mixture of single family residences and vacant lands.

An application for a property line adjustment was submitted on August 17, 2018 and was preliminarily approved on September 5, 2018 (PLA-18-115). The purpose of which is to adjust the property lines of Tax Lots 300 and 1200 to match the exterior boundary of the proposed planned unit development contained herein to be located on the southern portion of Tax Lot 300 (proposed Tract 1) consisting of 27.55 acres.

This application is being submitted concurrently with a planned unit development, conditional use permit and a zone change application to re-zone the southerly portion of Tax Lot 300 (being Tract 1 per PLA-18-115) from its current zoning designation of SFR-00 to SFR-4 and SFR-10.

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B. SCOPE, PURPOSE, AND OVERVIEW OF THE APPLICATION

The purpose of this application is for the approval of a Tentative Plat for Middlefork Creek PUD, Phases 1-7 consisting of 105 residential lots with detached, single-family dwelling units. Pursuant to the Medford Land Development Code (MLDC), Section 10.269(2), the applicant respectfully requests the Planning Commission to authorize a five year time period approval for the platting of Phases 1-7 of Middlefork Creek PUD.

C. APPROVAL CRITERIA

CITY OF MEDFORD LAND DEVELOPMENT CODE

SECTION 10.270 – LAND DIVISION CRITERIA

Section 10.270 of the Medford's Land Development Code (MLDC) states that:

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.*

D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

CRITERION NO. 1

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

FINDINGS OF FACT

The proposed use and development are consistent with the Comprehensive Plan, and the existing/approved residential surrounding uses.

As previously mentioned, an application for multiple zone changes within the development is being submitted concurrently. The layout contained herein was designed to meet the density requirements and lot standards per the proposed zoning designations included in the zone change application. As such, the approval of this tentative application is contingent on the approval of the subsequent zone change application.

According to the City of Medford Local Wetland Inventory Map Number 7, dated September 2002, locally significant wetlands are located between Middle Fork of Larson Creek and Larson Creek (identified as LA-W05 on said map). The Applicant has retained Schott & Associates, Inc. to conduct a wetland delineation within the project's area. Pursuant to their report and coordination with Schott & Associates staff, no wetlands were found within the study area boundaries. They are in the process of obtaining a concurrence letter with the Department of State Lands. Once the concurrence letter has been received, a copy of which will be furnished to the City.

The majority of the site does not have slopes which exceed 15%. However, proposed Lots 99, 100, 104 and 105 have slopes within 15-35% and are over 1,000 square feet in area. As such a constraints analysis has been included with the submittals in the application. It should also be noted that there are small areas within the Greenway that have slopes which exceed 15%.

Taking into consideration the proposed changes to the zoning designations, the development is consistent with the relevant design criteria specified in Article IV and V of the MLDC. Please note that Lots 6 and 67 will have an east-west orientation with the front of the lots facing Stanford Avenue. However, Lot 6 will take access from Coal Mine Road and Lot 67 will take access from however will take access from Creek View Drive.

CRITERION NO. 2

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

FINDINGS OF FACT

The proposed tentative application includes the development of the property in its entirety, no remainder is being proposed. Also, the project provides a means of connectivity by extending the existing streets to adjacent lands. As a result, approval of the land division contained herein will not prevent the development of the remainder of the property under the same owner, or the adjoining lands.

CRITERION NO. 3

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

FINDINGS OF FACT

The name of the subdivision, Middlefork Creek PUD, is a name that has been approved by the Jackson County Surveyor on October 19, 2018. No new subdivision name is being proposed.

CRITERION NO. 4

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

FINDINGS OF FACT

The project is located within the Southeast Plan and is subject to the Southeast Circulation Plan Map, adopted March 7, 2013. The layout of the proposed streets is generally consistent with the adopted plan, with slight variations within the local streets. Furthermore, the layout contained in the proposed development provides a means of connectivity to the existing development

adjacent to the west including extensions from Morgans Way, Creek View Drive and Arizona Drive.

Although Morgans Way is shown as a through street on the Circulation Plan, the street has been designed to end in a cul-de-sac in order to accommodate the vertical relief in the area.

CRITERION NO. 5

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;*

FINDINGS OF FACT

There are no private streets or alleys that are proposed to be held for private use.

CRITERION NO. 6

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

FINDINGS OF FACT

According to MLDC Chapter 10.801(B) agricultural buffering, "*...applies to the development permit applications listed below in this subsection where land proposed for urban development is not in an urban reserve (see Regional Plan Element) and abuts and has a common lot line with other land which is zoned Exclusive Farm Use (EFU) or Exclusive Agriculture (EA).*" There are lands zoned EFU located southerly of the project. However, as Coal Mine Road separates the EFU lands from the project, the property does not share a common lot line with the EFU lands. Therefore, the provisions of MLDC Chapter 10.801 do not apply to the subject development.

CONCLUSION OF LAW

Based upon the submitted application materials and the above Findings of Facts, the Planning Commission concludes that the application complies with the applicable provisions of the city ordinances.

E. ULTIMATE CONCLUSION

The Planning Commission concludes that the application for Middlefork Creek PUD, Phases 1-7 is consistent with the relevant criteria for a land division found in Section 10.270 of Medford's Land Development Code, and can therefore be approved.

Respectively Submitted,

Neathamer Surveying, Inc.

Robert V. Neathamer, PLS

Robert V. Neathamer, President

Agent for Applicant:
South View, LLC.

Date: October 16, 2018

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

BEFORE THE CITY OF MEDFORD PLANNING COMMISSION

IN THE MATTER OF AN APPLICATION FOR MULTIPLE ZONE CHANGES LOCATED WITHIN MIDDLEFORK CREEK PUD, PHASES 1-7.

APPLICANT: South View, LLC.
815 Alder Creek Drive
Medford, OR 97504

AGENT: Neathamer Surveying, Inc.
P.O. Box 1584
Medford, OR 97501

A. BACKGROUND INFORMATION

The subject property is located between East Barnett Road and Coal Mine Road (Jackson County Assessor's Map Number 37 1W 34, Tax Lot 300). According to the City of Medford Zoning Map, the property is zoned SFR-00 and is located in the Southeast overlay.

An application for a property line adjustment was submitted on August 17, 2018 and was preliminarily approved on September 5, 2018 (PLA-18-115). The purpose of which is to adjust the property lines of Tax Lots 300 and 1200 to match the exterior boundary of the proposed planned unit development contained herein to be located on the southern portion of Tax Lot 300 (proposed Tract 1) consisting of 27.55 acres.

This application is being submitted concurrently with a planned unit development, conditional use permit and land division application for the associated development, consisting of 105 residential lots with detached, single-family dwelling units.

B. SCOPE, PURPOSE, AND OVERVIEW OF THE APPLICATION

The purpose of this application is for the approval of multiple zone changes located within said development, to occur on the southerly portion of said Tax Lot 300 (being proposed Tract 1 per PLA-18-115). Overall, the proposed zoning areas are generally consistent with the corresponding zoning districts shown on the Southeast Plan Map, adopted March 7, 2013. However, there are adjustments being proposed herein that were designed in order to accommodate the existing

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topography. The property is proposed to be rezoned from SFR-00 to SFR-4 (15.21 acres) and SFR-10 (12.61 acres).

C. APPROVAL CRITERIA

CITY OF MEDFORD LAND DEVELOPMENT CODE

SECTION 10.227 – ZONE CHANGE CRITERIA

Section 10.227 of the Medford's Land Development Code (MLDC) states that:

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

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

(a) For zone changes to SFR-2, the zoning shall be approved under either of the following circumstances:

(i) if at least seventy percent (70%) of the area proposed to be rezoned exceeds a slope of fifteen percent (15%),

(ii) if other environmental constraints, such as soils, geology, wetlands, and flooding, restrict the capacity of the land to support higher densities.

(b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one (1) of the following conditions must exist:

(i) At least one (1) parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or

(ii) The area to be rezoned is five (5) acres or larger; or

(iii) The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five (5) acres.

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

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

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

(iii) The overall area of the C-R zoning district shall be over three (3) acres in size, shall front upon an arterial street or state highway, and shall be in a

centralized location that does not otherwise constitute a neighborhood shopping center or portion thereof. In determining the overall area, all abutting property(s) zoned C-R shall be included in the size of the district. The C-R zone is ordinarily considered to be unsuitable if abutting any residential zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.
(iv) The C-H zone shall front upon an arterial street or state highway. The C-H zone may abut the General Industrial (I-G), Light Industrial (I-L), and/or any commercial zone. The C-H zone is ordinarily considered to be unsuitable if abutting any residential and I-H zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.

(d) For zone changes to any industrial zoning district, the following criteria shall be met for the applicable zoning sought:
(i) The I-L zone may abut residential and commercial zones, and the General Industrial (I-G) zone. The I-L zone is ordinarily considered to be unsuitable when abutting the Heavy Industrial (I-H) zone, unless the applicant can show it would be suitable pursuant to (1)(e) below.
(ii) The I-G zone may abut the Heavy Commercial (C-H), Light Industrial (I-L), and the Heavy Industrial (I-H) zones. The I-G zone is ordinarily considered to be unsuitable when abutting the other commercial and residential zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.
(iii) The I-H zone may abut the General Industrial (I-G) zone. The I-H zone is ordinarily considered to be unsuitable when abutting other zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.

(e) For purposes of (1)(c) and (1)(d) above, a zone change may be found to be "suitable" where compliance is demonstrated with one (1) or more of the following criteria:
(i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows only one (1) zone;
(ii) At least fifty percent (50%) of the subject property's boundaries abut zones that are expressly allowed under the criteria in (1)(c) or (1)(d) above;
(iii) At least fifty percent (50%) of the subject property's boundaries abut properties that contain one (1) or more existing uses which are permitted or conditional uses in the zone sought by the applicant, regardless of whether the abutting properties are actually zoned for such existing uses; or
(iv) Notwithstanding the definition of "abutting" in Section 10.012 and for purposes of determining suitability under Section (1) (e), the subject property is separated from the "unsuitable" zone by a public right-of-way of at least sixty (60) feet in width.

(f) For zone changes to apply or remove the overlay zones (Limited Industrial, Exclusive Agricultural, Freeway, Southeast, Historic) the criteria can be found in the applicable overlay section (Sections 10.345 through 10.413).

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

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

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

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

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

(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one (1) proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs:

(a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two (2) years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or

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

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

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

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

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

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

D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

CRITERION NO. 1

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

FINDINGS OF FACT

As the properties are located within the Southeast overlay, they are subject to the Southeast Circulation Plan Map that was adopted on March 7, 2013. The proposed development, Middlefork Creek PUD, Phases 1-7 is generally consistent with the planned streets as contained in said plan. Furthermore, the layout contained in the proposed development provides a means of connectivity to the existing development adjacent to the west including extensions from Morgans Way, Creek View Drive and Arizona Drive.

Although Morgans Way is shown as a through street on the Circulation Plan, the street has been designed to end in a cul-de-sac in order to accommodate the vertical relief in the area.

According to the Southeast Plan Map that was adopted on March 7, 2013, the portion of the property located southerly of the Middle Fork of Larson Creek is within Subarea 17, being designated as Standard Lots with a corresponding zoning of SFR-4 or SFR-6. The remaining portion of the subject property is within Subarea 15, being designated as Small Lot with a corresponding zoning of SFR-10. The existing grades located between the creeks are more gradual than those located northerly of the creek. As such, the area located between the creeks is proposed to be rezoned to SFR-10, and the area located northerly of Middle Fork of Larson Creek is proposed to be rezoned to SFR-4. It should be noted that the swapped areas are similar in quantity, although the proposed SFR-10 zoning is larger by 0.4 tenths of an acre when compared to the SFR-4 area.

Pursuant to the General Land Use Plan (GLUP) Map, the entirety of the subject property proposed to be rezoned is designated as Urban Residential (UR), Item (1) on Pages 1-2 of the City of Medford Comprehensive Plan, GLUP Element, states the following:

1. ***Urban Residential*** *This designation permits lower density urban*

residential uses (one to ten units per gross acre), including standard and small lot detached single-family dwellings, accessory dwelling units, and mobile home parks. Depending upon the physical development constraints, the permitted zoning districts are SFR-2, SFR-4, SFR-6, and SFR-10 (Single-Family Residential - 2, 4, 6, or 10 dwelling units per gross acre). Such constraints that may affect the ultimate developed density, and, therefore, the most suitable zoning district, include steep slopes, unstable soils, wetlands and/or riparian habitat, woodlands, fire hazards, etc. When a Planned Unit Development (PUD) is approved, the maximum residential density per gross acre can be increased.

According to the GLUP Element, the proposed zoning of SFR-4 and SFR-10 are permitted zoning districts within the Urban Residential designated areas.

CRITERION NO. 1 (a) – (f)

(a) For zone changes to SFR-2, the zoning shall be approved under either of the following circumstances:

(i) if at least seventy percent (70%) of the area proposed to be rezoned exceeds a slope of fifteen percent (15%),

(ii) if other environmental constraints, such as soils, geology, wetlands, and flooding, restrict the capacity of the land to support higher densities.

(b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one (1) of the following conditions must exist:

(i) At least one (1) parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or

(ii) The area to be rezoned is five (5) acres or larger; or

(iii) The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five (5) acres.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) For zone changes to apply or remove the overlay zones (Limited Industrial, Exclusive Agricultural, Freeway, Southeast, Historic) the criteria can be found in the applicable overlay section (Sections 10.345 through 10.413).

FINDINGS OF FACT

(a) This criteria is not applicable as there are no proposed zone changes to the SFR-2 zoning district.

(b) There is one area that is proposed to change from SFR-00 to SFR-10. The area is 12.61 acres, thus satisfying the five acre the condition stipulated in Section 10.227(1)(b)(i) of the MLDC, as stated hereinabove.

(c) This criteria is not applicable as there are no proposed zone changes to any commercial zoning districts.

(d) This criteria is not applicable as there are no proposed zone changes to any industrial zoning districts.

(e) This criteria is not applicable for the reasons stated in (c) and (d) hereinabove.

(f) This criteria is not applicable as there are no proposed changes regarding the application or removal of an overlay zone.

CRITERION NO. 2

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

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

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

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

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

(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one (1) proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs:

(a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two (2) years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or

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

public safety, that the improvement must be constructed prior to issuance of building permits.

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

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

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

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

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

FINDINGS OF FACT

As mentioned, the proposed zone changes contained herein are part of the overall development known as Middlefork Creek PUD, Phases 1-7. An application for the associated land division is being submitted concurrently with this application. Once the land division has been approved, construction drawings will be drafted and submitted for the City's review and approval. Included in the construction drawings will be the design for the storm drainage, sanitary sewer and water facilities. All utility facilities will be constructed and approved prior to the issuance of building permits for vertical construction.

Similarly, the proposed streets contained in said development will provide adequate access to the properties once construction has been completed and prior to the issuance of building permits for vertical construction. The layout of the streets is generally consistent with the Southeast Circulation Plan and the surrounding development.

CONCLUSION OF LAW

Based upon the submitted application materials and the above Findings of Facts, the Planning Commission concludes that the application complies with the applicable provisions of the zone change criteria.

E. ULTIMATE CONCLUSION

The Planning Commission concludes that the application for multiple zone changes located with the proposed development known as Middlefork Creek PUD, Phases 1-7 is consistent with the relevant criteria for zone changes found in Section 10.227 of Medford's Land Development Code, and can therefore be approved.

Respectively Submitted,

Neathamer Surveying, Inc.

Robert V. Neathamer, PLS

Robert V. Neathamer, President

Agent for Applicant:
South View, LLC.

Date: October 16, 2018

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

BEFORE THE CITY OF MEDFORD PLANNING COMMISSION

IN THE MATTER OF AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR A SHARED USE PATH AND STORM DRAIN FACILITIES LOCATED WITHIN THE GREENWAYS OF MIDDLEFORK CREEK PUD, PHASES 1-7.

APPLICANT: South View, LLC.
815 Alder Creek Drive
Medford, OR 97504

AGENT: Neathamer Surveying, Inc.
P.O. Box 1584
Medford, OR 97501

A. BACKGROUND INFORMATION

The subject property is located between East Barnett Road and Coal Mine Road (Jackson County Assessor's Map Number 37 1W 34, Tax Lot 300). According to the City of Medford Zoning Map, the property is zoned SFR-00 and is located in the Southeast overlay.

An application for a property line adjustment was submitted on August 17, 2018 and was preliminarily approved on September 5, 2018 (PLA-18-115). The purpose of which is to adjust the property lines of Tax Lots 300 and 1200 to match the exterior boundary of a future subdivision known as Middlefork Creek PUD, Phases 1-7 to be located on the southern portion of Tax Lot 300 (proposed Tract 1) consisting of 27.55 acres. Said development is comprised of 105 residential lots with detached, single-family dwelling units.

This application is being submitted concurrently with a planned unit development, land division and a zone change application to re-zone the southerly portion of Tax Lot 300 (being Tract 1 per PLA-18-115) from its current zoning designation of SFR-00 to SFR-4 and SFR-10.

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B. SCOPE, PURPOSE, AND OVERVIEW OF THE APPLICATION

The purpose of this application is for the approval of a conditional use permit for a proposed shared use path and storm drain facilities located within the Greenways of the proposed development.

C. APPROVAL CRITERIA

CITY OF MEDFORD LAND DEVELOPMENT CODE

SECTION 10.184 – CONDITIONAL USE PERMIT CRITERIA

Section 10.184 of the Medford's Land Development Code (MLDC) states that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

CRITERION NO. 1

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

FINDINGS OF FACT

The project is located within the Southeast Plan and is therefore subject to the Southeast Circulation Plan Map that was adopted on March 7, 2013. Included in said circulation plan is the existence of a shared use path located within the Greenway. The purpose of the proposed path is to provide a means of pedestrian and bike access that connect to the surrounding properties. The approval of this conditional use permit would ensure the proposed development meets the required criteria of the Southeast Plan. As a result, the shared use path will not cause a significant adverse impact to the livability, value or development of the surrounding properties.

CRITERION NO. 2

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

FINDINGS OF FACT

One of the constraints of the project was being able to design the storm drain detention and treatment facilities in a way that was accommodating to the natural topography while maintaining the required density count. Pursuant to Chapter 10.384(B)(2) of the MLDC, drainage facilities are a permitted use with the areas designated as Greenways. As such, locating the facilities within the Greenways was considered to be the best approach as the creeks are naturally a low spot. Furthermore, the proposed location of the facilities also

assists to mitigate potential flood damage by keeping any overflow that may occur in a large flood event away from private property and near the creek for discharge.

Therefore, locating the storm drain facilities within the Greenways is in the public interest and provides a solution which balances the requirement of storm detention and treatment with the surrounding landscape and density.

CONCLUSION OF LAW

Based upon the submitted application materials and the above Findings of Facts, the Planning Commission concludes that the application complies with the applicable provisions of the conditional use permit criteria.

E. ULTIMATE CONCLUSION

The Planning Commission concludes that the application for a shared use path and storm facilities located with the Greenways of the proposed development known as Middlefork Creek PUD, Phases 1-7 is consistent with the relevant criteria for a conditional use permit found in Section 10.184 of Medford's Land Development Code, and can therefore be approved.

Respectively Submitted,

Neathamer Surveying, Inc.

Robert V. Neathamer, PLS

Robert V. Neathamer, President

Agent for Applicant:
South View, LLC.

Date: October 16, 2018

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NARRATIVE DESCRIPTION
MIDDLEFORK CREEK PUD, PHASES 1-7

(i) The rationale for planning this development as a PUD.

The applicant's desire is to create a residential subdivision with one type of housing - single-family, detached residences. As the property resides within a portion of Subarea 15 of the Southeast Plan, a PUD is required. One of the main benefits of planning the development as a PUD, is the flexibility to relocate the denser areas shown on said Southeast Plan from the areas with greater slopes to those that are more gradual. This provides a more practical design for the homesites as the larger SFR-4 lots are better suited to accommodate the slopes. Other components of the proposed PUD are the two Greenways that are located along the creeks which pass through the property. A shared use path is to be located in the Greenways, providing a means to enjoy the riparian landscape.

(ii) The nature, planned use, future ownership and method of perpetual maintenance of land to be left in natural or developed open space or which will be held in common ownership.

There are no lands within Middlefork Creek PUD that will be permanently set aside as common area to be owned and maintained by the property owners. However, there are two areas along Larson Creek and Middle Fork Larson Creek that are identified as Greenways and will be dedicated to the City of Medford. Included in the Greenways will be a shared use path and storm drain detention and treatment facilities. All of which will be maintained by the City once dedicated.

(iii) A listing of all modified applications of the Code that are proposed, followed by a brief explanation which covers the nature of, extent of, and reason for each modification.

The application proposes that all of the applicable standards and requirements of the Code will be met, except for the following modifications:

Zoning Areas:

According to the Southeast Plan Map, the portion of the property located southerly of the Middle Fork of Larson Creek is within Subarea 17, being designated as Standard Lots with a corresponding zoning of SFR-4 or SFR-6. The remaining portion of the property is within Subarea 15, being designated as Small Lot with a corresponding zoning of SFR-10. The existing slopes located between the creeks are more gradual than those located northerly of the creek. As such, the area located between the creeks is proposed to be rezoned to SFR-10, and the area located northerly of Middle Fork of Larson Creek is proposed to be rezoned to SFR-4. It should be noted that the swapped areas are similar in quantity, although the proposed SFR-10 zoning is larger by 0.4 tenths of an acre when compared to the SFR-4 area.

Density:

The following table demonstrates the density calculations for the project, using the proposed zoning contained in the zone change application. It should be noted that the Greenway areas were removed from the project's gross area.

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Zoning Designation	Area (Net)	Minimum Density Factor	Maximum Density Factor	Permitted Range of Dwelling Units	Proposed Dwelling Units
SFR-4	13.76 AC	2.5 units/acre	4 units/acre	34 – 55 units	45 units
SFR-10	10.99 AC	6 units/acre	10 units/acre	66 - 110 units	60 units
			TOTAL	100 – 165 units	105 units

Although the proposed number of dwelling units for the proposed SFR-10 zoning area is six units short of meeting the minimum dwelling units, the surplus of SFR-4 dwelling units places the total proposed units within the permitted range.

Access (Coal Mine):

Lots 1 through 6 are bound by Larson Creek to the north and Coal Mine Road to the south. As a result, access is limited to be taken from Coal Mine Road. Due to the rural nature of the proposed lots, the applicant request that a modification is approved to allow individual access to the lots from Coal Mine Road.

Street Design (Morgans Way):

Since the project is located within the Southeast Plan, it is subject to the Southeast Circulation Plan Map that was adopted on March 7, 2013. Morgans Way is shown as a local through street, connecting Stanford Avenue to the Future Lone Oak Drive. However, due to the vertical relief in the area, the design team concluded that a through street was not practical. As a result, Morgans Way has been designed to end in a cul-de-sac.

(iv) If one or more signs are intended to vary from the provisions of this Code, then a detailed plan for all signs which require a sign permit shall be submitted. The sign plan shall specify the size, number, type, height and location of all signs which require a sign permit and shall clearly indicate all proposed modifications.

The applicant does not propose a sign plan. Any future signage will conform to Section VI of the MLDC.

(v) A proposed development schedule. If the PUD will be constructed in phases, the development schedule for each phase shall be keyed to a plan that indicates the boundaries of each phase.

Middlefork Creek PUD Proposed Development Schedule by Phase

Phase	Year
2, 3, 4, 5A, 5B	2020
1, 6A, 6B, 7	2023

(vi) The gross acreage devoted to the various proposed land uses and housing types.

The gross acreage of the development includes 28.50 acres (with a net area of 24.75 acres), all of which will be devoted to detached, single-family residences.

Respectfully Submitted,

Neathamer Surveying, Inc.

Cael E. Neathamer

Cael E. Neathamer, Vice President

Agent for Applicant:
South View, LLC.

Date: October 19, 2018

Applied
Geotechnical
Engineering
& Geologic Consulting

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October 17, 2018

Mahar Homes Inc.
815 Alder Creek Drive
Medford, OR 97504

SUBJECT: GEOTECHNICAL AND GEOLOGIC INVESTIGATION, MIDDLEFORK PUD RESIDENTIAL DEVELOPMENT, MEDFORD, OREGON

At your request, Applied Geotechnical Engineering and Geologic Consulting LLC (AGEGC) has conducted a geotechnical and geologic investigation for the proposed Middlefork PUD residential development in east Medford, Oregon. The general location of the site is shown on the Vicinity Map, Figure 1. Our investigation consisted of a ground-level site reconnaissance, subsurface explorations, and engineering analyses. This report summarizes our work and provides our conclusions and recommendations for suitably founding the new residential development on this property.

PROJECT DESCRIPTION

We understand the project will consist of 105 single-family residential lots. Construction will include access roads and utilities. The site is relatively flat to gently sloping and cuts and fills required for mass grading will be minor. We understand the project roads consist of a major collector (Stanford Avenue), standard residential streets and minor residential streets. A major collector has a traffic index (TI) of 8.73. Standard and minor residential streets have TI of 7.22 and 6.33, respectively.

The two structures for crossing the two creeks were previously designed and the geotechnical design information provided in other reports by AGEGC.

SITE DESCRIPTION

A senior geotechnical engineer/geologist provided by AGEGC completed a site visit on September 20, 2018. The proposed road alignments were not staked at the time of our site visits; however, the approximate alignments of the proposed roads were walked and indications of geologic considerations that could impact development of the site were noted.

The development is bounded on the west by existing residential development, on the north and east by undeveloped land, and on the south by Coal Mine Road. Two creeks cross the site from east to west: Middle Fork Larson Creek crosses near the central portion of the site and Larson Creek crosses the southern portion of the site. Based on our observations at the site and topographic information provided by the project surveyor, the majority of site is gently sloping to flat. Moderately steep slopes (between 15 and 35% slopes) are located at the northern edge of the property and locally along the creeks that cross

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the site. The majority of the site is currently grass pasture; however, the sections along the creeks are wooded and have some brush.

Based on our other work in this area, the surficial soils have significant desiccation cracks during typically dry summer and fall months, indicating the surficial soils consist of highly expansive clayey silt soils. Expansive soils have a significant volume change with corresponding changes in moisture content. Expansive soils have relatively low shear strengths.

GEOLOGY

Based on our experience with other projects in this area, we anticipate that the site is mantled with highly expansive clayey silt soils over gravel/cobble soils and/or weathered sandstone and siltstone. The sandstone can be locally relatively hard and difficult to excavate.

Groundwater typically occurs at depths of less than 10 ft.

SUBSURFACE CONDITIONS

On September 20, 2018, three test pits were excavated at the site to observe and evaluate subsurface conditions that could affect development of the site. A summary of the exploration program is contained in Appendix A at the end of this report.

Soils. All three test pits encountered highly desiccated, highly expansive clayey silt soils at the ground surface. The surficial clayey silt soils are similar to those encountered in the residential developments to the west of this site. Expansive soils will cause differential movements of foundations, concrete flatwork, and roadways. Below the expansive clayey silt soils, the test pits encountered brown silt soils. Below the brown silt, test pits TP-2 and TP-3 encountered weathered siltstone.

CONCLUSIONS AND RECOMENDATIONS

General. Based on the results of this investigation and our experience with the adjacent residential projects to this one, it is our opinion that the site is suitable for the proposed development. from a geotechnical and geologic standpoint. In our opinion, the most important geotechnical and geologic considerations associated with the planned development are the presence of expansive clays, locally shallow hard sandstone/siltstone, and seasonally perched (shallow) groundwater.

The main geologic hazard at the site is the surficial, highly expansive clayey silt soils. If constructed in conformance with our recommendations, in our opinion, the project will not increase the risk of slope instability or substantially change groundwater conditions in the developed area. Indications of recent, deep-seated slope instability were not observed on the site.

The following sections provide our recommendations for development of the site.

Rock Excavation. Hard sandstone has been encountered at relatively shallow depths on adjacent projects. To date, the sandstone has been excavatable using a large trackhoe equipped with a rock bucket. Based on our experience in this area, we anticipate that hard sandstone/siltstone underlies most of the site at varying depths.

Site Preparation. In our opinion, the ground surface in areas to receive fill should be stripped of surficial organics to a minimum depth of 12 in. including roadway, sidewalk, and pathway areas. Locally deeper stripping will be required in areas with trees and shrubs. Subgrade must be protected from disturbance due to construction activities and climate (wetting, drying, and/or freezing). We recommend that the geotextile fabric and aggregate base rock be placed within 6 hours of excavation to subgrade elevations. This will require the underground utilities to be installed prior to excavation of the roadways to design subgrade elevations.

The subgrade should be evaluated by the project geotechnical engineer or qualified personnel from the City of Medford prior to placement of structural fill on the subgrade.

We anticipate that deeper excavation may be required in areas where soft or heavily desiccated subgrade soils are encountered.

Site strippings and excavated clayey silt soils cannot be used as structural fill and will need to be removed from the development and/or used in landscaping areas.

Past experience has indicated that the fine-grained soils on this site are sensitive to moisture content. Typically, when these soils are in excess of about 5% of their optimum moisture content, construction traffic will remold, rut, and soften the soil and limit its use as subgrade material for roadways. For this reason, we recommend that, if practical, all site preparation and earthwork be accomplished during the

dry months, typically extending from May to mid-October of any given year. Some wetting of subgrade soils may be required during typically drier late-summer/fall months.

The subgrade soils degrade (lose strength) with exposure to heat or moisture and should be covered with structural fill as soon as practical after excavation is completed to the design subgrade. Some wetting of the subgrade soils may be required to keep the subgrade moist prior to placement of the aggregate base.

If the subgrade is disturbed during construction, soft, disturbed and dried soils should be overexcavated to firm soil and replaced with approved structural fill.

Structural Fills. All structural fill should be compacted to at least 95% of the maximum dry density as determined by ASTM D 698. In general, at least four to five passes with a medium-weight, smooth-drum (48-in.-diameter drum) vibratory roller are required to achieve adequate compaction for imported crushed rock fill. Placement and compaction of structural fill should be evaluated by a geotechnical engineer on an intermittent basis during construction of the roadway sections.

In our opinion, utility trench excavations within pavement areas should be backfilled with granular material, such as sand, sand and gravel, or crushed rock with a maximum size of up to ¾ in., and with not more than 5% passing the No. 200 sieve (washed analysis). All trenches should be backfilled as soon as practical following placement of the utility. Desiccated sidewalls of utility trenches must be removed and replaced with structural fill. The granular backfill should be compacted to at least 95% of the maximum dry density as determined by ASTM D 698. Flooding or jetting the backfilled trenches with water to achieve the recommended compaction should not be permitted.

Preliminary Foundation Support Recommendations. Based on the results of our investigation and our experience with other residential homes in east Medford, it is our opinion that the lots for this project can be developed with single-family residences. It is also our opinion that foundation support for the new homes can be provided by spread footing foundations established on crushed rock fill. The existing surficial clayey silt soils are not suitable for support of spread footing foundations or concrete flatwork without significant post-construction differential movements. Each lot should have a lot-specific geotechnical evaluation as part of the design process for each residence. The intent of the evaluation is to determine the most appropriate foundation type and design criteria, and for the geotechnical engineer for each lot work closely with the builder for the home on the lot.

Pavement Sections. We understand that the roadways within the proposed development have been designated major collector, residential, and minor residential by the City of Medford. The recommended pavement sections are based on the assumption that the subgrade consists of firm, undisturbed fine-grained clayey silt soil and that the soil does not have significant desiccation cracks. In dry months, more than the 12 in. stripping depth will need to be removed to expose adequate subgrade soils. Proof rolling with a loaded 10 yd^3 dump truck, or equivalent, may be used at the geotechnical engineer's or city

inspector's discretion to evaluate pavement subgrade. If soft areas are disclosed during the subgrade evaluation, the unsuitable subgrade soils should be overexcavated and replaced with structural fill.

Excavation and overexcavation for the aggregate base should be completed using a trackhoe equipped with a smooth-lip bucket to minimize disturbance of the subgrade soils.

We anticipate that the street improvements will be completed using asphaltic concrete (A.C.) pavement. For design purposes, we have assumed a 20-year design life for the pavement sections.

The subgrade soils along the alignment consist of fine-grained silt soils. The existing fine-grained soils typically have an R-Value (ASTM D 2844) of about 2.

Based on the above design consideration, we recommend the following pavement section for the new traffic lanes:

Pavement Use	Asphaltic Concrete Thickness, in. / ¾-in.-minus Crushed Rock Base, in.
Major Collector	4 / 24
Residential	3 / 20
Minor Residential	3 / 18

We recommend the rock section be underlain by a woven geotextile with a weight of at least 5 oz. per square yard. The aggregate rock section and geotextile fabric should extend at least 12 in. past the edge of curb.

The crushed rock aggregate base be compacted to at least 95% of the maximum dry density as determined by ASTM D 698.

The above pavement sections are based on the assumption that pavement construction will be accomplished during the dry season. If wet-weather pavement construction is considered, it will be necessary to increase the thickness of crushed rock base to support construction equipment and protect the moisture-sensitive subgrade soils from disturbance.

All workmanship and materials should conform to the applicable standards of the current Oregon Department of Transportation (ODOT) Standard Specifications for Highway Construction.

We anticipate that sidewalks will be located away from the roadway curbs and will consist of concrete flatwork. Sidewalks should be underlain by a minimum 12 in. thick section of aggregate base. This crushed rock section assumes the subgrade soils are not dry (desiccated) prior to placement of the crushed rock. The aggregate base should extend a minimum of 9 in. beyond the edge of the sidewalk. Where the concrete flatwork is located adjacent to the roadway curb (such as ADA ramps), the aggregate rock section

should be increased to the same thickness as the adjacent road section and extend a minimum of 12 in. past the edge of the flatwork. Desiccated subgrade soils must be removed from under concrete flatwork prior to placement of the aggregate base rock.

Design Review and Construction Services. We welcome the opportunity to review and discuss construction plans and specifications as they are being developed. In addition, AGEGC should be retained to review all geotechnical-related portions of the plans and specifications to evaluate whether they are in conformance with the recommendations provided in our report. Additionally, to observe compliance with the intent of recommendations, design concepts, and the plans and specifications, we are of the opinion that all construction operations dealing with site grading should be observed by an AGEGC representative or qualified person designated by the City of Medford. Our construction-phase services will allow for timely design changes if site conditions are encountered that are different from those described in this report. If we do not have the opportunity to confirm our interpretations, assumptions, and analyses during construction, we cannot be responsible for the application of our recommendations to subsurface conditions that are different from those described in this report.

LIMITATIONS

This report has been prepared to aid the design team in the completion of this project. The scope is limited to the specific project and location described herein, and our description of the project represents our understanding of the significant aspects of the project relevant to the design and construction of the roadways and utilities. In the event that any changes in the design and location of the project as outlined in this report are planned, we should be given the opportunity to review the changes and to modify or reaffirm the conclusions and recommendations of this report in writing.

If, during construction, subsurface conditions different from those described in this report are encountered, we should be advised at once so that we can observe and review these conditions and reconsider our recommendations where necessary.

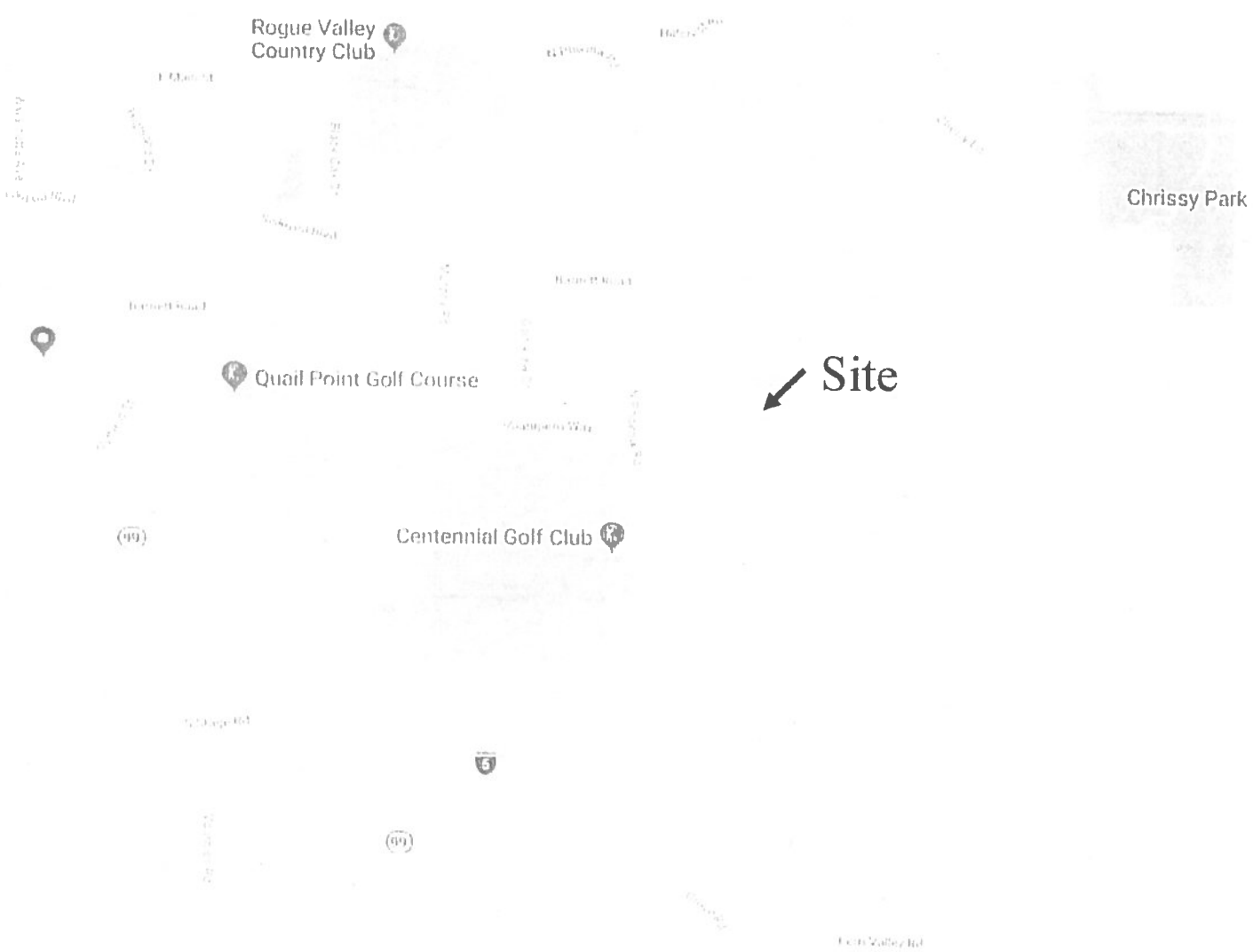
Sincerely,
Applied Geotechnical Engineering and Geologic Consulting, LLC

Robin L. Warren, P.E., G.E., R.G.
Principal

REGISTERED PROFESSIONAL ENGINEER
15045PE
OREGON
JULY 25, 1990
ROBIN L. WARREN

Renewal: June 2020

REGISTERED PROFESSIONAL
OREGON
ROBIN L. WARREN
G1049
GEOLOGIST



Applied
Geotechnical
Engineering
& Geologic Consulting

Vicinity Map
Figure 1

Project No. 4788-18
Middlefork PUD
Medford, Oregon
October 2018

FIELD EXPLORATIONS

The subsurface conditions and materials at the site were investigated on September 20, 2018, with three test pits (test pits TP-1, TP-2, and TP-4). Test pit TP-3 could not be completed due to a bees' nest encountered during excavation at the location. The test pits are numbered from north to south. The test pit locations were staked in the field by the project surveyor prior to completion of our fieldwork. The test pits were excavated to depths of 5.5 to 8.0 ft below the ground surface using a rubber-tired backhoe provided and operated by Central Pipeline of White City, Oregon. The test pits were backfilled with the excavation spoils at the completion of our fieldwork.

All field explorations were observed by an experienced geotechnical engineer/geologist provided by our firm, who maintained a detailed log of the materials disclosed during the course of the work. Representative soil samples were saved in airtight sample containers that were returned to our laboratory for further examination and physical testing.

Logs of the test pits are provided below. Each log presents a descriptive summary of the various types of material encountered in the test pits and notes the depths where the materials and/or characteristics of the material change. The terms used to describe the materials encountered in the test pits are defined in Table 1A.

Test Pit TP-1

0.0 to 3.0 ft Medium stiff, black Clayey SILT; highly desiccated to a depth of 3 ft, highly expansive.
3.0 to 5.5 ft Medium stiff, brown SILT; some clay to clayey, moderately expansive.
5.5 to 6.0 ft Soft (RH-1) brown SILTSTONE; close fractures, thin bedded, moderately weathered.
Groundwater not observed.
No significant caving of test pit sidewalls.
Completed September 20, 2018.

Test Pit TP-2

0.0 to 2.0 ft Medium stiff, dark brown Clayey SILT; highly desiccated, highly expansive.
2.0 to 4.5 ft Medium stiff, brown SILT; some clay to clayey, moderately expansive.
4.5 to 5.5 ft Stiff, brown SILT; trace clay and fine sand.
Groundwater not observed.
No significant caving of test pit sidewalls.
Completed September 20, 2018.

Test Pit TP-4

0.0 to 4.0 ft Medium stiff, black Clayey SILT; highly desiccated to a depth of 4 ft, highly expansive.
4.0 to 7.0 ft Medium stiff, dark brown SILT; some clay, moderately expansive, secondary mineralization.
5.5 to 6.0 ft Soft (RH-1) brown SILTSTONE; close fractures, thin bedded, moderately weathered.
Groundwater not observed.
No significant caving of test pit sidewalls.
Completed September 20, 2018.

EXHIBIT " "

PROPOSED RE-ZONING AREA
DESCRIPTION SHEET

SFR-4

A portion of that certain real property described as Tract 1 in Instrument Number 2018-_____, of the Official Records of Jackson County, Oregon, located in Section 34, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon. The exterior outline of the area to be re-zoned is more particularly described as follows:

Commencing at the North One-quarter corner of Section 34, Township 37 South, Range 1 West of the Willamette Meridian, being South 00°00'43" West, 336.48 feet from the Southeast corner of Donation Land Claim Number 58, said Township, Range and Meridian; thence South 89°49'33" West, 30.00 feet to the westerly right-of-way of East Barnett Road; thence along the westerly and southerly right-of-way of East Barnett Road the following courses and distances: South 00°00'43" West, 29.94 feet and North 89°56'06" East, 571.16 feet; thence leaving said right-of-way, South 00°06'13" East, 1589.48 feet to the **TRUE POINT OF BEGINNING**; thence continuing South 00°06'13" East, 666.31 feet to the centerline of Middle Fork of Larson Creek; thence along said centerline the following courses and distances: South 62°14'30" West, 23.11 feet; thence South 83°45'37" West, 53.66 feet; thence South 19°17'47" West, 21.19 feet; thence South 83°39'11" West, 40.93 feet; thence South 68°20'38" West, 42.74 feet; thence South 49°59'37" West, 31.00 feet; thence South 83°34'39" West, 54.87 feet; thence North 59°16'51" West, 47.85 feet; thence North 82°42'43" West, 47.78 feet; thence South 59°59'18" West, 40.15 feet; thence North 80°11'49" West, 9.18 feet; thence North 37°15'24" West, 32.85 feet; thence North 64°32'59" West, 25.10 feet; thence North 82°53'16" West, 69.06 feet; thence South 80°57'20" West, 51.22 feet; thence South 86°00'21" West, 22.15 feet; thence North 35°50'25" West, 3.17 feet; thence North 15°27'01" West, 53.97 feet; thence North 38°44'08" West, 8.20 feet; thence North 73°09'15" West, 4.19 feet; thence South 89°52'39" West, 22.45 feet to the easterly boundary of STONEGATE ESTATES, PHASE 2B, filed on July 18, 2017 in Volume 43 at Page 12 of the Plat Records of Jackson County, Oregon, and filed as Survey Number 22291 in the office of the Jackson County Surveyor; thence along the easterly boundary thereof, North 00°07'21" West, 82.01 feet to the corner common to said STONEGATE ESTATES, PHASE 2B and EASTGATE ESTATES PUD, PHASES 2 AND 3, filed for May 5, 2016 and record in Volume 42 at Page 16 of the Plat Records of Jackson County, Oregon, and filed as Survey Number 21971 in the office of the Jackson County Surveyor; thence leaving said STONEGATE ESTATES, PHASE 2B, and along east boundary of said EASTGATE ESTATES PUD, PHASES 2 AND 3, North 00°07'21" West, 876.11 feet; thence leaving said east boundary, North 89°56'06" East, 127.26 feet; thence South 46°37'20" East, 193.30 feet; thence South 61°02'01" East, 384.60 feet to the Point of Beginning.

Area to be re-zoned contains 12.26 acres, more or less.

TOGETHER WITH a portion of that certain real property described as Tract 1 in Instrument Number 2018-_____, of the Official Records of Jackson County, Oregon, located in Section 34, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon. The exterior outline of the area to be re-zoned is more particularly described as follows:

Commencing at the North One-quarter corner of Section 34, Township 37 South, Range 1 West of the Willamette Meridian, being South 00°00'43" West, 336.48 feet from the Southeast corner of Donation Land Claim Number 58, said Township, Range and Meridian; thence South 89°49'33" West, 30.00 feet to the westerly right-of-way of East Barnett Road; thence along the westerly and southerly right-of-way of East Barnett Road the following courses and distances: South 00°00'43" West, 29.94 feet and North 89°56'06" East, 571.16 feet; thence leaving said right-of-way, South 00°06'13" East, 3093.73 feet; thence South 00°07'01" East, 70.84 feet to centerline of Larson Creek and the **TRUE POINT OF BEGINNING;** thence leaving said centerline, and continuing South 00°07'01" East, 255.16 to the centerline of Coal Mine Road; thence along last said centerline, South 89°48'19" West, 603.04 feet; thence leaving last said centerline, North 00°07'21" West, 178.82 feet to said centerline of Larson Creek; thence along said centerline the following courses and distances: North 75°34'24" East, 12.68 feet; thence South 87°58'51" East, 20.76 feet; thence South 79°18'54" East, 15.60 feet; thence North 89°00'45" East, 13.51 feet; thence South 43°05'32" East, 13.73 feet; thence North 77°58'57" East, 33.56 feet; thence North 65°04'28" East, 10.78 feet; thence North 41°29'35" East, 28.95 feet; thence North 13°38'47" East, 23.04 feet; thence North 64°49'20" East, 40.28 feet; thence North 75°39'49" East, 20.71 feet; thence North 86°24'09" East, 40.52 feet; thence South 68°58'35" East, 54.25 feet; thence South 81°07'43" East, 21.24 feet; thence North 86°22'36" East, 18.26

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feet; thence South 55°17'22" East, 13.07 feet; thence South 24°08'22" West, 12.97 feet; thence South 12°32'13" East, 8.55 feet; thence South 83°19'53" East, 36.78 feet; thence South 87°45'46" East, 29.67 feet; thence North 74°50'13" East, 9.66 feet; thence North 57°57'00" East, 16.67 feet; thence North 73°48'54" East, 53.83 feet; thence South 79°42'56" East, 10.69 feet; thence South 04°54'10" East, 11.84 feet; thence North 78°01'29" East, 25.74 feet; thence North 64°05'04" East, 102.64 feet to the Point of Beginning.

Area to be re-zoned contains 2.95 acres, more or less.

BASIS OF BEARINGS: Geodetic North referenced to the NAD83 2011 (Epoch 2010.00) datum, projected onto the Oregon Coordinate Reference System, Grants Pass-Ashland zone (references: OAR 734-005-0005, 734-005-0010 and 734-005-0015(3)(p)). Note that the grid bearings listed herein do not equal geodetic bearings due to meridian convergence.

This description is prepared for the distinct purpose of outlining an area to be re-zoned in the City of Medford, Oregon and is not sufficient for the conveyance of real property, the determination or creation of real property boundaries.

Prepared By:
Neathamer Surveying, Inc.
3126 State Street, Suite 203
Medford, Oregon 97501
Phone: (541) 732-2869
FAX: (541) 732-1382
Project Number: 15054

Date: October 18, 2018

EXHIBIT " "

PROPOSED RE-ZONING AREA
DESCRIPTION SHEET

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A portion of that certain real property described as Tract 1 in Instrument Number 2018-_____, of the Official Records of Jackson County, Oregon, located in Section 34, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon. The exterior outline of the area to be re-zoned is more particularly described as follows:

Commencing at the North One-quarter corner of Section 34, Township 37 South, Range 1 West of the Willamette Meridian, being South 00°00'43" West, 336.48 feet from the Southeast corner of Donation Land Claim Number 58, said Township, Range and Meridian; thence South 89°49'33" West, 30.00 feet to the westerly right-of-way of East Barnett Road; thence along the westerly and southerly right-of-way of East Barnett Road the following courses and distances: South 00°00'43" West, 29.94 feet and North 89°56'06" East, 571.16 feet; thence leaving said right-of-way, South 00°06'13" East, 2255.79 feet to the centerline of Middle Fork of Larson Creek and the **TRUE POINT OF BEGINNING;** thence leaving said centerline and continuing South 00°06'13" East, 837.94 feet; thence South 00°07'01" East, 70.84 feet to the centerline of Larson Creek; thence along last said centerline the following courses and distances: South 64°05'04" West, 102.64 feet; thence South 78°01'29" West, 25.74 feet; thence North 04°54'10" West, 11.84 feet; thence North 79°42'56" West, 10.69 feet; thence South 73°48'54" West, 53.83 feet; thence South 57°57'00" West, 16.67 feet; thence South 74°50'13" West, 9.66 feet; thence North 87°45'46" West, 29.67 feet; thence North 83°19'53" West, 36.78 feet; thence North 12°32'13" West, 8.55 feet; thence North 24°08'22" East, 12.97 feet; thence North 55°17'22" West, 13.07 feet; thence South 86°22'36" West, 18.26 feet; thence North 81°07'43" West, 21.24 feet; thence North 68°58'35" West, 54.25 feet; thence South 86°24'09" West, 40.52 feet; thence South 75°39'49" West, 20.71 feet; thence South 64°49'20" West, 40.28 feet; thence South 13°38'47" West, 23.04 feet; thence South 41°29'35" West, 28.95 feet; thence South 65°04'28" West, 10.78 feet; thence South 77°58'57" West, 33.56 feet; thence North 43°05'32" West, 13.73 feet; thence South 89°00'45" West, 13.51 feet; thence North 79°18'54" West, 15.60 feet; thence North 87°58'51" West, 20.76 feet; thence South 75°34'24" West, 12.68 feet; thence leaving last said centerline, North 00°07'21" West, 628.80 feet to the southeast corner of STONEGATE ESTATES, PHASE 2B, filed on July 18, 2017 in Volume 43 at Page 12 of the Plat Records of Jackson County, Oregon, and filed as Survey Number 22291 in the office of the Jackson County Surveyor; thence along the easterly boundary thereof, North 00°07'21" West, 385.43 feet to the centerline of Middle Fork of Larson Creek; thence along last said centerline the following courses and distances: North 89°52'39" East, 22.45 feet; thence South 73°09'15" East, 4.19 feet; thence South 38°44'08" East, 8.20 feet; thence South 15°27'01" East, 53.97 feet; thence South 35°50'25" East, 3.17 feet; thence North 86°00'21" East, 22.15 feet; thence North 80°57'20" East, 51.22 feet; thence South 82°53'16" East, 69.06 feet; thence South 64°32'59" East, 25.10 feet; thence South 37°15'24" East, 32.85 feet; thence South 80°11'49" East, 9.18 feet; thence North 59°59'18" East, 40.15 feet; thence South 82°42'43" East, 47.78 feet; thence South 59°16'51" East, 47.85 feet; thence North 83°34'39" East, 54.87 feet; thence North 49°59'37" East, 31.00 feet; thence North 68°20'38" East, 42.74 feet; thence North 83°39'11" East, 40.93 feet; thence North 19°17'47" East, 21.19 feet; thence North 83°45'37" East, 53.66 feet; thence North 62°14'30" East, 23.11 feet to the Point of Beginning.

Area to be re-zoned contains 12.61 acres, more or less.

BASIS OF BEARINGS: Geodetic North referenced to the NAD83 2011 (Epoch 2010.00) datum, projected onto the Oregon Coordinate Reference System, Grants Pass-Ashland zone (references: OAR 734-005-0005, 734-005-0010 and 734-005-0015(3)(p)). Note that the grid bearings listed herein do not equal geodetic bearings due to meridian convergence.

This description is prepared for the distinct purpose of outlining an area to be re-zoned in the City of Medford, Oregon and is not sufficient for the conveyance of real property, the determination or creation of real property boundaries.
Prepared By:

Neathamer Surveying, Inc.
3126 State Street, Suite 203
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Project Number: 15054

Date: October 18, 2018

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PLANNING DEPT

DECLARATION OF CONDITIONS AND RESTRICTIVE COVENANTS

MIDDLEFORK CREEK P.U.D PHASE 4

CITY OF MEDFORD, JACKSON COUNTY, OREGON

Mahar Homes, Inc. hereafter referred to as ("Developer"), being the owner of interest of all of the real property located in the City of Medford, County of Jackson, State of Oregon known as Middlefork Creek P.U.D. Phase 4, as the same is particularly described in that certain plat on file with the County Clerk of Jackson County, Oregon, under the date of _____, and recorded in Volume _____ of the Plat Records of Jackson County, Oregon at Page ___ thereof, do hereby make the following declaration of conditions and restrictions covering the above described real property specifying that this declaration shall constitute covenants to run with all the land and shall be binding on all persons claiming under them, and that these conditions and restrictions shall be for the benefit of the owners of the real property described in Exhibit "A" attached hereto and make a part hereof.

1. **Intents and Purpose.** Developer desires to sell the lots in the subdivision subject to the mutually beneficial covenants, conditions and restrictions ("CC&R's") set forth in this declaration. Therefore, the Real Property in this subdivision shall be held, conveyed, encumbered, used, occupied, and improved subject to these CC&R's all of which are in furtherance of a plan for the sale and improvement of lots and Real Property within the subdivision and which are established for the purpose of enhancing and promoting the value, desirability and attractiveness of the sale and development of the Real Property. All of the CC&R's herein set forth shall run with the land and shall be binding on all parties having or acquiring any right, title or interest in the Real Property or any part thereof and shall be for the benefit of each owner of any portion of the Real Property or any interest therein and shall inure to the benefit of and be binding upon each successor in interest of such owners. These or similar CC&R's will be recorded to cover each phase of development in the Middlefork Creek P.U.D.

2. **Amendments to CC&R's.** During any period of time that any lot is owned by Developers in any phase of the Middlefork Creek P.U.D. Phase 4, these CC&R's shall not be amended, expire or be terminated without the written, recorded consent of Developers and a vote of two-thirds of the owners of the lots in Phase 4. For purposes of this paragraph, votes are counted one vote per lot regardless of how many people own a particular lot.

When all the lots have been sold by Developers in these phases and all future phases of the Middlefork Creek P.U.D., these CC&R's shall not be amended, expire or be terminated unless an instrument signed by the owners of more than two-thirds of the lots in all phases of the Middlefork Creek P.U.D. has been recorded, such instrument specifying the amendment, termination or expiration of these CC&R's.

3. **Architectural Control Committee**. The Architectural Control Committee (hereafter the "Committee") will consist of representatives of Developers and/or their designated representatives.

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At such time as Developers cease to own any lot in these phases and all future phases of the subdivision, the Committee shall thereafter consist of three (3) members, to be appointed by majority vote of the owners of all lots within all phases of the subdivision. For voting purposes the owners collectively, of each lot shall be entitled to one (1) vote. Each vote must be cast by written ballot, signed by all of the owners of each lot. The members of the Committee must be owners of a lot, or principals in an entity which owns a lot. The member of the Committee shall serve for terms of three (3) years, except for the first election of members, which shall appoint one of the members for a one (1) year term and of the members for a two (2) year term for the purpose of staggering terms so that no more than one (1) vacancy occurs each year. Vacancies on the Committee, which occur prior to the expiration of a member's term shall be filled by the remaining committee members for the duration of the term. If the committee members fail to fill a vacancy within sixty (60) days after the vacancy occurs, the vacancy shall be filled by the appointment of a member by majority vote of the owners of the lots. No member of the Committee shall be entitled to any compensation for service as a committee member.

a. **Plan Review and Approval**. Construction of improvements shall not commence until or unless the owner has submitted a complete site plan and plans and specifications and construction of improvements. More specifically, no building fence, wall, patio, deck, gazebo, swimming pool, spa, hot tub, pet enclosure or other improvement of any kind visible from the exterior shall be erected, altered or placed on any lot until the building plans, specifications, and site plans showing the location of the proposed improvements on the lot have been submitted to, reviewed by, and approved in writing by the Committee. Plans and specifications shall include the roof, siding, windows and exterior colors of each structure to be built. An owner obtains Committee approval by submitting a completed and acceptable application as determined by the Committee to the committee. The Committee will review the application to consider the compatibility of the proposed improvement design with planned and existing improvements on the lot and the other Real Property improvements in the subdivision and determine whether the application meets the requirement of these CC&R's. The Committee shall consider the quality of workmanship, specifications, materials, placement and colors and use its judgment and sole discretion as to whether the plans are consistent with these CC&R's and as to whether the intended design and construction are compatible with the topography at finished grade elevation. The committee shall, within thirty (30) days from receipt of a completed and acceptable application, either approved or disapprove the application in writing. Upon failure of the Committee to approve or disapprove in writing any completed and acceptable application within such thirty (30) day period, approval thereof will be deemed to have been made, provided that the proposed construction complies with all of the other provisions of these CC&R's. The committee need not keep plans and specifications or copies thereof after construction is completed and is hereby authorized by the owners of all parcels to discard said plans and specifications once construction is complete.

b. **Site Compatibility**. The Committee will review the design of all improvements to determine at its sole discretion whether the improvements are compatible with the specific lot. The Committee can increase the building setback requirements if in its sole discretion it is necessary for good planning. The minimum property line setbacks shall be those required by

ordinance of the City of Medford, however, the Committee can increase any setback requirements at their sole discretion.

Committee approval shall be required for the adjustment of boundary lines between lots and the consolidation or further division of lots. The Committee shall have the discretion to grant such approvals, however, no such approval shall exceed or have effect of allowing adjustments and consolidations which are not allowed by the City of Medford's jurisdiction over the Real Property.

c. **Liability. Neither the Committee nor the members thereof or their delegates shall be liable to any owner for any damage, loss, claim or prejudice suffered or claimed on account of (a) the approval or disapproval of plans, drawings and specifications, whether or not defective, (b) the construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications, or (c) the development of any lot within the Real Property. Approval by the Committee does not mean said Committee is warranting or incurring any liability for the structural adequacy of the plans, drawings and specifications submitted to and proved by said Committee. Plans, specifications and drawings may require building permits and other entitlements from the appropriate governmental agencies.**

4. **Lot Usage and Restrictions.** All lots shall be used as single family residential lots and shall not be used for the purpose of conducting a business, trade or profession except as provided for a home occupation by the City of Medford or other governmental entity having jurisdiction over the real property. All homes are to be site built. Mobile homes, manufactured homes or modular homes will not be allowed on the real property.

The Committee shall have broad discretion for the approval and granting of permission to build an auxiliary dwelling as permitted by the City of Medford. These dwellings will only be allowed in site specific areas deemed appropriate by the sole discretion of the Committee.

No barns, chicken coops, rabbit hutches, kennels, aviaries or similar structures shall be erected or maintained on any lot. No animals, livestock or poultry of any kind shall be raised, bred or kept, except that dogs, cats or other household pets may be kept provided that they are not bred or maintained for any commercial purpose.

No poles, outside radio, TV antennas or satellite dishes shall be allowed without the approval of the Committee. No freestanding flagpoles will be allowed in the subdivision. No permanently placed freestanding basketball poles or backboard standards attached to the house will be placed in front yard areas. Portable basketball poles are allowed in front areas only if they are returned to a screened side yard area, as approved by the Committee, after daily use. No tent or shack may be placed or erected on any lot. No trailer, recreational vehicles, tent, shack or garage may at any time be used as a residence, temporarily or permanently, nor shall any structure of temporary type be used as a residence thereon.

No noxious or offensive trade or activity shall be transacted upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood within the real property. No commercial trucks, wrecked cars or racing cars will be permitted to be

parked, or stored within the real property or adjacent street thereof, unless they are stored within an approved garage so that they are not visible.

Parking of boats, trailers motorcycles, trucks, campers, recreational vehicles and like equipment shall not be allowed on any part of any lot nor on any street in the subdivision excepting only within the confines of an enclosed garage, or behind a screening fence or shrubbery with the approval of the Committee. The only exception to this provision is that a temporary construction trailer, security trailer, or lot/home sales office may be allowed on a lot with the prior written approval of the Committee, however, no such trailer or office shall be used as a residence, temporarily or permanently.

5. **Improvement Size and Type**. All residential dwellings constructed on lots shall have 1400 minimum square footage of heated living space in the primary structure of the residential dwelling unit, exclusive of porches and garages. All residential dwelling units shall be single story construction unless otherwise approved by the Committee. Two story residential dwellings shall be allowed only where the Committee has predetermined their allowed placement. The first floor plate height of each residence is to be minimum of 9 feet. The second floor may have a minimum of 8-foot plate height.

6. **Roof Design and Covering**. All roof pitch designs and angles must be approved by the Committee. All roofs shall be covered with a specific roofing material and color as approved by the committee prior to the construction.

7. **Siding Material**. All improvements constructed on the real property shall use siding material and meet placement specifications as approved by the committee. All siding materials, including but not limited to, masonry veneers shall be approved by the Committee.

8. **Windows**. Window sizes, configuration and placement shall be approved by the Committee. Particular consideration shall be given to the placement of each window. All improvements shall use a window frame color approved by the Committee. Owners will install two sidelights at the front entry unless otherwise approved by the Committee.

9. **Colors**. The original exterior colors of all buildings, including the accent and trim colors shall require written approval by the Committee prior to application. Each color and color combination or any future changes of color(s) for existing buildings or structures or improvements shall require written Committee approval prior to application. All buildings shall be well maintained in exterior colors as approved by the Committee.

10. **Fences**. All fences and railing require approval of the Committee prior to construction. Unless approved otherwise by the Committee, all fences within the subdivision shall be construction of the same materials and shall be of same style, design and color. All fences are to be well kept. Fences shall not be allowed beyond the front line of the front of the house without the approval of the Committee. Any future changes made to any fencing (materials, color, height, etc.) must be approved by the Committee. Privacy fences, screening fences, and deck railings shall only be allowed upon approval by the Committee. The maximum height of all fences, railings, and landscape hedges shall be determined by the Committee for each application.

All approved fences and railings shall be well constructed and maintained and shall not detract from the appearance of other improvements located upon the lot or detract from the appearance of improvements located on adjacent lots. The top line of all permanent fences and railings must be constructed relatively level, and lateral fence elevation changes must occur at the fence or railing post or in a manner approved by the Committee.

All fences shall be finished in paint or stain colors pre-approved by the Committee. Fences and railings must be well maintained in colors approved by the Committee. Any changes in colors(s) shall require written committee approval prior to the application of any paint or stain material to said fences and railings.

11. **Trash Receptacles**. All trash shall be retained in appropriate receptacles and shall not be allowed to accumulate. All trash receptacles and cans shall be screened from reasonable and ordinary view from the adjoining lots and streets, and shall be kept odor free.

12. **Outside Storage**. All materials stored on any lot shall be screened from ordinary view from adjacent lots and streets as approved by the Committee.

13. **Signs**. No sign of any kind shall be displayed to the public view on any lot except one (1) professional sign advertising sale, lease or rental. This provision shall not prevent the Developers or their successors or assigns, as the case may be, or any building contractor, from advertising during the construction of improvements on any lot.

14. **Swimming Pools**. No swimming pool shall be constructed in any front yard area of any lot. No pool, inflated plastic covers, or swimming pool covers may be constructed or installed on any lot without first having obtained the written approval of the Committee.

15. **Vacant Lot maintenance**. Any lot sold by the Developers and not built upon immediately is to be maintained in such a manner that its appearance is not unsightly. Weeds are to be cut at regular intervals, so that any such weeds do not exceed 12 inches in height. The Developer reserves the right to enter onto and cut any weeds and maintain any lot which in the Developer's opinion is not properly maintained by the lot owner. The lot owner will reimburse the Developer for the reasonable cost of maintaining said lot. These costs are to be immediately paid upon submitting a bill to said lot owner.

16. **Construction Completion Requirements**. All improvements started on any lot shall be finished within one (1) year. No residential dwelling unit shall be occupied for any purpose until such time as all exterior improvements are completed and a certification of job completion has been issued by the City of Medford or other governmental entity having jurisdiction over the real property.

17. **Sidewalk Completion Requirements**. Lot owners are required within 12 months from purchase from the Developer to construct sidewalks along the front lot line in conformity to standards set forth by the City of Medford. If purchaser or lot owner does not comply with constructing these sidewalks per the standards of the City of Medford, then the Developer reserves

the right to build and complete the sidewalks and be immediately compensated for cost from the lot owner.

18. **Landscape Completion Requirements**. The improvement of all lots shall incorporate a landscape plan. Landscaping should be designed, installed, and completed with a consistency and harmony intended for the overall subdivision. The plan, including soil removal or additions and contour grading, shall be approved in writing by the Committee prior to commencement of any landscape work being done. The landscape plan shall include lawn in the City owned park strips and in the front yard. The owner shall install all landscaping within six (6) months from the date of completion of the residential dwelling. All site plans and landscape plans shall include a drainage plan. All drainage plans must be so designed as to eliminate excess water pooling or excess drainage to adjacent lots. All proposed retaining and feature walls must be shown on the site plans and landscape plans.

Landscaping is to be well maintained and landscaping is to remain in continued conformance with the original approved plan unless changes are approved by the Committee.

19. **Master Street Tree Plan**. A master street tree plan for the park strips has been adopted by the City Parks Department for this subdivision. This plan shall be strictly followed. Street trees which die or become diseased shall be replaced by the adjoining property owner with trees of the same type and caliper, unless the planting of a different type of tree is approved in writing by the committee.

20. **Landscape Maintenance**. All landscaping and yard areas on a lot or parcel including the city-owned park strips between the sidewalk and the street curb shall be maintained in first-class condition by the owner(s) of the lot or parcel, as determined by the Committee. If the owner(s) do not perform the required maintenance, the Committee may perform the necessary maintenance and or changes necessary. The owner(s) who have failed to perform the required maintenance or changes as determine by the Committee shall be liable for all damages resulting therefrom, including without limitation all costs of completing the necessary maintenance or changes thereon.

21. **Public Utility Easements**. All of such persons, public utility companies and authorities in whom easements are reserved shall have the unrestricted right of ingress and egress thereon, for the purpose of all such construction use and maintenance and no building, structure, fence, wall, or other obstruction shall be placed within the area of said easements by the owners of lots, their heirs, successors or assigns. Any such obstruction placed within such easements by the owners or by any other person may be summarily removed by any public utility or authority whose ingress or egress is impeded by such obstruction, sand said public utility or authority shall not be liable to the public utility company or other authority for the cost of removal thereof.

22. **Private Storm Drain Maintenance.** It shall be the duty of the Declarant, its successors and assigns to maintain, repair and renew all storm water disposal systems located on the property or within an area of shared interest owned in common with other property owners. The Declarant will be responsible for such expenses until the property is sold. When sold, the new property owner will become responsible for the expenses. Should private storm water facilities

not be maintained in accordance with city standards, then other parties may choose to perform the necessary maintenance and charge the property owner.

No person shall cause or permit any drainage system located on the owner's property to be obstructed, filled, graded, or used for disposal of debris.

City staff may periodically inspect private facilities to ensure that the system operates properly and maintenance is done.

23. **Private Retaining Wall Maintenance.** It shall be the duty of the Declarant, its successors and assigns to maintain, repair and renew all private retaining walls located on the property or within an area of shared interest owned in common with other property owners. The Declarant will be responsible for such expenses until the property is sold. When sold, the new property owner will become responsible for the expenses. Should the private retaining wall not be maintained in accordance with city standards, then other parties may choose to perform the necessary maintenance and charge the property owner.

24. **Amendment to CC&Rs.** During any period of time any lot is owned by Developers in any phase of the Middlefork Creek P.U.D. Phase 4, these CC&Rs shall not be amended, expire or be terminated without written, recorded consent of Developers and a vote of two-thirds of the owners of the lots in Phase 4. For purposes of the paragraph, votes are counted one vote per lot regardless of how many people own a particular lot. When all the lots have been sold by Developers in these phases and all future phases of the Middlefork Creek P.U.D., these CC&Rs shall not be amended, expire or be terminated unless an instrument signed by the owners of more than two-thirds of the lots in all phases of the Middlefork Creek P.U.D. has been recorded, such instrument specifying the amendment, termination or expiration of these CC&Rs.

Notwithstanding the foregoing paragraph, "Amendment to CC&Rs", no amendment or termination of the obligations to maintain private storm drains and private retaining walls shall be effective without written consent of the City of Medford.

25. **Construction Debris and Tracking**. Any contractor building any improvement approved by the Committee shall furnish trash containers and shall at all times keep the premises free from the accumulation of trash and scrap generated by construction. Trash and scrap will not be allowed outside designated trash and scrap areas. Upon completion of the work, all remaining work trash and scrap shall be disposed of. Tools, construction equipment, machinery and surplus materials shall be promptly removed from the site. Developers or their designees shall be entitled to enter upon any construction site to clean up, remove and dispose of materials left on the site. The contractor and the owner of the lot for which the construction has been approved shall be liable for the costs incurred for such removal. Contractors and the owner of the lot will also clean up the paved streets of any tracking caused by the contractor. For purposes of this paragraph, tracking is the tracking of mud, rock and debris from a given lot onto a paved street by construction vehicles, machinery and/or equipment. Developers or their designee shall be entitled to clean up tracking if it is not cleaned up within a reasonable time period. The contractor and the owner of

the lot for which the construction has been approved shall be liable for the costs incurred in cleaning up tracks left on the paved street.

26. **Hold Harmless Waiver of Liability. Developers and/or their officers, directors and employees and the Committee and its members, and future designees make no representations or warranties of any kind either express or implied and are to be held harmless and have no liability regarding soil stability or geologic conditions of the lots.**

27. **Enforcement/Remedies**. These CC&R's shall be binding upon, inure to the benefit of, and be enforceable by a suit in equity or an action at law by Developers, the Committee and/or the owner of any lot. No lot owner can require Developers to file suit to enforce these CC&R's . The failure by any party to enforce any of these CC&R's shall in no event be deemed a waiver of the right to do so thereafter. Invalidation of any of these CC&R's or any provisions hereof shall not affect any other provision hereof, which shall remain in full force and effect. All captions and headings used herein are intended solely for the convenience of reference and shall in no way limit any provisions of these CC&R's. Significant deference shall be given to Developers in the interpretation and application of these CC&R's. Any ambiguities in these CC&R's shall be resolved in favor of Developers' interpretation and application of the CC&R's.

28. **Attorneys Fees**. In the event an action is filed to enforce or interpret the provisions of these CC&R's, the prevailing party shall be entitled to recover from the nonprevailing party attorneys' fees incurred at trial and on appeal.

We acknowledge and approve all of the conditions, covenants and restrictions as set forth in this document.

DEVELOPERS

Mahar Homes, Inc.

By:_____

STATE OF OREGON)
:ss
County of Jackson)

Personally appeared before me on this _____day of _____, 2018, the above named _____, a representative for Mahar Homes, Inc. and acknowledged the foregoing instrument to be his voluntary act and deed.

_____
Notary Public for Oregon
My Commission expires:_____

Middlefork Creek PUD / SFR-00 to SFR-4/SFR-10 Zone Change

Traffic Impact Analysis

October 25, 2018

Prepared By:

Southern Oregon Transportation Engineering, LLC

REGISTERED PROFESSIONAL ENGINEER
53200PE
OREGON
SEPT 10, 2002
KIMBERLY PARDUCCI
RENEWAL DATE 12/31/18

CITY OF MEDFORD
EXHIBIT # R
FILE # PUD-18-156/LDS-18-155/ZC-18-157/CUP-18-158

I. EXECUTIVE SUMMARY

Summary

Southern Oregon Transportation Engineering, LLC prepared a traffic impact analysis for the proposed Middlefork Creek Planned Unit Development (PUD) and concurrent zone change from Single Family Residential SFR-00 to Single Family Residential SFR-4 and SFR-10 in Medford, Oregon. The PUD is located along the east side of Stanford Avenue, north of Coal Mine Road on Township 37S Range 1W Section 34, Tax Lot 300 in the Southeast Plan.

The proposed PUD includes 105 single-family residential (SFR) dwelling units in Phases 1-7. Phases 2-5 include 76 SFR dwelling units are planned for construction by design year 2020. Full development (Phases 1-7) is planned for construction by future year 2023. The site is currently vacant.

Study area intersections were evaluated under existing year 2018, Phases 2-5 design year 2020, and Full Build future year 2023 conditions to determine what impacts the proposed PUD / zone change will have on the transportation system.

Conclusions

The findings of the traffic impact analysis conclude that the proposed Middlefork Creek PUD / zone change from SFR-00 to SFR-4 and SFR-10 at Township 37S Range 1W Section 34, Tax Lot 300 in Medford, Oregon can be accommodated on the existing transportation system with proposed mitigation. A summary of results and conclusions are as follows:

1. The unsignalized intersection of Juanipero Way and N Phoenix Road exceeds LOS "D" in the westbound left turn movement under future year 2023 no-build and build conditions once Coal Mine Road is re-aligned with Juanipero Way.
   a. Proposed mitigation includes a traffic signal once signal warrants are met
   b. Up to 61 SFR dwelling units can develop before 25 p.m. trips reach this intersection.
   c. A pro-rate fair share of signal costs is estimated to be 3% based on total entering volume and development trip impacts. Once a pro-rate share is paid, full development can occur.

This analysis was undertaken to address issues of compliance with the City of Medford Comprehensive Plan, Land Development Code, and Oregon Transportation Planning Rule (TPR) in Oregon Administrative Rules (OAR) Chapter 660, Division 012. Based upon our analysis of streets and intersections within the study area, it is concluded that the proposed Middlefork Creek PUD can be approved with the recommended mitigation without significantly affecting any existing or planned transportation facility.

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CITY OF MEDFORD

LD Date: 11/28/2018
File Numbers: PUD-18-156/LDS-18-155/CUP-18-158

PUBLIC WORKS DEPARTMENT STAFF REPORT
Middlefork Creek Subdivision

Project: Consideration of a Preliminary PUD Plan for the Middlefork Creek Planned Unit Development – Phases 1-7, which include requests for a tentative plat approval for a 105-lot residential subdivision; a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single Family Residential, four dwelling units per gross acre) on a 12.26-acre portion of the property and a 2.95-acre portion of the property, and a change of zone from SFR-00 to SFR-10 (Single Family Residential, ten dwelling units per gross acre) on a 12.61-acre portion of the property; and a Conditional Use Permit (CUP) in order to locate shared use paths and storm drain facilities within the Riparian Corridors of Larson Creek.

Location: The property totals 27.82-acres and is located south of East Barnett Road, east of North Phoenix Road, and abuts Coal Mine Road along its southerly boundary; is within the Southeast (SE) Overlay District, and is currently zoned SFR-00 (371W34300).

Applicant: Applicant, Dan Mahar; Agent, Neathamer Surveying Inc.; Planner Liz Conner.

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

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

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MEDFORD, OREGON 97501
www.ci.medford.or.us
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FAX (541) 774-2553

CITY OF MEDFORD
EXHIBIT # 5 (1 of 2)
FILE # PUD-18-156/LDS-18-155/ZC-18-157/CUP-18-158

A. STREETS

1. Dedications

Coal Mine Road is classified as a Major Collector street within the Medford Land Development Code (MLDC) 10.428. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the half width (37-feet) of right-of-way, or more as required to provide for the proposed street as shown on the tentative plat. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

Stanford Avenue is classified as a Major Collector street within the MLDC 10.428. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the half width (37-feet) of right-of-way, or more as required to provide for the proposed street as shown on the tentative plat. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

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

Creek View Drive is proposed as Standard Residential Street with a right-of-way width of 63-feet, consistent with the standard prescribed by MLDC 10.430.

Arizona Drive, Hartford Street, Utah Drive and Wyoming Lane are proposed as Minor Residential streets with a right-of-way width of 55-feet, consistent with the standard prescribed by MLDC 10.430.

Morgans Way is proposed as a Residential Lane within the MLDC 10.430. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the full width of right-of-way, which is 33-feet. The proposed cul-de-sac at the south terminus shall be dedicated per MLDC 10.450, and have a minimum 45-foot radius.

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

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

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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**

Coal Mine Road shall be improved to Major Collector street standards, in accordance with MLDC 10.428. The Developer shall improve the north half plus 12-feet south of the centerline, or to the far edge of the existing pavement, whichever is greater, along the frontage of this development.

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

Stanford Avenue shall be constructed to Major Collector street standards, along the frontage of this development, in accordance with MLDC 10.428. A portion of the east half of Stanford Avenue, from south of Arizona Drive north approximately 960-feet, was constructed with Stonegate Estates and Eastgate Estates Subdivisions (P1852D & P1815D, respectively). Along this portion, the Developer shall improve the west half of Stanford Avenue from a point 1-foot inside the existing edge of pavement, plus a 10-foot park strip, 5-foot sidewalk along the frontage of this development. Along the remaining, unimproved portion, the Developer shall improve the east half plus 12-feet west of the centerline along the frontage of this development.

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

Creek View Drive shall be constructed to Standard Residential street standards, in accordance with MLDC 10.430.

Arizona Drive, Hartford Street, Utah Drive and Wyoming Lane shall be constructed to Minor

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Residential street standards, in accordance with MLDC 10.430.

Morgans Way shall be constructed to Residential Lane standards, in accordance with MLDC 10.430. The proposed cul-de-sac shall be constructed in accordance with MLDC 10.450.

b. Bike and Pedestrian Paths within the Riparian Corridor(s)

The paved meandering bike and pedestrian paths within the riparian corridor(s), that are not adjacent to public streets, shall be 12-feet wide with a minimum of 30-foot turning radii, and a structural section corresponding to a TI of 3.5. The said paths are also to be used by Department of Public Works vehicles for access to maintain Larson Creek. If the bike and pedestrian paths are not on City owned property, the Developer shall provide an easement for them.

c. 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:

<u>Street Lighting – Developer Provided & Installed:</u>

A. 3 – Type C-250
B. 17 – Type R-100
C. 2 – Base Mounted Cabinets (BMC)
D. If pedestrian scale lighting is to be used, it shall be designed as per 10.380, showing conduit, wire and load calculations for approval.

<u>Traffic Signs and Devices – City Installed, paid by the Developer:</u>

A. 5 – Type 4 Object Marker
B. 6 – Street Name Signs
C. 6 – Stop Signs
D. 6 – No Outlet Signs
E. 1 – Speed 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.

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

d. Pavement Moratoriums

There are no pavement cutting moratoriums currently in effect along the respective frontages.

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

e. Soils Report

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

f. Access and Circulation

In accordance with MLDC 10.550, there shall be no driveway access to Stanford Avenue, which is a Major Collector.

In accordance with MLDC 10.550, Lots 1-6 shall be required to construct shared driveways Coal Mine Road, which is a Major Collector. Driveways on Coal Mine Road shall comply with the minimum turnaround standards in MLDC 10.746. Public Works does not support the applicant's request for individual driveways on Coal Mine Road for Lots 1 thru 6. While the area may be rural now, the land south and east of this development is in the urban reserve area and will be developed in the future.

Morgans Way is shown as a cul-de-sac, which is not consistent with the Southeast Area Neighborhood Circulation Plan. Public works recommends that if the cul-de-sac is approved, that an Accessway, in conformance with MLDC 10.464 through 10.466, be required for a future connection from the Morgans Way cul-de-sac to Lone Oak Drive.

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g. Easements

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

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

3. Section 10.668 Analysis

To support a condition of development that an applicant 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."

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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.

Coal Mine Road and Stanford Avenue are classified as Major Collector streets per the adopted Circulation Plan. Coal Mine Road is the primary connector to North Phoenix Road from the development. As a Major Collector, Coal Mine Road and Stanford Avenue will have one travel lane in each direction, a center-turn median, bike lanes in each direction, and sidewalks. It will provide safe travel for vehicles, bicycles, and pedestrians. As a higher order streets, they are eligible for street SDC credits for both the right-of-way and roadway improvements, per MMC, Section 3.815 (5). Street SDC credits offset costs to the Developer and is the mechanism provided by the City of Medford to fairly compensate the applicant for the excess burden of dedicating for and constructing higher order streets.

Creek View Drive, Arizona Drive, Hartford Street, Utah Drive, Wyoming Lane and Morgans Way: 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 proposed development has 105 dwelling units and will improve approximately 3,385 lineal feet of roadway which equates to 32.2 lineal feet per dwelling unit. Also the development will dedicate approximately 183,765 square feet of right-of-way which equates to approximately 1,750 square feet per dwelling unit.

To determine proportionality a neighborhood with similar characteristics was used. The development used was pervious phases of Summerfield Subdivision located between Stanford and Lone Oak and Cherry Lane and Shamrock and consisted of 152 dwelling units. The pervious 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 105 Lots within the City of Medford and increase vehicular traffic by approximately 991 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

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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 PUE will benefit development by providing public utility services, which are out of the roadway and more readily available to each Lot being served.

The additional traffic of all modes of travel 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.

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. Storm Drainage Conditions

Developer shall make improvements to the Middle and South Forks of Larson Creek to convey the 25-year storm with one foot of freeboard, or provide calculations showing this condition now exists.

Developer shall provide a 25-foot easements for the Middle and South Forks of Larson Creek measured from the centerline of the Creek (50-foot total easement width).

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Developer shall provide riparian plantings meeting ODFW standards within the Creek easements.

3. Stormwater Detention and Water Quality Treatment

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

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

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

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

4. Grading

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

5. Mains and Laterals

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

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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.

6. Wetlands

The Developer shall contact the Division of State Lands for the approval and/or clearance of the subject property with regards to wetlands and/or waterways.

7. 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.

Property Line Adjustment (PLA-18-115) shall be finalized prior to approval of this application.

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

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checklist for public improvement plan submittal can be found on the City of Medford, Public Works web site (http://www.ci.medford.or.us/Page.asp?NavID=3103). The Developer shall pay a deposit for plan review and construction inspection prior to final plan approval. Public Works will keep track of all costs associated with the project and, upon our acceptance of the completed project, will reconcile the accounting and either reimburse the Developer any excess deposit or bill the Developer for any additional amount not covered by the deposit. The Developer shall pay Public Works within 60 days of the billing date or will be automatically turned over for collections.

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

- Clustered driveways,
- Building to have sprinklers,
- 33-foot paved width.

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

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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 SDC fees. 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: Jodi K Cope
Reviewed by: Doug Burroughs

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SUMMARY CONDITIONS OF APPROVAL

Middlefork Creek Subdivision **PUD-18-156/LDS-18-155/CUP-18-158**

A. Streets

1. Street Dedications to the Public:

- Dedicate right-of-way on **Coal Mine Road**, as required.
- Dedicate full width right-of-way on **Stanford Avenue**, as required.
- Dedicate full width right-of-way (63') on **Creek View Drive**.
- Dedicate full width right-of-way (55') on **Arizona Drive, Hartford Street, Utah Drive and Wyoming Lane.**
- Dedicate full width right-of-way (33') on **Morgans Way**.
- Dedicate 10-foot public utility easements (PUE).

2. Public Improvements:

- Improve **Coal Mine Road** to Major Collector street standards.
- Construct **Stanford Avenue** to Major Collector street standards.
- Construct **Arizona Drive, Hartford Street, Utah Drive and Wyoming Lane** full width, to Minor Residential street standards.
- Construct **Morgans Way** full width, to Residential Lane standards, including the Cul-de-sac.

Lighting and Signing

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

Access and Circulation

- In accordance with MLDC 10.550, there shall be no driveway access to Stanford Avenue, which is a Major Collector.
- In accordance with MLDC 10.550, Lots 1-6 shall be required to construct shared driveways Coal Mine Road.
- Morgans Way - Public works recommends that if the cul-de-sac is approved, that an Accessway, in conformance with MLDC 10.464 through 10.466, be required for a future connection from the Morgans Way cul-de-sac to Lone Oak Drive.

Other

- Provide pavement moratorium letters.
- o Provide soils report.

B. Sanitary Sewer:

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

C. Storm Drainage:

- Provide an investigative drainage report.
- Comply with Storm Drainage Conditions.
- Provide water quality and detention facilities.
- Provide a comprehensive grading plan.
- Provide storm drain laterals to each tax lot.
- o Provide DSL signoff.
- Provide Erosion Control Permit from DEQ.

D. Survey Monumentation

- Provide all survey monumentation.
- Property Line Adjustment (PLA-18-115) shall be finalized prior to approval of this application.

E. General Conditions

- Provide public improvement plans and drafts of the final plat.
- Additional Site Plan to ensure fire apparatus access per MLDC 10.430(2) if project includes Minor Residential streets.

- ▪ = City Code requirement.
- o = Discretionary recommendations/comments.

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

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Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 11/28/2018
File Number: ZC-18-157

PUBLIC WORKS DEPARTMENT STAFF REPORT
Zone Change – Coal Mine Road
Middlefork Creek Subdivision
(371W34 TL 300)

Project: **Consideration of a Preliminary PUD Plan for the Middlefork Creek Planned Unit Development – Phases 1-7, which include requests for a tentative plat approval for a 105-lot residential subdivision; a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single Family Residential, four dwelling units per gross acre) on a 12.26-acre portion of the property and a 2.95-acre portion of the property, and a change of zone from SFR-00 to SFR-10 (Single Family Residential, ten dwelling units per gross acre) on a 12.61-acre portion of the property.**

Location: **The property totals 27.82-acres and is located south of East Barnett Road, east of North Phoenix Road, and abuts Coal Mine Road along its southerly boundary; is within the Southeast (SE) Overlay District, and is currently zoned SFR-00 (371W34300).**

Applicant: **Applicant, Dan Mahar; Agent, Neathamer Surveying Inc.; Planner Liz Conner.**

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

I. Sanitary Sewer Facilities

This site lies within the City of Medford Sewer Service area. There is capacity in the existing sanitary sewer system to allow this Zone Change.

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EXHIBIT # 5 (2 of 2)
FILE # PUD-18-156/LDS-18-155/ZC-18-157/CUP-18-158

II. Storm Drainage Facilities

This site lies within the Larson Creek Drainage Basin. The City of Medford has existing storm drain facilities in the area. This site would be able to connect to these facilities at the time of development. This site will be required to provide stormwater quality and detention at time of development in accordance with MLDC, Section 10.729 and/or 10.486.

III. Transportation System

Public Works has received the Traffic Impact Analysis Report dated October 25, 2018, for the Planned Unit Development on 371W34 lot 300, between Barnett Road and Coal Mine Road east of North Phoenix Road, and have returned the comments to the engineer. We recommend the Applicant delay the hearing until the comments are resolved.

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs

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

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BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: PUD-18-156/ LDS-18-155/ ZC-18-157/CUP-18-158

PARCEL ID: 371W34 TL 4300

PROJECT: Consideration of a Preliminary PUD Plan for the Middlefork Creek Planned Unit Development – Phases 1-7, which include requests for a tentative plat approval for a 105-lot residential subdivision; a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single Family Residential, four dwelling units per gross acre) on a 12.26-acre portion of the property and a 2.95-acre portion of the property, and a change of zone from SFR-00 to SFR-10 (Single Family Residential, ten dwelling units per gross acre) on a 12.61-acre portion of the property; and a Conditional Use Permit (CUP) in order to locate shared use paths and storm drain facilities within the Riparian Corridors of Larson Creek. The property totals 27.82-acres and is located south of East Barnett Road, east of North Phoenix Road, and abuts Coal Mine Road along its southerly boundary; is within the Southeast (SE) Overlay District, and is currently zoned SFR-00 (371W34300); Applicant, Southeast View LLC.; Agent, Neathamer Surveying; Planner, Dustin Severs.

DATE: November 28, 2018

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

CONDITIONS

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

2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.

3. Installation of a 12-inch water line is required in Stanford Avenue from the existing southerly end of an existing 12-inch water line stubbed for extension to the south at Arizona Drive, this 12-inch water line is required to extend to Coal Mine Road. Applicants Civil Engineer shall coordinate with MWC Engineering staff for water facility layout.

4. Installation of 8-inch water lines is required in each of the westerly road extensions (Morgan's Way, Hartford Street, Creek View Drive, Arizona Drive, Wyoming Lane, Utah Drive, and Coal Mine Road). Applicants Civil Engineer shall coordinate with MWC Engineering staff for water facility layout.

Continued to Next Page

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Continued from Previous Page

5. Fire hydrants are required to be installed at all dead-ends streets for flushing and water quality purposes.

6. Proposed Phases 7, 6B, and 5B are located in MWC Pressure Zone 2. These Phases will be able to be developed once water infrastructure in Pressure Zone ~~3~~ 2 is extended southerly from Lone Oak Drive and Michael Park Drive.

7. Applicant shall coordinate with Medford Fire Department for Fire Hydrant locations.

COMMENTS

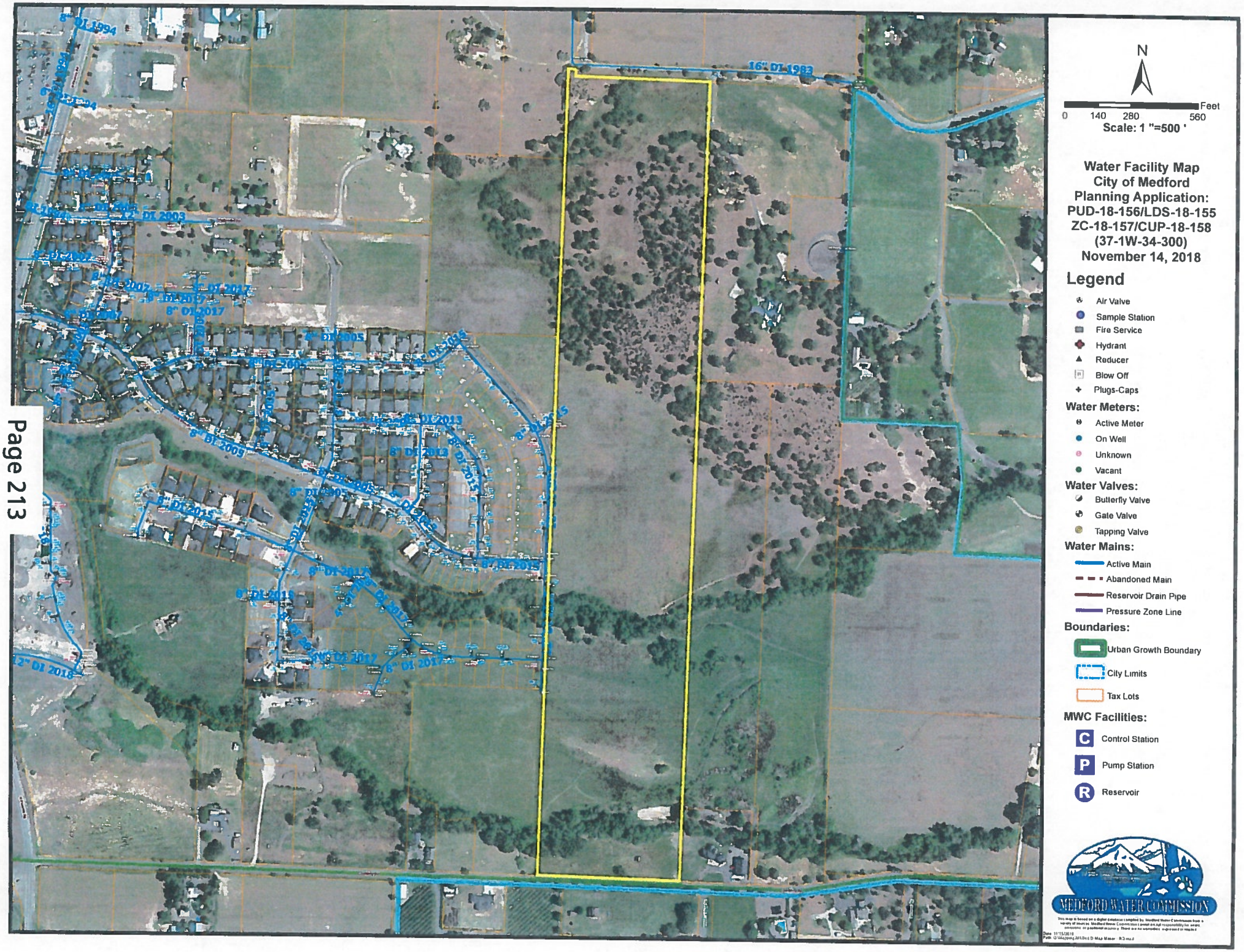
1. Off-site water line installation is required. (See Conditions 6 above)

2. On-site water facility construction is required. (See Condition 3 and 4)

3. Static pressure is between 45 psi at Hartford Street, and 55 psi at Coalmine Rd.

4. MWC-metered water service does not exist to this property. (See Condition 2 above)

5. Access to MWC water lines is available. There is an existing 12-inch water line (Pressure Zone 1) in Stanford Avenue between Sherwood Park Drive and approximately 135-feet south of Arizona Drive.



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Water Facility Map
City of Medford
Planning Application:
PUD-18-156/LDS-18-155
ZC-18-157/CUP-18-158
(37-1W-34-300)
November 14, 2018
Legend
Air Valve
Sample Station
Fire Service
Hydrant
Reducer
Blow Off
Plugs-Caps
Water Meters:
Active Meter
On Well
Unknown
Vacant
Water Valves:
Butterfly Valve
Gate Valve
Tapping Valve
Water Mains:
Active Main
Abandoned Main
Reservoir Drain Pipe
Pressure Zone Line
Boundaries:
Urban Growth Boundary
City Limits
Tax Lots
MWC Facilities:
Control Station
Pump Station
Reservoir
MEDFORD WATER COMMISSION
16" DI 1983
8" DI 1994
12" DI 2003
8" DI 2017
8" DI 2005
8" DI 2013
8" DI 2009
8" DI 2015
12" DI 2018

Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 11/19/2018
Meeting Date: 11/28/2018

LD File #: PUD18156 **Associated File #1:** LDS18155 **Associated File #2:** ZC18157/CUP18158

Planner: Dustin Severs

Applicant: Southeast View LLC.; Agent, Neathamer Surveying

Site Name: Middlefork Creek Planned Unit Development – Phases 1-7

Project Location: South of East Barnett Road, east of North Phoenix Road, and abuts Coal Mine Road along its southerly boundary

ProjectDescription: Consideration of a Preliminary PUD Plan for the Middlefork Creek Planned Unit Development – Phases 1-7, which include requests for a tentative plat approval for a 105-lot residential subdivision; a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single Family Residential, four dwelling units per gross acre) on a 12.26-acre portion of the property and a 2.95-acre portion of the property, and a change of zone from SFR-00 to SFR-10 (Single Family Residential, ten dwelling units per gross acre) on a 12.61-acre portion of the property; and a Conditional Use Permit (CUP) in order to locate shared use paths and storm drain facilities within the Riparian Corridors of Larson Creek. The property totals 27.82-acres and is located south of East Barnett Road, east of North Phoenix Road, and abuts Coal Mine Road along its southerly boundary; is within the Southeast (SE) Overlay District, and is currently zoned SFR-00 (371W34300)

Specific Development Requirements for Access & Water Supply

Conditions

Reference	Comments	Description
OFC 505	Minimum access address sign required for lot #103.	The developer must provide a minimum access address sign. A pre-approved address sign can also be utilized. A brochure is available at: http://www.ci.medford.or.us/Files/Minimum%20Access%20Address%20Sign.pdf
OFC 508.5	Sixteen (16) fire hydrants will be required for this project near the following recommended locations: One near the culdesac in front of lot 104 on Morgan's Way; One near the corner of Stanford Ave/Hartford St in front of lot 83; one on Hartford St in front of lot s 86/87; one on Hartford St in front of lot 90; One on Creekview Dr in front of lots 71/72; One on Arizona Dr in front of lots 50/51; One on Arizona Dr in front of lot 56; One near the corner of Stanford Ave/Wyoming Ln in front of lot 27; One on Wyoming Ln in front of lots 31/32; One on Wyoming Ln in front of lot 36; One near the corner of Stanford Ave/Utah Dr in front of lot 7; One on	Fire hydrants with reflectors will be required for this project. The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site. Plans and specifications for fire hydrant system shall be submitted to Medford Fire-Rescue for review and approval prior to construction. Submittal shall include a copy of this review (OFC 501.3).

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	Utah Dr in front of lots 11/12; One on Utah Dr in front of lot 16; One near the corner of Stanford Ave/Coal Mine Rd in front of lot 6; One on Coal Mine Rd in front of lot 4; One on Coal Mine Rd in front of lot 1.	
MMC 10.430	One of the three options must be chosen for 28' wide minor residential streets.	Section 10.430 of the Medford Code states the following: In order to ensure that there is at least twenty (20) feet of unobstructed clearance for fire apparatus, the developer shall choose from one of the following design options: (a) Clustered, offset (staggered) driveways (see example) (design approved by Fire Department), and fire hydrants located at intersections with the maximum fire hydrant spacing along the street of 250-feet. (b) All dwellings that front and take access from minor residential streets to be equipped with a residential (NFPA 13D) fire sprinkler system, and fire hydrants located at intersection with the maximum fire hydrant spacing along the street of 500-feet. (c) Total paved width of 33-feet with five-and-a-half (5 ½) foot planter strips. The Oregon Fire Code requires; "Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches" (OFC 503.2.1). "The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established in Section 503.2.1, shall be maintained at all times." (OFC 503.4). When the clustered-offset driveway option is chosen, a note indicating driveway locations shall be included on the final plat. In areas where the clustered-offset option cannot be utilized because of lot layout, parking restrictions may apply in certain areas and no parking signs may be required.
OFC 503.5	Parking shall be posted as prohibited along one side of Morgan's Way.	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.
OFC 503.2.5	Fire Department turn-arounds are required on Hartford St, Creek View Dr, Arizona Dr, Wyoming Ln, and Utah Dr.	Dead-end Fire Apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus. The Fire department turn-around area must be posted with "NO PARKING-FIRE LANE" signs. These signs shall be spaced at 50' intervals along the fire lane and at fire department designated turn-around's.
OFC D107	All homes within this subdivision will be required	D107.1. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire

to be equipped with fire sprinkler systems unless Stanford Ave is connected to Coal Mine Rd.	apparatus access roads and shall meet the requirements of Section D104.3. Exceptions: 1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, access from two directions shall not be required. 2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official. Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses (D104.3).

Construction General Information/Requirements

Development shall comply with access and water supply requirements in accordance with the Oregon Fire Code in affect at the time of development submittal. Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (fire hydrants) is required to be installed prior to construction when combustible material arrives at the site.

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

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

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

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

www.medfordfirerescue.org

TO: Dustin Severs - Planning Department

FROM: Haley Cox – Parks Planner

SUBJECT: Middlefork Creek PUD-18-156

DATE: November 28, 2018

The Parks Department has reviewed the Middlefork Creek PUD Plans and had the following comments:

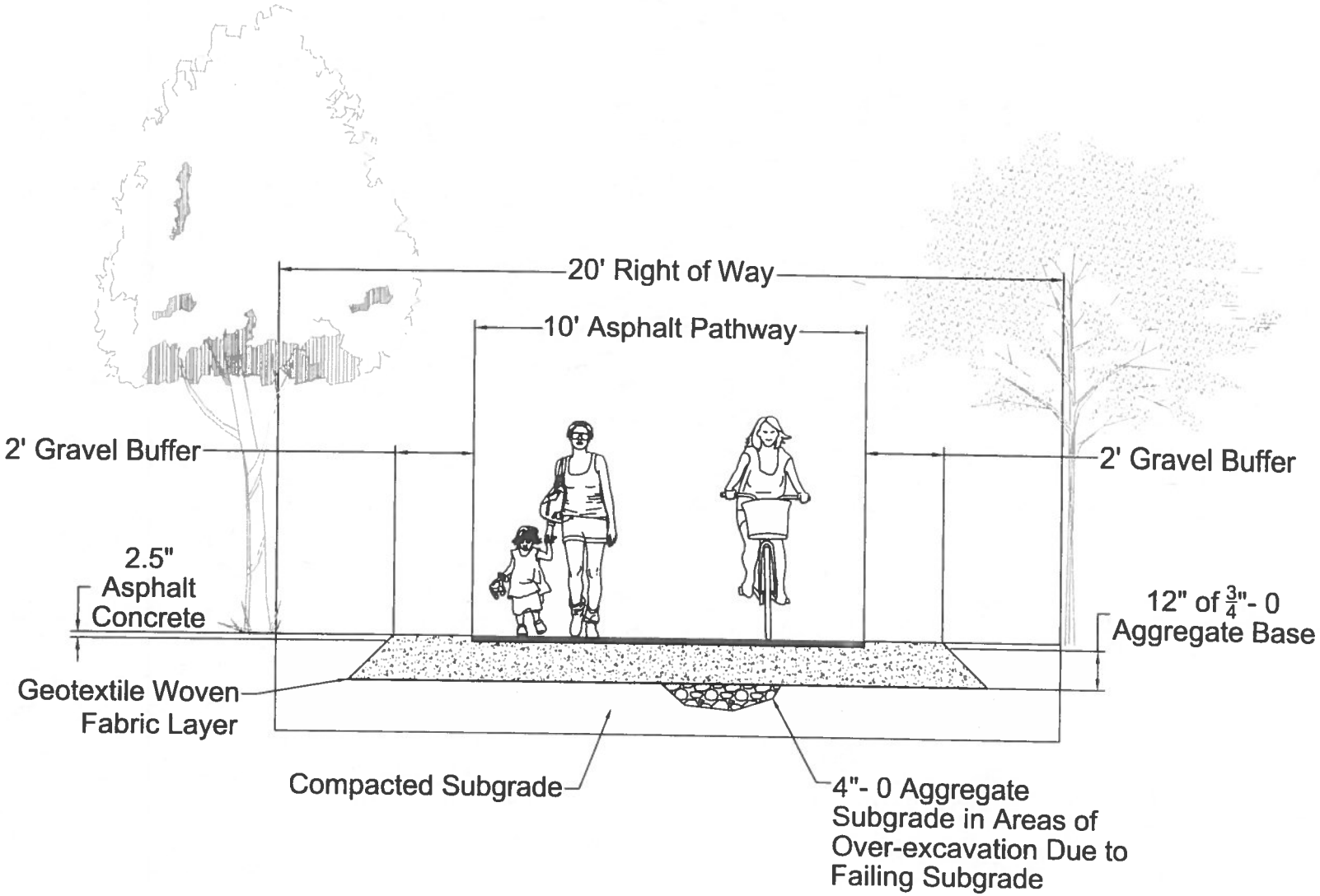
1. There are two segments of the Larson Creek Greenway shown in the PUD plans, which is consistent with the SE Area Circulation Plan and the Leisure Services Plan. As indicated in the SE Area Circulation Plan, the Larson Creek Greenway in that area is within a designated riparian corridor, which corresponds to the G-1 cross section detail. The detail indicates a required 50 foot setback on either side of the creek, and the pathway may be placed within the outer 25 feet. The City standard for shared use pathways is 10 foot asphalt, as shown in the attached detail.

   Before final plat, the developer will need to submit a construction plan to the Parks Department showing how these segments of pathway connect to any others within 200 feet of the project area. Plans should indicate any intersections with streets or other facilities, plantings, or areas of vegetation removal, if applicable.

   Before final plat, the developer will also need to enter into an agreement with the City that outlines the development, ownership, and maintenance of the Greenway and shared use pathway.

2. The tree selection and planting plan is in accordance with City guidelines. The applicant is encouraged to refer to the Tree City Detail found on the Information for Architects page of the City's website for guidance on the root barrier specified in the plans.

CITY OF MEDFORD
EXHIBIT # V
FILE # PUD-18-156/LDS-18-155/ZC-18-157/CUP-18-158



TYPICAL SECTION

SHARED USE PATH

JACKSON COUNTY
Roads

Roads
Engineering

Chuck DeJanvier
Construction Engineer

200 Antelope Road
White City, OR 97503
Phone: (541) 774-6255
Fax: (541) 774-6295
dejanvca@jacksoncounty.org

www.jacksoncounty.org

November 20, 2018

Attention: Dustin Severs
Planning Department
City of Medford
200 South Ivy Street, Lausmann Annex, Room 240
Medford, OR 97501

RE: Preliminary PUD for Middlefork Creek Planned Unit Development
Tentative plat approval for 105-lot residential subdivision
Request two zone changes
And a Conditional Use Permit for shared use paths and storm drain facilities
On Coal Mine Road – a County maintained road
Planning File: PUD-18-156 / LDS-18-155 / ZC-18-157 / CUP-18-158

Dear Dustin:

Thank you for the opportunity to comment on the consideration of a Preliminary PUD for Middlefork Creek Planned Unit Development – Phases 1-7 which request for tentative plat approval of a105-lot residential subdivision; a zone change from SFR-00 (Single Family Residential-one dwellings units per lot/parcel) to SFR-4 (Single Family Residential-four units per gross acre) on a 12.26 acre portion of the property and a 2.95 acre portion of the property, and a zone change from SFR-00 (Single Family Residential-one dwellings units per lot/parcel) to SFR-10 (Single Family Residential-ten dwelling units per gross acre)) on a 12.61 acre portion of the property; and a Conditional Use Permit in order to locate shared use paths and storm drain facilities within the Riparian Corridors of Larson Creek. The property totals 27.82 acres and is located south of East Barnett Road, east of North Phoenix Road, and abuts Coal Mine Road along its southerly boundary; is within the Southeast (SE) Overlay District and is currently zoned SFR-00. (37-1W-34 tax lot 300). Jackson County Roads has the following comments:

1. Any new or improved road approaches off Coal Mine Road shall be permitted and inspected by the City of Medford.

2. The applicant shall submit construction drawings to Jackson County Roads and obtain county permits if required.

3. If frontage improvements are required they shall be permitted and inspected by the City of Medford.

4. Coal Mine Road is a County Local Road, County maintained and has a forty-foot right-of-way. According to the Master Phasing Plan for Stonegate Estates, Coal Mine Road

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FILE # PUD-18-156/LDS-18-155/ZC-18-157/CUP-18-158

is going to be relocated and reconstructed to have a Medford Street Functional Classification of Major Collector. Please note Jackson County Roads has no plans for future improvements to Coal Mine Road.

5. We recommend the City of Medford take over jurisdiction of Coal Mine Road. It's not clear if Coal Mine Road will be relocated in the future since the Phoenix-Talent School District now owns the property located at the northeast corner of the North Phoenix and Coal Mine Roads intersection. Jackson County Roads recommends that an updated TIS be submitted to determine if improvements to North Phoenix Road are needed

6. Jackson County Roads would like to review and comment on the hydraulic report including the calculations and drainage plan. Capacity improvements or on site detention, if necessary, shall be installed at the expense of the applicant. Upon completion of the project, the developer's engineer shall certify that construction of the drainage system was constructed per plan and a copy of the certification shall be sent to Jackson County Roads.

7. Roads concurs with any right-of-way dedication required by the City of Medford.

If you have any questions or need further information feel free to call me at 774-6255.

Sincerely,

Chuck DeJanvier, PE
Construction Engineer

Oregon
Kate Brown, Governor

Department of Fish and Wildlife
Rogue Watershed District Office
1495 East Gregory Road
Central Point, OR 97502
(541) 826-8774
Fax: (541) 826-8776
www.odfw.com

RECEIVED
DEC 04 2018
PLANNING DEPT.

November 19, 2018

Dustin Severs
City of Medford
Lausmann Annex, Room 240
200 South Ivy Street
Medford, OR 97501

RE: Review of PUD-18-156/LDS-18-155/ZC-18-157/CUP-18/158.

Thank you for the opportunity to review PUD-18-156 which includes a shared use path and storm drain detention and treatment facilities in the Greenways boarding Larson Creek and Middle Fork Larson Creek. Oregon Fish and Wildlife recommends that the pathway be placed outside of the 50 foot riparian setback in order to minimize the disturbance of the riparian corridor on both Larson Creek and Middle Fork Larson Creek. If it is necessary for parts of path to exist in the riparian corridor, ODFW suggests it be constructed at the outer edge of the riparian area, furthest from the bank of Larson Creek or Middle Fork Larson Creek. Mitigation should occur for any impacts to the riparian corridor associated with the construction of the path. Riparian vegetation, especially canopy trees, should be retained during construction of the multi-use path as much as feasible. ODFW suggests that any vegetation that is removed during construction of the path should be replanted with native vegetation at a rate of 1 stem per 64 square feet of riparian area disturbed. Over half of the riparian area to be replanted should be trees and a maintenance plan should be followed until the vegetation is established. ODFW would like to receive a detailed plan of any impacts on the riparian corridor of both Larson and Middle Fork Larson Creek and any associated plans for mitigation.

Sincerely,

Laura Street
Assistant District Fish Biologist
Oregon Department of Fish and Wildlife
1495 East Gregory Road
Central Point, OR 97502
541-826-8774x224

CITY OF MEDFORD
EXHIBIT # X
FILE # PUD-18-156/LDS-18-155/ZC-18-157/CUP-18-158

SUPPLEMENTAL
FINDINGS OF FACT AND CONCLUSIONS OF LAW

BEFORE THE CITY OF MEDFORD
PLANNING COMMISSION

IN THE MATTER OF AN APPLICATION FOR THE TENTATIVE PLAT APPROVAL OF MIDDLEFORK CREEK PUD, PHASES 1-7.

APPLICANT: South View, LLC.
815 Alder Creek Drive
Medford, OR 97504

AGENT: Neathamer Surveying, Inc.
P.O. Box 1584
Medford, OR 97501

A. BACKGROUND INFORMATION

Applications for the approval of Middlefork Creek PUD, Phases 1-7 (City of Medford Planning File Numbers: PUD-18-156, LDS-18-155, ZC-18-157, CUP-18-158) were submitted on October 19, 2018. Pursuant to a review by the City of Medford Planning and Public Works staff members, it has been requested to submit additional findings addressing the proposed cul-de-sac and absence of an accessway at the end of Morgans Way.

B. SCOPE, PURPOSE, AND OVERVIEW OF THE APPLICATION

The purpose of these findings is to provide sufficient evidence that supports the proposal of a cul-de-sac and demonstrates the inappropriateness of an accessway located at the end of Morgans Way.

C. APPROVAL CRITERIA

CITY OF MEDFORD LAND DEVELOPMENT CODE

SECTION 10.450 – CUL-DE-SACS, MINIMUM ACCESS EASEMENTS AND FLAG LOTS

Section 10.450 of the Medford's Land Development Code (MLDC) states that:

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

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

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

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

(2) If a cul-de-sac is necessary, then the following standards shall apply: (a) Cul-de-sac streets shall be as short as possible and shall not exceed 450 feet in length. (b) Cul-de-sac streets shall have a vehicle turnaround area with a minimum right-of-way radius of forty-five (45) feet and a minimum paved section radius of thirty-seven (37) feet.

(...)

SECTION 10.464 – ACCESSWAYS

Section 10.464 of the Medford's Land Development Code (MLDC) states that:

The purpose of an accessway is to provide safe and convenient pedestrian and bicycle access within and from new subdivisions, planned unit developments, shopping centers and industrial parks to nearby residential areas, transit stops and neighborhood activity centers such as schools, parks and shopping. A well connected street network is the primary means of providing this access. Accessways are reserved for situations where street connections are infeasible or inappropriate.

(1) Accessways shall be provided for cul-de-sacs, long blocks or dead-end streets except when the approving authority determines based on evidence in the record, that construction of a separate accessway is infeasible or inappropriate. Such evidence may consist of the following:

(a) when other federal, state or local requirements prevent construction of an accessway,

(b) when the nature of abutting existing development makes construction of an accessway impractical,

(c) when the accessway would cross a natural area with significant natural habitat and construction would be incompatible with protection of natural values,

(d) when the accessway would cross land designated for flood control or flood hazard and the accessway is incompatible with the designated use,

(e) when the accessway would cross topography where slopes exceed 30% or where path grade would exceed 12% slope except when construction of a crossing structure is found to be feasible; or

(f) when a cul-de-sac or dead-end street abuts rural resource land in farm use at an urban growth boundary, except where the adjoining land is designated as an urban reserve area.

D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

FINDINGS OF FACT

This office has obtained topographic data for the subject project. Based on the contours that were generated from the topographic data, the slopes which directly surround the proposed cul-de-sac exceed 12%. Furthermore, there are slopes up to 16% across a considerable portion of the area where a potential through-street or path would be located.

During the design and layout of the proposed development, it was ultimately decided that Morgans Way would not be able to connect to future Lone Oak Drive due to the amount of vertical relief in the area. A solution was to mitigate slope concerns by constructing a cul-de-sac in lieu of a through-street. According to MLDC Section 10.450(1)(a), a cul-de-sac shall be permitted if there is "excess slope (15%) or more". As there are excess slopes in the area that a through-street would be located, a cul-de-sac is allowed so long as the following criteria specified in MLDC Section 10.450(2)(a-b) can be met:

(a) Cul-de-sac streets shall be as short as possible and shall not exceed 450 feet in Length

(b) Cul-de-sac streets shall have a vehicle turnaround area with a minimum right-of-way radius of forty-five (45) feet and a minimum paved section radius of thirty-seven (37) feet.

The proposed cul-de-sac street is under 450 feet in length, has a vehicle turnaround area with a radius of 45 feet and will have a minimum paved section radius of 37 feet. As a result, said cul-de-sac meets the relevant criteria and is therefore permitted.

A path in this location suffers from the same circumstances surrounding the through-street; the path grades constructed from said cul-de-sac would also exceed 12%. As stated in MLDC Section 10.464(1), having path grades that exceed 12% is evidence that an accessway is inappropriate.

The intent of an accessway is to provide safe and convenient pedestrian and bicycle access throughout a subdivision and nearby areas. Part of the proposed development includes two Greenways, located southerly of the cul-de-sac. Both Greenways provide paths that meet the intentions of an accessway that is being referred to in MLDC Section 10.464. The existence

of said Greenway paths together with the sidewalks that will be constructed on the nearby streets provide a network of connectivity and sufficient access to meet the intentions of MLDC Section 10.464, while mitigating the need to create an accessway off the cul-de-sac that would be neither safe or convenient with slopes that exceed 12%.

CONCLUSION OF LAW

Based upon the submitted application materials and the above Findings of Facts, the Planning Commission concludes that the application provides sufficient evidence that a cul-de-sac at the end of Morgans Way is permitted and an associated accessway is found to be unnecessary and inappropriate.

Respectfully Submitted,

Neathamer Surveying, Inc.

Robert V. Neathamer, PLS

Robert V. Neathamer, President

Agent for Applicant:
South View, LLC.

Dated: December 12, 2018

City of Medford

PUBLIC WORKS – ENGINEERING & DEVELOPMENT

MEMORANDUM

Date: December 12, 2018

RECEIVED
DEC 12 2018
PLANNING DEPT.

To: Doug Burroughs, Development Services Manager
Kimberly Parducci, SOTE

From: Peter Mackprang, Associate Traffic Engineer

Subject: Middlefork Creek PUD ZC 371W34 300 (PUD-18-156, ZC-18-157)

Public Works received a Traffic Impact Report from Southern Oregon Transportation Engineering, dated December 11, 2018, titled, "Middlefork Creek PUD / SFR-00 to SFR-4/SFR-10 Zone Change Traffic Impact Analysis". Public Works also received an addendum Dated December 3, 2018 addressing concerns raised by the City.

Public Works concurs with the report as modified and recommends the following conditions of approval:

1. The development shall be restricted to a trip cap based on 105 single family residential units per the submitted PUD plan.

2. The applicant shall pay a 3% proportional share toward the design and construction of a traffic signal at the intersection of Juanipero Wy at N. Phoenix Rd prior to approval of the final plat that creates 61 or more single family units total in the PUD.

3. If Coal Mine Rd is not realigned then the applicant shall design and construct a southbound left turn lane and a northbound right turn lane at the existing intersection of Coal Mine Rd and N. Phoenix Rd prior to construction of phases 1, 6 and 7.

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EXHIBIT # 2
FILE # PUD-18-156/LDS-18-155/ZC-18-157/CUP-18-158

City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

MEMORANDUM

Subject	Middle Fork Creek
File no.	PUD-18-156/LDS-18-155/ZC-18-157/CUP-18-158
To	Dustin Severs, Planner III
From	Liz Conner, Certified Floodplain Manager
Date	December 19, 2018

PROJECT DESCRIPTION

Consideration of a Preliminary PUD Plan for the Middlefork Creek Planned Unit Development – Phases 1-7, which include requests for a tentative plat approval for a 105-lot residential subdivision; a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single Family Residential, four dwelling units per gross acre) on a 12.26-acre portion of the property and a 2.95-acre portion of the property, and a change of zone from SFR-00 to SFR-10 (Single Family Residential, ten dwelling units per gross acre) on a 12.61-acre portion of the property; and a Conditional Use Permit (CUP) in order to locate shared use paths and storm drain facilities within the Riparian Corridors of Larson Creek. The property totals 27.82-acres and is located south of East Barnett Road, east of North Phoenix Road, and abuts Coal Mine Road along its southerly boundary; is within the Southeast (SE) Overlay District, and is currently zoned SFR-00 (371W34300); Applicant, Southeast View LLC.; Agent, Neathamer Surveying; Planner, Dustin Severs.

SITE CHARACTERISTICS

- SFR-00 zoning district
- 27.55 acre parcel
- Larson Creek (Middle Fork, South Fork)
- Zone X
- Base Flood Elevations not established
- FIRM panel 41029C 1991F effective May 3, 2011

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FILE # PUD-18-156/LDS-18-155/ZC-18-157/CUP-18-158

FLOODPLAIN PERMIT REQUIREMENTS

Floodplain Regulations

The property is in a Zone "X" Special Flood Hazard Area without Base Flood Elevation (BFE). The City uses the "Middle Fork Larson Creek Flood Study" from Thornton Engineering and the "Larson Creek South Fork Flood Study" from Adkins Consulting Engineers that show there is a 1% Special Flood Hazard Area with Base Flood Elevations and Floodway.

Per the Medford Municipal Code Section 9.706 "Flood Hazard Reduction Provisions" and the National Flood Insurance Program Regulations, the following shall apply to any new structure and site development, Section 60.3: Floodplain Management Criteria.

Floodplain Manager Comments

Prior to Construction Drawings and site grading the following shall apply:

1. Provide a detailed Flood Study with FIS profiles for the entire reach within the development boundaries of South Fork Larson Creek and Middle Ford Larson Creek, which show the 10 year, 25 year and 100 year water surface elevations.

2. Provide a hydrologic analysis for both crossings on Stanford Avenue that shows floodplain and floodway.

3. If the crossings require development within the floodway then a no-rise analysis shall be required.

A floodplain development permit is required for all development within the 1% SFHA.

The applicant/property owner is encouraged to purchase flood insurance to protect their investment if a flood event occurs on the property.

Prior to development all required Federal, State, or other Local Agency permits shall be submitted with the floodplain development permit.

Floodplain Permit

Submit a floodplain development application and fee $75 per lot along with submittal requirements identified in Section 9.705 (C) for any lot within the 1% SFHA.

Submit a floodplain development application and fee $150 per crossing along with submittal requirements identified in Section 9.705 (C) for any development within the designated floodway.

Submit copies of all necessary permits from other governmental agencies from which approval is required prior to start of construction.

Construction shall be in compliance with applicable building and fire codes and floodplain regulations.

Expiration of Floodplain Permit

A floodplain Development Permit shall become invalid unless work is started within 180 days after its issuance. Extensions for periods of not more than 180 days each shall be requested in writing.

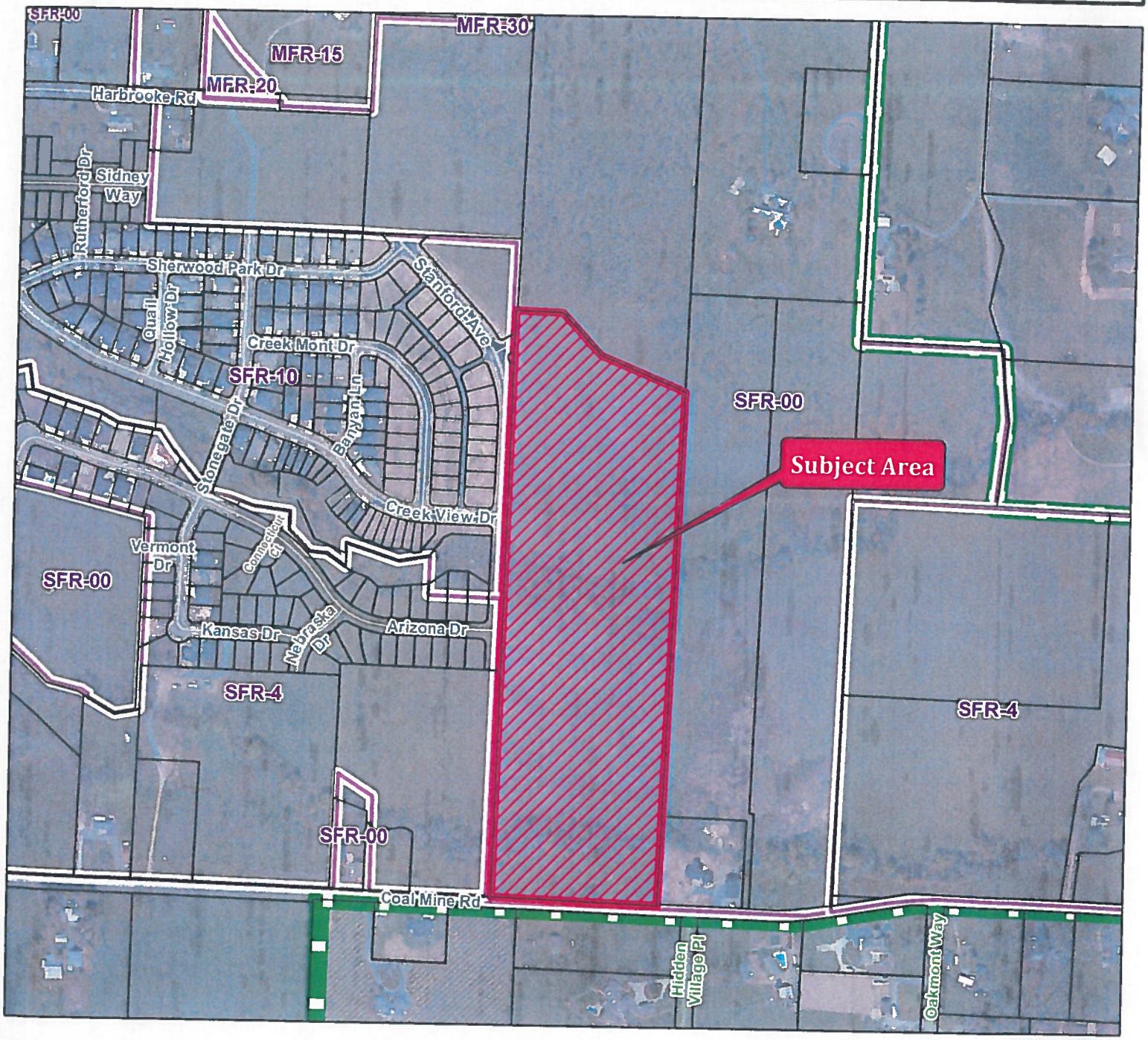
City of Medford

Planning Department

Vicinity Map

File Number:

PUD-18-156



Project Name:

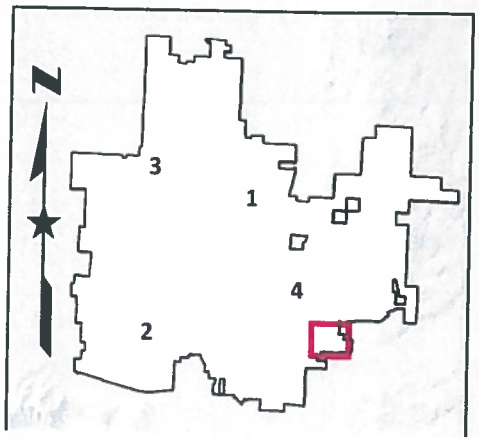
MIdleford Creek PUD Phases 1-7

Map/Taxlot:

371W34 TL 300

0 370 740 Feet

11/12/2018

Legend

- Subject Area
- Zoning Districts
- Tax Lots