

PLANNING COMMISSION

AGENDA

MAY 26, 2016



Commission Members

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

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

City of Medford

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



Planning Commission

Agenda

Public Hearing

May 26, 2016

5:30 PM

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

-
10. Roll Call
20. Consent Calendar/Written Communications (voice vote)
- 20.1 CUP-16-022 / Final Orders for a request of a Conditional Use Permit for the Kids Unlimited
E-16-023 Public Charter School Master Campus Plan to allow for the expansion of existing facilities; including but not limited to 18,000 square foot multipurpose building, a two classroom modular building and outdoor athletic field. The Applicant has submitted an associated Exception Application requesting relief from street side setbacks, maximum lot coverage, and reduction of public right-of-way for Edwards Street and Austin Street. The subject site is located west of Riverside Avenue, South of Edward Street, East of Niantic Street and north of Austin Street. The campus is located in the SFR-10 (Single Family Residential -10 units per gross acre), MFR-20 (Multiple-Family Residential – 20 units per gross acre and C-C (Community Commercial) zoning districts and encompasses approximately 2.8 net acres. (Kids Unlimited of Oregon, Applicant; Scott Sinner Consulting, Inc., Agent)
30. Minutes
- 30.1 Consideration for approval of minutes from the May 12, 2016, hearing.
40. Oral and Written Requests and Communications
50. Public Hearings – Old Business
- 50.1 PUD-00-116 / Consideration of a request for a revision to Stonegate Estates Planned Unit
CUP-04-109 / Development to 1) amend the exterior boundary of the PUD, 2) revise the
LDS-16-045 Conditional Use Permit to allow riparian encroachments for a multi-use path, street, bridge, public storm water facilities, and utilities and 3) tentative plat review of Phases 2B, 2C, and 2D. The project is located on the east side of North Phoenix Road, north of Coal Mine Road. (Louie & Charles Mahar, Applicants; Richard Stevens & Associates, Clark Stevens, Agent)
- New Business**
- 50.2 ZC-16-035 Consideration of a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to SFR-10 (Single-Family Residential, 10 dwelling units per gross acre) on approximately 2.26 acres located along the north side of Maple Park Drive approximately 353 feet east of Ross Lane N. (372W23DD Tax lots 600 & 601) (Ron & Christine Horton, Applicants; Scott Sinner Consulting, Inc., Agent)

- 50.3 **ZC-16-041** Consideration of a request for a change of zone from SFR-6 (Single-Family Residential-6 dwelling units per acre) to I-L (Light Industrial) on approximately 47.14 net acres located east of Corona Avenue, west of Whittle Avenue, and 195 feet south of Crater Lake Highway 62. (Jackson County, Applicant; Richard Stevens & Associates, Agent)

- 50.4 **E-16-047** Consideration of a request for relief from the minimum lot area and lot width requirements for two properties totaling approximately 0.3 acres located at the southwesterly corner of E McAndrews Road and Court Street within the C-C (Community Commercial) zone district. (1173 and 1165 Court Street, Tax lots 372W24AC 2300 and 2403) (Court Street Properties LLC, Applicant; Neathamer Surveying, Inc., Agent)

- 60. Reports**
- 60.1 Site Plan and Architectural Commission
- 60.2 Joint Transportation Subcommittee
- 60.3 Planning Department

- 70. Messages and Papers from the Chair**

- 80. Remarks from the City Attorney**

- 90. Propositions and Remarks from the Commission**

- 100. Adjournment**

THEREFORE LET IT BE HEREBY ORDERED that the application of Kids Unlimited Public Charter School stands approved in accordance per the Planning Commission Report dated May 12, 2016.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this Conditional Use Permit for the Kids Unlimited Public Charter School Master Campus Plan to allow for the expansion of existing facilities including, but not limited to, an 18,000 square foot multipurpose building, a two-classroom modular building, and an outdoor athletic field. The subject site is located west of Riverside Avenue, south of Edwards Street, east of Niantic Street and north of Austin Street. The campus is located in the SFR-10 (Single Family Residential -10 dwelling units per gross acre), MFR-20 (Multiple-Family Residential – 20 dwelling units per gross acre and C-C (Community Commercial) zoning districts and encompasses approximately 2.8 net acres, is hereafter supported by the findings referenced in the Planning Commission Report dated May 12, 2016.

Accepted and approved this 26th day of May, 2016.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative

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

IN THE MATTER OF APPROVAL OF AN EXCEPTION FOR)
)
KIDS UNLIMITED PUBLIC CHARTER SCHOOL [E-16-023]) ORDER

ORDER granting approval of an application for an Exception requesting relief from street side setbacks, maximum lot coverage, and reduction of public right-of-way for Edwards Street and Austin Street. The subject site is located west of Riverside Avenue, south of Edward Street, east of Niantic Street and north of Austin Street. The campus is located in the SFR-10 (Single Family Residential -10 units per gross acre), MFR-20 (Multiple-Family Residential – 20 units per gross acre and C-C (Community Commercial) zoning districts and encompasses approximately 2.8 net acres.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.251 and 10.252; and
2. The Medford Planning Commission has duly held a public hearing on the Exception requesting relief from street side setbacks, maximum lot coverage, and reduction of public right-of-way for Edwards Street and Austin Street. The subject site is located west of Riverside Avenue, south of Edward Street, east of Niantic Street and north of Austin Street. The campus is located in the SFR-10 (Single Family Residential -10 units per gross acre), MFR-20 (Multiple-Family Residential – 20 units per gross acre and C-C (Community Commercial) zoning districts and encompasses approximately 2.8 net acres, with the public hearing a matter of record of the Planning Commission on May 12, 2016.
3. At the public hearing on said exception, 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 exception approval and directed staff to prepare a final order with all conditions and findings set forth for the granting of the exception approval.

THEREFORE LET IT BE HEREBY ORDERED that the exception for Kids Unlimited Public Charter School stands approved per the Planning Commission Report dated May 12, 2016, 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 exception approval is hereafter supported by the findings referenced in the Planning Commission Report dated May 12, 2016.

BASED UPON THE ABOVE, the Planning Commission determined that the exception is in conformity with the provisions of law and Section 10.253 criteria for an exception of the Land Development Code of the City of Medford.

Accepted and approved this 26th day of May, 2016.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



PLANNING COMMISSION REPORT

PROJECT Kids Unlimited Academy Master Campus Plan Conditional Use Permit and Exception Requests
Kids Unlimited of Oregon, Applicant; Scott Sinner Consulting, Inc., Agent

FILE NO. CUP-16-022 / E-16-023

DATE May 12 2016

BACKGROUND

Proposal

Consideration of a request for a Conditional Use Permit for the Kids Unlimited Public Charter School Master Campus Plan to allow for the expansion of existing facilities; including but not limited to 18,000 square foot multipurpose building, a two-classroom modular building and outdoor athletic field. The Applicant has submitted an associated Exception application requesting relief from street side setbacks, maximum lot coverage, and reduction of public right-of-way for Edwards Street and Austin Street. The subject site is located west of Riverside Avenue, south of Edwards Street, east of Niantic Street and north of Austin Street. The campus is located in the SFR-10 (Single Family Residential -10 dwelling units per gross acre), MFR-20 (Multiple-Family Residential – 20 dwelling units per gross acre and C-C (Community Commercial) zoning districts and encompasses approximately 2.8 net acres.

Subject Site Characteristics

Zoning	SFR-10	Single Family Residential, 10 dwelling units per gross acre
	MFR-20	Multi-Family Residential, 20 dwelling units per gross acre
	C-C	Community Commercial

GLUP	CM	Commercial
	UR	Urban Residential
	UH	Urban High Density Residential

Use Kids Unlimited Academy & vehicular parking, single family residential

Surrounding Site Characteristics

North	C-C/SFR-10	Sign company, youth shelter, single-family residential
South	C-C/SFR-10	Vacant car lot, residential
East	C-C	Hotel, burger stand, auto dealership

West MFR-20 Single family residential, multi-family residential

Applicable Criteria

Conditional Use Permit Approval Criteria, §10.248

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

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

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

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

CRITERIA FOR EXCEPTION, § 10.253

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

Corporate Names

The County data base identifies Kids Unlimited of Oregon as owner. The Secretary of the State Business Registry lists Pat Huycke as the registered agent, Chuck Martinez as President, and Jamie Brindle as Secretary.

ISSUES AND ANALYSIS

Background

The subject Conditional Use Permit will allow expansion of existing school facilities, including but not limited to an 18,000 square foot multipurpose building, a two-classroom modular building, an outdoor athletic field, and modular building that will be utilized for health services. The Applicant has submitted an associated Exception application requesting relief from street side setbacks, maximum lot coverage, and reduction of public right-of-way for Edwards Street and Austin Street.

Medford Land Development Code (MLDC) Section 10.247(a) specifically exempts a conditional use permit from Site Plan and Architectural Commission Review. There is no requirement to apply separately for Site Plan and Architectural Commission review or to demonstrate compliance with the criteria in Section 10.290. However, the Planning Director in his/her discretion may forward a conditional use proposal to the Site Plan and Architectural Commission for review. When forwarded by the Planning Director, the Site Plan and Architectural Commission shall have authority to review the CUP plans and make recommendations to the Planning Commission.

In this circumstance, the applicant requested that the Director forward the application to the Site Plan and Architectural Commission for consideration. At the time of publication of this report, architectural plans, site plan, landscaping plans have been sent to the Site Plan and Architectural Commission (SPAC) for their May 6, 2016, meeting for their consideration and recommendation to the Planning Commission. Staff provided SPAC the recommendations below to forward to the Planning Commission. If additional recommendations are provided or amended at the May 6th SPAC meeting, staff will forward those recommendations to the Planning Commission prior to the CUP Public Hearing.

1. Revise landscape plan per the Parks Department Memorandum dated April 20, 2016 (Exhibit N).
2. The fronting landscape area along Riverside Avenue shall be a minimum of ten feet as required by the Medford Land Development Code.
3. A minimum of eight bicycle stalls be shall be included near the front entry.
4. HVAC units of the modular buildings shall be screened from view with a wood or vinyl fencing material.

Decision: The Site Plan and Architectural Commission passed along a favorable recommendation to the Planning Commission on the project. The SPAC decision included the four items listed above, and added the following recommendation:

5. Recommend approval of the requested exception to the high water usage standards.

Site Plan (Exhibit B)

The project is located on 13 separate tax lots totaling 2.8 net acres in size. The existing Kids Unlimited building is located at the northeast corner of the site and encompasses a total of 32,464 square feet. The primary expansion of the facility is located immediately west of the existing building where the applicant proposes a 13,361 square foot

gymnasium. Located on the northwest corner of the site are three tax lots almost totaling 17,000 square feet that will be utilized as an athletic field.

A public alley runs through the middle of the site and will remain in place. Located at the southeast corner of the site is a parking lot that accommodates up to 75 vehicles. In the central portion of the site, south of the alley, are a gated play area and tot-lot for young children and a two-classroom modular building. At the southwest corner of the facility will be a modular building that will provide health services. At the present time, Kids Unlimited has not acquired all the properties south of the alley. The demolition plan shows the existing buildings that will remain on three tax lots, which front onto Austin Street to the south (Exhibit C).

Decision: At the public hearing, the applicant's agent requested that the Commission allow a scoreboard to be placed within the athletic field (Exhibit W). The sign would be electric, but not an electronic message sign. The Commission voted to allow the scoreboard not to exceed 10 x 20 feet in size located within the field area.

Vehicular access

Access to the site will be from several locations. The two-way alley, running from Riverside Avenue on the east to Niantic Street on the west will serve as two points of access. Four existing driveways that connect to Austin Street will provide ingress or egress to one-way drive aisles that access Austin Street.

Within the parking field on the south side of the building, there are two one-way traffic aisles that run to the north and two one-way drive aisles that run to the south. Each of the four one-way drive aisles is 18 feet in width, which meets the Code minimum of 16 feet for one-way drive aisles that access 60 degree parking spaces.

Pedestrian access

There is an existing detached sidewalk on Riverside Avenue. A pedestrian pathway currently provides a direct ADA access from Riverside Avenue to the front entry of the school. The pedestrian pathway/plaza also provides access to the parking lot to the south. The applicant proposes a seven foot attached sidewalk along the north side of the building along Edwards Street with street tree planter bulb outs. On Niantic Street, on the west, the applicant proposes a five foot wide sidewalk and a five foot planter strip. Likewise on the parcels that the applicant has control over on Austin Street, a five foot sidewalk and five foot planter strip are also proposed. The applicant has filed an Exception request for deviations from the standard cross section for minor collector street (Edwards Street) and for Austin Street, a minor residential street, to maintain the existing right-of-way width. Thus, the applicant is requesting a five-foot planter strip in lieu of the eight-foot planter strip.

Parking

Vehicular

The narrative indicates that there is a minimum of 63 spaces required for the development and a maximum of 68 parking spaces allowed for this development overall. The existing number of parking stalls of 70 spaces. The applicant requests five additional spaces for a total of seven spaces over the maximum to allow for future staffing changes. The proposed site plan provides a total six ADA spaces; four spaces are at the entry of the main facility, one space is located at the health center and one space is located at the two-classroom modular building.

With the exception of the two-way alley, all drive aisles are one-way and meet or exceed the 16-foot width requirement for 60 degree parking. The existing parking surface is a flat painted blacktop surface. The applicant is now proposing a parking area that is visually interrupted by landscape islands at the ends of each parking row. Parking lot planters are dispersed throughout and contain the total overall required landscaping area specified in the planting schedule of Subsection 10.746(3) of the MLDC. The subject site design meets and exceeds design requirements for parking islands and projections.

It appears that the two northerly parking spaces in the first row encroach into the required ten foot front setback area for Riverside Avenue, and therefore encroach into the required ten foot front yard landscaping area. It appears that in order to meet the required ten foot minimum landscape area from the property line, one parking space will need to be removed; the other space can likely meet the 16-foot compact parking depth requirement with a ten foot front landscape yard. Staff recommends that the a minimum of ten feet of landscaping depth be maintained along Riverside Avenue as required by Code.

Bicycle

Section 10.748 of the MLDC provides bicycle parking standards for institutional uses. Bicycle parking spaces for institutional uses shall be 10% of the number of spaces provided for automobiles, to be calculated by rounding up to the nearest whole number. The master plan shows the correct bike rack detail but the location of the bike racks do not appear on the plan. The MLDC requires that the applicant provided eight bicycle parking spaces near the main entry of the facility. The site plan shall include a bicycle parking plan, and show all those elements necessary to indicate that the requirements of the Code are being fulfilled. Staff recommends that a minimum of eight bicycle stalls be included near the front entry.

Landscape Plan (Exhibit J)

The applicant has submitted a landscape plan that can be found to comply with the requirements of MLDC Section 10.746 regarding parking area planters and with Section 10.780 regarding site landscaping with one exception. The applicant is proposing a new athletic field at the northwest corner of the site, which will be approximately 17,000 square feet of turf. The recreational field encompasses more than half of the total site landscaping; therefore, high water usage exceeds any maximum threshold for any of the underlying districts. MLDC Section 10.780(C)(2) allows for the approving authority to make an exception to the area of high water usage when a particular public benefit will be achieved. Therefore, the applicant requests that the Commission approve an exception to the high water usage provisions. The benefit in this circumstance is that the turf will provide a safe play surface for the active recreation of the students. This is the only landscape area on the plan that employs turf landscaping.

Additionally, the Parks Department memo (Exhibit N) includes a recommendation that the Dogwood tree on Austin Street be replaced with a more sun tolerant species. Staff did recommend the Site Plan and Architectural Commission recommends approval of the requested exception to the high water usage standards to the Planning Commission and endorse the revisions recommended by the Parks Department (Exhibit N).

Elevations (Exhibit E, F, I)

The exterior façade of the multi-purpose building will have a mix of materials. Primary materials used on the exterior walls include a gray ground CMU block along with cool black matte metal wall siding and large glazed windows. Other elements that that augment the building include an aluminum louvered awning and a standing seam metal roof. The west end of the building has large framed windows extending from the floor to ceiling that will provide natural lighting while being protected from direct sunlight by the aluminum awning system. Another feature of the proposed north elevation is a framing element so that murals can be included along the wall of the existing building. The architecture is four-sided, so exterior detailing will extend around the entire perimeter of the building.

At its maximum, the new structure roof peak is at 41 feet and the lowest eave is at a height of 29 feet. Based on the methodology prescribed in the code (§10.705A) to determine structure height of the structure the structure height is 35 feet. This meets maximum height requirements established for the C-C zone district. Exempted from building height requirements are spires, chimneys, belfries, cupolas, flag poles and other similar projections (§10.705B). The roof projection that extends to nearly 43 feet in height on the west side of the building is a projection that is similar to a spire; thus, the

43 foot roof extension is not subject to the height provisions or utilized in the calculation for height.

The applicant is also proposing two modular buildings which include a cream colored vertical batt and board fiber siding with shingled taupe colored wainscot and large window frames with black vinyl framing. The roof of both structures consists of a dark composite asphalt shingles. Staff provides no recommendations regarding changes to any of the proposed campus buildings.

Concealments

HVAC Screening

Per the MLDC, HVAC units may not be visible from public streets, parking areas or pedestrian pathways. Though the findings are silent to this issue, none of the elevations or rendered perspectives shows that roof top equipment is visible. The two modular buildings located on the south side of the campus do have HVAC units located on the south side of the each building. Per MLDC Section 10.782, all HVAC equipment and roof-mounted wireless communication facilities shall be concealed from view. Where possible, such concealment should be accomplished using the architectural elements of the buildings (i.e., roof forms, parapets, wing walls, alcoves, etc.). Free standing walls or fences may also serve as sight-obscuring concealment devices. Chain link fencing, with or without slats, for fencing purposes is not permitted. Staff recommends that the Commission provide in its recommendation to Planning Commission that the HVAC units of the modular buildings be screened from view with a wood or vinyl fencing material.

CONDITIONAL USE PERMIT FINDINGS AND CONCLUSIONS

The approval criteria for Conditional Use Permit states that the Commission must conclude the application is consistent with either 10.248 (1) or (2). The Applicant's findings address that the application is consistent with Criterion 2 provided in Section 10.248.

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

The applicant makes findings pertaining to Medford Land Development Code §10.248(2) which allows the approval of Conditional Use Permit requests when the development proposal is in the public interest. The Applicant notes while there may be some impacts associated with the expansion of the facility, the master plan for the campus and conditions imposed by the Commission can produce a balance between conflicting interests.

Frist, staff concurs with the Applicant's finding that the subject use is clearly in the public interest. The facility is necessary for fulfilling a vital social service and public facility to the immediate neighborhood that provides full development and educational programming for children that may be underserved or struggling to meet state standards. Furthermore, it is the intent of the applicant to improve the neighborhood not only by increasing the educational programming provided by the school, but through improving the built environment. The applicant is upgrading existing facilities, providing attractive and functional new buildings, including site improvements of the campus. Many of the improvements identified on the master plan will address legal non-conforming site deficiencies, such as landscaping frontage on Riverside Avenue and landscape islands in the parking lot. The proposal will improve street and pedestrian facilities around along its frontages with street trees, on-street parking lanes and bike lanes. Combined, the proposed off-site and on-site improvements will strengthen the overall physical character of the community.

Several single family homes within this block, on properties owned by Kids Unlimited, have already been demolished or are proposed to be demolished for the modular classroom and the recreational field at the northwest corner of the block. Two properties with apartment units and one single family home are the only residential properties remaining within the block. All three of these properties front Austin Street. While bufferyards are not necessarily required to separate properties in the same zoning district, the applicant has proposed a minimum of an 11-foot setback for the modular buildings to property lines with adjoining residences and a site obscuring fences to buffer the remaining units.

The applicant's findings address site circulation and traffic volumes associated with the school. The alley between Edwards Street and Austin Street is a public alley that is currently used in the parking lot circulation and by the existing dwelling units fronting Austin Street. The alleyway will remain. Kids Unlimited will not request vacation of the alleyway as long as there are other properties that utilize the public right-of-way.

In terms of traffic impacts related to the school the traffic analysis identifies that the impact of associated with the school at full enrollment of 450 students is substantially less than if the properties were built to their potential uses based on the underlying zoning designations. The delineation of the campus parking lot area from Austin Street will be a significant improvement to drop-off and pick-up vehicular traffic. Drive aisles have been designed to accommodate both passenger cars and busses accessing the campus.

CONDITIONAL USE PERMIT CONCLUSION

The Site Plan and Architectural Commission has forwarded recommendations regarding the application. Conditions of approval prepared by staff and conditions recommended

by SPAC do not pertain to mitigation of impacts associated with the conditional use, but are standard conditions of approval addressing site development requirements. Staff has reviewed the Applicant's findings and conclusions (Exhibit M) for the Conditional Use Permit and recommends the Commission find that the application meets Criterion 2 and adopt findings as presented by the applicant as impact mitigations have been identified in the findings. However, if the Commission finds that there are additional issues requiring mitigation, they may be mitigated through additional conditions of approval.

EXCEPTION REQUEST FINDINGS AND CONCLUSIONS

The implementation of the proposed Master Plan for the Kids Unlimited Campus requires the approval of four exception requests, granting relief from the standard application of the MLDC. The proposal can easily be seen as infill development, if not redevelopment of almost an entire neighborhood block. While potential of the kids may be unlimited, the site of the property is very much constrained. The applicant's findings thoroughly address each request separately to each exception criterion. In summary, the requested exceptions include the following:

- The maximum lot coverage for each of the zoning districts is 40%. The applicant requests a 45% lot coverage maximum.
- A request to grant relief to the standard right-of-way dedication and standard cross section for Edwards Street.
- A request for exception to standard right-of-way dedication and standard cross section for Austin Street
- A request for relief from setback requirements for the new multi-purpose building, allowing a for zero-foot setback on the Edwards Street frontage rather than the streetside setback of 10-feet; allowing a zero-foot rear yard setback to the alley public right-of-way of rather than the standard 7.5 feet, as dictated by the height of the structure, and allowing a zero-foot side yard setback to the property line rather than 10-foot bufferyard setback requirement to the residentially zoned adjacent property.

EXCEPTION REQUEST CONCLUSIONS

Staff concurs with the applicant's findings that the granting of each one of the exceptions is in harmony with the general purpose and intent of the regulations imposed by this code and not injurious to the general area, detrimental to the health, safety, and general welfare or to adjacent natural resources.

Staff additionally finds there are unique or unusual circumstances which apply as this is the proposed urban redevelopment and infill of nearly an entire neighborhood block. Strict application of the standards would result in a hardship, as the programing needs

and services for the students, such as the number of needed classrooms, active recreation facilities, and health center would likely not be adequately addressed at this site within this neighborhood without the approval of the exception requests. Particularly, the size and orientation of the multi-purpose building cannot be altered without impacting the standard size of the basketball court facility or drastically impacting the classroom space. As the site is constrained by Edwards Street to the north and the public alley to the south, the building cannot be reoriented or designed without extending drastically into the outdoor recreational facility. Additionally, to do so would require a rezoning and GLUP map amendment to move the property line or eliminate the property line that currently separates the C-C and MFR-20 zone district. The MLDC requires that no property contain more than one zone district. Therefore, the property line on the west side of the facility must remain in place, where currently located to separate the two districts.

The need for the exception is the result from the application of this chapter, to the specific of the property in question. The subject facility is a not for profit entity. Approval of these exceptions will, in no way whatsoever, result in any greater profit. If approved, the plan will drastically impact the community in a positive manner and bring the site in compliance with many provisions of the Land Development Code with redevelopment of the site and be an even stronger asset to the community which it serves.

Committee Comments

No comments were received from a committee such as BPAC.

CONCLUSION

Staff has reviewed the Applicant's findings and conclusions (Exhibit M) and recommends that the Commission find that the application meets Criterion 2 and adopt the findings provided by the applicant, as public benefit for the proposal has been clearly established. Conditions of approval prepared by staff in Exhibit "AA" do not pertain to mitigation of impacts associated with the conditional use, but are standard conditions of approval addressing site development requirements. If additional mitigations are required, the Commission may add those conditions to the Conditions of Approval (Exhibit AA) recommended by staff and the Site Plan and Architectural Commission.

Any additional recommended conditions, deletions or modified conditions provided by the Site Plan and Architectural Commission will be forwarded prior to the Planning Commission public hearing on this matter.

ACTION TAKEN

Adopted the applicant's findings as presented for Criterion 2 and directed staff to prepare a Final Order for Approval per the Planning Commission Report dated May 12, 2016, including Exhibits AA through W.

EXHIBITS

- AA Conditions of Approval, dated March 5, 2016
- A Site Plan Cover Page, received May 4, 2016
- B Master Site Plan, received May 4, 2016
- C Site Demo Plan, received March 3, 2016
- D Site Survey, received March 3, 2016
- E Campus Renderings, received March 3, 2016
- F Existing and new multi-purpose building elevations, received March 3, 2016
- G Existing and new multi-purpose building Floor Plans, received March 3, 2016
- H Existing and new multi-purpose Roof Plan, received March 3, 2016
- I Modular Buildings, Elevations and Floor Plans, received March 3, 2016
- J Landscape Pan, received May 4, 2016
- K Proposed Street Cross Sections, received March 3, 2016
- L Conceptual Grading and Utility Plans, received May 4, 2016
- M Conditional Use Permit and Exception Request Findings of Fact and Conclusions of Law, received March 3, 2016
- N Parks Department Memorandum, received April 20, 2016
- O Medford Public Works Department Staff Report dated April 28, 2016.
- P Medford Water Commission Memorandum, dated April 13, 2016.
- Q Medford Fire Department Report, prepared April 4, 2016.
- R Building Department Memo, dated April 13, 2016.
- S Jackson County Assessor Map with site depicted, received March 3, 2016
- T Traffic Analysis, received May 4, 2016
- U Letter from James R. Dole, received May 10, 2016
- V E-mail from Nick Lee, received May 10, 2016
- W E-mail from Scott Sinner, received May 12, 2016
Vicinity Map

MEDFORD PLANNING COMMISSION

Patrick Miranda, Chair

PLANNING COMMISSION AGENDA:

MAY 12, 2016
MAY 26, 2016



WATKINSON
LAIRD
RUBENSTEIN PC

RECEIVED
MAY 10 2016
PLANNING DEPT.

JAMES R. DOLE

May 10, 2016

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Medford, OR 97501

GRANTS PASS
1246 NE 7TH STREET, SUITE B
GRANTS PASS, OREGON 97526
(541) 295-3218

Dear Desmond:

REDMOND
442 SW UMATILLA AVENUE,
SUITE 210
REDMOND, OREGON 97756
(541) 923-8767

Re: CUP16-022 and E-16-023

This firm represents Monique and Nick Lee, owners of the property at 519 Austin Drive, Medford, otherwise known as the Tiki Apartments. On the Lees' behalf we request standing to participate in this matter.

ROSEBURG
425 SE JACKSON STREET
ROSEBURG, OREGON 97470
(541) 673-5528

The Lees have owned and operated their property for many years and it is a primary source of their livelihood. Through their personal efforts, they have developed this small apartment complex into a comfortable, clean and affordable housing opportunity for their tenants. As you well know, multifamily alternatives like the Lees' are in short supply. Accordingly, they are concerned about the potential adverse impacts this development may cause to their property. Inasmuch as theirs is used for residential purposes, they are quite concerned with respect to the noise, traffic and other consequences that could result from a substantial increase in the size, scope and intensity of the Kids Unlimited (KU) charter school. Moreover, we understand that eventual, full development of the KU project could seriously impact access to the Lees' property. For our clients it is critical that the decisionmaker seriously consider these effects when evaluating whether the requests meet the applicable criteria.

MAILING ADDRESS
POST OFFICE BOX 10567
EUGENE, OREGON 97440-2567

Please include the undersigned on future all notices related to this application.

(800) 270-7418
WLRLAW.COM

Very truly yours,

/s/ James R. Dole

James R. Dole

JRD/tef
cc: Nick and Monique Lee

CITY OF MEDFORD
EXHIBIT # 11
File # CUP-16-022 / E-16-023

MAY 10 2016

Kelly A. Akin

PLANNING DEPT.

From: Terri L. Rozzana <Terri.Rozzana@cityofmedford.org>
Sent: Thursday, May 12, 2016 10:21 AM
To: Alex T. Georgevitch; Greg G. Kleinberg; Kevin R. McConnell; Bianca L. Petrou; David _ Culbertson; David _ McFadden; David McFadden; Donna J. Holtz; Jared _ Pulver; Jim E. Huber; Joe _ Foley; John K. Adam; Kelly A. Akin; Mark _ McKechnie; Patrick _ Miranda; Terri L. Rozzana; Tim _ D'Alessandro; Tim D'Alessandro
Cc: Desmond M. McGeough
Subject: 5-12-16 50.2 Lee Testimonial Letter

Importance: High

Please see below another testimonial letter for tonight's agenda item 50.2.

Terri

From: FocusArts@Mindspring.com [mailto:focusarts@mindspring.com]
Sent: Tuesday, May 10, 2016 11:07 PM
To: Desmond M. McGeough
Subject: Response for standing Letter to Desmond McGeough

May 10, 2016

Dear Desmond McGeough,

My wife, Monique, and I own the six unit apartment house (Tiki Apts.) at 519 Austin, tax lot #11800. The Tiki Apartments is our primary source of income. We like our building and plan to own it for years to come.

Kids Unlimited has been a good neighbor, no problems with parking or noise, etc. We support charter schools in general, and we would enjoy watching Kids Unlimited Academy as it grew up around us; as long as their two phase development program did not infringe on our use of our property.

We share with Kids Unlimited the hope that Austin Street can be left alone. It is a small, lightly trafficked street; there would be no usage benefit if the street were required to be widened. The only result of Austin Street's development would be the loss of neighborhood trees and

greenery. Austin Street, as is, is more than adequate for the light traffic use it receives.

The proposed plan for new classrooms, a grass-covered soccer field, and dozens and dozens of new trees will benefit not only Kids Unlimited but also all of us neighbors who share the block.

(Please add this letter to, and make it a part of, the record.)

Sincerely,

Nick Lee, 541-621-5715

PO Box 1239

Ashland, OR 97520

From: Scott Sinner <scottsinner@yahoo.com>
 Sent: Thursday, May 12, 2016 9:57 AM
 To: 'Desmond M. McGeough'; 'Kelly A. Akin'; Brian (Brian@GWEarch.com)
 Subject: RE: Kids Unlimited Score board

MAY 12 2016

PLANNING DEPT.

Desmond,

10' X 20'

We indicated a scoreboard on these two images we submitted with the application. We did not indicate or request a scoreboard in the findings.

KU would like a scoreboard considered in this CUP. The desired scoreboard would be electronic however it would not be the LED style that can replay highlights or simulate fireworks... The request would be typical and of appropriate scale for the field of play. I do not have any other scoreboard images other than indicated in the two pictures below, however we will stipulate to this style and not some animated style scoreboard.

The location and style of the scoreboard is undetermined at this point. We would like location within the fenced area of the athletic field below. Once authorized by the Planning Commission in this CUP, staff would be reviewing the specific location and specifications through a sign permit process.

With respect to fencing between the lots fronting on Austin Street, Page 10 of the findings indicated we are proposing a sight obscuring fences, and the final paragraph in this section is a bit ambiguous, so I'll clarify, we are proposing sight obscuring wooden fences between our taxlots and the properties owned by others as shown on page 10 of my findings. I would be very interested in direction from the Commission on these fences at to height, 3', 6', 8'...





Minutes

From Public Hearing on **May 12, 2016**

The regular meeting of the Planning Commission was called to order at 5:35 PM in the City Hall Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

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

Staff Present

Jim Huber, Planning Director
Kelly Akin, Principal Planner
Kevin McConnell, Deputy City Attorney
Eric Mitton, Senior Assistant City Attorney
Alex Georgevitch, City Engineer
Greg Kleinberg, Fire Marshal
Terri Rozzana, Recording Secretary
Sarah Sousa, Planner IV
Desmond McGeough, Planner III

Commissioners Absent

Jared Pulver, Excused Absence

10. **Roll Call**

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

20.1 LDP-16-012 / E-16-034 Final Orders of a request to create three lots on a 0.74 acre parcel, and an exception request for the elimination of sidewalk, curb, gutter and street paving improvements. The parcel is located south of the intersection of East Main Street, Fair Oaks Drive and White Oak Drive, within the SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district. (Adderson Builders Inc., Applicant; Polaris Land Surveying, LLC, Agent)

20.2 PUD-05-025 Final Order of a request for a revision to Bella Vista Planned Unit Development to allow a six-foot cedar fence to be located adjacent to East McAndrews Road along Lots 11-17 of Phase 2, located between Palermo Street and East McAndrews Road. (Pahlisch Homes, Inc., Applicant/Agent)

Motion: Adopt the consent calendar as submitted.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Voice Vote: Motion passed, 7–0.

30. Minutes

30.1. The minutes for April 28, 2016, were approved with the following change that on pages 15 and 16 the votes state 6-0. There were only five Commissioners present and should read 5-0 for agenda items 50.2 and 50.4.

40. Oral and Written Requests and Communications. None.

Eric Mitton, Assistant Senior Attorney, read the Quasi-Judicial Statement.

50. Public Hearings – Old Business

50.1 PUD-00-116 / CUP-04-109 / LDS-16-045 Consideration of a request for a revision to Stonegate Estates Planned Unit Development to 1) amend the exterior boundary of the PUD, 2) revise the Conditional Use Permit to allow riparian encroachments for a multi-use path, street, bridge, public storm water facilities, and utilities and 3) tentative plat review of Phases 2B, 2C, and 2D. The project is located on the east side of North Phoenix Road, north of Coal Mine Road. (Louie & Charles Mahar, Applicants; Richard Stevens & Associates, Clark Stevens, Agent)

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

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

Sarah Sousa, Planner IV, stated that the applicant has requested that this item be continued to the Thursday, May 26, 2016, Planning Commission meeting. If there are members in the audience wishing to testify and cannot attend the May 26, 2016 Planning Commission, she can go through the entire staff report, otherwise, she will present her presentation at the May 26, 2016, Planning Commission meeting.

Chair Miranda inquired whether there were people in the audience that would like to testify regarding this application. There were none.

Motion: The Planning Commission approves the applicants request to continue this item to the May 26, 2016, Planning Commission meeting.

Moved by: Commissioner Mansfield

Seconded by: Commissioner McKechnie

Voice Vote: Motion passed, 7-0.

50.2 CUP-16-022 / E-16-023 Consideration of a request for a Conditional Use Permit for the Kids Unlimited Public Charter School Master Campus Plan to allow for the expansion of existing facilities; including but not limited to 18,000 square foot multipurpose

building, a two classroom modular building and outdoor athletic field. The Applicant has submitted an associated Exception Application requesting relief from street side setbacks, maximum lot coverage, and reduction of public right-of-way for Edwards Street and Austin Street. The subject site is located west of Riverside Avenue, south of Edward Street, east of Niantic Street and north of Austin Street. The campus is located in the SFR-10 (Single Family Residential -10 units per gross acre), MFR-20 (Multiple-Family Residential – 20 units per gross acre and C-C (Community Commercial) zoning districts and encompasses approximately 2.8 net acres. (Kids Unlimited of Oregon, Applicant; Scott Sinner Consulting, Inc., Agent)

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner McKechnie disclosed that Scott Sinner, the agent for the applicant, is his neighbor, but that would not affect his decision.

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

Desmond McGeough, Planner III, read the conditional use permit and exception criteria and gave a staff report.

Commissioner Mansfield stated that he is having difficulty with the two letters that were submitted; one from Mr. Lee and the other from James A. Dole, an attorney for the Lee's. They seem to be inconsistent. Mr. Dole talks about the hardship that his clients property will have being near the improvement. Mr. Lee states that he is in favor of the project but hopes there will not be a street widening. Mr. McGeough reported that staff received the letter from the attorney first. Mr. McGeough has spoken with a local land use consultant that is an associate of Mr. Lee's and after that discussion Mr. Lee may have had a different outlook on the application.

Commissioner Mansfield asked if the latter letter from Mr. Lee is what the Planning Commission should go by and ignore the attorney's letter. Does that sound reasonable? Mr. McGeough stated that Mr. Lee is in the audience and would address Commissioner Mansfield's question.

Commissioner McKechnie asked is it correct that the existing Kids Unlimited building is built right to the property line on Edwards and Riverside? Mr. McGeough reported that is correct.

Commissioner McKechnie stated that the alley is 16 feet wide and City Code would require it to be 20 feet wide. The applicant is requesting to have it remain at 16 feet as an exception. Is that correct? Mr. McGeough deferred the question to the applicant because he did not believe that was one of the exception requests.

Commissioner McKechnie asked if Austin and Niantic are local streets currently at 50 feet wide and the Code requires them to be wider? Mr. McGeough replied that this could be considered a commercial street that has a standard right-of-way of 63 feet. It is currently 50 feet.

Commissioner McKechnie asked if Edwards Street was a minor collector? Mr. McGeough replied that is correct.

Commissioner McKechnie asked what is the reason for the jog on Niantic where the health facility is going to be constructed? Mr. McGeough stated that the record is not clear on how Niantic Street was obtained. It could have been a lot that was purchased. Commissioner McKechnie stated that maybe the applicant could speak to what the right-of-way width is on the north and south half of the block so that the Planning Commission can make a determination on the exception.

Commissioner McKechnie asked if the scoreboard was going to be electronic or manual? Mr. McGeough replied that the scoreboard is going to be electronic but not a high technical scoreboard.

Commissioner McKechnie asked what is the material and how high is the fence around the sports field? Mr. McGeough deferred the question to the applicant.

The public hearing was opened.

a. Scott Sinner, Scott Sinner Consulting, Inc., 4401 San Juan Drive, Medford, Oregon, 97504. Mr. Sinner reported that present in the audience tonight is Chuck Martinez, President of Kids Unlimited, Brian Westerhout, Architect of record from Ron Grimes Architect, and Mark Kamrath, of CEC Engineering. Mr. Sinner presented a slide show that was similar to the one Mr. McGeough presented. The exceptions they are requesting are for lot coverage; right-of-way reduction for Edwards to eliminate the Public Utility Easement, non-standard street section and street tree plan; right-of-way reduction for Austin Street to its current width; and set back reduction for new multi-purpose building. These exceptions along with the conditional use permit will bring the entire campus into compliance with the Code.

The scoreboard is fairly traditional. There will be no live action motion type of sign. They are still in the process establishing the exact size of the scoreboard and the exact location. They will submit a sign application and have it reviewed by staff through the sign ordinance.

They have submitted a circulation plan that the school uses for pickup and drop-off at peak times. Drop-off is at 7:30 a.m. Eighty percent of the students come by bus and twenty percent by passenger car.

The southwestern area of the property on Niantic with the jog is currently public right-of-way. The applicant has discussed this area with Public Works and Planning as to where it came from and how it was used. It is not clear whether it was an alignment issue with Niantic on the north side of Edwards or it was not acquired as a dedication. At the suggestion of Public Works the applicant will consider seeking a revocable encroachment permit to be able to use the area that would be a City Council approval.

Regarding the Edwards Street right-of-way is that the current right-of-way requirement for a minor residential street is 72 feet. It is 36 feet on each side of the centerline. Some of the properties on the north side have already dedicated but not improved. The applicant is seeking the setback exception to match the new building to the existing property line of zero setbacks with the existing building. They are trying to improve the sidewalk. With the approval there would be a new sidewalk of seven feet, with a seven foot bulb-out that would accommodate street trees. It is a thirty foot right-of-way instead of thirty-six feet. The applicant has requested the exception for the right-of-way width dedication. It will be more pedestrian friendly.

The applicant is proposing a wooden side obscuring fence for the classroom and health center. They would like to coordinate with the adjoining property owners of what is acceptable of 6 to 8 feet. There are height limitations of 3 feet for fences at the right-of-way. If they could get the authority to go to 4 feet it may be more appropriate for this instance.

Commissioner Foley asked if this plan was in phases? Mr. Sinner replied yes.

Commissioner D'Alessandro asked if there were any anticipated use of the multi-use athletic field at night? Mr. Sinner replied no and there is no night lighting.

Commissioner McKechnie asked what is the fence material and height on around the athletic field? It is a wrought iron type at 6 feet.

Commissioner McKechnie stated that staff had suggested putting in crosswalks across the alley. Does Mr. Sinner have an opinion on that? Mr. Sinner stated that the only concern he has is that sometimes those crosswalk elements are raised over the existing surface or dissimilar material. The alley may come in as a part of their storm drainage. If they had a raised crosswalk or a speed bump it might be an unintended detention facility. It is a great idea to identify it.

Chuck Martinez, President of Kids Unlimited, 100 Carole Avenue, Medford, Oregon, 97501. Mr. Martinez reported that the interaction between the students and coming out to the playground is supervised. There is no travel in the alley that is not without teachers and supervisors on the playground. He agrees with Mr. Sinner that the flow of storm water and moving it to the facility on Riverside. He does not have a problem with marking the crosswalk but it is a very low volume crosswalk. It is not how that alley is used.

Commissioner McKechnie stated that it sounds like it would be more of a hazard to install crosswalks. Mr. Martinez stated it could potentially restrict the intention of the alley to move water at a given rate. At certain times of the day the alley is blocked off.

Commissioner McKechnie asked what is the tree spacing on Edwards? Mr. Sinner replied that he does not know.

Vice Chair McFadden stated that he has not heard any discussion on the Riverside access. It seems to him with the applicants traffic plan it is unnecessary. Mr. Sinner reported that it is a public dedication currently.

Vice Chair McFadden asked if the athletic field was going to be all sports and will it be open to the public? Mr. Martinez stated that it will not be open to the public. They are looking for an all-purpose year round field in terms of its use versus a turf field that can be problematic during the rainy season. It is a work in process.

b. Mr. Martinez stated that he does not have a particular issue to speak to. This project has been a long time coming. They currently have 300 students. Their waiting list is greater than their students. Each year they grow their classrooms by 50 and that is what this expansion is designed to meet. They feed the students three times a day.

c. Nick Lee, P. O. Box 1239, Ashland, Oregon, 97520. Mr. Lee owns the Tikki apartments Commissioner Mansfield had mentioned the confusion between the letters. They received notice that if they did not respond they would lose standing. They were concerned with excessive buses and late night intermural sports events. Kids Unlimited has been a good neighbor. His concern was that last summer a realtor claiming to represent Kids Unlimited called and stated that he hoped they could agree on a price as he would hate to begin condemnation procedures against Mr. Lee. He has learned now that is not going to be the case. That is what prompted the letter from the attorney.

Commissioner Mansfield stated that only a public body has the power to acquire by eminent domain. That was an irresponsible threat.

d. Joy Pelikan 508 Austin Street, Medford, Oregon, 97501. Ms. Pelikan has concerns with the increased traffic on Niantic and Austin Street. Her other concern is the night lighting. She suggested that the lights at the health center be low and motion detector lights as opposed to on all the time.

Vice Chair McFadden asked if Public Works foresee more school zone signs as the school increases in size? Alex Georgevitch, City Engineer, stated that Public Works in their staff report is requesting a safe route plan for the project. The applicant's engineer has submitted a plan and Public Works is in review of that plan. Typically that plan is going to look at the need for additional signage, crosswalks, and areas to establish school zones. If the school requests additional signage Public Works will go out and analyze it

to make they are in compliance with the Manual of Uniform Traffic Control Devices and the Oregon Statutes for school zones.

Commissioner McFadden asked if Medford has a night light ordinance that directs lights downward instead of upward. Mr. Georgevitch replied that in the public right-of-way Public Works follows the night sky ordinance that no light can extend beyond the horizon of the light. It depends on the height of the light.

Mr. Sinner reported that the applicant is comfortable to comply with the downcast light standard. They will work with staff to make sure they have it in their conditions.

Mr. Sinner addressed the scoreboard a little more. If the applicant reviews the scoreboard as a sign in a residential zoning district the sign is limited to 20 square feet. He suggested as part of this application the applicant would request a sign of 10 feet by 20 feet which is 200 square feet. That seems appropriate for a scoreboard.

Mr. Martinez reported that regarding the health facility, Kids Unlimited has an agreement with La Clinica to support what the school provides in services for their students and their families. There is no reason that the health center will be open in the evenings.

Vice Chair McFadden asked if La Clinica at the school location will be offering their services to the surrounding community as well as the students? Mr. Martinez stated that they are still working on that. He does not know enough about how they organize themselves, whether that has to be community wide. The agreement the school and La Clinica have focuses more on the students and their families.

The public hearing was closed.

Motion: The Planning Commission adopts the applicant's findings as presented for Criterion 2 and directs staff to prepare a Final Order for approval of CUP-16-022 and E-16-023 per the staff report dated May 5, 2016, including Exhibits AA through T with the addition of crosswalk markings be applied where necessary in the alley for safety.

Friendly Amendment made by Commissioner McKechnie: To include an electronic scoreboard that meets the current Code to be located on the athletic field with the size not to exceed 10 feet by 20 feet.

Moved by: Vice Chair McFadden

Seconded by: Commissioner McKechnie

Commissioner D'Alessandro commented that it is nice to see a community project like this where they took the time to get with the neighbors taking into consideration their concerns.

It is admirable of Mr. Lee that he has an affordable housing complex and he keeps his property very nice.

Mr. Georgevitch pointed out that any markings in the public right-of-way have to go through the Public Works Department. The Planning Commission does not have the authority. It needs to meet MUTCD. Public Works is working with the applicant and will sign appropriately.

Mr. Mitton commented regarding the jurisdictional issue of crosswalk markings that Mr. Georgevitch is correct that the crosswalk markings are a matter for Public Works. He recommended amending the original motion by removing that issue and leaving it for Public Works.

Amended Motion: Remove the statement of crosswalk markings in the alley made in the original motion because it is a jurisdictional issue.

Moved by: Commissioner McKechnie

Seconded by: Vice Chair McFadden

Voice Vote: Motion passed, 7-0.

60. Reports

60.1 Site Plan and Architectural Commission.

Commissioner D'Alessandro reported that the Site Plan and Architectural Commission met on Friday, May 6, 2016. They heard consideration an 18.83 acre master site plan for the Northgate Office Park and a final site plan for an 8.5 acre portion of the Northgate Office Park consisting of 58,243 square feet of commercial and office building. The Commission voted favorably. They also heard consideration of plans for the construction of a 17-unit multi-family residential project on two parcels totaling 0.46 acres, located on the east side of North Front Street. The Commission voted favorably on this application. They also heard under written communication the request for a conditional use permit for Kids Unlimited. The Commission voted favorably on that item.

60.2 Report of the Joint Transportation Subcommittee.

Commissioner D'Alessandro stated that they have not met.

Chair Miranda asked for a volunteer Commissioner liaison to fill the vacant position on the Joint Transportation Subcommittee. There are usually three Planning Commissioner liaisons on the Joint Transportation Subcommittee. Commissioner D'Alessandro and Commissioner Pulver are already on the subcommittee. There were no volunteers. This item was tabled.

60.3 Planning Department

Kelly Akin, Principal Planner, stated the next Planning Commission study session is scheduled for Monday, May 23, 2016. Discussion will be an update to the environmental element for wetlands.

There is business scheduled for the Planning Commission on Thursday, May 26, 2016, Thursday, June 9, 2016, and Thursday, June 23, 2016.

May is National Historic Preservation month. Last week at the City Council meeting the Mayor read the proclamation to that affect. The City Council also accepted a grant for the Planning Department's historic work.

At City Council's next week meeting they will hear the residential site development standards that staff has discussed with the Planning Commission. The City Council will also hear an update to the Planning Department's fee schedule. Ms. Akin has been informing the Planning Commission that the Urban Growth Boundary amendment was scheduled for City Council on May 19, 2016. It is now scheduled for Thursday, June 2, 2016.

70. Messages and Papers from the Chair.

80. Remarks from the City Attorney. None.

90. Propositions and Remarks from the Commission. None.

100. Adjournment

The meeting was adjourned at 7:08 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Terri L. Rozzana
Recording Secretary

Patrick Miranda
Planning Commission Chair

Approved: May 26, 2016



SECOND REVISED STAFF REPORT

for a type-C quasi-judicial decision: PUD Revision/CUP Revision/Land Division

PROJECT Stonegate Estates PUD Revision
Applicant: Mahar Brothers Holdings, LLC
Agent: Richard Stevens & Associates

FILE NO. PUD-00-116/CUP-04-109/LDS-16-045

TO Planning Commission for May 26, 2016 hearing

FROM Sarah Sousa, Planner IV

REVIEWER Kelly Akin, Principal Planner *ka*

DATE May 19, 2016

BACKGROUND

Proposal

Revision to Stonegate Estates Planned Unit Development to 1) amend the exterior boundary of the PUD, 2) revise the Conditional Use Permit to allow riparian encroachments for a multi-use path, street, bridge, public storm water facilities, and utilities and 3) tentative plat review of Phases 2B, 2C, and 2D. The project is located on the east side of North Phoenix Road, north of Coal Mine Road.

Subject Site Characteristics

Zoning Single Family Residential – 4 dwelling units per gross acre
Single Family Residential – 10 dwelling units per gross acre

Overlays Planned Development
Southeast (Area 15 – Small Lot / Area 17 Standard Lot)

GLUP Urban Residential

Use Condominiums / Single Family Homes / Vacant Land

Surrounding Site Characteristics

North

Zoning: Single Family Residential – 10 dwelling units per gross acre
Single Family Residential – 1 unit per lot

Use: Single Family Homes / Vacant Land

South

Zoning: Single Family Residential – 1 unit per lot
Exclusive Farm Use
Use: Single Family Homes / Vacant Land

East

Zoning: Single Family Residential – 10 dwelling units per gross acre
Single Family Residential – 1 unit per lot
Use: Single Family Homes / Vacant Land

West

Zoning: Single Family Residential – 4 dwelling units per gross acre
Use: Single Family Homes

Related Projects

PUD-00-116 Stonegate Estates PUD (Preliminary PUD Plan)
PUD-00-116 Stonegate Estates PUD (termination of Phase 3)
LDS-02-083 Stonegate Estates Phase 1 (tentative plat)
LDS-03-254 Stonegate Estates Phase 1 (condition revision)
CUP-04-109 Stonegate Estates PUD (CUP for riparian encroachments)
AC-06-147 Stonegate Estates Phase 4 (condominiums)
AC-06-248 Stonegate Estates Phase 5 (condominiums / townhomes)
LDS-13-137 Stonegate Estates Phase 2 (tentative plat)

Applicable Criteria

Medford Land Development Code §10.235(D), Criteria for Preliminary PUD Plan

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 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 10.230(D) (8)(c), the applicant shall alternatively demonstrate that either:
- 1) demands for the Category "A" public facilities listed below are equivalent to or less than for one or more permitted uses listed for the underlying zone, or
 - 2) the property can be supplied by the time of development with the following Category "A" public facilities which can be supplied in sufficient condition and capacity to support development of the proposed use:
 - a. Public sanitary sewerage collection and treatment facilities.
 - b. Public domestic water distribution and treatment facilities.
 - c. Storm drainage facilities.
 - d. Public streets.

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

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

Medford Land Development Code § 10.245(A)(3), Revision or Termination of a PUD

3. Burden of Proof; Criteria for Revisions: The burden of proof and supporting findings of fact and conclusions of law for the criteria in Subsections 10.235(D) or 10.240(G), as applicable, shall be strictly limited to the specific nature and magnitude of the proposed revision. However, it is further provided that the design and development aspects of the whole PUD may be relied upon in reaching findings of fact and conclusions of law for the criterion at Subsection 10.235(D)(5). It is further provided that before the Planning Commission can approve a PUD Plan revision, it must determine that the proposed revision is compatible with existing developed portions of the whole PUD.

Medford Land Development Code § 10.248, Conditional Use Permit Criteria

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

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

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

- (1) Limit the manner in which the use is conducted, including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- (2) Establish a special yard or other open space or lot area or dimension requirement.

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

Medford Land Development Code Section 10.270, Land Division Criteria

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

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

- (5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;
- (6) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

Corporate Names

The State of Oregon Business Registry lists Louis Mahar as the registered agent for the Mahar Brothers Holdings, LLC.

ISSUES AND ANALYSIS

Project History

On January 10, 2002, the Planning Commission approved Stonegate Estates Planned Unit Development, a master plan for the development of a 67.2-acre site with a mixture of residential housing types. It also includes approximately 12 acres that will eventually be dedicated to the city for open space with bike and pedestrian paths and viewing areas within the riparian areas along Larson Creek. Below is the current status of the project.

Phase	Type of Development	Status
Phase 1	Single Family Lots	Final Plat & Plan Approved
Phase 2A	Single Family Lots	Final Plat & Plan Approved
Phase 2B, 2C, 2D	Single Family Lots	Subject of Tentative Plat Review
Phase 3	Single Family Lots	Terminated October of 2010
Phase 4	Condominiums	Final Plan / Built
Phase 5	Condominiums/ Town-homes	Final Plan / Not built

Scope of Project

The subject of this review includes a PUD Revision, CUP Revision, and a Land Division. The PUD revision consists of amending the boundary, adding a modification to lot depth for one lot, and increasing the number of lots. The need for a CUP revision is in part due to the boundary adjustment. This additional area to be added to the project is located within the riparian area of Larson Creek. A crossing at this location is requested within the riparian area, which is subject to a CUP review. In addition, detailed riparian planting plans have been submitted for areas along Larson Creek within Phases 2 and 5. Finally, the land division includes a tentative plat for a 63-lot residential subdivision for Phases 2B, 2C, and 2D.

PUD Revision

Limited Review

The PUD revision criteria state that the review shall be strictly limited to the specific nature and magnitude of the proposed revision. This means the review is generally limited to the changes and does not warrant a new review of the PUD as a whole.

Boundary

The City approved a property line adjustment along the northeast section of the PUD in 2006 (PLA-06-236). At the time of final plan approval, the Planning Director may approve minor boundary adjustments which are slight and result from the resolution of boundary errors or inconsistencies discovered during the survey of the property. In this instance, the property line adjustment was done to purposely add an acre of land. As a result, this additional land to be added is required to be approved as a revision to the PUD.

The applicant's findings explain that this acquired land within Phase 2B is located in the northeast quadrant of the PUD where Stanford Avenue crosses the middle fork of Larson Creek (Exhibit O). This adjustment allows for the lots within that area to have the lot depth necessary to meet the code requirement. It also requires a bridge for public street purposes for Stanford Avenue. This additional acre of land is approximately 1.55 percent of the entire project area.

Modification

The PUD process allows for modifications from the strict application of the code. Medford Land Development Code Section 10.230(D) lists the types of modifications that can be requested. As described in the applicant's findings, three modifications were

approved with the Preliminary PUD approval (Exhibit O). They related to allowing some oversize lots in Phase 1, granting more signage than typically allowed for PUDs, and permitting a housing type not normally allowed in the single family zones (condominiums). The applicant's findings explain that the additional signage allowance was not used.

An additional modification is being requested with this review. The applicant requests a modification for lot depth of Lot 166. The applicant submitted supplemental findings addressing this specific modification request (Exhibit P). The Code requires that newly created lots in the SFR-4 zoning district have a minimum lot depth of 90 feet. Lot 166 is shown on the tentative plat with 88 feet along the eastern boundary and 78 feet along the western boundary and measures approximately 83 feet in depth overall (Exhibit D). The applicant's findings explain that the physical constraints, associated with the riparian corridor of Larson Creek, inhibit the optimum design and layout of lots. The subject lot is shown as a wider, but shorter lot. It is shown at 100 feet wide (40 feet wider than required). The lot meets all other site development standards. Staff recommends the Commission allow the modification due to site constraints and as it is less than an 8 percent deviation in length.

Vehicle Trips

The PUD approval for Stonegate Estates included two conditions related to a trip cap for the project. The conditions required a restrictive covenant to be recorded on the subject land limiting the number of vehicular trips for the project. The limitation was based upon two factors: 1) the needed street facility improvements and 2) the limited scope of the traffic study submitted and analyzed with the project. The approval of the PUD included a restriction for a total vehicle trip cap of 1,300 average daily trips for the project until the signalization of the intersection of North Phoenix Road and Cherry Lane and the improvements of the Fern Valley Interchange.

Since both of the necessary street improvements are either completed or under construction, the applicant requested to have the trip cap re-evaluated via the administrative process listed in Medford Land Development Code Section 10.228 in 2015. The result was that the total vehicle trip cap was increased. Due to the limited scope of the traffic study submitted with the original zone change, the project is still limited to 2,366 average daily trips.

Land Division

Tentative Plat

The scope of the land division review includes the tentative plat of Phase 2B, 2C, and 2D of Stonegate Estates PUD. The applicant proposes to create 63 single family residential lots.

Previous Approval

In 2013, the Commission approved the tentative plat for Phase 2 (LDS-13-137). At that time the proposal included sub-phasing it into 2A, 2B, and 2C. Since then, the Planning Director approved a de minimis revision to the PUD to allow for the sub-phasing of Phase 2. Also, the final plat was approved for Phase 2A. It is now the applicant's intent to get new tentative plat approval for Phases 2B, 2C, and 2D. This will allow for a new approval and expiration period.

Revisions

Changes that must be authorized by the Planning Commission for this land division review include the additional sub-phase of Phase 2D and the increase of four lots within Phases 2B and 2C.

The additional sub-phase of Phase 2D is located at the southern end of the project along Coal Mine Road. Additional sub-phasing of a project of this size is often necessary in order to allow development in stages. This also provides time for final PUD plan and final plat approvals incrementally.

In regards to the four additional lots, they are located within Phases 2B and 2C. One additional lot is shown on the northern side of Arizona Drive in Phase 2B within Lots 124-131. Three additional lots are shown on the south side of Utah Drive within Lots 163-166. The Preliminary PUD Plan showed one oversize lot in the area south of Utah Drive. In the area south of Utah Drive it is preferable to have four conforming lots instead of one oversize lot.

To summarize the land division review of Phases 2B, 2C, and 2D, it is consistent with the Preliminary PUD Plan. The layout is generally the same. All proposed lots conform to the standards of the Medford Land Development Code for length, width, square footage, frontage, and access (other than Lot 166). Lastly, the density for the overall project is still within the allowable range.

Conditional Use Permit

Previous Approval

With the Preliminary PUD Plan approval, a condition was included requiring a CUP review for the improvements within the riparian corridor of Larson Creek. A conditional use permit was reviewed and approved in 2004 for such encroachments. The applicant received approval of the greenway path, pedestrian bridges, vehicular bridges, and storm drainage facilities for the entire project.

Revisions

As described on page 2 of the applicant's findings, the purpose of the revision to the CUP is to include the extension of a new pedestrian/bike path and an additional new bridge for motor vehicles within the riparian area (Exhibit Q). The extension of the pathway and the bridge are shown in the area on the northeast section of the project that is part of the PUD boundary adjustment request.

Medford Land Development Code Section 10.925 lists the conditional uses allowed within riparian corridors. Streets, roads, bridges, and multi-use paths are all allowable via the approval of a CUP. The applicant's findings address the CUP approval criterion #2 in that the proposal is in the public interest and although it may cause some adverse impacts, mitigation is proposed. Specifically, riparian planting plans have been submitted as a mitigation measure.

Riparian Planting Plans

As described above, the applicant submitted riparian planting plans for areas along Larson Creek within Phases 2 and 5. The Oregon Department of Fish & Wildlife (ODF&W), as well as the Medford Parks & Recreation Department, has reviewed the plans. ODF&W has submitted a letter with a list of items that need to be addressed (Exhibit BB). The concerns brought up relate to a lack of information related to: 1) existing vegetation to be removed, 2) planting and irrigation timeline, 3) ongoing maintenance plan, and 4) details about the road crossings placed in the stream channels. A condition has been included requiring the applicant to comply with the conditions and requirements from ODF&W prior to final plat approval. The Medford Parks & Recreation Department submitted a memo listing conditions of approval related the paths and riparian planting plans (Exhibit CC).

FINDINGS AND CONCLUSIONS

Staff has reviewed the Applicant's Findings and recommends the Commission adopt the findings as presented.

RECOMMENDED ACTION

Adopt the Final Order of Approval per the staff report dated May 19, 2016, including Exhibits A-1 through GG.

EXHIBITS

- A-1 Revised Conditions of Approval dated May 5, 2016
- B Approved Preliminary PUD Plan for Stonegate Estates PUD
- C Revised PUD Plan for Stonegate Estates PUD received February 19, 2016
- D Tentative Plat for Stonegate Estates Phases 2B, 2C, & 2D received February 19, 2016
- E Conceptual Water and Sewer Plan received February 19, 2016
- F Conceptual Storm Drain Plan received February 19, 2016
- G Riparian/Greenway Planned Improvement Map received February 19, 2016
- H Street Tree Master Plan received March 9, 2016
- I Riparian Tree Inventory received February 19, 2016
- J Storm Water Pond Plan (Open Space F) received March 9, 2016
- K Riparian Planting Plan (Open Space A, D, F, & G) received March 9, 2016
- L Riparian Planting Plan (Phase 2D) received March 9, 2016
- M Riparian Planting Plan (Phase 5) received March 9, 2016
- N Applicant's Narrative received February 19, 2016
- O Applicant's Findings of Fact (PUD Revision/Land Division) received February 19, 2016
- P Applicant's Supplemental Findings of Fact (PUD Revision) received April 19, 2016
- Q Applicant's Findings of Fact (CUP Revision) received February 19, 2016
- R Public Works Staff Report (PUD Revision) received April 6, 2016
- S-1 Public Works Staff Report (Land Division) received April 26, 2016
- T Public Works Staff Report (CUP Revision) received April 6, 2016
- U Medford Fire Department Report (PUD Revision/Land Division) received April 6, 2016
- V Medford Fire Department Report (CUP Revision) received April 6, 2016
- W Medford Building Department Memo (PUD Revision/Land Division) received April 6, 2016
- X Medford Building Department Memo (CUP Revision) received April 6, 2016
- Y Address Technician Memo received April 6, 2016
- Z Medford Water Commission Memo (PUD Revision) received April 6, 2016
- AA Medford Water Commission Memo (CUP Revision) received April 6, 2016

- BB Oregon Department of Fish & Wildlife Letter received April 18, 2016
- CC Medford Parks & Recreation Department Memo received April 20, 2016
- DD Medford Parks & Recreation Department Memo (regarding street trees) received April 20, 2016
- EE Jackson County Assessor's Map received February 19, 2016
- FF Talent Irrigation District Response Form received April 11, 2016
- GG Summary Memo from S.O. Transportation Engineering, LLC received May 12, 2016
Vicinity map

PLANNING COMMISSION AGENDA:

APRIL 28, 2016
MAY 12, 2016
MAY 26, 2016

EXHIBIT A-1

Stonegate Estates
PUD Revision/CUP Revision/Land Division
PUD-00-116/CUP-04-109/LDS-16-045
Revised Conditions of Approval
May 5, 2016

All conditions of the Preliminary PUD plan approval (PUD-00-116) and original CUP approval (CUP-04-109) are still in effect, other than those modified by this revision request.

CODE CONDITIONS

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

1. Receive final PUD plan approval;
2. Comply with the Public Works Staff Report received April 15, 2016 (Exhibit S-1);
3. Comply with the Medford Fire Department Report received April 6, 2016 (Exhibit U);
4. Comply with the Address Technician Memorandum received April 6, 2016 (Exhibit Y) regarding Phase 2C;
5. Comply with the Oregon Department of Fish & Wildlife letter received April 18, 2016 (Exhibit BB).
6. Comply with the Medford Parks & Recreation Department memos received April 20, 2016 (Exhibit CC & Exhibit DD).

**PRELIMINARY PUD SITE PLAN
FOR**

STONEGATE ESTATES

LOCATED IN:
THE NW 1/4 & THE SW 1/4 OF SECTION 34, T37N, R1W, W1E,
CITY OF MEDFORD,
JACKSON COUNTY, OREGON
TAX LOT 001, 2000 & 2600 (31WB1)

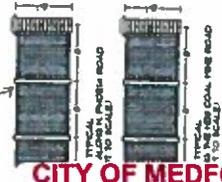
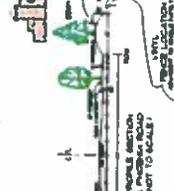
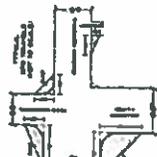
OWNER/AGENT
LOU PALMAR
1504 N. RIVERSIDE
MEDFORD, OREGON 97501
(541) 753-4385

OWNER/AGENT
DECARLOU MOTES INC.
814 E. JACKSON STREET
MEDFORD, OREGON 97504
(541) 753-3318

LARGO CREEK SHOPPING CENTER

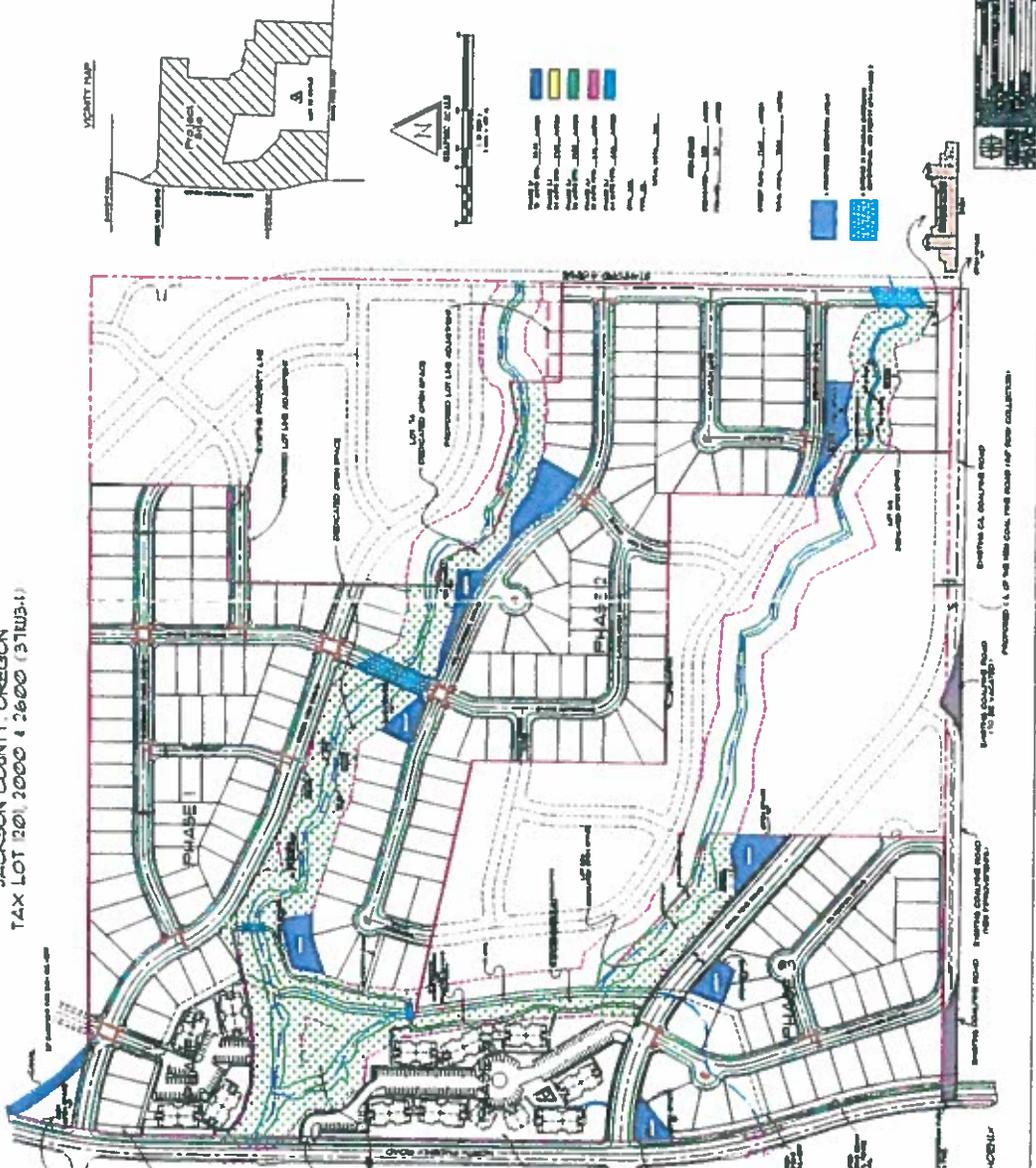


INTERSECTION WITH ALL STREET CARRIAGES DRIVE (NOT TO SCALE)

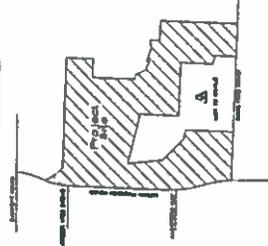


CITY OF MEDFORD
EXHIBIT # B

File #PUD-00-116 Revision
CUP-04-109 Revision
LDS-16-045



VELOCITY MAP



SCALE 1" = 100'



- 1. 10' WIDE SIDEWALK
- 2. 10' WIDE DRIVEWAY
- 3. 10' WIDE DRIVEWAY
- 4. 10' WIDE DRIVEWAY
- 5. 10' WIDE DRIVEWAY
- 6. 10' WIDE DRIVEWAY
- 7. 10' WIDE DRIVEWAY
- 8. 10' WIDE DRIVEWAY
- 9. 10' WIDE DRIVEWAY
- 10. 10' WIDE DRIVEWAY

- 1. 10' WIDE DRIVEWAY
- 2. 10' WIDE DRIVEWAY
- 3. 10' WIDE DRIVEWAY
- 4. 10' WIDE DRIVEWAY
- 5. 10' WIDE DRIVEWAY
- 6. 10' WIDE DRIVEWAY
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- 8. 10' WIDE DRIVEWAY
- 9. 10' WIDE DRIVEWAY
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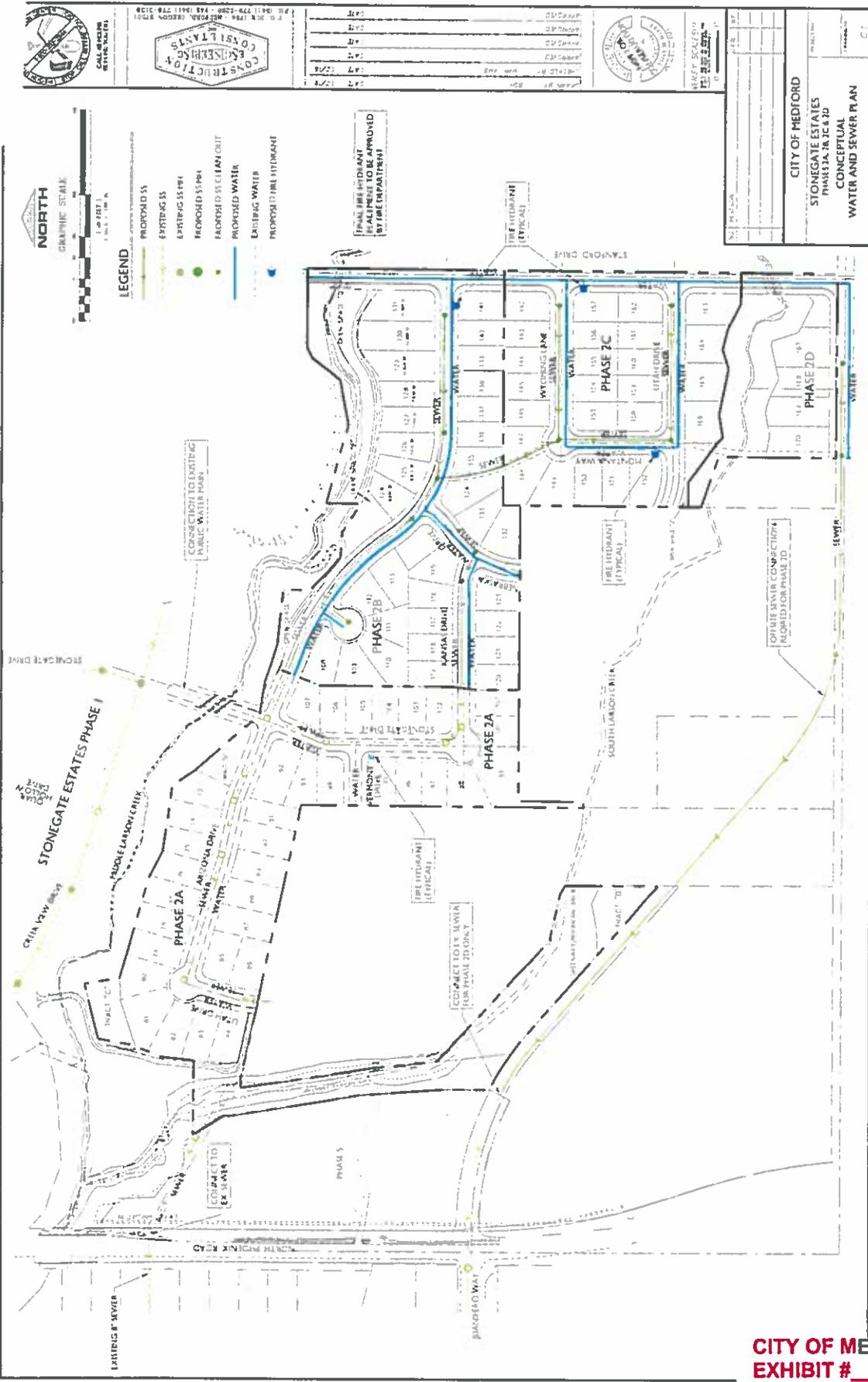
- 1. 10' WIDE DRIVEWAY
- 2. 10' WIDE DRIVEWAY
- 3. 10' WIDE DRIVEWAY
- 4. 10' WIDE DRIVEWAY
- 5. 10' WIDE DRIVEWAY
- 6. 10' WIDE DRIVEWAY
- 7. 10' WIDE DRIVEWAY
- 8. 10' WIDE DRIVEWAY
- 9. 10' WIDE DRIVEWAY
- 10. 10' WIDE DRIVEWAY

LEGEND

City of Medford
City Engineer
Date: 10/15/16

CITY OF MEDFORD
EXHIBIT # A-2
PUD-00-116
The Book: _____
Sheet No: _____

RECEIVED
 FEB 19 2016
 PLANNING DEPT.



LEGEND

- PROPOSED 55' (Blue dashed line)
- EXISTING 55' (Blue solid line)
- PROPOSED 55' (Blue dotted line)
- EXISTING 55' (Blue solid line)
- PROPOSED WATER (Blue solid line)
- EXISTING WATER (Blue solid line)
- PROPOSED 12\"/>

GRAPHIC SCALE
 1" = 100' 0"

CONSTRUCTION CONSULTANTS
 CALL BEFORE EXCAVATING

CITY OF MEDFORD
STONEGATE ESTATES
PHASES 2A, 2B, 2C & 2D
CONCEPTUAL
WATER AND SEWER PLAN

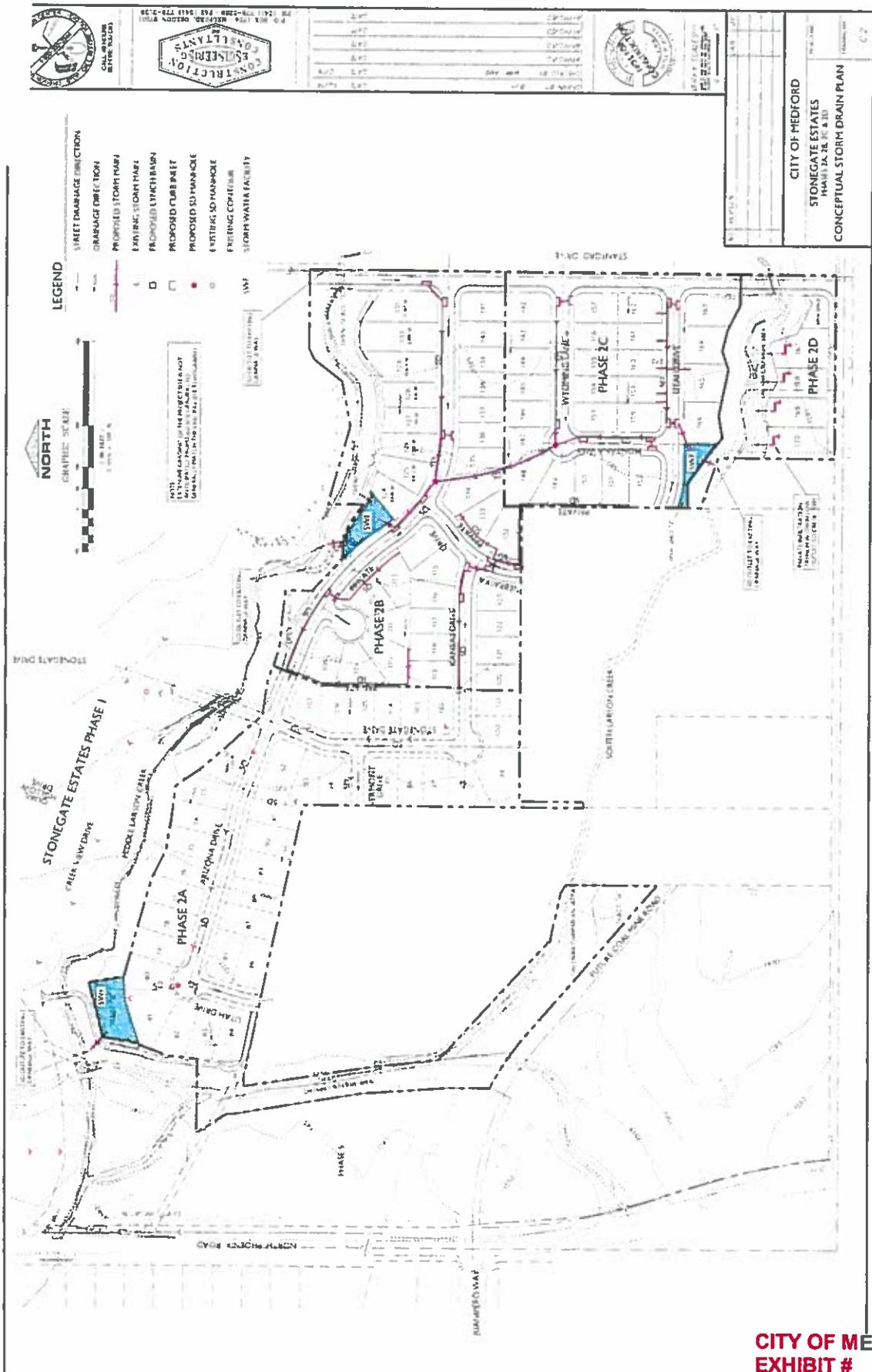
DATE: 1/27/16
SCALE: AS SHOWN
PROJECT NO.: 16-001
DATE: 1/27/16
SCALE: AS SHOWN
PROJECT NO.: 16-001

CITY OF MEDFORD
EXHIBIT # E
File #PUD-00-116 Revision
CUP-04-109 Revision
LDS-16-045

RECEIVED

FEB 19 2016

PLANNING DEPT.

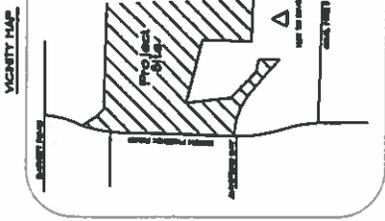


RIPARIAN/GREENWAY PLANNED IMPROVEMENT MAP
 For
STONEGATE ESTATES

Located in
 THE NW 1/4 of SECTION 34, T31N, R11W, S1P.
 CITY OF MEDFORD,
 JACKSON COUNTY, OREGON
 TAX LOT 1261, 2600 + 2600 (STRIDA)

CONSULTANT
 PLANNING CONSULTANTS
 4001 NORTH OREGON STREET
 MEDFORD, OREGON 97504
 (503) 838-0128

RECEIVED
 FEB 19 2016
 PLANNING DEPT.

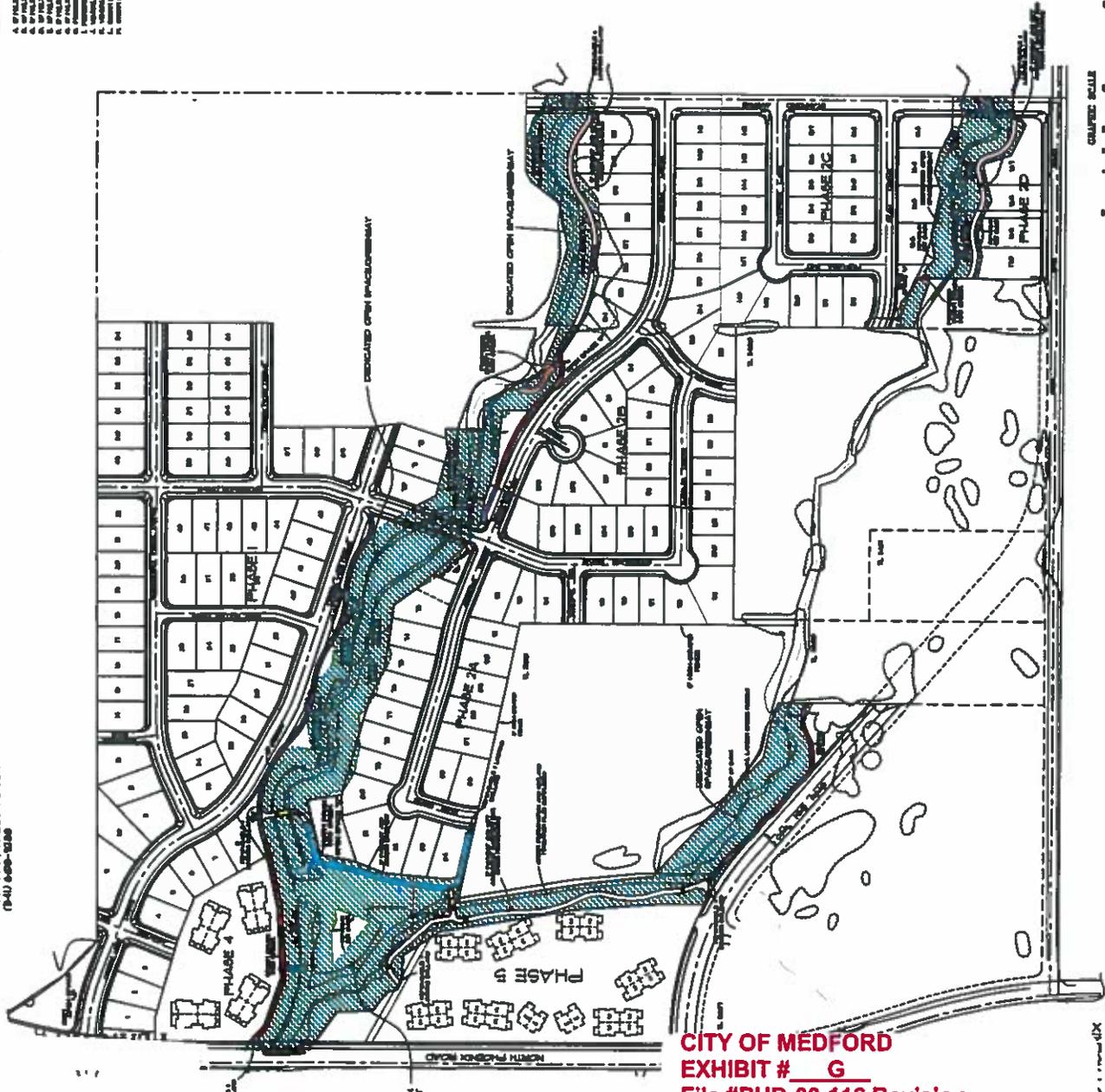
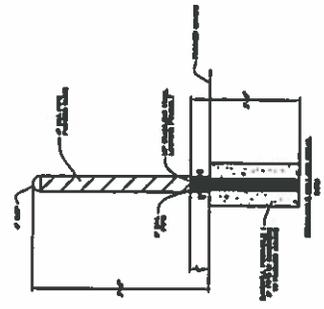


REGULATORY CALCULATIONS

1. 10% of the riparian area shall be preserved as riparian habitat.
2. 10% of the riparian area shall be preserved as riparian habitat.
3. 10% of the riparian area shall be preserved as riparian habitat.
4. 10% of the riparian area shall be preserved as riparian habitat.
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8. 10% of the riparian area shall be preserved as riparian habitat.
9. 10% of the riparian area shall be preserved as riparian habitat.
10. 10% of the riparian area shall be preserved as riparian habitat.

LEGEND

- 1. Riparian Area
- 2. Riparian Buffer
- 3. Riparian Habitat
- 4. Riparian Corridor
- 5. Riparian Wetland
- 6. Riparian Forest
- 7. Riparian Shrubland
- 8. Riparian Grassland
- 9. Riparian Meadow
- 10. Riparian Parkland
- 11. Riparian Woodland
- 12. Riparian Scrubland
- 13. Riparian Wetland
- 14. Riparian Forest
- 15. Riparian Shrubland
- 16. Riparian Grassland
- 17. Riparian Meadow
- 18. Riparian Parkland
- 19. Riparian Woodland
- 20. Riparian Scrubland



CITY OF MEDFORD
 EXHIBIT # G
 File #PUD-00-116 Revision
 CUP-04-109 Revision
 LDS-16-045

RECEIVED
 MAR 09 2016
 PLANNING DEPT.

LANDSCAPE PLAN
 Scale: 1" = 40'

STONEGATE ESTATES PHASES 2B, 2C & 2D
 STREET TREES
 STONEGATE SUBDIVISION
 MEDFORD, OREGON

LANDSCAPE PLAN
 Scale: 1" = 40'

STONEGATE ESTATES PHASES 2B, 2C & 2D
 STREET TREES
 STONEGATE SUBDIVISION
 MEDFORD, OREGON

LANDSCAPE PLAN
 Scale: 1" = 40'

STONEGATE ESTATES PHASES 2B, 2C & 2D
 STREET TREES
 STONEGATE SUBDIVISION
 MEDFORD, OREGON

LANDSCAPE PLAN
 Scale: 1" = 40'

STONEGATE ESTATES PHASES 2B, 2C & 2D
 STREET TREES
 STONEGATE SUBDIVISION
 MEDFORD, OREGON

LANDSCAPE PLAN
 Scale: 1" = 40'

STONEGATE ESTATES PHASES 2B, 2C & 2D
 STREET TREES
 STONEGATE SUBDIVISION
 MEDFORD, OREGON

LANDSCAPE PLAN
 Scale: 1" = 40'

STONEGATE ESTATES PHASES 2B, 2C & 2D
 STREET TREES
 STONEGATE SUBDIVISION
 MEDFORD, OREGON

LANDSCAPE PLAN
 Scale: 1" = 40'

STONEGATE ESTATES PHASES 2B, 2C & 2D
 STREET TREES
 STONEGATE SUBDIVISION
 MEDFORD, OREGON

LANDSCAPE PLAN
 Scale: 1" = 40'

STONEGATE ESTATES PHASES 2B, 2C & 2D
 STREET TREES
 STONEGATE SUBDIVISION
 MEDFORD, OREGON

LANDSCAPE PLAN
 Scale: 1" = 40'

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LANDSCAPE PLAN
 Scale: 1" = 40'

STONEGATE ESTATES PHASES 2B, 2C & 2D
 STREET TREES
 STONEGATE SUBDIVISION
 MEDFORD, OREGON

LANDSCAPE PLAN
 Scale: 1" = 40'

STONEGATE ESTATES PHASES 2B, 2C & 2D
 STREET TREES
 STONEGATE SUBDIVISION
 MEDFORD, OREGON

LANDSCAPE PLAN
 Scale: 1" = 40'

STONEGATE ESTATES PHASES 2B, 2C & 2D
 STREET TREES
 STONEGATE SUBDIVISION
 MEDFORD, OREGON

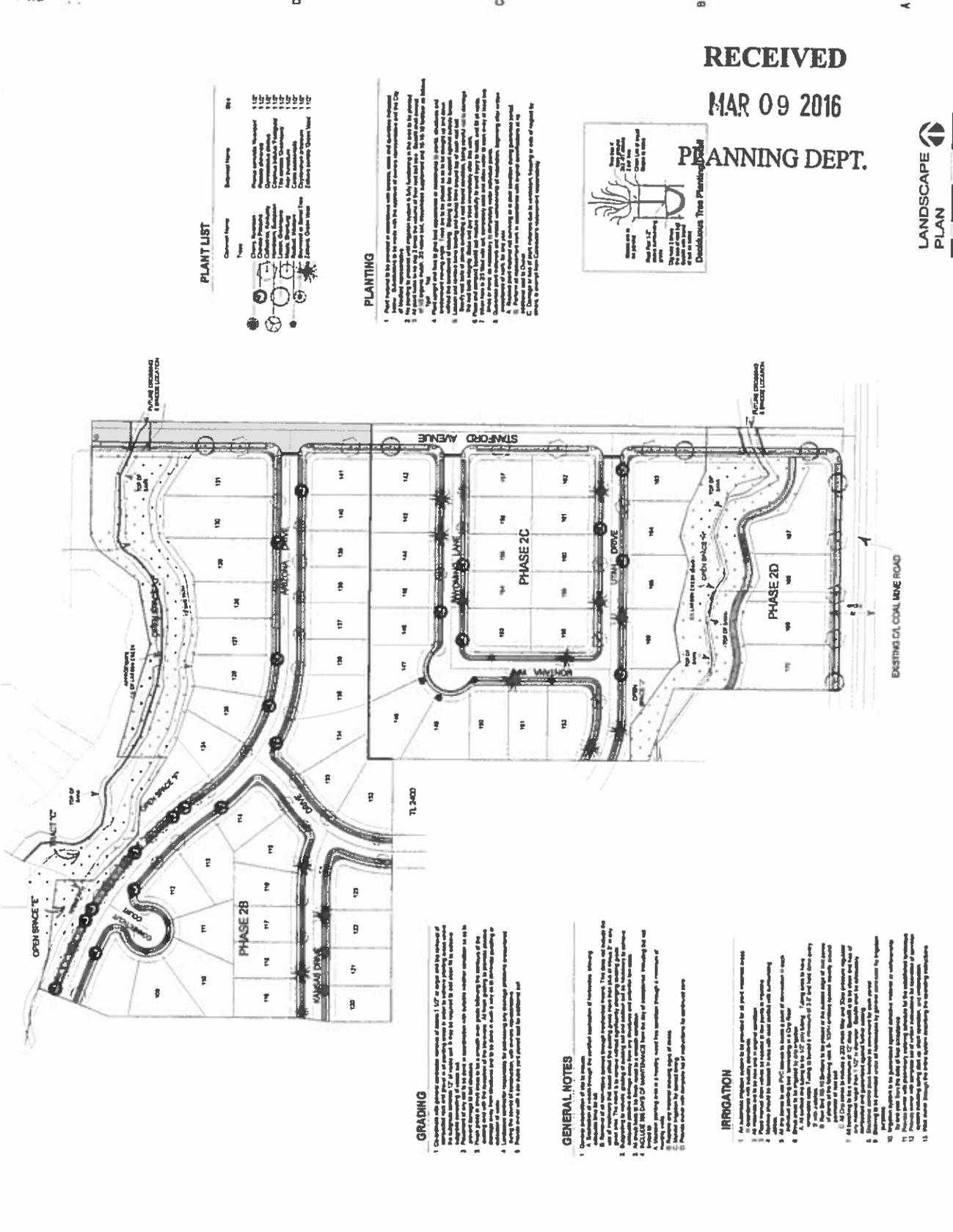
LANDSCAPE PLAN
 Scale: 1" = 40'

STONEGATE ESTATES PHASES 2B, 2C & 2D
 STREET TREES
 STONEGATE SUBDIVISION
 MEDFORD, OREGON

LANDSCAPE PLAN
 Scale: 1" = 40'

STONEGATE ESTATES PHASES 2B, 2C & 2D
 STREET TREES
 STONEGATE SUBDIVISION
 MEDFORD, OREGON

LANDSCAPE PLAN
 Scale: 1" = 40'



Plant Name	Quantity	Notes
Plant Name 1	10	Plant Name 1
Plant Name 2	20	Plant Name 2
Plant Name 3	30	Plant Name 3
Plant Name 4	40	Plant Name 4
Plant Name 5	50	Plant Name 5
Plant Name 6	60	Plant Name 6
Plant Name 7	70	Plant Name 7
Plant Name 8	80	Plant Name 8
Plant Name 9	90	Plant Name 9
Plant Name 10	100	Plant Name 10

PLANTING

- Planting to be done in accordance with the approved landscape plan and the City of Medford's Ordinance 12.02.010.
- Planting to be done in accordance with the approved landscape plan and the City of Medford's Ordinance 12.02.010.
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GRADING

- Grading to be done in accordance with the approved landscape plan and the City of Medford's Ordinance 12.02.010.
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GENERAL NOTES

- General Note 1
- General Note 2
- General Note 3
- General Note 4
- General Note 5
- General Note 6
- General Note 7
- General Note 8
- General Note 9
- General Note 10

IRRIGATION

1. Irrigation system to be installed in accordance with the approved landscape plan and the City of Medford's Ordinance 12.02.010.
2. Irrigation system to be installed in accordance with the approved landscape plan and the City of Medford's Ordinance 12.02.010.
3. Irrigation system to be installed in accordance with the approved landscape plan and the City of Medford's Ordinance 12.02.010.
4. Irrigation system to be installed in accordance with the approved landscape plan and the City of Medford's Ordinance 12.02.010.
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6. Irrigation system to be installed in accordance with the approved landscape plan and the City of Medford's Ordinance 12.02.010.
7. Irrigation system to be installed in accordance with the approved landscape plan and the City of Medford's Ordinance 12.02.010.
8. Irrigation system to be installed in accordance with the approved landscape plan and the City of Medford's Ordinance 12.02.010.
9. Irrigation system to be installed in accordance with the approved landscape plan and the City of Medford's Ordinance 12.02.010.
10. Irrigation system to be installed in accordance with the approved landscape plan and the City of Medford's Ordinance 12.02.010.

SH-HEET IS LESS THAN 30" x 42" IT HAS BEEN REDUCED AND IS NOT TO SCALE.

CITY OF MEDFORD
 EXHIBIT # H
 File #PUD-00-116 Revision
 CUP-04-109 Revision
 LDS-16-045

TREE INVENTORY

Plan:

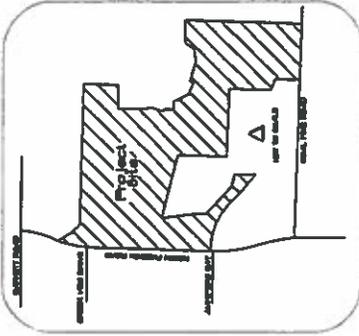
STONEGATE ESTATES

(IN AREAS OF IMPACT BY IMPROVEMENTS)



Located in
 THE NW 1/4 & THE SW 1/4 OF SECTION 34, T35N, R13W, WPT.
 CITY OF MEDFORD,
 JACKSON COUNTY, OREGON
 TAX LOT 021, 2000 & 2000 (371104)

VICINITY MAP



GRANDSCALE EAST
 PLANNING ENGINEERS &
 ARCHITECTS
 1000 NE MEDFORD AVENUE
 MEDFORD, OREGON 97504
 (541) 838-0000

EXISTING NATIVE VEGETATION

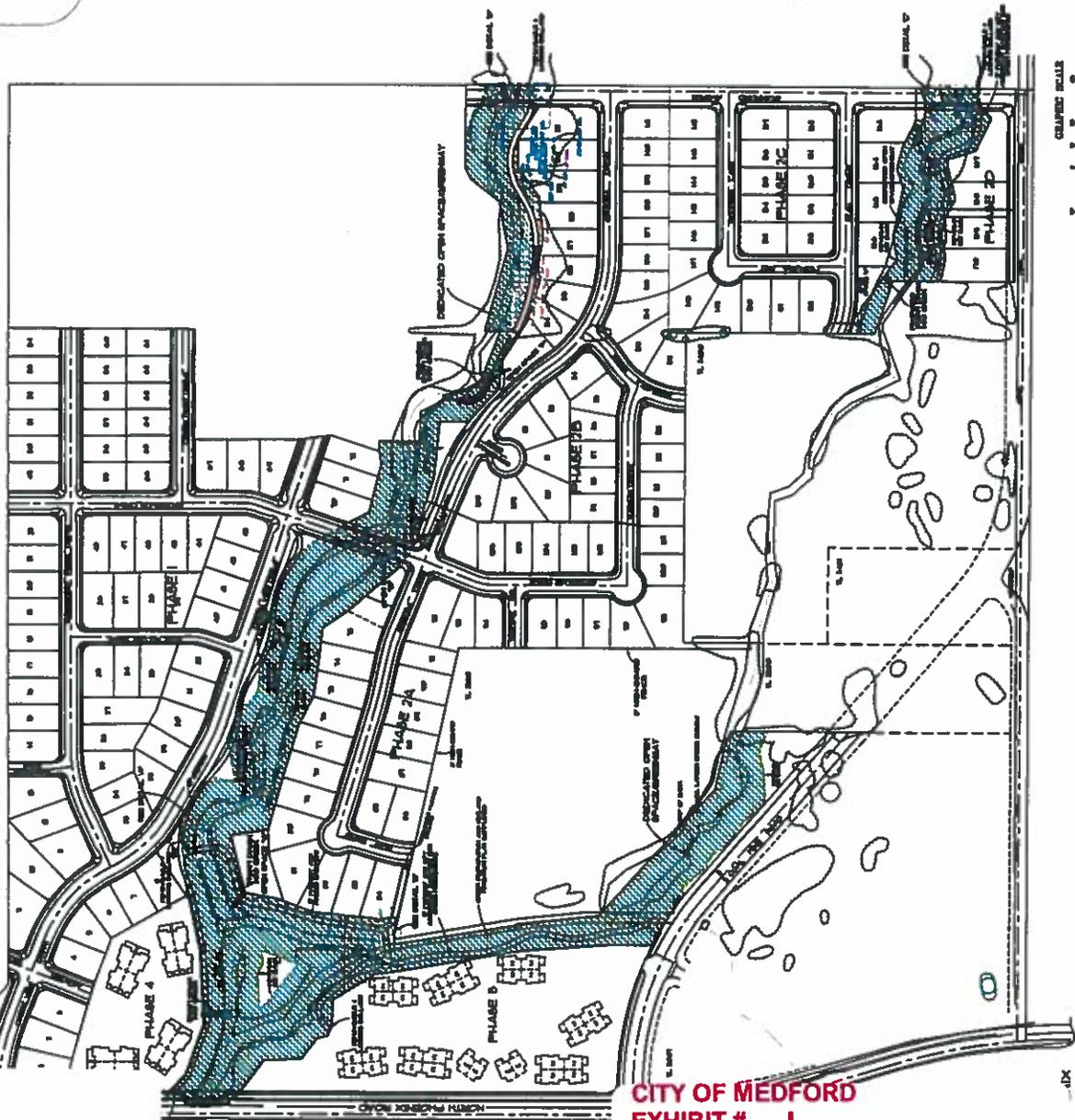
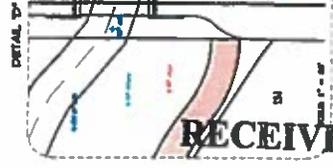
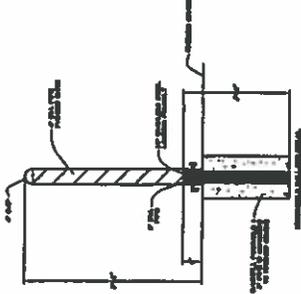
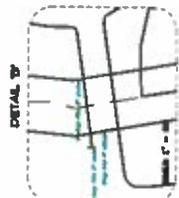


LANDSCAPING NOTES:

1. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPING PLAN.
2. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPING PLAN.
3. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPING PLAN.

CLEARING LIMIT NOTES:

1. ALL CLEARING SHALL BE IN ACCORDANCE WITH THE CLEARING LIMIT PLAN.
2. ALL CLEARING SHALL BE IN ACCORDANCE WITH THE CLEARING LIMIT PLAN.
3. ALL CLEARING SHALL BE IN ACCORDANCE WITH THE CLEARING LIMIT PLAN.



RECEIVED
 FEB 19 2016
 PLANNING DEPT.

CITY OF MEDFORD
EXHIBIT # 1
File #PUD-00-116 Revision
CUP-04-109 Revision
LDS-16-045

NARRATIVE:

The development of this site, as proposed for Stonegate Estates Planned Unit Development, is to establish various types of residential development, which includes detached single family dwellings and multifamily units. The project area consists of 64.21 net acres that has SFR-4 and SFR-10 zoning. The purpose of this amendment application is to expand the PUD boundary to include the bridge/culvert crossing along Stanford Ave and Larson Creek. The land use designations for the entire ownership/project have been reviewed with the Planned Unit Development standards and approved by the City of Medford. The attached Stonegate Estates Preliminary PUD Amendment site plan describes the approved and proposed urban uses for the property. The current ownership of the remaining vacant land within Stonegate Estates PUD is held by the applicants, Mahar Brothers Holdings, Louis Mahar II and Charles Mahar.

The request by the applicants, is to establish a mixture of residential land uses to serve the residential needs for the City of Medford, while protecting the natural aspects and spatial open space features of the site. Within the "Greenway" open space areas are provided with the proposed pathways that will be a feature to the project. These Greenway features are required by the City of Medford with the South East Medford Plan and have been incorporated into the PUD development plan as an open space feature for the neighborhood and the City as whole.

The approved modifications for Stonegate Estates, PUD are: Lot sizes exceeding the SFR-10 zoning standards north of the Middle Fork Larson Creek; and the relocation of land uses within the project (Phase 5). The modifications for the attached dwelling units, and their locations allows the applicant to create desired lot dimensions, consistent with the SFR-4 zoning standards for the single family development areas, Phases 1 and 2.

Phase 2 has been broken into 4 different sub-phases for the project (2A, 2B, 2C & 2D). This was done so that each sub-phase will have a separate creek crossing to be constructed for the public streets that are required within the PUD boundary.

Due to the identified riparian corridors and the goal by the applicants on reducing the impacts (bridges and roads) on these Greenways, road orientation and lot configuration is hindered. The design and layout of Stonegate Estates, PUD has provided for protection, setbacks and improvements of the Greenway/riparian corridors to the greatest extent possible.

5

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

IN THE MATTER OF AN APPLICATION FOR)
AN AMENDMENT/REVISION FOR STONE-)
GATE PLANNED UNIT DEVELOPMENT ON)
PROPERTY LOCATED EAST OF NORTH)
PHOENIX ROAD AND NORTH OF COAL-)
MINE ROAD; PROPERTY IS DESCRIBED)
AS ASSESSOR'S MAP NO., T37S-R1W-)
S.34, TAX LOTS 1201, 1205, 3500 AND 2600)
MAHAR BROTHERS HOLDINGS, OWNER/)
APPLICANTS; RICHARD STEVENS &)
ASSOCIATES, INC. AGENTS)

AMENDMENT
FINDINGS OF FACT
PUD-00-116

RECITALS:

Property Owner/ Applicants-	Louie Mahar II Mahar Brothers Holdings, LLC 4102 Southview Terrace Medford, OR 97504
Agents-	Richard Stevens & Associates, Inc. PO Box 4368 Medford, OR 97504
Surveyors-	Hoffbuhr and Associates, Inc. 880 Golf View Drive #201 Medford, OR 97504
Property Description-	37-1W-34, tax lots 1201, 1205, 2600 & 3500
Acreage-	65.21 gross acres Approximately 53.66 acres of developable lands (Minus 11.55+- acres, riparian corridors)
Zoning-	SFR-4 and SFR-10
Land Uses-	Single Family Residential Multiple Family Residential, Condominiums

INTRODUCTION:

The purpose of this application is to amend the exterior boundary of Stonegate Estates, PUD, which acquired additional land within Phase 2B, after the original approval of PUD-00-116, by a property line adjustment, which was approved by the City of Medford. This inclusion area is located in the northeast quadrant of the PUD where Stanford Avenue crosses the middle fork of Larson Creek, where conforming lots can now be approved along with the ability to build another bridge for public street purposes. This amendment and supporting findings is consistent with Section 10.245(A) Medford Land Development Code (MLDC). Section 10.245(A)(1) in part states:

***“Applicant for Revision; Filing Materials; Procedures:** An application to revise an approved PUD Plan shall be on forms supplied by the City. The application form shall bear the signature of the owner(s) who control a majority interest in more than fifty percent (50%) of the vacant land covered by the approved PUD and who are also the owner(s) of land and improvements within the PUD which constitute more than fifty percent (50%) of the total assessed value of vacant portion of the PUD... PUD revisions shall follow the same procedures used for initial approval of a Preliminary PUD Plan.” (emphasis added)*

The applicant requests that the City of Medford keep in mind that this amendment application cites and addresses the standards and criteria that were in effect in the year 2000, MLDC. The City needs to be conscious that the Code citations now differ than those in effect with the original review for Stonegate Estates. The Findings below reflect the original approval criteria that were approved with the Preliminary Planned Unit Development Plan. In addition, the applicant did advertise/notice a neighborhood meeting for the adjacent residents on November 18, 2015, as prescribed within Section 10.235(A), which is found in the current Code.

The applicants will also need to amend the Conditional Use Permit (File No. CUP-04-109), which addresses the impacts of bridges and pathways on the riparian corridor, along with the proposed mitigation. The amended CUP is submitted concurrently with this application for review.

The applicants, Mahar Brothers Holdings, LLC., currently own all, greater than 50%, of the vacant lands within Stonegate Estates, PUD that has not received Final PUD Plan and is not under construction. The land uses for Stonegate Estates, PUD have been approved by the City and there are no changes to these uses. The site is a residentially zoned area as provided in the Medford Land Development Code, consistent with the Medford Comprehensive Plan and the Southeast Plan Map. The attached Preliminary Master Site Plan Amendment for Stonegate Estates Planned Unit Development, adequately defines the urban residential uses for the property and the inclusion area.

The subject site contains wetlands and identified Greenways within its boundary and is required to mitigate and enhance any impacted wetlands consistent with the Division of State Lands requirements. The Greenways, once completed with improvements, will be gifted/transferred to the City of Medford for city park purposes. The acreage of the transfer consists of approximately 12 acres that will be used for open space, bike/pedestrian paths with viewing/resting areas within the Riparian Corridors. The resulting acreage available for residential development consists of approximately 67.20 gross acres. The acreage used for calculating density does not include the Riparian Habitat/Greenway Corridor areas.

The completed phases within Stonegate Estates PUD are: Phases 1, 2A, 4 with Phase 5 under construction that have acquired Final PUD Plan approvals. Phase 3 of the PUD was terminated from the project boundaries in 2010 for the Phoenix/Talent School District acquisition of the site for public school purposes and is no longer a part of Stonegate Estates PUD. This amendment application also includes a tentative plat for the land division for the remaining vacant land within Phase 2, to include sub-phases for reasonable development schedules and improvements.

SOUTHEAST OVERLAY DISTRICT, SECTION 10.370-10.377:

SECTIONS 10.370-10.373:

Section 10.370 MLDC establishes the special standards and criteria with lands within the Southeast Overlay District. The subject properties are identified within this district and have addressed the development controls as prescribed within the MLDC.

Section 10.371 MLDC establishes the scope of review for lands within the Southeast Overlay District. Compliance with these criteria and the other applicable regulations are addressed below.

Section 10.372 MLDC establishes that the proposed residential densities and zone changes shall be consistent with the Medford Comprehensive Plan, General Land Use Plan Map and the Southeast Plan Map. The proposed Stonegate PUD does comply and is consistent with these documents.

Stonegate Estates, PUD boundaries are located within "Area 15" and "Area 17" on the Southeast Plan Map. These areas are designated as Urban Residential with their respective SFR-4 and SFR-10 zoning districts that have been approved by the City of Medford. This application is requesting the expansion of the exterior boundary within Area 17 to be within the boundaries of the project.

SECTION 10.373:

10.373(A) defines that all residential development consisting of four or more housing units, or which occupies more than two acres within the Southeast Overlay District shall proceed as PUD. Stonegate Estates PUD does contain more than 2 acres in size and was approved for having over four dwelling units. The applicable criteria for a PUD are addressed below.

10.373(B) provides for Zone Changes within the Southeast Overlay District, in compliance with Sections 10.225-10.227 MLDC and to be consistent with Southeast Plan Map and Section 10.372, shall be granted upon approval of a Preliminary PUD Plan, provided that:

“(2) Public Facility Adequacy; Multiple Phase PUD. For PUD’s having multiple phases, compliance with Subsection 10.373(B)(1) shall be required for only the first phase. For each successive phase, compliance shall be established prior to or concurrent with approval of a Final PUD Plan. An applicant shall be entitled to seek compliance with Subsection 10.373(B)(1) for PUD phases as a matter separate from the approval of a Final PUD Plan.”

Discussion:

Stonegate Estates PUD received the appropriate Medford zoning that was conditionally approved due to street capacity concerns at that time. The zoning condition was for the entire Stonegate PUD with the stipulation of generating no more than 135 PM peak hour trips or 1275 ADTs (133 single family dwellings). The traffic study submitted by Hardy Engineering has demonstrated that the addition of 135 PM peak hour trips or 1275 ADTs will not have a significant impact on the street system to warrant offsite improvements.

An additional trip cap threshold was established for the construction of additional dwelling units above the 135 PM peak hour trips that will warrant a signal to be constructed at the intersection of North Phoenix Road and the realigned Cherry Lane (Mike Mahar Homes). This signal facility has been constructed for sufficient street capacity to warrant full build out of the project in its entirety.

FINDING:

The City of Medford finds that this PUD application is in compliance with Subsection 10.373(B) in that the Category “A” public facilities have sufficient capacity and distribution to adequately serve Stonegate Estates, PUD, to serve the entire site.

SECTION 10.374:

Section 10.374 provides for special design and development standards within the Southeast Overlay District for Greenways.

Discussion:

Section 10.374(A) defines the extent of minimum setbacks for the Greenway designations. The proposed Stonegate PUD meets the minimum 50 foot setbacks required along the Middle Fork and South Fork of Larson Creek. Additionally, the 50 foot setback from the centerline of the drainage way that bisects the site north to south, has also been satisfied.

These Greenways will contain pedestrian/bike paths which will be incorporated as part of the Medford Parks and Recreation master park plan for Larson Creek.

The Medford Comprehensive Plan, General Land Use Plan, Greenway Designation states:

“A new General Land Use Plan designation of “Greenway” has been created to **apply to stream corridors and waterways in the SE area**, and to other location in the City as they are identified in the future...” (Emphasis added)

Section 10.374(B) defines the permitted uses within identified Greenways. The site plan for Stonegate Estates PUD includes crossings/bridges with roads over the Greenways. There are three locations proposed for crossing the identified Greenways for public road purposes. Two are located on the Middle Fork of Larson Creek and the other is located on the South Fork Larson Creek, consistent with the Southeast Plan Map. These are located and designed to minimize the impacts on the riparian habitat and Greenway characteristics to the greatest extent possible, consistent with Subsection 10.374(B)(1).

The pedestrian/bike paths are also permitted uses as prescribed with Subsection 10.374(B)(1). These paths will be designed to minimize the intrusion into the riparian habitat and provide for alternative modes of transportation in the vicinity with recreational and viewing opportunities. The City of Medford Parks Department will be responsible for the improvements on the balance of the Greenway corridors, consistent with the Larson Creek Master Bike Path Plan.

These permitted uses however, have been superseded by Section 10.922, Riparian Corridors Applicability, which states in part:

“...Where riparian corridors are located within the Southeast (SE) overlay zoning district, the provisions of Section 10.920 through 10.928, Riparian Corridors, shall take precedence...”

With this applicability statement, the proposed bridges, pedestrian/bike paths, etc. are now required to be Conditional Uses, as noted in Section 10.925 MLDC. With this determination all proposed development and improvements within the “Riparian Corridors” will address the Conditional Use Permit Criteria, Section 10.248 MLDC under separate cover (amended CUP-04-109).

CONCLUSION:

The City of Medford concludes that the amended Stonegate Estates PUD site plan meets the setback requirements along the identified Greenways within the confines of the project. Additionally, the proposed bridge crossings, for roads and pedestrian/bike path, within the Greenways are the minimum necessary to functionally use the site, while preserving the open space/ riparian corridors to the greatest extent possible. The standards found in Section 10.922 MLDC will be addressed under separate cover as an amendment Conditional Use Permit application.

FINDING:

The City of Medford finds that the amended Preliminary PUD Plan for Stonegate Estates PUD meets the setback requirements along the identified Greenways within the confines of the project. The City of Medford also finds that the bridge crossings for the public roads and pedestrian/bike paths are located to minimize impacts on riparian habitat areas. This application is in compliance with Section 10.374 MLDC.

CRITERIA. SECTION 10.235:

The application procedures and Criteria for a planned unit development are listed in Section 10.235, Medford Land Development Code. The criteria are:

Section 10.235(A) The following items shall be required to constitute a complete application for a Preliminary PUD Plan:

(A)1. Current assessor map with the proposed PUD identified.

(A)2. 21 copies of the Preliminary PUD Plan.

A reduced copy suitable for photocopying.

A tentative Plat if a land division is proposed concurrently with the Preliminary PUD Plan.

A narrative description of the PUD.

Written findings of facts and conclusions of law.

Names and mailing addresses of the owners of land located within 200 feet of the boundary of the whole PUD.

The applicants are not proposing any private or non-city street lighting within Stonegate PUD. Phases 4 and 5 have submitted the architectural plans for the multi-family structures and were approved by the Site Plan Architecture Commission. The footprint of each structure is identified on the Stonegate PUD site plan, Phases 4 and 5. These phases have been approved with Final PUD Plans also approved.

Section 10.235(A)(3) Narrative:

(3)(a). The nature and planned uses of Stonegate Estates PUD is to provide for various types of residential development, which includes detached single family dwellings and multifamily condominium units. The Southeast Plan Map identifies Area 15 for SFR- 10 development north of the Middle Fork Larson Creek and Area 17 for SFR-4 development south of the Middle Fork Larson Creek.

The Preliminary Site Plan for Stonegate PUD however, has expanded the SFR-10 zoning district, Area 15, to include Phase 5 of the project, south of the Middle Fork of Larson Creek, between North Phoenix Road and South Fork Larson Creek.

This proposal was made to meet the minimum density requirements for the SFR-10 zoning district. The buildable land area north of Middle Fork Larson Creek (21.65 acres) would require approximately 130 DU to meet the minimum density. This would require approximately 25 additional single family lots to be developed to meet the minimum density standard. This was not practical for the project with the physical constraints on the site.

These existing physical features are inhibitive to achieve the desired results with the intended SFR-10 small lot designation, north of the Middle Fork Larson Creek. The condominiums were proposed to provide for owner occupied dwelling units that is similar with the single family type of development within the project.

Due to the limited area of useable land for Phase 5 with identified Greenways along the eastern and northern boundaries and an arterial street along the western boundary the SFR-4 detached single family dwellings/development is not practical. The development of Phase 5 with detached single family dwellings may actually separate this neighborhood from the balance of the project and the vicinity. The SFR-4 development would be developed with a cul-de-sac from Coalmine Road that would be aligned parallel with N. Phoenix Road. This is neither practical nor good planning. This would not be consistent with policy of the City for providing a street system that connects and provides connectivity of the neighborhoods.

Due to the identified riparian corridors and the goal by the applicants on reducing the impacts (bridges and roads) on these Greenways, road orientation and lot configuration is hindered. The meandering waterways bisecting the site at various angles in several locations inhibits the traditional site development intended with gridded streets and lot layout for the Southeast Medford Overlay. Creek View Drive is proposed to remain north of Middle Fork Larson Creek to provide for better street connectivity and reduced impacts on the wetlands and riparian corridor. Creek View Drive has been designed to follow the Greenway to the greatest extent possible, allowing for public viewing and access. The design and layout of Stonegate Estates, PUD has provided for protection, setbacks and improvements of the Greenway/riparian corridors to the greatest extent possible.

The current ownership of the remaining vacant land within Stonegate Estates PUD is held by the applicants, Mahar Brothers Holdings, Louie Mahar II and Charles Mahar. The maintenance of the identified common areas will be the responsibility by owners of the property (subdivision lots) and the costs will be accrued with the CC&R's that will run with the PUD. The CC&R's will be submitted concurrent with the applicable Final PUD Plan.

(3)(b). There were three deviations (*modifications*) from the MLDC proposed within Stonegate Estates PUD. The first proposed deviation as provided in Section 10.230(D)(1) relates to lot size for the SFR-10 zoning district detached single family dwellings, Section 10.710; the second deviation as provided in Section 10.230(D)(4) relates to the number of signs within a PUD from Section 10.1200(3); and the last deviation requested as provided in Section 10.230(D)(10) relates to Southeast Plan land use category as outlined in Section 10.372. Stonegate Estates PUD meets or exceeds the minimum standards of the remaining applicable criteria and development standards found in the Medford Land Development Code.

Section 10.230(D)(1) Lots and Parcels states:

"Limitations, restrictions and design standards pertaining to the size, dimension, location, position and coverage of lots, and restriction related to through lots."

There are lot sizes within Phase 1 that exceed the maximum lot area standard for the SFR-10 zoning district found in Section 10.710 MLDC. These lots are identified as Lot Nos. 3, 8, 9, 10, 11, 12, 13, 28, 34, 36, 37, 40, 55, 68, 69 and 70. The physical constraints on the site, Larson Creek, with the required street connections and alignment of Creek View Drive, inhibit the optimum street grid design and layout of lots. The angles of roadways and Middle Fork Larson Creek create odd areas and larger lots than desired. Due to these physical constraints these larger lots breaks up the traditional concept of identical "cookie cutter" lot sizes and similar/traditional style of dwelling units within a defined area.

The presence of the riparian corridor with the design guideline to provide streets that are "collinear" and adjacent to them for public viewing and access has been incorporated within the Preliminary Master Site Plan. This area north of Middle Fork Larson Creek has been revised numerous times for the best development possible. In all other drawings the lot area standards have been exceeded in greater numbers. This proposal was carefully and thoughtfully planned to provide for a mixture or residential uses while minimizing the impacts on the riparian corridors.

Section 10.230(D)(4) Frontage, Access, Landscaping and Signs states:

"Limitations, restrictions and design standards pertaining to lot frontage, access, required landscaping, signs and buffer yards."

The applicants originally proposed to place 3 signs at the various entrances into the project. Section 10.1200(3) MLDC allows for 2 PUD signs that are permitted. However, the applicants now have reduced the number of sign location to one; therefore, this deviation/*modification* is no longer needed. The existing sign location is within Tract "A" in Phase 1 of the project.

Section 10.230(D)(10) Mixed Land Uses states:

"Unless otherwise prohibited, PUDs that have more than one General Land Use Plan designation or Southeast Plan land use category shall have the flexibility to mix or relocate such designations within the boundaries of the PUD in any manner and/or location as may be approved by the Planning Commission."

To achieve the same development effect and to meet the minimum density standards as well, the applicants proposed to include the lands within Phase 5 into Area 15 (SFR- 10 zoning district). This proposal is due to the standards in the existing Area 15 that limits the design for small lot detached single family dwelling units to meet the minimum density standards for the SFR-10 zoning district. The goal of the applicants was to meet the

minimum density standards for Area 15. The proposal is to develop Phase 5 as a multifamily development (condominiums) similar to Phase 4. The condominiums are proposed to provide for owner occupied units to be similar in nature to the single family development. These multiple family developments are not intended to be rental apartment types of development. These condominium developments are similar in character with the small lot single family neighborhood (Housing Element Implementation 1-A(2)).

The physical features surrounding Phase 5 lends this area to be generally unsuitable for detached single family dwellings. The single family development would be accessed by a cul-de-sac street from Coalmine Road creating its own neighborhood. This would create additional privacy fencing that may create a walled effect along Coalmine Road (Southeast Plan Implementation 1-A(4)).

As provided by Section 10.230(D)(10), the relocation of Southeast Plan land use designations boundaries are allowed within the subject PUD. This proposal was carefully and thoughtfully planned to provide for a mixture of residential uses to meet the density standards of the code, while providing for owner occupied units and minimizing the impacts on the riparian corridors and enhancing the street circulation pattern to the greatest extent possible. This proposal is consistent with the GLUP map and various goals and policies of the Comprehensive Plan including, Housing Element Policy 5-C; Southeast Plan Implementation 2-B(1).

(3)(c). A deviation was proposed for the number of signs for this project. This amendment application is to now only provide one project sign for Stonegate Estates, PUD, which is located in Phase 1. There are no deviations in regards to size or dimensions.

(3)(d). Phases 1, 2A and 4 are already developed and existing. Phase 5 is currently under construction. The proposed development schedule is to construct Phase 2B as detached single family residential units as soon as the infrastructure, public facilities, are in place for the development. Phase 2C is contemplated to be the next area of development, which are also detached single family homes, with Phase 2D the last project area, due to existing public facilities located off site. No sequential order of development due to the phasing numbers is proposed for the development of Stonegate Estates PUD.

The phase lines are keyed and identified on the preliminary PUD site plan.

(3)(e). The buildable acreage for the SFR-10 development (Phases 1, 4 and 5) is approximately 27.61 acres. The buildable acreage for Phases 4 and 5, Multiple Family Development, consists of 8.43 acres. The buildable area for the SFR-4 zoning district is approximately 39.59 acres (Phase 2). These land areas have excluded the Greenway acreage that will be gifted to the City of Medford Parks Department.

The condominiums will be a multiple family type of development, two story 4-plexes and 8-plexes. The open space areas consist of approximately 11.55 acres for "Greenway" facilities and approximately 2.21 acres for private open space areas. The site plan for Stonegate PUD identifies the various uses and the footprint for the multi-family structures.

Section 10.235(C.) Approval Criteria for Preliminary PUD Plan:

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

- (1) The PUD complies with the applicable requirements of this Code, except those for which a deviation has been approved under Subsection 10.230(D).*

Discussion:

Based on the following conclusions and findings the Stonegate Estates PUD complies with the applicable standards of the Medford Land Development Code (MLDC). The deviations from the MLDC are listed and discussed above in Subsection 10.235(A)(3)(b). The requested deviations are Section 10.710 for Lot Areas within the SFR-10 detached Single Family Dwelling and Section 10.372 for the Southeast Plan Map zoning designations.

CONCLUSION:

Based on the conclusions and findings found in this PUD application the City of Medford concludes that Stonegate Estates PUD is in compliance with the MLDC.

FINDING:

The City of Medford finds that this application for Stonegate Estates PUD is in compliance with the applicable requirements of the MLDC and is consistent with Section 10.235(C)(1).

- (2) 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.**

Discussion:

The City of Medford has not placed a Moratorium on Construction or Land Development in the vicinity of the subject property.

- (b) Public Facilities Strategy pursuant to ORS 197.758 as amended.*

Discussion:

The subject property is not located within a Public Facilities Strategy area.

- (c) Limited Service Area adopted as part of the Medford Comprehensive Plan.*

Discussion:

The subject property is not located within an area designated as Limited Service Area.

CONCLUSION:

The subject property is not subject to a Limited Service Area, Public Facilities Strategy or a Moratorium on Construction within the City of Medford.

FINDING:

The City of Medford finds that this application is consistent with Section 10.235(C)(2) MLDC.

(3) The PUD is consistent with goals and policies of the Comprehensive Plan, if any, which by their language or context were intended to function as approval criteria for planned unit developments.

Discussion:

There are no goals or policies which have been identified as specific approval criteria for Stonegate Estates, PUD. The Medford Comprehensive Plan is implemented by the Medford Land Development Code. Demonstrated compliance with the Medford Land Development Code demonstrates compliance with the Medford Comprehensive Plan. The goals and Policies of the Medford Comprehensive Plan are guides to assist with the decision making process. The following goals and policies are discussed:

Within Goal 1 of the Housing Element the Implementation 1-A(2) states:

"Require planned developments in undeveloped areas with unique physical settings to achieve development that is flexible and responsive to the site and surroundings."

With the designated wetlands within the riparian corridors bisecting the proposed PUD site and the requirement for mitigation and enhancement demonstrates that several riparian features exist on the site. These riparian corridors have been separated out of the PUD plan for wetlands mitigation, enhancement and storm drainage. The enhancement of these riparian corridors preserves the unique physical characteristic with open spaces and potential viewing areas provided. The wetlands mitigation and enhancement plan has been prepared and approved by the Oregon Department of Fish and Wildlife, Division of State Lands and the Army Corps of Engineers along the South Fork of Larson Creek. The Stonegate PUD is consistent with this policy by providing for a flexible and responsive development plan for the site, with mixed uses.

Policy 5-C of the Housing Element states:

"to provide greater flexibility and economy of land use, the City of Medford Land Development Code shall provide opportunities for alternative housing types and patterns, planned developments, mixed uses, and other innovations that reduce development costs and increase density."

Reviewing the preliminary PUD plan it can be concluded that this PUD application does provide for mixed uses (single family and multiple family lands), for the various needs of the residents within the City of Medford. The presence and locations of the riparian corridors (Greenways) dictates the design patterns and proposed mixed residential land uses for the proposed Stonegate PUD.

Within Goal 1 of the Southeast Plan Implementation 1-A(4) states:

"Discourage development site design along collector and arterial street from creating a 'walled' effect near the sidewalk."

A review of the Preliminary Master Site Plan describes the proposed Street Frontage Landscaping along North Phoenix Road, which is designated as an Arterial Street. The proposal is to place a 20 foot wide, 4 foot high berm with landscaping on top. This proposal is consistent with Implementation 1-A(4) in that there will be no wall or fence abutting the sidewalk on north Phoenix Road. There is a 6 foot fence proposed 20 feet from the road Right of Way for backyard privacy with the detached dwelling units. This 20 foot wide berm with landscaping and underground irrigation system will be maintained by the Homeowners Association to ensure the upkeep and aesthetics.

In addition, this street frontage landscaping proposed is in compliance with the requirements found in Section 10.797(1) MLDC which states in part:

"The separation feature shall include a wall or berm for a minimum of half the required height and either a fence, wall, berm, or landscaping to complete the total height required in order to buffer the lots from the adjoining street."

Within Goal 2 Southeast Plan Implementation 2-A(2) states:

"Accentuate drainage ways and stream corridors by locating street rights of -way collinear and adjacent to them in order to open them for public view and access. Such placement should be outside the Greenway, should not disturb the riparian area, and should be in conjunction with enhancement and/or restoration..."

The Preliminary Master Site Plan identifies the street right of ways adjacent to Middle Fork Larson Creek, Creek View Drive and a portion of Arizona Drive. These street alignments are located outside the minimum 50 foot setback and should not disturb the riparian corridor. The street layout, as proposed on the PUD Master Plan, provides for public access and viewing on at least on side of the Green way at all times. This street layout provides access and viewing opportunities to several neighborhoods. These proposed street alignments are consistent with this implementation strategy to the greatest extent possible. The alignment of

the Creek View Drive and Arizona Drive is consistent with the Southeast Plan in that it is located adjacent to the riparian corridor, while protecting the wetlands and vegetation present, to the greatest extent.

Within Goal 2 Southeast Plan Implementation 2-B(1) states:

"Encourage clustered development to avoid alteration of important natural features."

The condominiums within Phases 4 & 5 is consistent with this implementation by providing a higher density of dwelling units while maintaining the natural features, the identified wetlands and Greenway corridors and maintaining the minimum densities for the project as a whole.

Implementation 2-B(4) states:

"Require tree preservation plans indicating existing trees of more than six inches in diameter, in conjunction with development applications."

Attached to this application is a plot plan of the identified trees exceeding six inches in diameter. These trees are required to be preserved as part of the proposed development. The proposed street alignments and lot locations have been designed to preserve these identified trees.

CONCLUSION:

The applicable Goals and Policies of the Medford Comprehensive Plan are found in the Housing Element and the General Land Use Plan Element, Southeast Plan. Based on the above discussion the City of Medford concludes that this application for a PUD is consistent with the applicable Goals and Policies of the Medford Comprehensive Plan.

FINDING:

The City of Medford finds that this application for a PUD is consistent with the applicable Goals and Policies of the Medford Comprehensive Plan, in compliance with Section 10.235(C)(3).

(4) Deviations from the limitations, restrictions and design standards of this Code will not materially impair the functions, safety or efficiency of the circulation system or the development as a whole.

Discussion:

The amended Stonegate Estates, PUD site plan does not propose to have private streets. The proposed streets within the PUD will be public streets and will be designed and constructed to the City of Medford standards for collector and residential public streets.

Rutherford Lane was proposed to be a residential lane that contains sidewalks on both sides of the street to enhance neighborhood pedestrian connectivity.

The function and efficiency of the street circulation will not be adversely impacted within the Stonegate PUD and the vicinity. The proposed streets have been designed to be consistent with the Southeast Plan Map and will provide for connectivity of the street system in the vicinity to provide for safe and efficient traffic circulation. The connections of Juanipero Way with Coalmine Road and the connection of Creek View Drive provides for a safer, more functional, efficient street circulation system.

CONCLUSION:

Based on the Street Circulation Map in the vicinity North Phoenix Road and Stanford Avenue will provide the primary north/south public access streets. Juanipero Way/Coalmine Road and Creek View Drive will provide the east/west public access streets in the immediate area. The extension and construction of Juanipero Way and Creek View Drive will provide connectivity to the street circulation system within the area to provide for a safer and more efficient street system.

FINDING:

The City of Medford finds that there are no proposed deviations for the streets within the PUD that will adversely impact the efficiency of the street circulation in the immediate area. The deviation from the Code for the sign does not impair the safety or efficiency of the circulation system. This application is in compliance with Section 10.235(C)(4).

(5) The proposed PUD satisfies two or more of the purpose statements in Subsection 10.230(A)(1) through (8).

Discussion:

Purpose statement number 1:

"To promote more creative and imaginative urban development

Stonegate Estates PUD is an imaginative design promoted by the need to develop an urban residential land use pattern and incorporate into the design physical constraints such as Greenway corridors with wetlands and road alignments. These physical features have dictated a more creative urban development, particularly the inclusion of a higher density development (Phases 4 & 5, Condominiums) that is bound by Arterial streets and riparian corridors. This site plan has incorporated the preservation of wetlands/ Greenways with the inclusion of streets and pedestrian/bike paths to provide public access adjacent to these features. Additionally, these paths and roadways incorporate the various neighborhoods as a cohesive project with the physical features present.

This design provides access to the riparian corridors not only for the project but also for the future development of adjacent lands in the vicinity that are not a part of this project. The result of this proposal is an imaginative urban residential design, with future development in mind, consistent with the Medford Comprehensive Plan Goals and Policies.

Purpose statement number 2:

To promote urban development that is more compatible with the natural topography."

Stonegate Estates PUD utilizes the topography on site to promote the continuance of the Greenway corridors and to set aside wetland mitigation areas. These features are incorporated into the overall design accommodating the urban residential uses in harmony with the topographical features unique to the site. The integration of Phases 4 & 5 as condominiums with the provision of a pedestrian/bike path promotes the natural aspect of the area. Many families within these phases will have direct access towards the pathway incorporating these areas with adjacent neighborhoods and providing alternative access towards commercial and shopping areas.

Purpose statement number 3:

To preserve important natural features and scenic qualities of the land."

Natural features within Stonegate Estates PUD are the Greenway corridors of Larson Creek. The wetlands and Greenways have been separated out of the PUD plan with the intent to preserve these features as an open space area and as a scenic quality of the area. The total amount of lands to be gifted towards the City is approximately 11.55 acres that are to be used for open space and park uses. The proposed development has limited the number of bridge crossings over Larson Creek to be consistent with the Southeast Plan Map and to preserve the natural features to the greatest extent possible.

A tree inventory of the site has been incorporated into the Stonegate Estates PUD site plan. The street and lot layout is in response to the features on the site.

Purpose statement number 4:

"To promote more economic urban development while not materially compromising the public health, safety or general welfare."

Not Applicable.

Purpose statement number 5:

"To promote a more efficient use of urban land"

Not Applicable.

Purpose statement number 6:

"To promote a mixture of land uses and housing types that are thoughtfully planned and integrated. "

A review of the intent of uses within the PUD demonstrates that there will be various housing types available. Phases 1 and 2 are dedicated for the development of detached single family residences. There will be approximately 7.19 acres designated for condominiums within Phases 4 and 5.

The condominium units are integrated within the project with the availability of the pedestrian/bike path that runs north and south. This pathway will be developed concurrently with the development of Phase 5. This pathway will eventually intersect with the east/west pathways proposed and developed in the future along the Middle Fork and South Fork Larson Creek, consistent with the Larson Creek Bike Path Plan designed by the Medford Parks Department. These planned pathways incorporates various neighborhoods from Creekview Drive to Coalmine Road by providing pedestrian access for visitations. The proposed use of Phases 4 & 5 as a multifamily development with the proposed pedestrian/bike paths, promotes differing housing types that are integrated into other neighborhoods for the project.

The proposed amended Preliminary PUD site plan demonstrates that the various land uses and various housing types have been incorporated with the wetlands, Greenways and pedestrian/bike paths that were thoughtfully planned and integrated into the project as a whole.

Purpose statement number 7:

"To permit in-fill development on parcels that are otherwise difficult or impossible to develop

Not applicable.

Purpose statement number 8:

To promote the development, utility and appropriate maintenance of open spaces and other elements intended for common use and ownership."

The development of Stonegate Estates PUD does promote the appropriate use of open space, consistent with the Southeast Medford Master Plan. A combination of public gifting of open space (Greenways) to the City of Medford, Parks Department and private common open space will be included within the confines of Stonegate PUD. The private common spaces provides for areas of storm water retention with open areas for viewing and recreational opportunities.

The private open space areas within the identified phases will be improved concurrently with each phase. This proposal ensures that the developments of the common use areas are provided for the residents of Stonegate Estates and for future developments.

The identified Greenways are a unique feature of the City that has been preserved and will be enhanced to the requirements of Oregon Department of Fish & Wildlife, Department of State Lands and to the City of Medford. The site plan for Stonegate Estates provides for collinear streets for access and additional private areas for viewing and recreational purposes.

CONCLUSION:

The City of Medford concludes that at a minimum there are two statements found in Section 10.230(A) that are applicable to this application for a Planned Unit Development. The wetlands and Greenways will be enhanced and preserved as an open space area and used as a scenic quality of the area. The proposed PUD plan does provide for a mixed use of housing types to be available for the future population of Medford. The proposed PUD demonstrates that the various residential uses are thoughtfully planned and integrated due to the physical constraints of the site.

FINDING:

The City of Medford finds that this application for a PUD is in compliance with at least two of the purpose statements found in Sections 10.230(A) MLDC.

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

Discussion:

The presence of the existing wetlands and the identified Greenway areas described on the Southeast Plan map dictates the location and character of these features. The size and shape of the wetlands area are dictated by the mitigation and enhancement according to Oregon Department of Fish and Wildlife, Division of State Lands and Army Corps of Engineers. The wetlands area and the identified Greenways are designed to be a natural feature and an Open Space area for the Southeast Overlay District and the City of Medford. These issues will be reviewed within the Conditional Use Permit application for development within riparian corridors, roads, bridges, etc.

The common areas within Stonegate Estates PUD Phases 4 & 5 are the driveways, parking areas and landscaped areas for the multiple family projects, condominiums. The location, size and character of these areas have been designed to provide the most efficient use of these areas.

The common areas identified within Phases 1-2 will be the landscaped open space features. These areas may be incorporated as viewing locations with benches that are adjacent to the Greenways and additional recreational opportunities. Additionally, the berms with landscaping are common areas that are appropriate with the design. These common areas are located appropriately for their intended use.

The identified common areas will be maintained by the Homeowners Association, CC&R's for the Stonegate PUD. The identified common areas within the Stonegate PUD are designed and planned to be appropriate for their intended use and function.

CONCLUSION:

Based on the discussion above, the various common areas are located and their characteristics are appropriate for their intended use and function for the Southeast Overlay District and the City of Medford. The size and shape of the wetlands areas and Greenways will be dictated by the mitigation and enhancement plan approved by ODFW, DSL and Corps of Army Engineers, through the Conditional Use Permit process. The location, size and shape of the private common areas are designed to provide the most efficient use for the PUD as whole. The Homeowners Association, CC&R's will ensure that the shape and character of these areas are preserved.

FINDING:

The City of Medford finds that the identified common areas within the Stonegate Estates PUD are designed to be appropriate for their intended use and function.

(7) If the Preliminary PUD plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D)(9)(b), the applicant shall demonstrate that.. (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:

Discussion:

Stonegate Estates PUD is not proposing any uses that are not allowed within the underlying zone. Relocation of zoning boundaries within the PUD application is allowed within Section 10.230(D)(10) MLDC. Section 10.235(C)(7) is not applicable.

FINDING:

The City of Medford finds that Section 10.235(C)(7) is not applicable to this PUD application.

(9) If approval of the PUD application includes the division of land or the PUD application includes the 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.

Stonegate Estates PUD has already been approved for the change of zoning for the entire site (SFR-4 and SFR-10) with the original review by the Medford Planning Commission. This PUD amendment application is proposing a division of lands for the remaining vacant land within sub-phases 2B, 2C and 2D, with the preliminary review and approval of the amended Stonegate Estates PUD, master plan.

The approvable criteria in Article II is found in Section 10.270 MLDC, Land Division Criteria that is applicable for this amendment application.

COMPLIANCE WITH SECTION 10.270 LAND DIVISION

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:

Section 10.270(1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, and all applicable design standards set forth in Article IV and V.

Discussion:

The subject property is designated on the Medford Comprehensive Plan, General Land Use Plan map and the Southeast Plan Map as Urban Residential (UR). The zoning for Phases 1, 4 and 5 of Stonegate Estates PUD is SFR-10. The zoning district within Phase 2 is SFR-4, which is in compliance with the UR designation on the Medford Comprehensive Plan and the Southeast Overlay District.

The alignment of streets Creek View Drive, Coalmine Road and Stanford Avenue are consistent with the Street Circulation Map, and the Southeast Plan Map which are adopted as a part of the Medford Comprehensive Plan.

Stonegate Estates PUD has been designed to meet the needs of the future residents for the City of Medford. This proposed land division meets the standards required in Articles IV and V, MLDC for public improvement standards and site development standards.

CONCLUSION:

The City of Medford concludes that this proposed land division is in compliance with standards for the SFR-4 and SFR-10 zoning districts and road alignments as implemented within the Comprehensive Plan.

The City can also conclude that the design of the site meets the standards for a land division as prescribed within Articles IV and V MLDC.

FINDING:

The City of Medford finds that this proposed land division is in compliance with the Comprehensive Plan and the standards found in Articles IV and V MLDC.

Section 10.270(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.

Discussion:

The design of Stonegate Estates PUD will not prevent the development of the remainder of the property under the same ownership. This PUD amendment application is for the remaining vacant land within the project site, that is currently within the Medford City Limit boundaries.

The proposed street layout provides for stubbed streets onto other abutting lands for access. The review and approval of Eastgate Estates PUD abutting to the north and east with Rockland Place PUD abutting to the north have extended these stubbed streets within their projects. Stonegate Estates PUD does not prevent access or development on adjacent lands.

Creek View Drive, Stanford Avenue and Coalmine Road/Juanipero Way provides access to the subject site. The development of these streets will in fact provide access to other properties in the vicinity for improved street circulation. This proposed Planned Unit Development will not prevent any future development or access to properties surrounding the subject site.

CONCLUSION:

The City of Medford concludes that the design and development of Stonegate Estates PUD, Phase 2 consists of the applicants ownership and will not prevent any development of property under the same ownership. The City of Medford can also conclude that the development of the subject property will not prevent access or appropriate development to adjoining properties. Access to adjoining properties will actually be improved with the development of the site and the construction of public streets, Coalmine Road, Stanford Avenue and Creek View Drive.

FINDING:

The City of Medford finds that the development of the site consists of the total vacant acreage and will not prevent development on the subject property or adjoining properties. The construction of public streets will improve access and development potential to adjoining properties, in compliance with Section 10. 270(2).

Section 10.270(3) Bears a name that has been approved by the approving authority...

Discussion:

The name of the PUD "Stonegate Estates Planned Unit Development" bears a name approved by Jackson County Surveyor's Office that meets the requirements.

CONCLUSION:

The City of Medford concludes that the name, Stonegate Estates Planned Unit Development, bears a name approved by the Jackson County Surveyor.

FINDING:

The City of Medford finds that the name for the site "Stonegate Planned Unit Development" meets the requirements of Section 10.270(3).

Section 10.270(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...

Discussion:

As identified on the amended PUD Plan for Stonegate Estates PUD the proposed street system conforms with the lands within the City of Medford. The City has adopted a street circulation plan for the Southeast Overlay District as designed by the Medford Engineering Department. This site plan and street layout conforms to the adopted street circulation plan map and the Southeast Medford Plan.

The street alignment and location of the residential lots are dictated by the street alignments as outlined by the adopted street circulation plan and the existing Greenways on the subject site. The lands within Stonegate Estates PUD are gently sloping and with areas that are virtually flat; therefore, no shading due to slopes is contemplated.

This site plan also conforms to the connection of Creek View Drive and Juanipero Way to the west. These connections and development of Creek View Drive and Coalmine Road/Juanipero Way will improve street circulation in the vicinity.

CONCLUSION:

The City of Medford concludes the proposed street locations conforms to the adopted Southeast street circulation plan. The design and connection of Creek View Drive and Coalmine Road is also consistent with land divisions already approved adjacent to the subject site.

FINDING:

The City of Medford finds that the design and location Coalmine Road and Creek View Drive conforms to the Southeast Medford Plan and the street circulation plan as designed by the Medford Engineering Department.

Section 10.270(5) If it has streets or alleys that are proposed to be held for private use...

Discussion:

Not Applicable. There are no private streets proposed within Stonegate Estates PUD.

Section 10.270(6) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU zoning district.

Discussion:

Based on the Official Medford Zoning Map the PUD boundaries are not abutting any lands, with a common lot line, that are zoned EFU. The lands across Coalmine Road are zoned EFU; however, they located outside of the Medford UGB and City Limit boundaries. In addition, the Coalmine Road right of way separates these EFU lands from the project boundaries to not have a common boundary. Therefore, this standard is not applicable to this application.

CONCLUSION:

The City of Medford concludes that with the presence of Coalmine Road right of way, there are no common boundary lines with Stonegate Estates, PUD that are abutting any EFU zoned lands.

FINDING:

The City of Medford finds that the subject property does not adjoin any lands with a common boundary that are zoned EFU or EA. Sections 10.270(6) and 10.801 are not applicable to this application.

SUMMARY

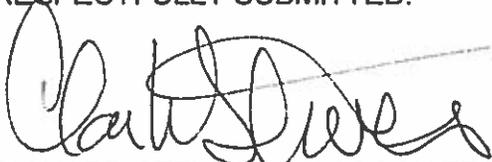
Based upon the above conclusions and findings regarding Section 10.270 and the tentative subdivision plat submitted for review, the City of Medford finds that Stonegate Estates PUD meets the minimum requirements and standards for a land division as part of this PUD amendment application.

**PLANNED UNIT DEVELOPMENT SUMMARY
AND CONCLUSIONS:**

The City of Medford concludes that this amendment application for Stonegate Estates Planned Unit Development has addressed the applicable criteria for a planned unit development in the Southeast Medford Overlay District as outlined in Sections 10.230-10.235 and 10.370- 10.377 MLDC. The City of Medford also concludes that this PUD amendment application meets the minimum, or exceeds the standards and requirements for a Planned Unit Development application. The City of Medford can also conclude that this application is in compliance with the Medford Land Development Code, Medford Comprehensive Plan, Southeast Overlay District and state law.

The applicants respectfully requests approval of this application for an amendment for Stonegate Estates, Planned Unit Development.

RESPECTFULLY SUBMITTED:



RICHARD STEVENS & ASSOCIATES, INC.

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

RECEIVED
APR 19 2016
PLANNING DEPT.

IN THE MATTER OF AN APPLICATION FOR)	
AN AMENDMENT/REVISION FOR STONE-)	
GATE PLANNED UNIT DEVELOPMENT ON)	
PROPERTY LOCATED EAST OF NORTH)	SUPPLEMENTAL
PHOENIX ROAD AND NORTH OF COAL-)	INFORMATION
MINE ROAD; PROPERTY IS DESCRIBED)	FINDINGS FOR
AS ASSESSOR'S MAP NO., T37S-R1W-)	PUD-00-116 AMENDMENT
S.34, TAX LOTS 1201, 1205, 3500 AND 2600)	
MAHAR BROTHERS HOLDINGS, OWNER/)	
APPLICANTS; RICHARD STEVENS &)	
ASSOCIATES, INC. AGENTS)	

Upon examination of the tentative plat submitted with this PUD amendment/revision it was discovered that Lot #166 does not meet the minimum depth standards for the SFR-4 zoning district. Therefore, the applicants are requesting a deviation/modification to the code for not meeting the minimum lot depth standard of 90-feet.

Section 10.235(A)(3), Narrative:

Subsection 10.235(A)(3)(b) relates to modifications/deviations from the Code that are proposed. It has been determined that Lot 166 contains 88-feet along the eastern boundary and 78-feet along the western boundary for lot depth. When calculating the meandering line of South Fork Larson Creek this lot does not meet lot depth standards, as prescribed in Section 10.710, MLDC. The proposed deviation/modification as provided in Section 10.230(D)(1) relates to lot size.

Section 10.230(D)(1) Lots and Parcels states:

"Limitations, restrictions and design standards pertaining to the size, dimension, location, position and coverage of lots, and restriction related to through lots."

The physical constraints on the site, Larson Creek with the associated riparian corridor, inhibit the optimum design and layout of lots. The angles of roadways with the presence of both the South Fork and Middle Fork of Larson Creek creates odd areas to configure conforming SFR-4 lots. This proposal was carefully and thoughtfully planned to provide for residential uses while minimizing the impacts on the riparian corridors.

SUMMARY

Based upon the above narrative provisions for deviations/modifications as allowed within Section 10.235(A), MLDC, the applicants request that the City of Medford approve this deviation within this Preliminary PUD amendment for Lot #166 lot depth standards. City of Medford finds that Stonegate Estates PUD meets the other requirements and standards for the SFR-4 zoning district as part of this PUD amendment application.

The applicants respectfully requests approval of this modification request and the application for an amendment for Stonegate Estates, Planned Unit Development.

RESPECTFULLY SUBMITTED:

A handwritten signature in black ink that reads "Clark Stevens". The signature is written in a cursive style with a large, sweeping "C" and "S".

RICHARD STEVENS & ASSOCIATES, INC.

FEBRUARY 19, 2016

BEFORE THE PLANNING COMMISSION FOR PLANNING DEPARTMENT
THE CITY OF MEDFORD, OREGON

NOW COMES BEFORE THE PLANNING)
COMMISSION A REQUEST FOR AN)
AMENDMENT TO A CONDITIONAL USE)
PERMIT FOR IMPROVEMENTS, TO THE)
STORM DRAINAGE FACILITIES, NEW)
PEDESTRIAN PATHS AND BRIDGES FOR)
THE LARSON CREEK GREENWAY WITHIN)
STONEGATE ESTATES PUD; MAHAR)
BROTHERS HOLDINGS, LLC, APPLICANT;)
RICHARD STEVENS & ASSOCIATES, INC.)
AGENTS)

CUP-04-109
AMENDMENT
FINDINGS OF FACT

RECITALS

Applicants: Louis Mahar II
Mahar Brothers Holdings, LLC
4102 Southview Terrace
Medford, OR 97504

Agents: Richard Stevens & Associates, Inc.
P.O. Box 4368
Medford, OR 97501
(541) 773-2646

Hoffbuhr & Associates, Inc.
3155 Alameda Street, Suite 201
Medford, OR 97504
(541) 779-4641

Review Agencies: Oregon Department of Fish and Wildlife
Division of State Lands
Army Corps of Engineers
Bureau of Reclamation
Oregon Watershed Enhancement Board

Legal Description: 37-1W-34, tax lots 1201, 1205, 2600 & 3500

CITY OF MEDFORD
EXHIBIT # Q
File #PUD-00-116 Revision
CUP-04-109 Revision
LDS-16-045



7

PROPOSAL:

With the original approval of File No. PUD-00-116, Stonegate Estates PUD, the City included a condition to the approval for the submission of a Conditional Use Permit (CUP) for the improvements located within the Riparian Corridor, prior to the final PUD plan. This amendment is needed due to the inclusion area identified within the Stonegate Estates PUD revision. The applicants are submitting this CUP amendment to include the riparian area that was transferred to the applicants and Stonegate Estates by an approved property line adjustment.

The purpose of this conditional use permit request is to include the extension of a new pedestrian/bike path with an additional new bridge for motor vehicles. The previous approved CUP identified two pedestrian bridges over Larson Creek with pedestrian/bike paths and the construction of two new bridges for motor vehicles over Larson Creek, along with the widening of the existing bridge on North Phoenix Road. Also included are several storm water facilities that are located within the Larson Creek Greenways. These impacted areas are described as Riparian Corridors/Greenways on the South East Plan Map and are identified on the site plans attached. The timing of these improvements are described with respective phase for the land division/subdivision.

The realignment of the irrigation canal (Siphon) has been determined to be a permitted use by Planning Staff. This use was acknowledged being permitted by Subsection 10.924(B)(5), consistent with Section 10.032 by reducing impacts to the stream channel.

The policy of the City is to provide for connectivity of the street system for better traffic circulation and incorporating neighborhoods. The proposed new roadway bridges are the minimum necessary to provide connectivity of the street system while reducing the impacts on the riparian corridors to the greatest extent possible. The street system and creek crossings are consistent with the SE Medford Circulation Plan.

The proposed pedestrian/bike paths with the associated bridges provides for alternative modes of transportation with a more convenient and scenic location along Larson Creek. These paths also provide for incorporation of the neighborhoods within Stonegate Estates and the adjacent lands. These pathways are also consistent with the transportation plan for SE Medford.

AUTHORITY:

Section 10.374 Medford Land Development Code (MLDC) describes the design and development standards for greenways within the SE Medford Plan.

Subsection 10.374(A) MLDC describes the location for the greenway designation within the SE Medford Plan. The previous review of PUD-00-116 by the city has found that the identified riparian corridor is consistent with the code requirements by being described at a minimum of 50 feet from the top of the bank with the South Fork and Middle Fork of Larson Creek.



Subsection 10.374(B) MLDC describes the uses allowed within the Greenway designation, subject to other provisions of the code. The proposed uses identified within the CUP application and the approved PUD application are allowed as provided for within this subsection.

Subsection 10.374(C) MLDC describes the improvements allowed within the identified greenways. This application with the attached site plans defines the impact areas for the improvements and the mitigation and restoration measures proposed for the project. This subsection also identifies the timing for improvements, which is delineated on the attached phasing improvement plan.

Section 10.920 through 10.928 Medford Land Development Code provides for the Riparian Corridor standards for the City of Medford. The purpose of these standards are to:

- 1) *Implement the goals and policies of the "Environmental Element" and the "Greenway" GLUP designation of the Medford Comprehensive Plan and achieve their purposes.*
- 2) *Protect and restore Medford's waterways and associated riparian areas, thereby protecting and restoring the hydrologic, ecologic, and land conservation functions these areas provide for the community.*
- 3) *Protect fish and wildlife habitat, enhance water quality, control erosion and sedimentation, and reduce the effects of flooding.*
- 4) *Protect and restore the natural beauty and distinctive character of Medford's waterways as community assets.*
- 5) *Provide a means for coordinating the implementation of the Bear Creek Greenway and other greenways or creek restoration projects within the City of Medford.*
- 6) *Enhance the value of properties near waterways by utilizing the riparian corridor as a visual amenity.*
- 7) *Enhance coordination among local, state, and federal agencies regarding development activities near waterways.*

The following information, along with the attached maps and site plans, have incorporated these measures and demonstrates that the completed project will meet the intent of these purpose statements consistent with the Medford Comprehensive Plan for the greenways present on the subject site.



The proposed uses within the riparian corridor (multi use paths and crossings, streets and bridges, public facilities and utilities) are listed as conditional uses within the Medford Land Development Code. This application and attached site plans also identify the mitigation measures proposed for the impact on improvements of these facilities on the lands and vegetation within the riparian corridor.

Section 10.925 lists the conditional uses allowed within these identified corridors. Specifically, Subsections 10.925(2) Utilities or other public improvements; (3) streets, roads, or bridges where necessary for access or crossing; and (4) Multi-use paths, access ways, trails, picnic areas, or interpretive and education displays and overlooks, including benches and outdoor furniture; are applicable to this application. With these proposed uses identified as conditional uses, Section 10.248 MLDC is the appropriate criterion for review.

CRITERIA:

Conditional Use Permits are governed by the Medford Land Development Code (MLDC). The criteria for conditional use permits are found in Section 10.248(1) & (2), MLDC. The criteria are:

10.248 Conditional Use Permit Criteria

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

- 1) *The development proposal will cause no significant adverse impact on 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 the balance between the conflicting interests.*

Discussion:

The construction and/or expansion of transportation facilities are a policy of the city to be a needed public facility. Additionally, the water, sanitary sewer, and storm drainage facilities with the utilities and other required public improvements are needed facilities for development. The Medford Comprehensive Plan classifies transportation facilities, water, sanitary sewer and storm drainage as Category "A" public facilities. The construction of pedestrian/bike paths are a Category "B" park and recreation public facility, as described within the Medford Comprehensive Plan. The utilities and other public improvements (telephone, power, cable, etc.) are needed utilities in the public interests.



With the public facilities being proposed within the Larson Creek "Greenway", this application will be addressing Subsection 10.248(2) for being in the public interest. In the matter of improving Category "A" public facilities and utilities with additional recreational opportunities, these improvements are in the public interest for the residents of the area and city. The comprehensive planning of the SE Medford Overlay was to incorporate neighborhoods, while enhancing and providing for scenic corridors associated with the natural features of the land, such as Larson Creek. This was accomplished with the "Greenways" designation and the future planned recreational opportunities available to the communities. This concept has been discussed and planned thoroughly by the City and has been adopted within the Medford Comprehensive Plan.

In reviewing this CUP application, Section 10.248 allows the approving authority the discretion to impose conditions to mitigate any identified conflicts, if any, within the identified Greenways. The applicable reference is found in Subsection 10.248(11) which states:

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

The applicants have completed a tree inventory on the subject site at the impacted areas, where removal of vegetation, trees and shrubs, will occur during construction. In the areas where no trees or shrubs are identified the only vegetation present that will be impacted are native grasses and weeds. The proposed street alignments and pathway alignments within Stonegate Estates have been slightly modified to preserve the greatest number of trees. The proposed roadway bridges and the pedestrian/bike path with bridges have been located as to not adversely impact the existing trees and vegetation to the greatest extent possible.

The impacts of development for these public facilities, within the riparian corridors, are required to be mitigated pursuant to OAR 635 division 415 "Fish and Wildlife Habitat Mitigation Policy". Upon numerous conferences with ODFW they came to a determination that the cumulative impacts for the pedestrian pathway outside of the restoration area were to be calculated for every 64 square feet of impact, one tree or shrub will be required to be planted.

The proposed mitigation for plantings are reflected in the landscape plan prepared by Tom Madara with Madara Design. An additional mitigation measure was also provided; being that there was additional land to be provided as part of the Greenway (outside of the riparian corridor boundary) that the trade for additional lands to not be developed will provide for suitable mitigation for the pathway impacts. (See attached pathway area map.)



The engineering required for these facilities will describe location, depths, materials, etc. that will be proposed. This information will be presented to the Medford Planning and Engineering Departments for consistency with the appropriate master plans. Once the engineering is approved by the city, those plans, along with a Fish and Wildlife Habitat Mitigation plan, will be forwarded to ODFW, DSL, and Army Corps of Engineers for review, applicable permits, comments and recommendations.

Conclusion:

For the purposes of applying criteria to the subject application, the City of Medford concludes that Section 10.248(2), MLDC applies. The Medford Planning Commission concludes that impacts may occur with the development of public facilities and utilities within the riparian corridor, however, by applying the proposed mitigation measures with the planting of additional native vegetation to reduce or mitigate any identified adverse impacts. The public interest for road connectivity with the need for Category "A" public facilities and other utilities with the proposed pedestrian/bike paths will be served for the future residents in the vicinity.

FINDING:

The city of Medford finds that the development of Category "A" facilities and utilities with the proposed pathways are in the public interest. The identified impacts, if any, will be mitigated in accordance with the Fish and Wildlife Habitat Mitigation Policy found in OAR 635-415.

Section 10.249, MLDC, Mitigation of Impacts, requires the following:

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

Discussion:

Section 10.249(1):

Based on discussions with the ODFW, any improvement within the riparian corridor is an impact to the habitat. Mitigation measures discussed and proposed are for improvements within the riparian corridor.

The "Greenways" are described as assets of interest to the community for open space, with fish and wildlife habitats. The pedestrian/bike path with pedestrian bridges allows for the community to view, exercise, and provides alternative routes and modes of



transportation. The location and development of this pathway will assure that open space and natural assets are preserved to the greatest extent possible. The location of these improvements considered the existing vegetation present and to locate the facilities with the least impact of the native vegetation. The location of the roads and pathways are consistent with the SE Medford Circulation Plan.

All of the impacted trees and shrubs are identified on the Tree Inventory site plan for the various improvements within the project area. Areas where no trees or shrubs are identified consist predominately of grasses and weeds. The greatest impact on the vegetation (willows, oaks and cottonwoods) is the public road crossing on the South Fork Larson creek for Stanford Avenue adjacent to Coalmine Road. This was dictated by the Medford Engineering Department for being a collector street and the location was dictated by the SE Medford Plan. Detail "C" of the Tree Inventory identifies the trees impacted by the bridge and the construction during development of Stanford Avenue.

All bridge crossing are designed to reduce the impacts within the banks and channel of the creeks. The bridge supports are located at the top of the banks and once constructed the bridge will be placed onto these supports by a crane with minimal disruption. Upon completion, the areas outside of the right of way will be planted primarily with under story vegetation having sporadic over story trees so that the tree canopy does not occupy more than 10% of the bridge areas for public safety and to ensure plant health.

As part of the original mitigation that has been completed, from the identified impacts, the restoration and construction of South Fork Larson Creek, along with a portion of the Middle Fork, where a previous MID diversion for irrigation water has impacted the stream channel. The irrigation canal area currently has no native riparian vegetation and is virtually barren due to soil disturbance and past herbicide applications. This restoration project was designed by Steve Mason with Water Shed Systems Consulting and Phil Scoles with Terra Science, Inc., in cooperation and review with Bureau of Reclamation, Oregon Watershed Enhancement Board, ODFW and DSL.

Wetland mitigation and establishment of native vegetation was completed within this area. A portion of the irrigation canal, between the two diversions located south of the middle fork approximately 250 feet in length, was graded in conformance with the approved wetland mitigation plan and vegetated with native grasses. These mitigation measures have been reviewed and approved by DSL and Army Corps of Engineers, with additional review by the Bureau of Reclamation and Oregon Watershed Enhancement Board. The plan was then submitted to ODFW for further review of the vegetation and fish habitat in compliance with the Code and state requirements.

The proposal was to reconfigure the canal and a portion of the creek channel to create a fish friendly channel suitable for spawning grounds, which will include vegetation for shading of the creek, and soil protection which enhances fish protection. The end result of the restoration portion of the creek was to create an area that will be suitable for fish habitat and small wildlife.



Section 10.249(2):

Category "A" and "B" public facilities and utilities identified above are needed facilities by applying criterion 2 of Section 10.248. The provision of public facilities is a priority in the consideration of conditional use permits within the city. The public facilities will be used by the project and can be used for adjacent developments upon completion of these facilities. The City of Medford has determined that adverse impacts may occur when public facilities are provided within the identified Greenways for the SE Medford Plan.

The improvement of public facilities within the greenways will have some impact within the riparian corridor. The attached tree inventory identifies the under story and over story vegetation that will be impacted with the development of these public facilities. The disturbance of soil for the pathways are designed and located to have a minimal impact on the riparian vegetation. The storm sewer drainage system will also have some impact within the riparian corridor, where typically grasses with shrubs are present. The vegetation impacted for the pathways are primarily native grasses and weeds. No other vegetation (over story trees) are impacted or identified.

The treatment upon completion of construction for the pathways will be to plant a mixture of native grasses by hydro seeding, see Parks Department recommendation for proposed grass seed mixture and the required number of trees/shrubs to be planted. The location and species of the vegetation as approved by ODFW will be provided to the Parks Department upon completion of the improvements.

Again, the mitigation for the impacted areas and vegetation is the enhancement of the irrigation canal to meet state and federal guidelines, with the enhancement of a portion of the creek channel. Additional mitigation approved by ODFW is the additional area provided for the Greenway within the riparian corridor locations. The enhancement of this area will have a greater benefit of the public interest than the impacts identified within this project. Additionally, wetlands mitigation was also included within this project area.

Section 10.249(3):

The development proposed by this particular conditional use permit is consistent with the overall community needs. The applicants have determined that a public need exists to provide these facilities as requested by this permit. The public need includes 1) storm water discharge into Larson Creek, which is part of the Stormwater Master Plan; 2) street connectivity, which is a policy of the city and consistent with the SE Medford circulation plan; 3) pedestrian/bike path, which is also part of the SE Medford circulation plan.



The overall community need is served by this particular permit to develop and enhance this portion of the "Greenway" system. The location of these facilities have been carefully thought out and planned to provide the least impact onto the riparian corridors and vegetation to the greatest extent possible.

Conclusion:

Based on the above discussion, the Planning Commission concludes that the requested conditional use permit meets at least one, if not all, of the requirements found in Section 10.249, MLDC. The mitigation measures for the project are the redevelopment and enhancement for the identified portion of South Fork Larson Creek with the additional planting of vegetation from the pathway impacts. This mitigation effort is of greater benefit to the community and city in comparison to the impacts of the riparian corridor with the construction of public facilities. Based on the application for public facilities and utilities within the riparian corridors of Larson Creek, Section 10.248(2) is the appropriate criterion for review.

FINDING:

The City of Medford finds that the proposed roadway alignments, location of the pedestrian/bike path with bridges and utilities needed for development are in the public interest. Locations of these facilities are the minimum necessary within the Greenways for the development of the project and the SE Medford Plan.

Minimal impacts have been identified by the applicants with the proposed alignments. The mitigation and restoration of a portion of South Fork Larson Creek has been completed, resulting in a far greater improvement to the community and city as a whole.

SUMMARY:

Based on the above and attached site plans, the Planning Commission, City of Medford, Oregon concludes that this application for an amendment to an approved Conditional Use Permit meets the requirements of the Medford Land Development Code and is consistent with Division of State Lands and Army Corps of Engineers standards. The application is for needed public facilities and is allowed by Section 10.248(2), MLDC, to have some adverse impacts in the immediate area. The Planning Commission further concludes that, where necessary, appropriate conditions and mitigation measures have been applied to the application to mitigate the impacts.

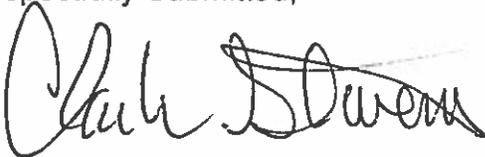
The Planning Commission can also conclude that the proposals for mitigation are consistent with the purposes for establishing the riparian corridors by being: 1) consistent with the goals and policies for the Greenway and Environmental Element of the Comprehensive Plan; 2) the proposals are designed to restore and protect Larson Creek and the associated riparian corridor; 3) enhances the water quality to protect the fish and wildlife habitat;



4) restores the natural beauty of Larson Creek; and 5) with completed project improvements the property values may be enhanced in the area as an amenity to the neighborhood and city.

With this information provided along with the exhibits attached, the applicants respectfully request approval of this amendment to an approved Conditional Use Permit, CUP-04-109 to complete the required engineering and submit a riparian landscape plan for review by Oregon Department of Fish and Wildlife, as required by OAR 635-415.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Richard Stevens". The signature is fluid and cursive, with a large initial "R" and "S".

Richard Stevens & Associates, Inc.





Continuous Improvement Customer Service

CITY OF MEDFORD

RECEIVED
APR 06 2016
PLANNING DEPT.

LD Date: 4/6/2016
File Number: PUD-00-116 (revision)

PUBLIC WORKS DEPARTMENT STAFF REPORT Revision of Stonegate Estates PUD

Project: Revision to Stonegate Estates Planned Unit Development to amend the exterior boundary of the PUD and for tentative plat review of Phases 2B, 2C, and 2D.

Location: The project is located on the east side of North Phoenix Road, north of Coal Mine Road.

Applicant: Mahar Brothers Holdings, LLC., Applicant (Richard Stevens & Associates, Inc., Agent). Sarah Sousa, Planner

Applicability:

The Medford Public Works Department's conditions of Preliminary Plan Approval for Stonegate Estates PUD were adopted by Order of the Medford Planning Commission on January 10, 2002 (PUD-00-116). A portion of the PUD (Phase 3) was terminated by the Planning Commission in 2010. The approval for Stonegate Estate CUP was adopted by Order of the Medford Planning Commission on November 11, 2004 (CUP-04-109). Medford Planning Commission granted approval of a request for tentative plat approval of Stonegate Estates Phases 2 (2A, 2B and 2C) on March 13, 2014 (LDS-13-137). **The adopted conditions by each of these actions shall remain in full force as originally adopted except as amended below.**

Public Works has no additional comments on the proposed revision.

Prepared by: Doug Burroughs



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CITY OF MEDFORD

Revised Date: 4/26/2016
File Numbers: LDS-16-045

PUBLIC WORKS DEPARTMENT STAFF REPORT
Stonegate Estates (Phase 2B, 2C & 2D)

Project: Request for tentative plat approval for Stonegate Estates, Phase 2B, 2C & 2D, consisting of 63 residential lots on a 19.82 acre parcel.

Location: Located on the north side of Coal Mine Road, and East of North Phoenix Road, within the SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) zoning district.

Applicant: Mahar Brothers Construction, Applicant (Richard Stevens & Assoc., Inc., Agent). Sarah Sousa, Planner.

Applicability:

The Medford Public Works Department's conditions of Preliminary Plan Approval for Stonegate Estates PUD were adopted by Order of the Medford Planning Commission on January 10, 2002 (PUD-00-116). A portion of the PUD (Phase 3) was terminated by the Planning Commission in 2010. The approval for Stonegate Estate CUP was adopted by Order of the Medford Planning Commission on November 11, 2004 (CUP-04-109). The adopted conditions by each of these actions shall remain in full force as originally adopted except as amended below.

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

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

A. STREETS

1. Dedications

Stanford Avenue is classified as a Major Collector Street within the Medford Land Development Code (MLDC), Section 10.428(3). The developer shall dedicate for public right-of-way, sufficient width of land along the frontage of this proposed subdivision to comply with the half width of right-of-way plus 12 feet east of centerline for a total of 49-feet. This is the same width and alignment for Stanford Avenue in Eastgate Estates, Phase 3 immediately north of this Development. In addition, this Development shall extend this same dedication to the north all the way to the southerly boundary of Eastgate Estates, Phase 3. This connection shall be provided in Phase 2B. This Development shall also extend this same dedication to the south all the way Cole Mine Road. This connection shall be provided in Phase 2C.

Coal Mine Road is classified as a Major Collector Street within the MLDC, Section 10.428(3). The developer shall dedicate for public right-of-way, sufficient width of land along the frontage of this proposed subdivision to comply with the half width of right-of-way, which is 37-feet. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

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

Utah Drive (previously Brentwood Drive), Wyoming Lane (previously Caitlin Lane), Nebraska Drive (previously Colton Drive), Montana Way (previously Damian Way), Vermont Drive (previously Forest Grove Drive), Kansas Drive (previously Laurelhurst Drive) and Arizona Drive (previously Silvercreek Drive) are all proposed as Minor Residential Streets and shall be dedicated with a right-of-way width of 55-feet, consistent with the standard prescribed by MLDC 10.430(2).

Connecticut Court shown off of Arizona Drive shall be dedicated as a cul-de-sac per MLDC 10.450 and have a minimum 45 foot radius, as shown on the tentative plat.

A **15-foot corner radius** shall be provided at the right-of-way lines of all intersecting streets (MLDC 10.445).

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

Streets, as shown on the Tentative Plat, in which any portion terminates to a boundary line of the subdivision shall be dedicated to within one foot of the boundary line, and the remaining one foot shall be granted in fee, as a non-access reserve strip to the City of Medford. Upon approved dedication of the extension of said streets, the one-foot reserve strip shall automatically be

dedicated to the public use as part of said street without any further action by the City of Medford (MLDC 10.439).

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

Stanford Avenue shall be improved to Major Collector Street standards in accordance with MLDC 10.428. The developer shall improve the west half plus 8-feet east of centerline, complete with curbs and gutters, and 5-foot wide sidewalks. Stanford Avenue improvements shall be extended across Larson Creek along the northerly boundary of Phase 2B and connected with Stanford Avenue at the south boundary of Eastgate Estates, Phase 3 and complete the South Fork of Larson Creek crossing of Stanford Avenue with Phase 2C. The park-strip can be eliminated on the bridge crossings over Larson Creek.

Coal Mine Drive shall be improved to Major Collector Street standards with the final plat of Phase 2D, in accordance with MLDC 10.428. The developer shall improve the north half plus 12-feet south of centerline.

Utah Drive, Wyoming Lane, Nebraska Drive, Montana Way, Vermont Drive, Kansas Drive and Arizona Drive shall all be improved to Minor Residential Street standards in accordance with MLDC 10.430(2).

Connecticut Court shall be constructed as a cul-de-sac in accordance with MLDC 10.450.

b. Bike and Pedestrian Paths within the Riparian Corridor(s)

In accordance with Planning Commission Final Order concerning CUP-04-109, 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.

The bridge facilities associated with the bike and pedestrian paths within the riparian corridor(s) shall be constructed at least 12-feet wide and shall accommodate H-20 vehicle capacity.

c. Street Lights and Signing

The developer shall provide and install in compliance with Section 10.495 of the MMC. Based

on the preliminary plan submitted, the following number of street lights will be required:

Street Lighting – Developer Provided & Installed

- A. 7 – 100W street lights
- B. 6 – 250W street lights
- C. 2 – 310 W street lights
- D. Pedestrian lighting in accordance with MLDC 10.380
- E. BMCs to accommodate all lighting

Numbers are subject to change if changes are made to the plans. All streetlights shall be installed per City standards and be shown on the public improvement plans. Public Works will provide preliminary street light locations upon request.

Pedestrian street lights, including base mounted cabinets, shall be designed and constructed in accordance with the MLDC, Section 10.380. The pedestrian lights shall be designed by an engineer per City of Medford Standards and shall be submitted to the Engineering Division as part of the public improvement drawings described under Section E.1 and E.2 of this report.

A striping and lighting plan shall be prepared for Stanford Avenue and Coal Mine Road by the Developer's engineer, and shall be included with the public improvement plan set.

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.

d. Pavement Moratoriums

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

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

submitted to the City Engineer with the submittal of the preliminary construction drawings.

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.

f. Access and Circulation

At the time Stonegate PUD received its original approval, a trip cap of 2366 average daily trips (ADT) was placed on the PUD based on a limited study. This trip cap will remain in place until additional trips are studied.

Stanford Avenue is a Major Collector Street. Therefore, a note shall be placed on the Final Plat stating that Lots 131, 141, 142, 157, 162, Lot 163 and Lot 167 shall not have direct vehicular access to Stanford Avenue. Lots 167 through 170, which front on Coal Mine Road, shall be required to have shared access to Coal Mine Road. Shared Access Easements shall be recorded on the Final Plat.

g. Easements

Easements shall be shown on the final plat 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 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.

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.

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.

Stanford Avenue is classified as a Major Collector street per the adopted Southeast Area Neighborhood Circulation Plan. It is planned to be the primary connector between Barnett Road and Coal Mine Road. Likewise, **Coal Mine Road** is also classified as a Major Collector, and is planned to be the primary connector between North Phoenix Road and points east. Both Stanford Avenue and Coal Mine Road shall have one travel lane in each direction, a center-turn median, bike lanes in each direction, and sidewalks. Both streets shall provide safe travel for all modes of transportation. As higher order streets, they are eligible for street SDC credits for both the right-of-way and roadway improvements. SDC credits offset costs to the developer and as such provide the mechanism by which the City of Medford is able to fairly compensate the applicant for the excess burden of dedicating right-of-way, and for and constructing public improvements for higher order streets.

Public Streets: In determining rough proportionality, the City considers the impacts of this Development in the way of additional trips on the transportation system. The number of trips from the Development were computed and compared to the square footage of street dedication and road improvements by this proposed Development. The proposed development (phases 2A, 2B, 2C & 2D) has 97 Lots, which will generate 928 trips per the Trip Generation Manual. This Subdivision will dedicate approximately 248,297 square feet of right-of-way and improve approximately 160,284 square feet of roadway, which equates to 267 square feet of dedication per trip and 173 square feet of street improvements per trip.

To determine proportionality, the City looked at five other SFR-4 subdivisions on the east side of Medford, and averaged the same parameters to see how the exactions for this subdivision generally compared with other subdivisions. The five previously developed subdivisions ranged in size from 23 Lots to 72 Lots. The average street dedication per trip generated was 299 square

feet, and the average area of street improvements per trip generated was 172 square feet.

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

Further benefits include:

- a. Dedication will ensure that new development and density intensification provides the current level of urban services. This development will create an additional 97 Lots within the City of Medford and increase vehicular traffic by approximately 928 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. The proposed street dedication and street connections will ensure adequate street circulation is maintained as this area continues to develop in the future. The general street layout and connectivity 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. As trip lengths are reduced, it increases the potential for other modes of travel including walking and cycling.
- c. Dedication of connecting streets will decrease emergency response times and provide emergency vehicles alternate choices in getting to an incident and reducing miles traveled.
- 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, and utility demand generated by this proposed development supports the dedications and improvements for all modes of travel and utilities. As indicated above, the area required to be dedicated and improved for this development is necessary and roughly proportional to that required in previous adjacent developments to provide a transportation system that meets the needs for urban level services.

B. SANITARY SEWERS

The proposed development is situated within the Medford Sewer service area. The Developer shall provide one service lateral to each platted lot prior to approval of the Final Plat. All public sanitary sewers shall be located in paved public streets or alleys, or within public sanitary sewer easements with paved access to manholes. All sanitary sewer manholes located within any stream drainage or riparian easement shall be fitted with water-tight locking lids.

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.

All segments of sanitary sewer main crossing open waterways shall be ductile iron pipe, concrete-encased 0.75-foot thickness completely surrounding, and profiled to provide a minimum of 2.0-feet of natural cover as measured from the reposed elevation of the stream bottom.

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.

For both the Middle Fork and the South Fork of Larson Creek, a drainage and hydrology study must be prepared by a licensed civil engineer. The study must establish the 10, 25, and 100-year flood plain boundaries and the 100-year base flood elevations. No fill shall be allowed within the floodplain without a Flood Plain Permit from the Building Department. Water surface elevations for the 10 and 25 year events shall also be provided on the plans or separate report. Two stream crossings are planned within the 3 phases of this Development. The Applicant's Engineer shall provide a "no-rise study" for each of these crossings.

Both the Middle Fork and the South Fork of Larson Creek are designated as Riparian Corridors by Ordinance 2011-123. They are both also designated as Major Greenways (Type G-1), (see Appendix B of the City of Medford Neighborhood Element Southeast Plan, adopted by the Medford City Council on March 7, 2013). As such, they shall be provided with greenway easements granted to the City, and having their outer boundaries measured 50 feet out from the top of each bank. The Developer shall provide an asphalt paved pedestrian and maintenance access way in accordance with the said Appendix B typical greenway section.

2. Stormwater Detention and Water Quality Treatment

This site lies within the Larson Creek Drainage Basin. 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.

Since the Development is greater than 5 acres, the stormwater detention facilities shall be surface storage within open areas, which equate to a minimum of 2% of the gross area of this Development. The design of the detention facilities shall provide paved access to all elements of the facility so City can maintain them. The City maintenance of these facilities will not include maintenance of any landscaping elements.

In accordance with the previously mentioned CUP-04-109, the storm drainage outfalls entering Larson Creek from this development shall pass through stilling basins before they are directed

into the creek. The Developer shall also obtain a Conditional Use Permit from the Planning Commission prior to constructing storm drains into the Riparian Corridor.

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 the construction of the stormwater detention and water quality system was constructed per plan. This letter shall be received by the City of Medford Public Works Engineering Department prior to certificate of occupancy of the new building.

3. Grading

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

4. Mains and Laterals

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.

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.

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.

All public storm drain mains shall be located in paved public streets or within easements and shall extend to the limits of the development where applicable to serve future development. All manholes shall be accessible by paved roads.

5. Wetlands

The Developer shall contact the Division of State Lands for the approval or clearance of the subject property with regards to wetlands and/or waterways, if they are present on the site.

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 the final "walk-through" inspection of the public improvements by City staff.

E. GENERAL CONDITIONS

1. Design Requirements and Construction Drawings

All public improvements, as required, 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 Planning 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 three 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 boundaries of any given phase, but are needed to serve that phase shall be constructed at the same time.

As previously stated in this report, right-of-way dedications and public improvement construction shall be provided by the Developer to complete the Middle Fork of Larson Creek crossing of Stanford Avenue with Phase 2B, and complete the South Fork of Larson Creek crossing of Stanford Avenue with Phase 2C. These connections will provide essential street access and circulation patterns for the public and will provide a permanent alternate emergency vehicle access point for this development.

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. Greenway Dedication

A minimum of 50-foot Greenway Dedication from the top of the bank for the Middle and South Forks of Larson Creek shall be shown on the Final Plat.

6. Permits

Building Permit applications 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 street, sewer treatment and sewer collection systems development charges. 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

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 the County right-of-way shall require a separately issued permit to perform from the County.

The City 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.

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.

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

Prepared by: Doug Burroughs

SUMMARY CONDITIONS OF APPROVAL

Stonegate Estates Phase 2B, 2C & 2D

LDS-16-045

A. Streets

1. Street Dedications to the Public:

- Dedicate half plus 12-feet on Stanford Avenue.
- Dedicate additional right-of-way north of centerline on Coal Mine Road.
- Dedicate full width of right-of-way for Utah Drive, Wyoming Lane, Nebraska Drive, Montana Way, Vermont Drive, Kansas Drive and Arizona Drive.
- Dedicate 10-foot public utility easements (PUE).

2. Improvements:

a. Public Improvements

- Construct Stanford Avenue and Coal Mine Road to Major Collector Street Standards.
- Construct Utah Drive, Wyoming Lane, Nebraska Drive, Montana Way, Vermont Drive, Kansas Drive and Arizona Drive to Minor Residential Street standards.
- Connecticut Court shall be constructed per MLDC 10.450.

b. Lighting and Signing

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

c. Other

- Provide pavement moratorium letters.
- Provide soils report.

B. Sanitary Sewer

- Provide a private lateral to each lot.

C. Storm Drainage

- Provide an investigative drainage report, flood study and "no-rise" study.
- Provide water quality and detention facilities.
- Provide a comprehensive grading plan.
- Provide storm drain laterals to each tax lot.
- Provide DSL signoff if wetlands are present.
- Provide Erosion Control Permit from DEQ.

D. Survey Monumentation

- Provide all survey monumentation.

E. General Conditions

- Provide public improvement plans and drafts of the final plat.
- Building permits will not be issued until after final plat approval.

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.



Continuous Improvement Customer Service

CITY OF MEDFORD

LD Date: 4/6/2016
File Number: CUP-04-109 (revision)

PUBLIC WORKS DEPARTMENT STAFF REPORT **Revision of Stonegate Estates CUP**

- Project:** Review of a Conditional Use Permit revision to Stonegate Estates PUD to allow riparian encroachments for a multi-use path, streets, bridges, public storm water facilities and utilities.
- Location:** The project is located on the east side of North Phoenix Road, north of Coal Mine Road.
- Applicant:** Mahar Brothers Holdings, LLC., Applicant (Richard Stevens & Associates, Inc., Agent). Sarah Sousa, Planner.

Applicability:

The Medford Public Works Department's conditions of Preliminary Plan Approval for Stonegate Estates PUD were adopted by Order of the Medford Planning Commission on January 10, 2002 (PUD-00-116). A portion of the PUD (Phase 3) was terminated by the Planning Commission in 2010. The approval for Stonegate Estate CUP was adopted by Order of the Medford Planning Commission on November 11, 2004 (CUP-04-109). Medford Planning Commission granted approval of a request for tentative plat approval of Stonegate Estates Phases 2 (2A, 2B and 2C) on March 13, 2014 (LDS-13-137). **The adopted conditions by each of these actions shall remain in full force as originally adopted except as amended below.**

Public Works has no additional comments on the proposed revision.

Prepared by: Doug Burroughs



Medford Fire Department

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

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APR 06 2016

PLANNING DEPT.

LAND DEVELOPMENT REPORT - PLANNING

To: Sarah Sousa

LD Meeting Date: 04/06/2016

From: Greg Kleinberg

Report Prepared: 03/28/2016

Applicant: Mahar Brothers Holdings, LLC., Applicant (Richard Stevens & Associates. Inc.,

File #: PUD - 00 - 116

Site Name/Description: Stonegate Estates Planned Unit Development

Revision to Stonegate Estates Planned Unit Development to amend the exterior boundary of the PUD and for tentative plat review of Phases 2B, 2C, and 2D. The project is located on the east side of North Phoenix Road, north of Coal Mine Road; Mahar Brothers Holdings, LLC., Applicant (Richard Stevens & Associates. Inc., Agent). Sarah Sousa, Planner.

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

Requirement FIRE HYDRANTS

OFC

508.5

Fire hydrants with reflectors will be required for this project.

Fire hydrant locations shall be as follows:

Phase 2B: One on the corner of Connecticut Dr/Arizona Dr near lot #112; one on the corner of Arizona Dr/Nebraska Dr near lot #134; one on Arizona Dr near lots #137/138; one on the corner of Arizona Dr/Stanford Ave near lot #141; one on Kansas Dr near lots #101/120; one on the corner of Kansas Dr/Nebraska Dr near lot #123.

Phase 2C: One on the corner of Stanford Ave/Wyoming Lane near lot #157; one on the corner of Wyoming Lane/Montana Way near lot #153; one on the corner of Montana Way/Utah Dr near lot #152; one on the corner of Stanford Ave/Utah Dr near lot #163.

Phase 2D: One on the corner of Stanford Dr/Coal Mine Rd near lot #167; one on Coal Mine Rd near lot #170.

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

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

Requirement MEDFORD CODE STREET DESIGN OPTIONS

MEDFORD

10.430

Section 10.430 of the Medford Code states the following:

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

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

CITY OF MEDFORD

EXHIBIT # U

File #PUD-00-116 Revision

CUP-04-109 Revision

LDS-16-045



Medford Fire Department

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

LAND DEVELOPMENT REPORT - PLANNING

To: Sarah Sousa

LD Meeting Date: 04/06/2016

From: Greg Kleinberg

Report Prepared: 03/28/2016

Applicant: Mahar Brothers Holdings, LLC., Applicant (Richard Stevens & Associates. Inc.,

File #: PUD - 00 - 116

Site Name/Description: Stonegate Estates Planned Unit Development

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 - Fire Lane signs may be required.

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

Requirement FD APPARATUS ACCESS ROAD DESIGN

OFC

503.2.1

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches. The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under section 503.2.1, shall be maintained at all times. The fire apparatus access road shall be constructed as asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 60,000 pounds.

(See also OFC 503.4; D102.1)



Medford Fire Department

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

LAND DEVELOPMENT REPORT - PLANNING

To: Sarah Sousa

LD Meeting Date: 04/06/2016

From: Greg Kleinberg

Report Prepared: 03/28/2016

Applicant: Mahar Brothers Holdings, LLC., Applicant (Richard Stevens & Associates. Inc.,

File #: PUD - 00 - 116

Site Name/Description: Stonegate Estates Planned Unit Development

The turning radius on fire department access roads shall meet Medford Fire Department requirements (OFC 503.2.4).

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

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

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

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

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



Medford Fire Department

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

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APR 06 2016

PLANNING DEPT.

LAND DEVELOPMENT REPORT - PLANNING

To: Sarah Sousa

LD Meeting Date: 04/06/2016

From: Fire Marshal Kleinberg

Report Prepared: 03/28/2016

File #: CUP - 04 - 109

Site Name/Description: Stonegate Estates PUD

Review of a Conditional Use Permit revision to Stonegate Estates PUD to allow riparian encroachments for a multi-use path, streets, bridges, public storm water facilities and utilities. The project is located on the east side of North Phoenix Road, north of Coal Mine Road; Mahar Brothers Holdings, LLC., Applicant (Richard Stevens & Associates. Inc., Agent). Sarah Sousa, Planner.

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

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

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

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

Memo



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APR 06 2016

PLANNING DEPT.

To: Sarah Sousa, Planning Department
From: Mary Montague, Building Department
CC: Mahar Brothers Holdings, LLC
Date: 04/06/2016
Re: PUD-00-116; Revision of Stonegate Estates PUD and CUP

Building Department:

Please Note: This is not a plan review. These are general notes based on general information provided. Plans need to be submitted and will be reviewed by a residential plans examiner to determine if there are any other requirements for this occupancy type. Please contact the front counter for fees.

1. Applicable Building Codes are 2014 ORSC with additional Oregon amendments to the 2011 ORSC; 2014 OPSC; and 2014 OMSC. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.
3. Site Excavation permit required to develop, install utilities.
4. Demo Permit is required for any buildings being demolished.
5. Any properties located within the 100 year Flood Plain requires a permit. All buildings will require a flood elevation certificate.
6. A site specific soils geotech report is required by a Geotech Engineer prior to foundation inspections. The report must contain information on how you will prepare the lot for building and a report confirming the lot was prepared per their recommendations.



RECEIVED
APR 06 2016
PLANNING DEPT.

Memo

To: Sarah Sousa, Planning Department
From: Mary Montague, Building Department
CC: Mahar Brothers Holdings, LLC
Date: 04/06/2016
Re: CUP-04-109; Revision of Stonegate Estates PUD and CUP

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3. Site Excavation permit required to develop, install utilities.
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6. A site specific soils geotech report is required by a Geotech Engineer prior to foundation inspections. The report must contain information on how you will prepare the lot for building and a report confirming the lot was prepared per their recommendations.

RECEIVED

APR 06 2016

PLANNING DEPT.

STAFF MEMO

To: Sarah Sousa
From: Jennifer Ingram, Address Technician
Date: 4/5/2016
Subject: PUD-00-116 Revision

The proposed street labeled as *Utah Drive* on phase 2C should be *Colorado Drive*.

CITY OF MEDFORD
EXHIBIT # Y
File # PUD-00-116 Revision
CUP-04-109 Revision
LDS-16-045

From: darrell h <dlh@hoffbuhr.com>
To: Jennifer L Ingram <jennifer.ingram@cityofmedford.org>
Date Sent: Tuesday, July 01, 2014 10:47 PDT
Subject: RE: Colorado Dr & Connecticut Ct

Jennifer,
Very good, Thank you.

Darrell Huck

From: Jennifer L Ingram [mailto:jennifer.ingram@cityofmedford.org]
Sent: Tuesday, July 01, 2014 10:34 AM
To: darrell h
Subject: Colorado Dr & Connecticut Ct

Hi Darrell,

Both of the proposed street names above are acceptable. Just to clarify, the cul-de-sac off Arizona Dr will be named Connecticut Ct & the section formerly known as Utah Dr that intersects with Stanford Ave will be named Colorado Dr.

Please let me know if you have any questions.

Thank you,

Jennifer Ingram

Address/Database Tech

City of Medford

541-774-2069

jennifer.ingram@cityofmedford.org



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: PUD-00-116 (Revised)
PARCEL ID: 371W34 TL's 1201 & 2600

RECEIVED
APR 06 2016
PLANNING DEPT.

PROJECT: Revision to Stonegate Estates Planned Unit Development to amend the exterior boundary of the PUD and for tentative plat review of Phases 2B, 2C, and 2D. The project is located on the east side of North Phoenix Road, north of Coal Mine Road; Mahar Brothers Holdings, LLC., Applicant (Richard Stevens & Associates, Inc., Agent). Sarah Sousa, Planner.

DATE: April 6, 2016

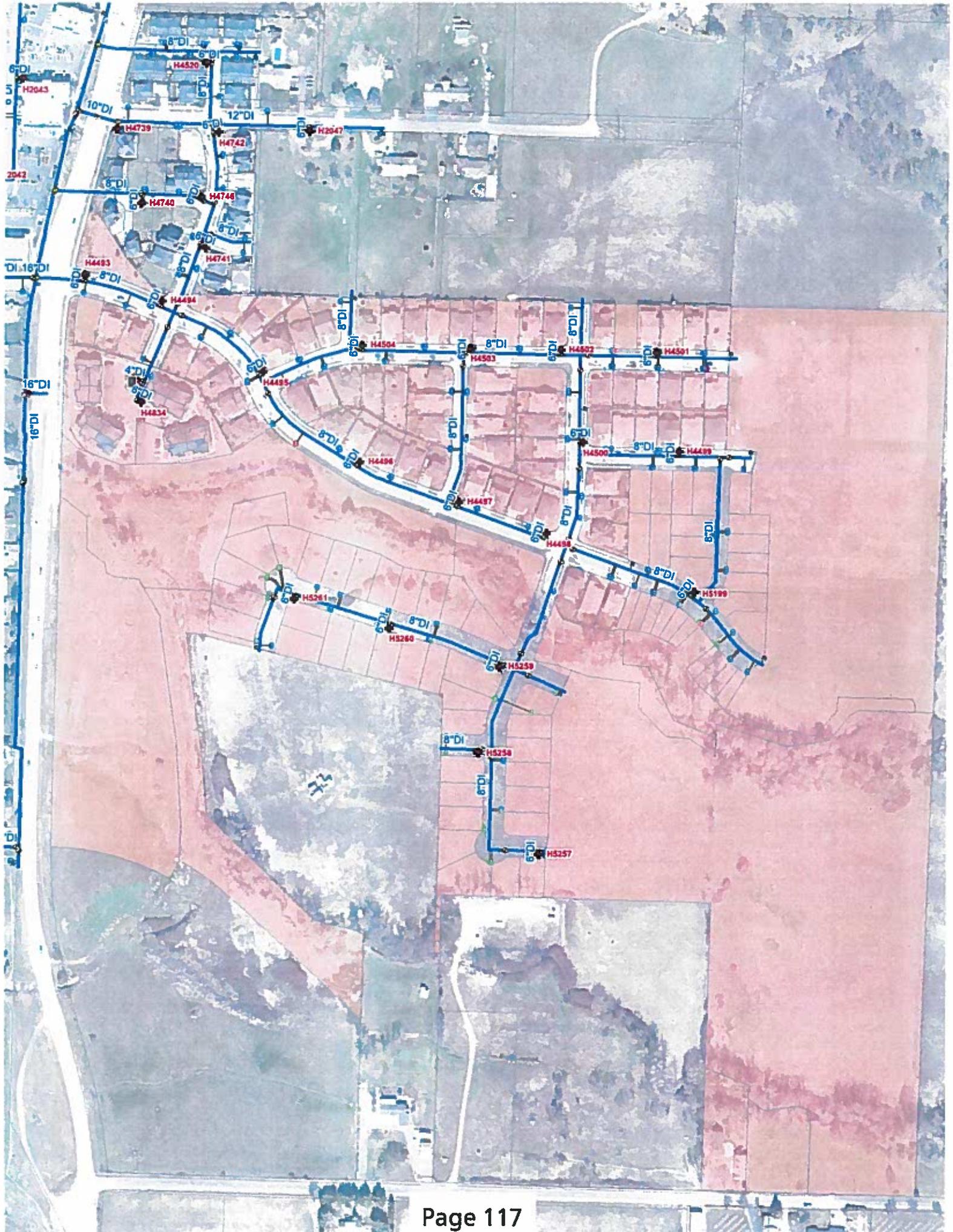
I have reviewed the above plan authorization application as requested. Conditions for approval and comments are as follows:

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All 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.

COMMENTS

1. No Comments.





Staff Memo

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: CUP-04-109 (Revised)
PARCEL ID: 371W34 TL 1201 & 2600
PROJECT: Revision to Stonegate Estates Planned Unit Development to amend the exterior boundary of the PUD and for tentative plat review of Phases 2B, 2C, and 2D. The project is located on the east side of North Phoenix Road, north of Coal Mine Road; Mahar Brothers Holdings, LLC., Applicant (Richard Stevens & Associates. Inc., Agent). Sarah Sousa, Planner.
DATE: April 6, 2016

RECEIVED
APR 06 2016
PLANNING DEPT.

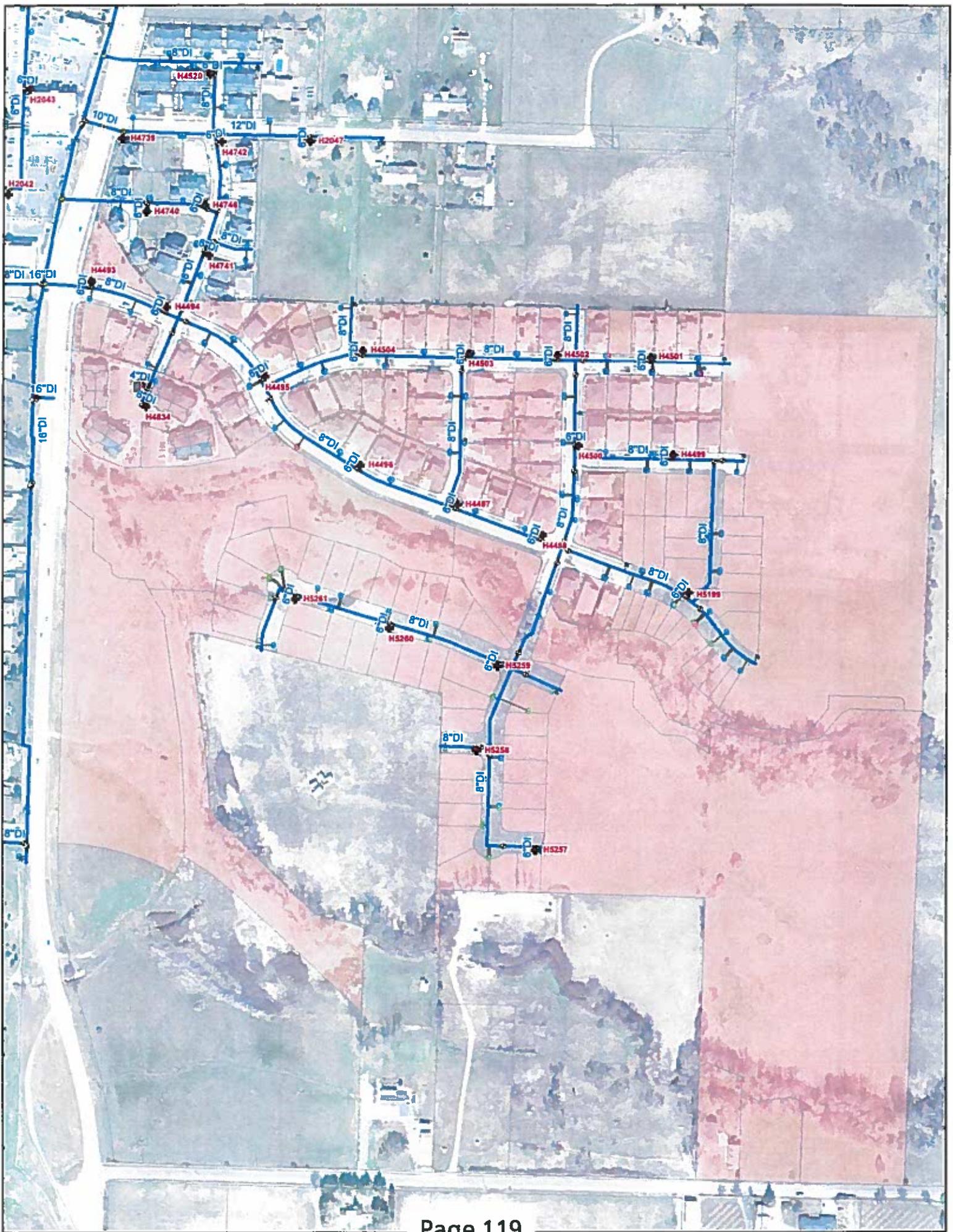
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CONDITIONS

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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.

COMMENTS

1. No Comments.



RECEIVED

APR 18 2016

Hi Sarah,

PLANNING DEPT.

The Oregon Department of Fish and Wildlife reviewed the plans submitted by Mahar Brothers Holdings, LLC for a Conditional Use Permit revision to the Stonegate Estates PUD to allow encroachments in the riparian setback area of Larson Creek and its tributary for a multi-use path, streets, bridges, public storm water facilities, and utilities. We are not opposed to the revisions requested as long as the riparian landscape plan is fully implemented. We recommend that the following issues be addressed:

1. The plan does not specifically address how many existing trees and shrubs will be removed to accommodate the development within the riparian setback area. Overall it appears that there are only a few areas where the developments will go through areas with existing woody vegetation. We request that the applicant minimize to the greatest extent feasible the amount of existing riparian vegetation to be removed.
2. The landscape plan states the planting will be done after the irrigation system is in place, but does not provide any deadline for having the planting completed. We agree that the irrigation system should be installed prior to planting; however, we would like to see a reasonable timeframe specified for completing the planting.
3. The landscape plan specifies that the new plantings will be maintained for several years to ensure they survive and become established, but does not describe any plans for maintaining the riparian area beyond that. Since an objective of the riparian setback is to allow the growth of natural vegetation, the Oregon Department of Fish and Wildlife would like to see a plan for the ongoing maintenance within the riparian area.
4. The plan we reviewed does not provide any details about the road crossings. Road crossings or other structures placed in the stream channels will have to meet the State of Oregon's fish passage requirements.

Thank you for considering our comments on this proposal.

David R. Haight
Fisheries Biologist
Oregon Department of Fish and Wildlife
1495 East Gregory Road
Central Point, OR 97502
541-826-8774, ext 224

CITY OF MEDFORD
EXHIBIT # BB
File # PUD-00-116 Revision
CUP-04-109 Revision
LDS-16-045

MEDFORD PARKS & RECREATION

HEALTHY LIVES. HAPPY PEOPLE. STRONG COMMUNITY.

To: Sarah Sousa, Planning Department
From: Pete Young, Park Planner
Subject: CUP 04-109, Mahar Brothers Holdings, LLC- Stonegate Estates
Date: April 20, 2016

RECEIVED
APR 20 2016
PLANNING DEPT.

We have reviewed the applicant's Street Tree plan and recommend approval as submitted.

The City of Medford Parks and Recreation (City) is pleased to review the proposal for additional important segments of the City's path and trail system. The City anticipates accepting the path and trail system upon completion of the path segments when they have been built to a standard that meets all code requirements, conditions of approval and department standards for installation and final quality.

Public paths require a 3 to 5 foot wide gravel shoulder added to the required path width (10 or 12 feet as determined by the SE Medford Area Plan) for sightline visibility. The path must be built to Parks and Recreation construction standards with the cross-sectional design based on a geotechnical report for the specific soil conditions found in the path route. Construction inspection by a Licensed Geotechnical Engineer and City representative are required.

The applicant will install the landscape and irrigation per best practices for riparian planting on this. A groundcover consisting of a combination of native grasses, groundcovers and/or mulch must be included in the planting plan for the protection of disturbed soils with mulch installed at the plant bases to protect the new plantings from competition with other plant species.

New plantings that die shall be replaced annually throughout the 5-year establishment period. The plant spacing that ODF&W is recommending is the minimum spacing for a successful and thriving riparian planting project. Because the mortality rate of planting on a site such as this can be high, proper initial soil preparation and then on-going maintenance with annual replanting is required to ensure this minimum plant spacing endures. The City will, at the time of final acceptance require the riparian planting contains the mature and thriving plant pallet of the original project restoration planting plan. We recommend the applicant be directed as follows:

The applicant will, through monthly maintenance ensure the riparian plants are thriving at the original plant quantity and spacing throughout the five year establishment period. Should any restoration plantings die or fall into poor health during the 5-year establishment period, the plants shall be replaced annually in the fall of the year. The installation shall result in the plantings thriving and being fully established at the end of a five-year establishment period.



CONTINUOUS IMPROVEMENT | CUSTOMER SERVICE

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CITY OF MEDFORD

EXHIBIT # CC

File #PUD-00-116 Revision

CUP-04-109 Revision

LDS-16-045

COMMUNITY ENRICHMENT EXCELLENCE EXCEPTIONAL CUSTOMER SERVICE

The five-year plant establishment period responsibilities include:

- *Protect existing native plants and shrubs during all construction and maintenance activities;*
- *Install, operate and maintain a temporary irrigation system for dry season watering;*
- *Provide soil preparation for the planting area per industry best practices;*
- *Maintain the planting and replant annually all trees and shrubs not thriving;*
- *Manage undesirable weeds and overgrowth which compete with the planting; and*
- *Stabilizing the soil in all disturbed areas with appropriate best management practices;*
- *Install groundcover consisting of a combination of native grasses, groundcovers and/or mulch;*
and
- *Install a mulch at the plant bases to protect the new plantings from competition.*

This department supports the proposed planting plan with the addition of the requirements listed above.

"Creating Healthy Lives, Happy People & A Strong Community"

City Hall ■ 411 W. 8th Street ■ Room 225 ■ Medford, OR 97501 ■ (541) 774-2400
www.ci.medford.or.us parks@cityofmedford.org

MEDFORD PARKS & RECREATION

HEALTHY LIVES. HAPPY PEOPLE. STRONG COMMUNITY.

To: Sarah Sousa, Planning Department
From: Pete Young, Park Planner and Project Manager
Subject: PUD 00-116, Mahar Brothers Holdings, LLC- Stonegate Estates
Date: April 20, 2016

We have reviewed the applicant's Street Tree plan and have one comment. Municipal code requires street trees be one and three-quarter inch caliper trees rather than the one and one-half caliper shown on the plan.



CONTINUOUS IMPROVEMENT | CUSTOMER SERVICE

701 N. COLUMBUS AVE. | MEDFORD, OR 97501 | 541.774.2400
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COMMUNITY ENRICHMENT EXCELLENCE EXCEPTIONAL CUSTOMER SERVICE

CITY OF MEDFORD
EXHIBIT # DD

File #PUD-00-116 Revision
CUP-04-109 Revision
LDS-16-045

TALENT IRRIGATION DISTRICT
LAND USE AGENCY RESPONSE FORM

104 W. Valley View Rd.
P.O. Box 467
Talent, OR 97540

PLANNING DEPT.
Phone: 541-535-1539
Fax: 541-535-4108
Email: tid@talentid.org

NAME OF ENTITY REQUESTING RESPONSE: Medford
ENTITY REFERENCE NUMBER: PUD-00-116
MEETING REVIEW DATE: 04/06/16
MAP DESCRIPTION: Multiple
PROPERTY ADDRESS: Stonegate Estates

NO COMMENT ON LAND USE ISSUE (IF NOT MARKED, CONTINUE BELOW)

NO COMMENT IF CHECKED COMMENTS ARE APPLICABLE

A. WATER RIGHT ISSUES

- 1. Water rights need to be sold to someone or transferred back to Talent Irrigation District. Number of Irrigated Acres:
Comments:
- 2. Must have District approval for water rights to remain in place on subject property.
Comments:

B. EASEMENTS

DISTRICT EASEMENTS

- 1. Easement needs to remain clear. No permanent structures or deep rooted plants will be allowed within the easement limits.
Comments: Be aware that the District's E-26 lateral runs across the North East corner of 371W34-1205 and cuts North West through 371W34BC-3500. Also, part of the E-26 lateral stops at 371W34-2300. Be aware of the easements and show the easements on the plat map.
- 2. If facility is to be relocated or modified, specifications must meet the District's standards and be agreeable to the District. A new written and recorded easement must be conveyed to the District.
Comments: _____
- 3. If a written and recorded easement does not exist for an existing facility, then one must be provided in favor of the District.
Comments: _____

PRIVATE EASEMENTS

- 1. Property may have private facilities (ditch or pipeline) that the District does not manage. Arrangements may need to be made to provide continued service through the subject property for downstream water users.
Comments: _____

PRIVATE EASEMENT PROVISIONS FOR MINOR PARTITIONS AND/OR LOT LINE ADJUSTMENTS

1. If the property currently has water rights and it is being partitioned or a lot line adjustment is being made, easements must be written and recorded which allow access for all of the pieces of property with water rights to continue to have access to the water.

Comments: _____

WATER METER REQUIREMENT ON TRANSFERRED WATER RIGHTS

1. If the water right on this property is a transferred water right that currently has a water meter requirement, then each of the properties split off of the original parcel all need to have water meters installed prior to the use of irrigation water on the newly formed parcels.

Comments: _____

C. FACILITIES (including but not limited to pipelines, ditches, canals, control checks or boxes)

1. Upgrades to District facilities may be required to support any land use changes or developments, such as pipe installations or encasing existing pipe under roads or concrete.

Comments: _____

D. DRAINAGE / STORM WATER

The District relies on the Bureau of Reclamation's Storm Water Policy. No urban storm water or point source flows will be allowed into the District's facilities without going through the Bureau of Reclamation process. (Developments in historically agricultural areas need to be aware of agricultural run-off water and take appropriate action to protect the development from upslope water.)

Comments: _____

GENERAL COMMENTS:

- 1. No interruptions to irrigation water deliveries will be allowed.
- 2. T.I.D. is a Federal Project and some facilities and/or easement issues may need Bureau of Reclamation approval.
- 3. The developer/sub-divider will take all appropriate actions to ensure the reliability and protection of the original function of the District's facilities.

As required by ORS 92.090(6) the entity must receive a certification form from the District before approval of the final plat.


Jim Pendleton
Manager
Talent Irrigation District

Date Signed: 4-11-16

PRIVATE EASEMENT PROVISIONS FOR MINOR PARTITIONS AND/OR LOT LINE ADJUSTMENTS

- 1. If the property currently has water rights and it is being partitioned or a lot line adjustment is being made, easements must be written and recorded which allow access for all of the pieces of property with water rights to continue to have access to the water.
Comments: _____

WATER METER REQUIREMENT ON TRANSFERRED WATER RIGHTS

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Comments: _____

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- 1. Upgrades to District facilities may be required to support any land use changes or developments, such as pipe installations or encasing existing pipe under roads or concrete.
Comments: _____

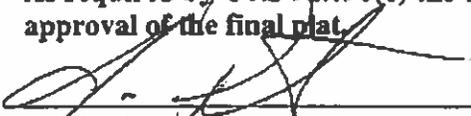
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Comments: _____

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3. The developer/sub-divider will take all appropriate actions to ensure the reliability and protection of the original function of the District's facilities.

As required by ORS 92.090(6) the entity must receive a certification form from the District before approval of the final plat.



 Jim Pendleton
 Manager
 Talent Irrigation District

Date Signed: 4-11-16

RECEIVED
MAY 12 2016
TRANSPORTATION
ENGINEERING, LLC
PLANNING DEPT.

Memorandum

To: Alex Georgevitch, City of Medford Public Works
Date: 05/12/2016
Subject: Creek View Drive Capacity Evaluation

S.O. Transportation
Engineering, LLC
112 Monterey Drive
Medford, OR 97504
Telephone 541.941.4148
Fax 541.535.6873
Kwkp1@Q.com

Southern Oregon Transportation Engineering, LLC was asked to evaluate the capacity of Creek View Drive for the proposed Stonegate Estates planned unit development (PUD). The request was to evaluate whether or not Creek View Drive east of North Phoenix Road has sufficient capacity to support Phases 2A, 2B, and 2C of Stonegate Estates development prior to a Stanford Road connection to Coal Mine Road. A brief capacity analysis is provided below.

Existing Conditions

Creek View Drive is a two-lane, improved, standard residential street in east Medford with a reasonable carrying capacity of 6,000-10,000 ADT. Current counts during the p.m. peak period show Creek View Drive carrying 107 p.m. peak hour trips with 60 eastbound and 47 westbound. This is estimated to be the equivalent of approximately 1,070 average daily trips (ADT). Pipeline trips from the PacTrend 16.59 acre site east of Stonegate Estates is estimated to generate an additional 1680 ADT when re-routed entirely to Creek View Drive, which would occur prior to a Stanford Road connection to Coal Mine Road. No other approved zone changes in this area were shown to add trips to Creek View Drive. With pipeline trips included, Creek View Drive is shown to carry 2,750 ADT under an adjusted year 2016 no-build condition.

Proposed Stonegate Estates PUD

Stonegate Estates was shown in a previous analysis by Hardey Engineering & Associates (HEA) to generate 244 trips during the p.m. peak hour, with trips split evenly between Creek View Drive and Coal Mine Road. Since the time of the HEA analysis in 2000, the site plan has changed for Stonegate Estates. At the current time, Phase 1 (72 single family residential) and Phase 4 (32 townhouse) are completely built out and on the transportation system. Phase 3 of the original site plan is no longer being constructed and Phase 5 only has access to Coal Mine Road and North Phoenix Road. The traffic that would re-route entirely to Creek View Drive without a Stanford Road connection to Coal Mine Road includes traffic generated from Phases 2A, 2B, and 2C (94 single family residential), which is estimated to generate 94 trips during the p.m. peak hour (59 inbound and 35 outbound) or the equivalent of approximately 940 ADT.

With Phases 2A, 2B, and 2C of Stonegate Estates development included, Creek View Drive is estimated to carry 3,690 ADT under a year 2016 build condition. This amount of traffic is considered to be reasonably within the capacity carrying ability of an improved, standard residential street in the City of Medford.

If you have any questions or concerns with this capacity analysis, please feel free to contact me.

Respectfully,

Kimberly Parducci

Kimberly Parducci, PE PTOE
Firm Principal
Southern Oregon Transportation Engineering, LLC

Cc: Clark Stevens, Richard Stevens Company
Louie Mahar, Mahar Homes

Attachments: Creek View Drive PM Count, Pipeline trips from Pac Trend 16.59 acre zone change



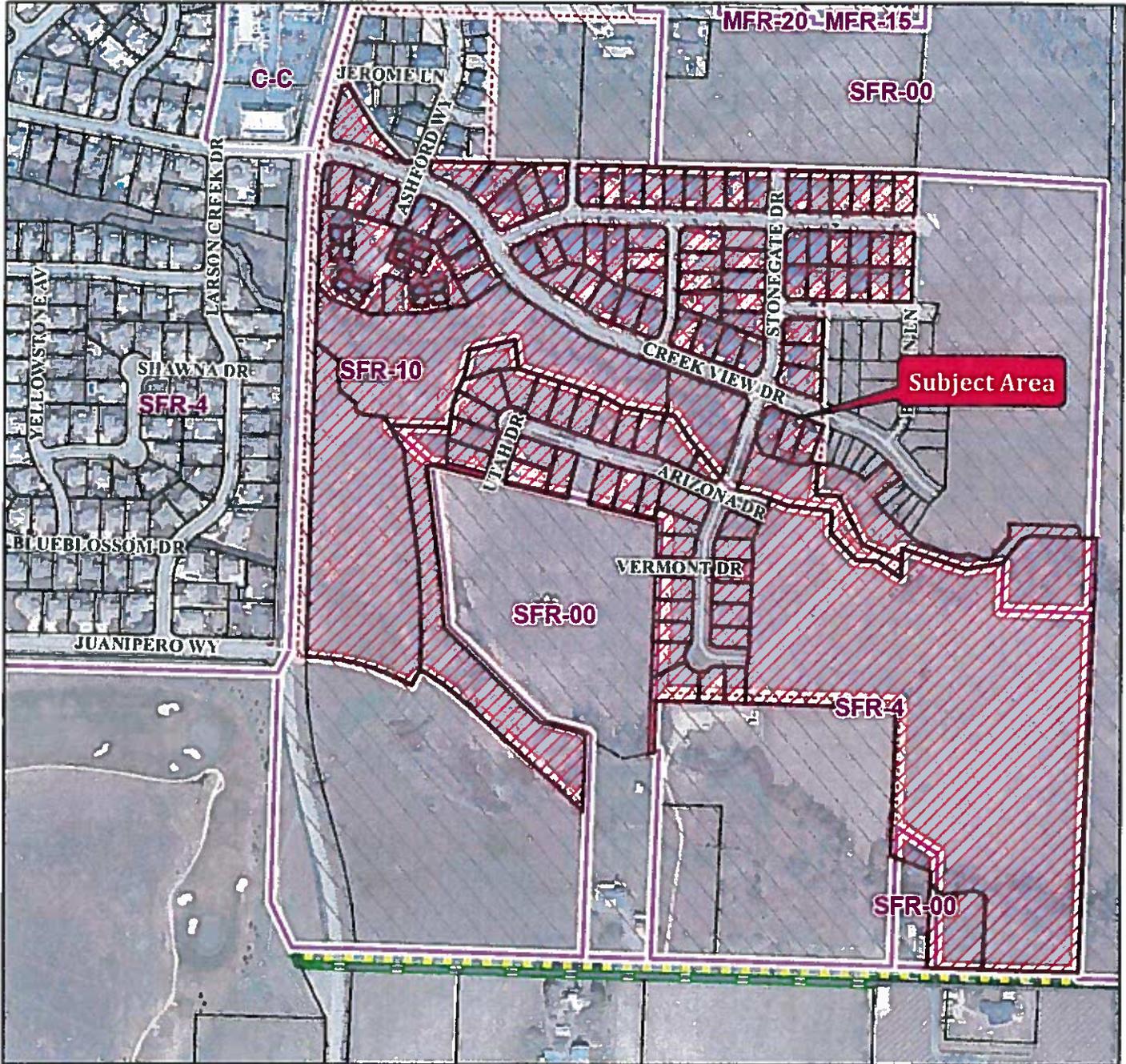
CITY OF MEDFORD
EXHIBIT # GG
File #PUD-00-116 Revision
CUP-04-109 Revision
LDS-16-045



City of Medford Planning Department

Vicinity
Map

File Number:
CUP 04-109
PUD 00-116
LDS 16-045



Project Name:
**Revision of Stonegate Estates
PUD and CUP**

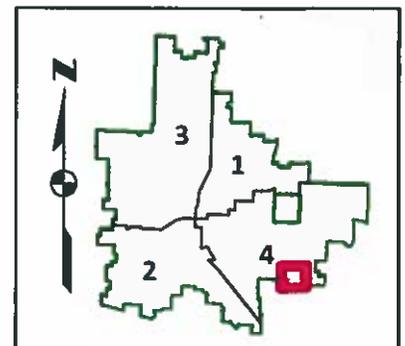
Map/Taxlot:
371W34 TL 1201 & 2600



04/06/2016

Legend

-  Subject Area
-  Roads
-  Medford Zoning
-  Tax Lots
-  UGB
-  PUD





Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT

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

Project Horton - Zone Change
 Applicant: Ron Horton; Agent: Scott Sinner Consulting, Inc.

File no. ZC-16-035

To Planning Commission *for May 26, 2016 hearing*

From Dustin Severs, Planner II

Reviewer Kelly Akin, Principal Planner *KA*

Date May 19, 2016

BACKGROUND

Proposal

Consideration of a request for a change of zone from SFR-00 (Single-Family Residential, 1 dwelling unit per existing lot) to SFR-10 (Single-Family Residential, 10 dwelling units per gross acre) on approximately 2.26 gross acres located along the north side of Maple Park Drive and 353 feet east of Ross Lane N. (372W23DD Tax lots 600 & 601).

Subject Site Characteristics

Zoning: SFR-00
 GLUP: UR (Urban Residential)
 Use: Single-Family Residential

Surrounding Site Characteristics

North	SFR-10	Single family homes
South	SFR-10	Single family homes
East	SFR-10	Single family homes
West	SFR-00	Single Family Residential, one dwelling per existing lot
	SFR-4	Single Family Residential, 4 dwelling units per gross acre Single family homes

Related Projects

A-03-094 Annexation
 ZC-13-117 West Main Zone Change
 LDS-16-051/E-16-052 Silky Oaks Phase 5

Applicable Criteria

Medford Land Development Code Section 10.227: Zone Change Approval Criteria

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

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

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

(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.

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

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

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

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

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

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

ISSUES AND ANALYSIS

Background

The subject property is currently composed of two contiguous parcels totaling 2.26 gross acres, with each parcel containing a single family home. Both parcels were annexed in 1994 (A-03-094), and were later rezoned to their current SFR-00 zoning classification in 2013 as part of the West Main Zone Change which was a Class A Major Legislative Amendment involving over 150 properties transitioning from County zoning to City zoning (ZC-13-117). The applicant, who recently purchased both parcels (March 2016), is now requesting to rezone the property from SFR-00 to SFR-10.

Staff received an additional application from the property owner on April 18, 2016, involving a request for a Land Division of the subject property indicating that it is the applicant's intent (contingent on rezoning approval) to develop the property as Silky Oaks Phase 5. Silky Oaks is a residential subdivision located north of Maple Park Drive currently composed of 27 lots which abut the subject property to the east. Phases 1 and 2 were approved as a 19 lot subdivision in 2005 (LDS-05-171), and Phase 3 was approved in 2014 as an eight lot subdivision. A tentative plat for a Phase 4 was approved in 2015 (LDS-15-067), and a Final Plat has recently been submitted for approval. The applicant's submitted plans for tentative plat approval for the proposed Phase 5 of Silky Oaks, involving the subject property, is requesting approval for the development of an additional 14 lots.

Analysis

An itemized analysis of the proposed rezone request based on the criteria outlined in MLDC Section 10.227 cited above is as follows:

Section 10.227(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.

(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 as is (are) vacant, when combined, total at least five (5) acres.*

Findings of Fact, Staff:

The proposed change of zone is consistent with the goals and policies of the City of Medford Transportation System Plan (TSP), and Public Works has determined that a traffic impact analysis (TIA) is not required for the requested change of zone (see exhibit D).

The General Land Use Plan (GLUP) map designation for the subject properties is the (UR) Urban Residential designation. The UR designation allows for the SFR-2, SFR-4, SFR-6, and SFR-10 zoning districts. The requested zone change for the subject properties is SFR-10; thereby, consistent with the GLUP designation.

The subject parcels are in compliance with the locational standards of subsection (b), as the subject properties abut parcels currently within the SFR-10 zoning district on the north, south, and east sides (see attached vicinity map) consistent with the locational criteria as outlined in subsection (b)-(i) cited above.

Section 10.227- Subsection 2:

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

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

Findings of Fact, Staff:

Storm drainage: The City of Medford Public Works Department has determined that the subject properties have access to an existing storm drainage facility and that there is adequate capacity for the purposes of this zone change (Exhibit D).

Sanitary sewer: The subject properties are within the Rogue Valley Sewer Services (RVSS) jurisdiction. In the attached memo submitted to staff (Exhibit C), RVSS staff states that the subject properties are served by connections to an 8 inch sewer main on Maple Park Drive, and that there is adequate capacity to serve the proposed density.

Water Facilities: Municipal water services are provided to the subject properties by the Medford Water Commission. The Water Commission has determined that access to MWC water lines for connection is available to the subject property, and that there is an existing 8-inch water line stub to the east of the property line (Exhibit E).

Other Agency Comments

- The Medford Fire Department approved the request as submitted, and reported no special concerns (Exhibit F).
- The Medford Irrigation District commented that the property has a total of 2.2 acres under irrigation, and that the property owner will need to transfer water rights off prior to dividing the parcels (Exhibit G).
- The Medford Building Department outlined four general notes in their submitted memo (Exhibit H).
- The Oregon Department of Transportation (ODOT) sent comments via email to the planning staff stating that the proposed rezone would not significantly affect state transportation facilities (Exhibit I).

FINDINGS AND CONCLUSIONS

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

RECOMMENDED ACTION

Adopt findings as recommended by staff report and direct staff to prepare the Final Order for approval of ZC-16-035 per staff report dated May 19, 2016, including Exhibits A through J.

EXHIBITS

- A General Land Use Plan Map
- B Applicant's Findings of Fact received March 18, 2016
- C Rogue Valley Sewer Services Report received April 18, 2016
- D Public Works Department Staff Report received April 27, 2016
- E Medford Water Commission Staff Memo received April 27, 2016
- F Medford Fire Department report received April 27, 2016
- G Medford Irrigation District Staff Memo received April 29, 2016
- H Medford Building Department Memo received April 20, 2016
- I ODOT E-mail received May 13, 2016
- J Jackson County Assessor's Map received March 18, 2016
Vicinity Map

PLANNING COMMISSION AGENDA:

MAY 26, 2016



RECEIVED

MAR 18 2016

PLANNING DEPT.

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

IN THE MATTER OF AN APPLICATION FOR)	
ZONE CHANGE OF PROPERTY IDENTIFIED AS)	FINDINGS OF FACT
T37-R2W-23DD-TL 600 AND 601)	AND
APPLICANT RON HORTON)	CONCLUSIONS
<u>SCOTT SINNER CONSULTING, INC. AGENT</u>)	OF LAW

I. BACKGROUND INFORMATION

Applicants:

Ron Horton
PO Box 3354
Central Point, OR 97502

Agent:

Scott Sinner Consulting, Inc.
4401 San Juan Dr.
Medford, OR 97504
541-772-1494
scottsinner@yahoo.com

Property 1 :

372W23DD TL 600
Ron Horton, Christine Horton
1254 Maple Park Dr
Medford, OR 97501
.50 Acres
SFR-00
GLUP Designation UR

Property 2 :

372W23DD TL 601
Ron Horton, Christine Horton
1314 Maple Park Dr
Medford, OR 97501
1.66 Acres
SFR-00
GLUP Designation UR

Summary:

The subject properties are currently within the City SFR-00 zoning district through the City ZC2013-117 application. This application is submitted to comply with the Zone Change Criteria contained within the City of Medford Land Development Code (MLDC) section 10.227.

The subject properties have a net acreage of 2.16 acres and a gross acreage of 2.26 acres. The subject parcels abut the SFR-10 zoning district.

Approval Criteria:

Zone Change Criteria contained within the City of Medford Land Development Code (MLDC) as related to a zone change request for the SFR-10 zoning district contained in section 10.227 are as follows:

10.227 Zone Change Criteria

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

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

(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.

(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.

(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.)

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

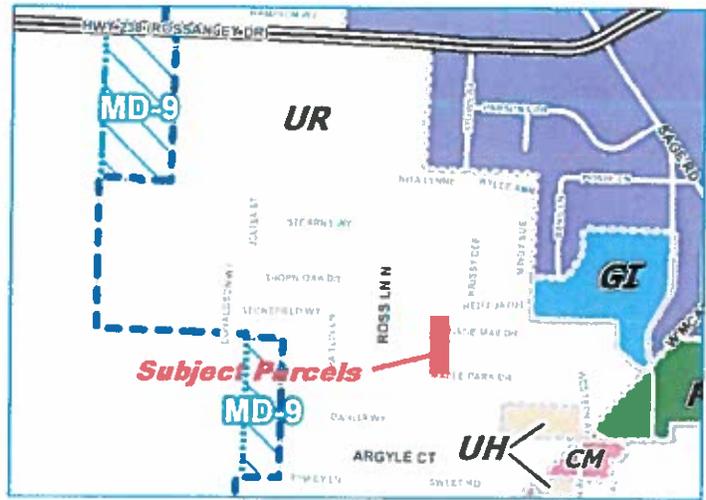
The subject properties are 3.4 miles from the Rogue Valley International Airport, and 2.1 miles from Interstate Highway 5 (I-5). The subject properties have frontage on Maple Park Drive, classified as a standard residential street and Silky Oaks Drive, classified as a minor residential street, is stubbed to the east side of TL 601.

Referring to the adopted Transportation System Plan (TSP), both standard residential streets and minor residential streets are improved with sidewalks on both sides of the paved section, and do not have bicycle lanes.

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

The General Land Use Plan Map (GLUP) map designation for the subject properties is the UR Urban Residential designation.

The UR designation allows for the SFR-2, SFR-4, SFR-6 and SFR-10 zoning districts. The requested zone change proposed with this application is the SFR-10 zoning district and is consistent with the GLUP designation.



Conclusions of Law:

The Planning Commission can conclude this application is consistent with the adopted Medford Transportation System Plan and also the Oregon Transportation Planning Rule, and the SFR-10 zoning district is appropriate within the UR GLUP designation.

Locational Standards

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.

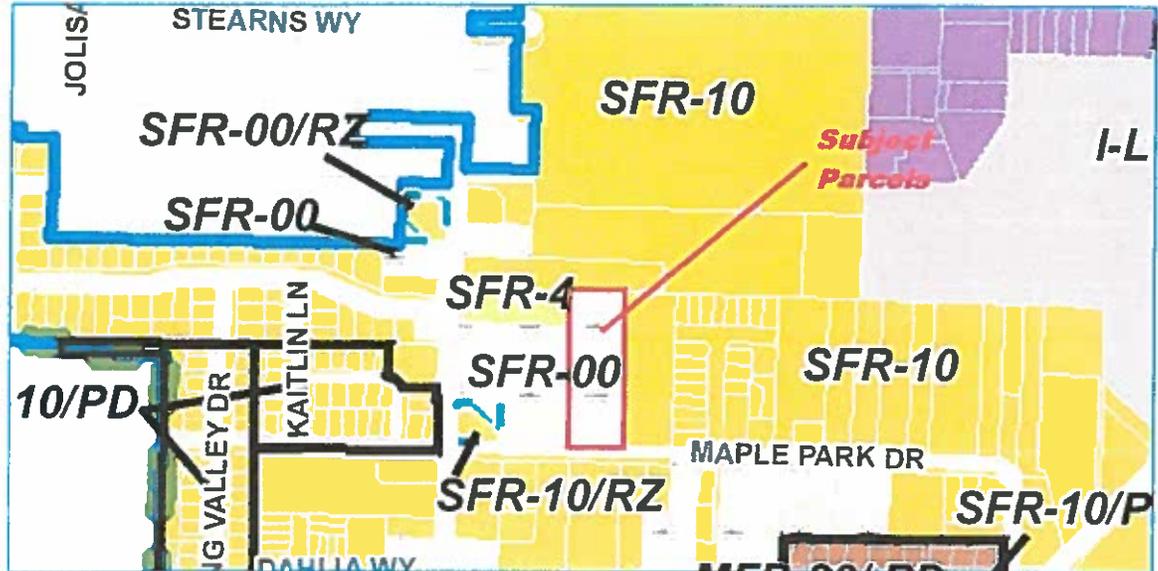
(b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one (1) of the following conditions must exist:

- (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.*

Findings of Fact.

The locational standards of subsection b apply to this request for a zone change to the SFR-10 zoning district.

Referring to the detail of the official Medford Zoning Map clearly depict the subject parcels are abutting properties currently within the SFR-10 zoning district on the north, south and east sides of the area of the subject parcels.



Conclusions of Law:

The Planning Commission can conclude this application is abutting properties currently within the requested SFR-10 zoning district and the application is consistent with the locational criteria for the requested zone change.

(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.

Findings of Fact

In preparing this application the Medford Public Works Department was contacted to determine the ability to access the existing public storm drainage facilities in the area.

According to Roger Thom of the Public Works Department the property has access to an existing storm drainage facility and there is adequate capacity for the purposes of this zone change. Future development will be subject to the current City requirements for storm water control and treatment and there is adequate capacity for the proposed zone change.

The subject property is within the Rogue Valley Sewer Service (RVS) territory. According to Carl Tappert of RVS there is an 8 inch main line on Maple Park Drive with adequate capacity. Silky Oak Phase 3 has extended sanitary sewer lines in Katie Mae Drive and will be extended to serve the property and Silky Oaks Phase 4 will have a sewer main on the common property line that can also be used to support development on the subject parcels.

Rodney Grehn of the Medford Water Commission indicated the Medford Water Commission provides municipal water for this area and there is adequate capacity for the requested zone change.

The static water pressure at the site is approximately 90-95 psi, which will require Pressure Reducing Valves. There is an 8-inch water line stubbed at the east property line of TL 601 in Katie Mae Drive. There is also 8-inch water line in Silky Oaks Lane, and Maple Park Drive which has connections to 12-inch water line in both Ross Lane North and W McAndrews Road.

Conclusions of Law:

The Planning Commission can conclude the subject property has access to public facilities for stormwater, sanitary sewer, and domestic water, and these facilities have adequate capacity for the approval of the proposed zone change.

(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.

Findings of Fact:

The subject property has frontage on Maple Park Drive and Katie Mae Drive is stubbed to the property. Maple Park Drive is a standard residential street with a 63 foot right of way. The existing right of way on the north half of the street is 25 feet. There will be a requirement to dedicate additional right of way at the time of further development.

The gross acreage of the properties is 2.26 acres and each parcel is currently developed with one single family dwelling. The proposed zoning district would allow a maximum density of 22 dwelling units, less the two existing dwelling unit, the maximum number of dwelling units on the site is 20 new units.

A single family detached dwelling unit has an impact of 9.56 Average Daily Trips (ADT). The proposed zone change has a net traffic impact of 191 trips per day. The MLDC states a Traffic Impact Analysis is not required for land use application with impacts of less than 250 ADT.

Further development of the property will include conditions to improve the public street frontages to the current standards contained in the MLDC and the TSP.

The higher order streets in the vicinity are improved or have adequate capacity as defined by MLDC 10.225 (2) (b) (i) and the frontage streets will be improved to the current city standards with future development consistent with MLDC 10.225 (2) (b) (ii).

Conclusions of Law

The Planning Commission can conclude the streets in the vicinity of the requested zone change have adequate capacity as defined in MLDC 10.227 (2).

(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:

In preparing this application for a zone change from the SFR-00 zoning district to the SFR-10, the agencies were queried and the replies indicated any limitations identified in MLDC 10.227 (2) (c) will not be necessary as the facilities are available for the requested zone change from SFR-00 to SFR-10.

Conclusions of Law

The Planning Commission can conclude the Category A public facilities are available without limitations or restrictions for the requested zone change.

Application Summary and Conclusion:

This application identifies the relevant approval criteria contained in the MLDC for a zone change from the County SFR-00 zoning district to the SFR-10 zoning district.

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

The Category A Facilities are currently available or can be made available as described in the MLDC for the purposes of approval of the requested zone change.

On behalf of the applicant, I respectfully request the approval of this application.

A handwritten signature in black ink, appearing to read 'Scott Sinner', with a stylized flourish at the end.

Scott Sinner
Scott Sinner Consulting, Inc.



ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 97502-0005
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

RECEIVED

APR 18 2016

PLANNING DEPT

April 18, 2016

City of Medford Planning Department
411 West 8th Street
Medford, Oregon 97501

Re: ZC-16-035, Ron Horton Zone Change (372W23DD – 600 & 601)

ATTN: Dustin,

The subject properties are currently served by connections to an 8 inch sewer main on Maple Park Drive. There is adequate capacity to serve the proposed density.

Future development must be reviewed for compliance with RVSS standards.

Sincerely,

Carl Tappert
Carl Tappert P.E.
Manager

K:\DATA\AGENCIES\MEDFORD\PLANNG\ZONE CHANGE\2016\ZC-16-035_HORTON.DOC



Continuous Improvement Customer Service

CITY OF MEDFORD

RECEIVED
APR 27 2016
PLANNING DEPT

LD Date: 4/27/2016
File Number: ZC-16-035

**PUBLIC WORKS DEPARTMENT STAFF REPORT
Zone Change – 1254 & 1314 Maple Park Dr.**

Project: Consideration of a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to SFR-10 (Single-Family Residential, 10 dwelling units per gross acre) on approximately 2.26 acres.

Location: Located along the north side of Maple Park Drive, approximately 353 feet east of Ross Lane N. (372W23DD Tax lots 600 & 601).

Applicant: Ron Horton, Applicant (Scott Sinner Consulting, Inc., Agent). Dustin Severs, Planner.

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 Rogue Valley Sewer Service (RVSS) area. The applicant shall contact RVSS to see if sanitary sewer services and facilities are available and have capacity to serve this property under the proposed zoning.

II. Storm Drainage Facilities

This site lies within the Elk Creek Drainage Basin. The City of Medford has existing storm drain facilities to the north of the property. This site would be able to connect to these facilities at the

21

time of development. This site will be required to provide stormwater quality and detention at time of development.

III. Transportation System

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

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

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

Prepared by: Doug Burroughs



BOARD OF WATER COMMISSIONERS

Staff Memo

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APR 27 2016

PLANNING DEPT

TO: Planning Department, City of Medford

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

SUBJECT: ZC-16-035

PARCEL ID: 372W23DD TL 600 & 601

PROJECT: Consideration of a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to SFR-10 (Single-Family Residential, 10 dwelling units per gross acre) on approximately 2.26 acres located along the north side of Maple Park Drive, approximately 353 feet east of Ross Lane N. (372W23DD Tax lots 600 & 601); Ron Horton, Applicant (Scott Sinner Consulting, Inc., Agent). Dustin Severs, Planner.

DATE: April 27, 2016

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

COMMENTS

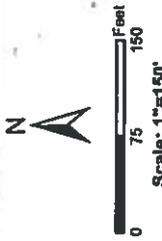
1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The MWC system does have adequate capacity to serve this property.
4. Off-site water facility construction is not required.
5. On-site water facility construction may be required depending on future land development review.
6. MWC-metered water service does exist to this property. There are two ¾" water meters, one to 1254 Maple Park Drive and also 1314 Maple Park Drive that are located along the north side of Maple Park Drive.
7. Access to MWC water lines for connection is available. There is an existing 8-inch water line stub to the east property line of TL 601.

CITY OF MEDFORD

EXHIBIT E

FILE # ZC-16-035

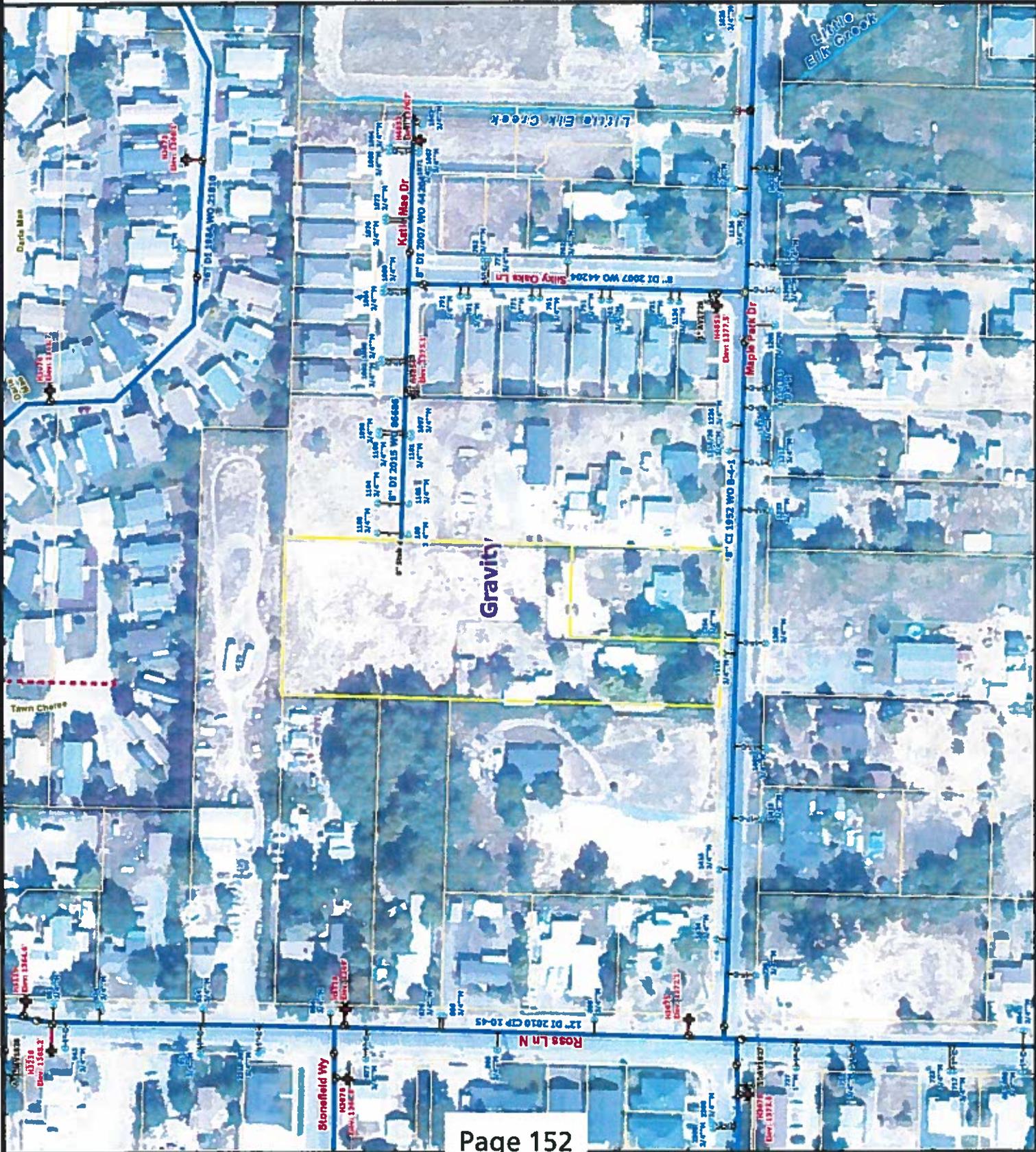
22



**Water Facility Map
for
ZC-16-035**

Legend

- ▲ Air Valve
- Sample Station
- Fire Services
- ⊕ Hydrant
- ▲ Reducer
- ⊖ Blow Off
- ⊕ Plugs-Caps
- Water Meters:
 - Active Meter
 - On Well
 - Unknown
 - Vacant
- Water Valves:
 - ⊕ Butterfly Valve
 - ⊕ Gate Valve
 - ⊕ Tapping Valve
- Water Mains:
 - Active Main
 - - - Abandoned Main
 - Reservoir Drain Pipe
 - Pressure Zone Line
- Boundaries:
 - ▭ Urban Growth Boundary
 - ▭ City Limits
 - ▭ Tax Lots
- MWC Facilities:
 - C** Control Station
 - P** Pump Station
 - R** Reservoir





Medford Fire Department

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

RECEIVED

APR 27 2016

PLANNING DEPT

LAND DEVELOPMENT REPORT - PLANNING

To: City of Medford Public Works

LD Meeting Date: 04/27/2016

From: Fire Marshal Kleinberg

Report Prepared: 04/15/2016

File #: ZC - 16 - 35

Site Name/Description:

Consideration of a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to SFR-10 (Single-Family Residential, 10 dwelling units per gross acre) on approximately 2.26 acres located along the north side of Maple Park Drive, approximately 353 feet east of Ross Lane N. (372W23DD Tax lots 600 & 601); Ron Horton, Applicant (Scott Sinner Consulting, Inc., Agent). Dustin Severs, Planner.

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

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

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

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

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

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

CITY OF MEDFORD
EXHIBIT F
FILE # ZC-16-035

19

MEDFORD IRRIGATION DISTRICT

RECEIVED
APR 29 2016
PLANNING DEPT.

P.O. BOX 70
5045 Jacksonville Hwy
Jacksonville, Oregon 97502
Office (541)899-9913

City of Medford
Planning Department
Lausmann Annex, Room 240
200 South Ivy St.
Medford, OR 97501

April 25, 2016

RE: File # ZC-16-035
Project Name: RON HORTON

Attn: Ian Foster

The property located at: 1254 & 1314 Maple Park Dr. / 372W23DD 600 (.50 ac) & 601 (1.70 ac) has a total of 2.2 acres under Irrigation. The owner needs to contact the Irrigation District to transfer the water rights off prior to dividing into parcels.
Phone # 541-899-9913

Sincerely,

Carol Bradford, District Manager
Medford Irrigation District

CITY OF MEDFORD
EXHIBIT G
ZC-16-035

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Memo

RECEIVED

APR 20 2016

PLANNING DEPT

To: Dustin Severs, Planning Department
From: Mary Montague, Building Department
CC: Scott Sinner; Rob Horton
Date: 04/20/2016
Re: ZC-16-035

Building Department:

Please Note: This is not a plan review. These are general notes based on general information provided. Plans need to be submitted and will be reviewed by a residential plans examiner to determine if there are any other requirements for this occupancy type. Please contact the front counter for fees.

1. Applicable Building Codes are 2014 ORSC with additional Oregon amendments to the 2011 ORSC; 2014 OPSC; and 2014 OMSC. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.
3. Site Excavation permit required to develop, install utilities.
4. Demo Permit is required for any buildings being demolished.

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Dustin J. Severs

From: MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>
Sent: Friday, May 13, 2016 4:29 PM
To: Dustin J. Severs
Subject: ZC-16-035

RECEIVED

MAY 13 2016

PLANNING DEPT

Dustin,

Thank you for sending agency notice of a consideration of a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to SFR-10 (Single-Family Residential, 10 dwelling units per gross acre) on approximately 2.26 acres located along the north side of Maple Park Drive, approximately 353 feet east of Ross Lane N. (372W23DD Tax lots 600 & 601). We reviewed this and determined that it would not significantly affect state transportation facilities under the State Transportation Planning Rule (OAR 660-012-0060) or State Access Management Rule (OAR 734-051-000). We have no further comments at this time.

Don Morehouse
Senior Transportation Planner
ODOT Region 3, District 8 (Rogue Valley Tech Center)
Ph: (541) 774-6399
Fax: (541) 774-6349
Donald.Morehouse@odot.state.or.us

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CITY OF MEDFORD
EXHIBIT I
FILE # ZC-16-035

S.E. 1/4, S.E. 1/4, SEC. 23, T.37S., R.2W., W.M.
 JACKSON COUNTY
 1" = 100'

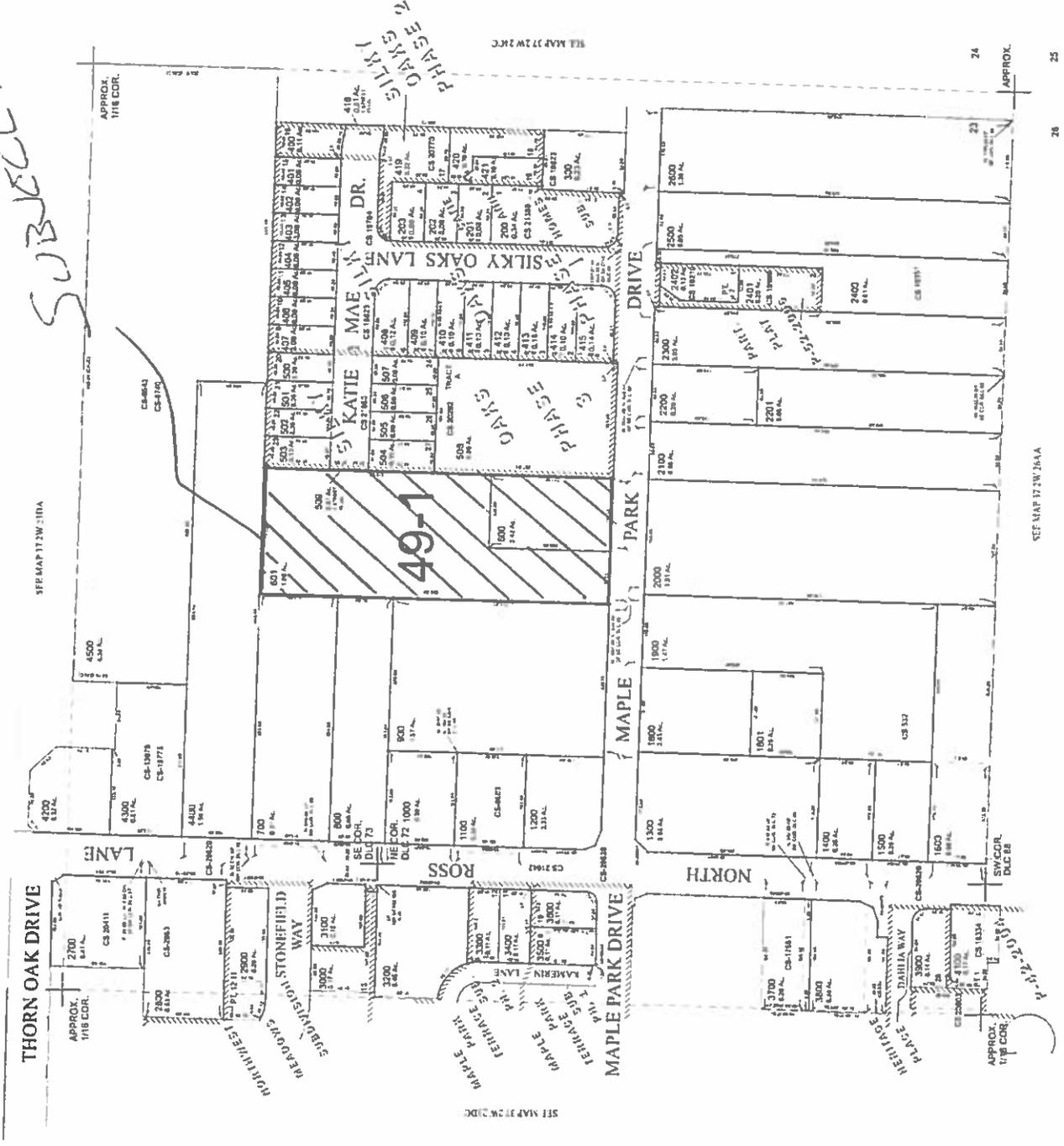
SUBJECT PROPERTIES

CANCELLED TAX
 107 NUNN HWY
 100.00 REMAPPED TO 372W24C
 4000 ADDED TO 372W31K. 31.40
 416 KILLED TO STREET
 411 KILLED TO STREET

RECEIVED
 MAR 18 2016
 PLANNING DEPT.

37 2W 23DD
 MEDFORD
 NEW MAP FEBRUARY 19, 2015
 REV. FEBRUARY 01, 2016

9



MEASUREMENT AND
 DIMENSIONS

CITY OF MEDFORD
 EXHIBIT J
 FILE # ZC-16-035

GIS DATA 02-08-2016 2:02:20 PM



Project Name:
Ron Horton

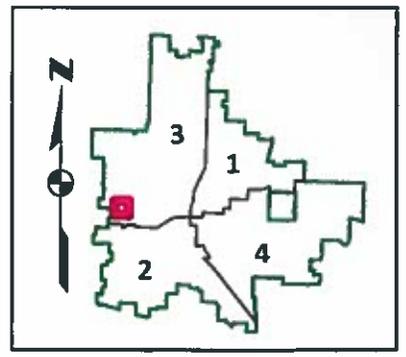
Map/Taxlot:
372W23DD TL 600 & 601



03/18/2016

Legend

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





Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT

For a Type-C quasi-judicial decision: Zone Change

PROJECT Rogue Valley International-Medford Airport - Zone Change
 Applicant: Jackson County; Agent: Richard Stevens & Associates, Inc.

FILE NO. ZC-16-041

TO Planning Commission *for May 26, 2016 hearing*

FROM Dustin Severs, Planner II

REVIEWER Kelly Akin, Principal Planner *KA*

DATE May 19, 2016

BACKGROUND

Proposal

Consideration of a request for a change of zone from SFR-6 (Single Family Residential, 6 dwelling units per gross acre) to I-L (Light Industrial) on approximately 47.14 net acres located east of Corona Avenue, west of Whittle Avenue, and 195 feet south of Crater Lake Highway 62 (371W18DB Tax lot 100 & 371W18A Tax lot 4200).

Subject Site Characteristics

Zoning: SFR-6
 GLUP: A (Airport)
 Use: Vacant

Surrounding Site Characteristics

North	I-L	In & Out Gardens, Sky Park Mini Storage, Safeway
South	SFR-6	Single family homes
East	SFR-6	Single family homes
West	SFR-10	Single Family Residential, 10 dwelling units per gross acre
	SFR-6	Single family homes
Northwest	MFR-20	Multiple Family Residential, 20 dwelling units per gross acre
		Apartment buildings
	C-H	Heavy Commercial
		U-Haul, Quad Motors

Related Projects

GLUP-13-78	GLUP Map Amendment
PA-15-072	Pre-Application
CP-13-076 & CP-13-077	Comprehensive Plan Amendment

Applicable Criteria

Medford Land Development Code Section 10.227: Zone Change Approval Criteria

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

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

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

(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.*

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

- (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.*
- (b) Adequate streets and street capacity must be provided in one of the following ways:*

- (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or*
- (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or*
- (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:
 - (a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or*
 - (b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.**
- (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.*
- (c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction of covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:
 - (i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the**

resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,

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

ISSUES AND ANALYSIS

Background

The subject site is owned by Jackson County, and is composed of two contiguous parcels totaling 47.14 acres currently consisting of vacant/undeveloped land under the jurisdiction of the Jackson County Airport Authority.

The subject parcels were part of the Medford International Airport's 2013 Airport Master Plan update. In response to the Airport's Master Plan update, Medford City Council approved an amendment to the Medford Comprehensive Plan in 2013 in order to incorporate the Airport Master Plan into the Transportation System Plan and the Transportation and Environmental elements of the Medford Comprehensive Plan (CP-13-076 & CP-13-077).

Additionally, as part of this multifaceted process of incorporating the Airport Master Plan into the Medford Comprehensive Plan, a major legislative Comprehensive Plan Amendment to modify the GLUP map for properties surrounding the Medford International Airport, including the subject site, was approved in June 2015 (CP-13-078). This amendment officially changed the subject site's GLUP designation from Urban Residential (UR) to its current designation of Airport (A) in an effort to convert all of the County/Airport owned properties to the Airport (A) GLUP designation in the interest of helping to group and identify airport properties from other properties.

Just prior to the aforementioned (CP-15-078) amendment to the Comprehensive Plan's GLUP map, the applicant submitted a Pre-Application in May 2015 (PA-15-072) requesting information regarding a change to the subject site's GLUP designation from UR to General Industrial (GI) along with a change of zone from SFR-6 to I-L. The Planning staff opted to change the GLUP designation of the subject parcels to Airport (A) which was felt to be more appropriate given the properties ownership, and could still be accomplished without precluding the applicant's dual request for a zone change to allow for future development.

With the applicant's request for a change of its GLUP map designation fulfilled, the applicant is now proceeding with the request to rezone the subject site from its current SFR-6 classification to I-L in order pursue potential non-residential development in the future.

Analysis

An itemized analysis of the proposed rezone request based on the criteria outlined in Medford Land Development Code (MLDC) Section 10.227 cited above is as follows:

Section 10.227(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.

(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.

Findings of Fact, Staff:

The proposed change of zone is consistent with the goals and policies of the City of Medford Transportation System Plan (TSP). The Public Works Department did determine that a Traffic Impact Analysis (TIA) was required for the proposed change of zone, and a TIA report was included with the submittal of the application (Exhibit I).

The General Land Use Plan (GLUP) map designation for the subject properties is the Airport (A) designation. The Airport GLUP designation allows for I-L the zoning district. The requested zone change for the subject properties is I-L and is consistent with the GLUP designation.

The subject parcels are in compliance with the locational standards of subsection (d)-(i), as the subject parcels abut properties within residential, commercial, and the I-L zoning districts, and do not abut a Heavy Industrial (I-H) zoned parcel consistent with the locational criteria as outlined in subsection (d)-(i) above.

Section 10.227(2):

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

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

Findings of Fact, Staff:

Storm drainage: The City of Medford Public Works Department has determined that the subject properties have access to existing storm drainage facilities in Corona Avenue and the Hopkins Canal, and that the subject site would be able to connect to these facilities at the time of development (Exhibit C).

Sanitary sewer: The subject site lies within the City of Medford sewer service area. The Public Works Department has determined that there is an existing 8 inch sanitary sewer line in Corona Avenue and an existing 10 inch line in Whittle Avenue. Though sanitary sewer lines exist to serve the subject property, Public Works states in their submitted staff report that there are downstream capacity constraints within the City's sanitary sewer service. Due to the uncertainty of what type of development may occur on the subject site, the Public Works Department recommends that the subject zone change be denied, or the applicant stipulate to only develop so the total sewer flows do not exceed current zoning limitations, or the developer make improvements to the downstream sanitary sewer system to alleviate the capacity constraints, or the developer may perform a sanitary sewer study to show that there is capacity to convey increased flows (Exhibit C).

Water: Municipal water services are provided to the subject properties by the Medford Water Commission. The Water Commission staff has determined that access to MWC water lines for connection is available to the subject property, as there is an existing 6 inch water line in Corona Avenue, a 6 inch water line in Steelhead Drive, an 8 inch water line in Whittle Avenue, and an 8 inch water line in Skypark (Exhibit D).

- (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*

Findings of Fact, Staff:

Based on the Traffic Impact Analysis (TIA) conducted by Southern Oregon Transportation, LLC on behalf of the applicant, it is demonstrated that the existing public streets currently serving the subject site, with a stipulated traffic generation cap of 318 peak hour trips, has adequate capacity to serve the subject site and the proposed change of zone.

Traffic Impact Analysis

MLDC Section 10.467(3) states the following:

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 will be required to evaluate development impacts to the transportation system. The Public Works Department may waive the TIA if it is concluded that the impacts are not substantial.

In its scoping letter submitted to the applicant on February 8, 2016, the Public Works Department made the determination that the existing SFR-6 zoning is expected to generate 2,749 ADT, while the I-L zone would generate 14,142 ADT. The difference between the two proposals is 11,393 ADT, which exceeds the net increase of 250 ADT to the transportation system; therefore, a request to change the zoning from SFR-6 to I-L would require a TIA to determine project impacts to the transportation system.

The applicant retained Southern Oregon Transportation Engineers, LLC to conduct the TIA for the subject site, and submitted the TIA on March 28, 2016. In their submitted TIA study, it was determined that the net ADT increase resulting from the proposed zone change would cause the intersection of Owens Drive and Crater Lake Avenue to perform below the Level of Service D operational standard. MLDC Section 10.462 dictates that whenever a level of service is determined to be below level D for arterials or collectors, development is not permitted unless the developer makes the roadway or other improvements necessary to maintain level of Service D. In SOTE's attached summary report, it is stated that the applicant's intent is to not make roadway or other improvements to the public streets, rather, to pursue the alternate option of requesting a trip cap stipulation.

Pursuant to MLDC Section 10.461, when an unconditional approval is not possible without some form of mitigation to maintain an adequate level of service, an applicant has the alternative option of requesting a trip cap stipulation. The submitted TIA shows that the maximum stipulation would include the basic zoning ADT (SFR-6) plus up to 249 ADT, which is 3,048 ADT (or an equivalent 318 p.m. peak hour trips). A trip cap stipulation of 3,048 ADT (or and equivalent 318 p.m. peak hour trips) is, therefore, proposed for the application.

Wetlands

A significant portion of the northerly parcel is identified by the Oregon Department of State lands Local Wetland Inventory as containing significant wetlands. A wetland delineation was submitted to the Department of State Lands in 2005. Since the report is more than five years old, it is a reference document only. A new delineation on the property will be required prior to future site development (Exhibit J).

Other Agency Comments

- The Medford Fire Department approved the request as submitted, and reported no special concerns (Exhibit E).
- The Rogue Valley Irrigation District identified 24.9 Acres of irrigated land on the subject property (Exhibit F).
- The Oregon Department of Aviation reported no direct comment for the proposed zone change, but stated that they will have comments upon future development of the subject property (Exhibit G).

FINDINGS AND CONCLUSIONS

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

- Accept the applicant's stipulation to generate no more than 3,048 ADT (318 peak hour trips), and
- Accept the applicant's stipulation to only develop so the total sanitary sewer flows do not exceed the current SFR-6 zoning limitations (Exhibit H).

RECOMMENDED ACTION

Adopt findings as recommended by staff and direct staff to prepare a Final Order for approval of ZC-16-041 per the staff report dated May 19, 2016, including Exhibits A through I.

EXHIBITS

- A Conditions of Approval
- B Applicant's Findings of Fact received March 29, 2016
- C Public Works Department Staff Report received May 4, 2016
- D Medford Water Commission Staff Memo received May 4, 2016
- E Medford Fire Department report received May 4, 2016
- F Rogue Valley Irrigation District Report received April 28, 2016
- G Oregon Department of Aviation letter received May 3, 2016
- H Agent email received May 18, 2016
- I GLUP Map
Vicinity map

PLANNING COMMISSION AGENDA:

MAY 26, 2016

EXHIBIT A

Rogue Valley International-Medford Airport

ZC-16-041

Conditions of Approval

May 19, 2016

DISCRETIONARY CONDITIONS

1. Accept the trip cap stipulation of 3,048 ADT, or an equivalent 318 p.m. peak hour trips, as identified in the submitted Traffic Impact Analysis (TIA).
2. The applicant shall stipulate to only develop so the total sewer flows do not exceed current zoning limitations for the existing sanitary sewer lines, as recommended by the City of Medford Public Works Department in their submitted staff report (Exhibit C).

CODE REQUIRED CONDITIONS

3. Within 30 days of the adoption of the Final Order, the applicant shall provide a copy of the recorded deed restriction pursuant to MLDC 10.227 (2) (C).

RECEIVED
MAR 29 2016
PLANNING DEPT.

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

IN THE MATTER OF AN APPLICATION FOR)
A CHANGE IN ZONING DESIGNATION FOR)
47.14 ACRES OF LAND, LOCATED SOUTH)
OF SKYPARK DR., BETWEEN CORONA) FINDINGS OF FACT
AVENUE AND WHITTLE AVENUE; ROGUE)
VALLEY INTERNATIONAL - MEDFORD)
AIRPORT, THE APPLICANTS; RICHARD)
STEVENS & ASSOCIATES, INC. AGENTS)

I. RECITALS PERTAINING TO THE PROPERTY:

PROPERTY Jackson County
OWNER & Rogue Valley International - Medford Airport
APPLICANT: 1000 Terminal Loop Parkway, Ste. 201
Medford, OR 97504

AGENT: Richard Stevens & Associates, Inc.
P.O. Box 4368
Medford, OR 97501
(541) 773-2646

APPLICATION: A request for a change of zoning designation from City of Medford Single Family Residential (SFR-6) to Light Industrial (I-L) consistent with the Medford Comprehensive Plan designation for the site, which is Airport (A). The properties are described as T.37S-R.1W-SEC. 18DB, Tax Lot 100 and T.37S-R.1W-SEC. 18A, Tax Lot 4200, located within the City Limit Boundary and consisting of approximately 47.14 net acres. The purpose of this change of zoning is to acquire an appropriate zoning district with the recent changes to the General Land Use Plan map (CP-13-078).

II. APPLICABLE CRITERIA:

In order to approve a Zoning Amendment and change the Official Zoning Map, the applicant must submit information and findings addressing Sections 10.225 through 10.227 of the Land Development Code (MLDC). A review of Section 10.226 indicates that an application for a Zone Change must contain the following:

- 1. A vicinity map drawn at a scale of 1"= 1,000' identifying the proposed area of change.**
- 2. An assessor's map with the proposed Zone Change area identified.**
- 3. Legal description of the area to be changed. Legal description shall be prepared by a licensed surveyor or title company.**
- 4. Property owner's names, addresses and map and tax lot numbers within 200 feet of the subject property, typed on mailing labels.**
- 5. Findings prepared by the applicant or his representative addressing the criteria for zone changes as per Section 10.227, Zone Change Criteria.**

FINDING:

The Planning Commission finds that this application for a change in zoning designation from SFR-6 to I-L, with the information presented in support of the application, is consistent with the standards for submission as required above. Also provided are the applicable maps, the legal descriptions of the area to be changed, and the names and addresses of all adjacent properties within 200 feet typed on mailing labels, and findings consistent with the requirements of Section 10.227.

**FINDINGS IN COMPLIANCE WITH SECTION 10.227 OF THE
MEDFORD LAND DEVELOPMENT CODE:**

Section 10.227 provides 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.

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

Consideration of the above criteria shall be based upon the eventual development potential for the area, and the specific zoning district being considered.

CONSISTENCY WITH TRANSPORTATION SYSTEM PLAN

The Medford TSP has been adopted by the City of Medford and was acknowledged by the State in 2003. The TSP identifies existing and potential future street improvements to preserve the integrity of the local street system. The proposed uses of the property may generate additional vehicle trips. However, the proposed change of zoning from Medford SFR-6 to Medford I-L, using the worst case scenario, will potentially generate greater Average Daily Trips (ADT) on the local street system. *(SFR dwelling generates approximately 9.58 ADT's per dwelling unit and the I-L generates approximately 300 ADT's per acre.)* The properties are located north of Roberts Road, south of Sky Park Drive, which front along Whittle Avenue and Corona Avenue, that are standard residential streets for the City of Medford.

An overview of existing transportation facilities that would provide service to the subject property indicates that ground transportation via existing City designated collector and arterial streets is the sole transportation facility that is affected by this change of zoning.

The site does not have access to rail, light rail, water, or other alternative transportation facilities or services. Pedestrian and bicycle access will be made available via the sidewalks and bicycle lanes in the immediate vicinity. These improvements are already existing along portions of Whittle Avenue. The site is accessible by motor vehicle from both Whittle Avenue and Corona Avenue. The proposed development plan for the site will conform with all access management and location requirements of the City of Medford, Jackson County and ODOT to insure adequate and effective access management. The applicant submits that this requested zone change will not have a significant effect on the access management for the transportation facility serving the site.

The potential uses on this property are a public park, public works facility and other uses listed and allowed within the I-L district. Therefore, with the stipulated uses and potential traffic generation along with the established traffic counts in the area, the current capacity of the roadways will not be compromised by the change of zoning, with this stipulated trip count. This is confirmed with the Traffic Impact Study (TIS), prepared by Southern Oregon Transportation Engineering, LLC, attached with this application.

With the existing and pipeline traffic counts of this immediate area, provided by the City of Medford, the TIS has determined that there is adequate capacity available to serve the subject site with the proposed uses, with the stipulated traffic generation cap of 318 peak hour trips. The capacity of the existing road system will not be adversely affected by this application, due to the fact that sufficient capacity exists to operate acceptably within the performance standards for the anticipated cumulative generation in the area.

This can be found to be consistent with the existing and planned traffic facilities for the City of Medford, TSP.

FINDING:

The City of Medford finds that this change of zoning application from the SFR-6 zoning district to I-L, as demonstrated and recommended by the TIS submitted by Kim Parducci, with Southern Oregon Transportation Engineering, LLC, is consistent with the Medford TSP, and is in compliance with Section 10.227(1) MLDC. With the stipulated traffic generation cap at 318 peak hour trips, there are no significant adverse impacts contemplated on the Highway 62, Interstate-5 interchanges, or the local street system.

CONSISTENCY WITH THE GENERAL LAND USE PLAN MAP:

A review of the General Land Use Plan Map of the City of Medford indicates that this area of the City was re-designated from Urban Residential (UR) to Airport (A) by Ordinance No. 2015-79, File No. CP-13-078. The map designations contained in the General Land Use Plan Element of the Comprehensive Plan indicates that permitted zoning district within the Airport designation is I-L. The Light Industrial zoning district is the most suited with the airport allowed uses and airport overlay zones.

The proposed zoning district for the subject property is Light Industrial (I-L). This zoning district is consistent with the Airport designation as identified on the GLUP map.

FINDING:

The subject property lies within the Urban Growth Boundary and City Limits of the City of Medford, and is found to be committed to urban use by specifically being delineated on the General Land Use Plan Map as Airport. The I-L zoning requested is found to be consistent with the General Land Use Plan Map.

CONSISTENCY WITH THE LOCATIONAL STANDARDS:

Subsection 10.227(1)(d) MLDC is applicable to this application for the locational standards requesting I-L zoning.

(d)(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.

Discussion:

The abutting properties to the north are zone I-L, identical to the proposed zoning. The abutting properties to the west are zoned Heavy Commercial, MFR-20 and SFR-6 with the abutting lands to the south and east zoned SFR-6 and SFR-10. There are no abutting Heavy Industrial zoned lands. Therefore, all of the abutting zoning districts are allowed to be abutting the proposed I-L district on the subject properties to meet the locational standard in Subsection 10.227(1)(d), MLDC.

FINDING:

The City of Medford finds that the subject site requests the Light Industrial (I-L) zoning district consisting of 47.14 acres and meets the locational standards within Subsection 10.227(1)(d)(i). This application is in compliance with Section 10.227(1) MLDC.

2. COMPLIANCE WITH URBAN SERVICES AND FACILITIES

The next criterion, Section 10.227(2), for a zone change is:

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

(2)(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."

Sanitary Sewer:

Sanitary Sewer service is provided by the City of Medford. There are 8-inch service lines along both Corona Avenue and Whittle Avenue to serve the subject properties. The Sanitary Sewer collection system is adequate to accommodate the proposed change of zoning with the proposed land uses. Sewer service can be extended to the development area by the owner/developer consistent with existing regulations. The sewer system is available in condition, capacity and location for any future development and allowed uses.

Sewage treatment is provided by the City of Medford Regional Waste Water Treatment Plant. The plant presently serves approximately 150,000 persons. The treatment capacity of the plant is approximately 20 Million gallons per day. The treatment plant has capacity to serve the expected population in the region for the foreseeable future.

Any future development of the property requires a system development charge which is dedicated to the expansion of the regional plant. This assures that the future sewage treatment of the plant remains available.

Water Service:

Water service is provided by the Medford Water Commission, which is currently serving the neighboring properties and vicinity. There is an existing 8-inch line along Whittle Avenue and a 6-inch service line along Corona Avenue. Extension and any development of the water system within the property for future development is the responsibility of the property owner/developer. Adequate service lines are available to serve the subject site with the proposed future development.

Water capacity of the Medford Water Commission system is currently serving a population of approximately 130,000 persons, with a potential capacity to serve approximately 185,000 people. The present sources and distribution system have a capacity of 71 million gallons per day (Medford Water Commission, 2008). Adequate water capacity exists to serve the subject site.

Water service for fire protection will be a requirement of the design considerations. The placement of fire hydrants and other fire safety features will be accomplished during the development review process.

Storm Drainage:

Currently, the vicinity has been developed to urban standards with storm drain facilities. There is an existing 12-inch storm drain line along Corona Avenue north of Hilton Road with an 18-inch line along Pleasant Street at the intersection with Corona Avenue. Sufficient capacity of the storm water drainage system exists to serve the subject property and the proposed uses.

The subject site lies within the Bear Creek East Drainage Basin. Any future development of the site will require an integrated storm sewer system, with the construction drawings prepared and the engineering to provide the storm sewer system in accordance with the City of Medford, at the time the development is proposed.

(2)(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;

The subject site fronts along both Whittle Avenue and Corona Avenue, which are designated as standard residential streets. Vehicular access to serve the properties currently exists. The potential exists to provide for a new east/west street that will provide connectivity of the local street system to preserve the street capacity in the vicinity.

The existing zoning on the property is SFR-6 and the proposed zoning with the City is I-L. These zoning districts differ with potential uses that will have an increase in vehicle trips generated. However, the applicants are desiring to stipulate to a trip generation cap for the site.

The applicant retained Kim Parducci with Southern Oregon Transportation Engineers, LLC to conduct a TIS for the subject property, to demonstrate that the local street system is adequate to support this change in zoning designation with a stipulated trip generation cap. The TIS concluded that:

“When an unconditional approval is not possible without some form of mitigation to maintain an adequate level of service, the City of Medford Municipal Land Development Code (MLDC) 10.461(1) allows trip stipulations to reduce traffic...”

Improved urban public streets currently serve the subject property and the surrounding area. Based on the TIS submitted with this application, it is demonstrated that these public streets, with the stipulated traffic generation cap of 318 peak hour trips, have sufficient capacity to serve the subject property and the proposed change of zoning.

FINDING:

Based upon the information contained herein, the City of Medford finds that there are adequate Category “A” public facilities to supply potable water to the property, as water distribution system improvements have already been in place in the vicinity. Sanitary sewer service is available to the site and capacity at the Regional Treatment Plant is adequate to accommodate the area. With the stipulated traffic generation cap of 318 peak hour trips, there is sufficient capacity on the existing local street system to accommodate the future uses in compliance with I-L zoning designation, consistent with the Medford TSP. The storm drainage facilities will be in compliance with the Master Storm Drain Plan.

SUMMARY AND CONCLUSIONS:

In order for an amendment to the Medford Zoning Map to be approved, the Planning Commission must find that the applicant has made the requisite findings for a zone change, in compliance with Section 10.227 MLDC. A review of the application, these Findings of Fact, the supporting documentation and the Traffic Impact Study demonstrates that this application complies with the applicable standards of the Land Development Code, is consistent with GLUP map and is consistent with the Medford Transportation System Plan.

With this information provided, the applicants respectfully request that the City of Medford designate the subject properties (37-1W-18A, TL 100 and 37-1W-18DB, TL 4200) as Light Industrial (I-L) on the Official Zoning Map for the City of Medford, Oregon.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Clark Stevens". The signature is written in a cursive, flowing style.

RICHARD STEVENS & ASSOCIATES, INC.



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CITY OF MEDFORD

LD Date: 5/4/2016

File Number: ZC-16-041

**PUBLIC WORKS DEPARTMENT STAFF REPORT
Zone Change – Whittle Avenue (Medford Airport)**

Project: Consideration of a request for a change of zone from SFR-6 (Single-Family Residential-6 dwelling units per acre) to I-L (Light Industrial) on approximately 47.14 net acres.

Location: Located west of Corona Avenue, east of Whittle Avenue, and 195 feet south of Crater Lake Highway 62.

Applicant: Jackson County, Rogue Valley International-Medford Airport, Applicant (Richard Stevens & Associates, Inc., Agent). Dustin Severs, Planner.

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 an existing 8 inch sanitary sewer line in Corona Avenue and an existing 10 inch line in Whittle Avenue. There are existing downstream capacity constraints within the City's sanitary sewer system. The proposed zoning to light industrial may decrease the sanitary sewer flow to this system compared to the current zoning of SFR-6. However, as we are uncertain of what will be developed on the property, Public Works Department recommends this zone change be denied, or the applicant stipulate to only develop so the total sewer flows do not exceed current zoning limitations, or the Developer make improvements to the downstream sanitary sewer system to alleviate the capacity

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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

26 CITY OF MEDFORD
EXHIBIT # C
File # ZC-16-041

constraints, or the developer may perform a sanitary sewer study to show that there is capacity to convey the increased flows.

II. Storm Drainage Facilities

This site lies within the Bear Creek East Drainage Basin. Hopkins Canal runs north to south through the properties. The properties drain generally east to west, with the lowest area of the subject area at the westerly edge of the subject frontage. The City of Medford has existing storm drain facilities in Corona Avenue and the Hopkins Canal. This site would be able to connect to these facilities at the time of development. Development of the subject area will require storm drainage detention and water quality improvement in accordance with Section 10.486 and 10.729 of the Municipal Code.

The feasibility of relocating Hopkins Canal on private property adjacent to Whittle Avenue will need to be discussed with the Rogue Valley Irrigation District, but the Medford Public Works Department has no objections to the relocation.

III. Transportation System

Public Works has received a Traffic Impact Analysis report for the property identified as 371W18DB100 located east of Corona Ave and south of Skypark Drive comprised of 47.14 acres (49.13 gross acres). The owner requests a zone change from SFR-6 (Single Family Residential 6 units per acre) to I-L (light industrial). Under the current SFR-6 zoning, the property is expected to generate 2,799 daily trips. The property would be expected to generate 14,142 daily trips under I-L zoning.

The TIA identified the intersection of Owen Drive and Crater Lake Avenue as a facility failing at the present time, prior to adding project trips. Rather than mitigate this intersection, the developer proposes a trip cap. The developer proposes that the project cap trips at the existing zoning potential trips plus 249 trips for a total of 3,048 daily trips.

The total trip cap will be 3,048 daily trips until a study is approved that shows that the surrounding transportation facilities can operate acceptably with additional trips. The study is required to meet the standards of Medford municipal Code section 10.460, 10.461, and 10.462.

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

Prepared by: Doug Burroughs/Roger Thom



Staff Memo

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: ZC-16-041
PARCEL ID: 371W18DB TL 100 & 371W18A TL 4200
PROJECT: Consideration of a request for a change of zone from SFR-6 (Single-Family Residential-6 dwelling units per acre) to I-L (Light Industrial) on approximately 47.14 net acres located west of Corona Avenue, east of Whittle Avenue, and 195 feet south of Crater Lake Highway 62; Jackson County, Rogue Valley International-Medford Airport, Applicant (Richard Stevens & Associates, Inc., Agent). Dustin Severs, Planner.
DATE: May 4, 2016

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

COMMENTS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The MWC system does have adequate capacity to serve this property.
4. Off-site water facility construction may be required depending on future land development review.
5. On-site water facility construction may be required depending on future land development review.
6. MWC-metered water service does not exist to this property.
7. Access to MWC water lines for connection is available. There is a 6-inch water line in Corona Avenue, and a 6-inch water line in Steelhead Drive and an 8-inch water line in Whittle Avenue, there is also a 8-inch water line Skypark Drive.



Medford Fire Department

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

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LAND DEVELOPMENT REPORT - PLANNING

To: City of Medford Public Works

LD Meeting Date: 05/04/2016

From: Fire Marshal Kleinberg

Report Prepared: 04/29/2016

File #: ZC - 16 - 41

Site Name/Description:

Consideration of a request for a change of zone from SFR-6 (Single-Family Residential-6 dwelling units per acre) to I-L (Light Industrial) on approximately 47.14 net acres located west of Corona Avenue, east of Whittle Avenue, and 195 feet south of Crater Lake Highway 62, Jackson County, Rogue Valley International-Medford Airport, Applicant (Richard Stevens & Associates, Inc., Agent). Dustin Severs, Planner

DESCRIPTION OF CORRECTIONS

REFERENCE

Approved as Submitted

Meets Requirement: No Additional Requirements

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

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

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

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

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

25

RECEIVED

APR 20 2016

PLANNING DEPT

ROGUE RIVER VALLEY IRRIGATION DISTRICT
LAND USE AGENCY RESPONSE FORM

3139 Merriman Road
Medford OR 97540
Email: rrvid@rrvid.org

Phone: 541-773-6127
Fax: 541-773-5420

NAME OF ENTITY REQUESTING RESPONSE: Planning Department

ENTITY REFERENCE NUMBER: ZC-16-041

MEETING REVIEW DATE: Wednesday MAY 4 2016

37101808 1800 PROPERTY

MAP DESCRIPTION: 321W18A 4200 ADDRESS: Whittle Ave, Copern Ave.

NO COMMENT OF LAND USE ISSUE (IF NOT MARKED, CONTINUE BELOW)

NO COMMENT IF CHECKED COMMENTS ARE APPLICABLE

A. WATER RIGHT ISSUES

1. Water rights need to be sold to someone or transferred back to RRVID.

Number of Irrigated Acres: 24.9

2. Must have District approval for water rights to remain in place on Subject's property.

Comments: _____

B. EASEMENTS

DISTRICT EASEMENTS

1. Easement needs to remain clear. No permanent structures or deep-rooted plants will be allowed within the easement limits.

Comments: Perpetual easement and right of way
Recorded # 83-09201

2. If facility is to be relocated or modified, specifications must meet the District's Standards and be agreeable to the District. A new written and recorded easements must be conveyed to the District.

Comments: _____

3. If a written and recorded easement does not exist for an existing facility, then one must be provided in favor of the District.

Comments: _____

PRIVATE EASEMENTS

1. Property may have private facilities (ditch or pipeline) that the District does not manage. Arrangements may need to be made to provide continued service through the subject property for down stream water users.

Comments: _____

CITY OF MEDFORD
EXHIBIT # F
File # ZC-16-041

ENTITY REQUESTING RESPONSE:

Planning Dept.

ENTITY REFERENCE NUMBER:

ZC-16-041

NO COMMENT IF CHECKED COMMENTS ARE APPLICABLE

C. FACILITIES (including but not limited to pipelines, ditches, canals, control checks or boxes)

- 1. Upgrades to District facilities may be required to support any land use changes or developments, such as pipe installations or encasing existing pipe under roads or concrete.

Comments: _____

D. DRAINAGE / STORM WATER

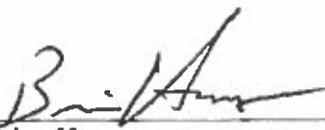
The District relies on the Bureau of Reclamation's Storm Water Policy. No urban storm water or point source flows will be allowed into the District's facilities without going through the Bureau of Reclamation process. (Developments in historically agricultural areas need to be aware of agricultural run off water and take appropriate action to protect the development from upslope water.)

Comments: _____

GENERAL COMMENTS:

- 1. No interruptions to irrigation water deliveries will be allowed.
- 2. R.R.V.I.D. is a Federal Project and some facilities and/or easement issues may need Bureau of Reclamation approval.
- 3. The developer/sub-divider will take all appropriate actions to ensure the reliability and protection of original function of the District's facilities.

As required by ORS 92.090(6) the entity must receive a certification form the District before approval of the final plat.



Brian Hampson
Rogue River Valley Irrigation
3139 Merriman Road
Medford OR 97501

Date Signed: 4-28-16



Oregon

Kate Brown, Governor



3040 25th Street, SE
Salem, OR 97302-1125
Phone (503) 378-4880
Toll Free (800) 874-0102
FAX (503) 373-1688

May 3, 2016

Dustin Severs
Planner – Planning Development
City of Medford
Lausmann Annex Room 240
200 South Ivy Street
Medford, OR 97501

RECEIVED

MAY 03 2016

PLANNING DEPT

SUBJECT: Re-Zone Proposal (File # PA-15-072/CP-13-078)

This letter is in response to the city of Medford's notice of application for a proposed zone change from SFR-6 to I-L near the Rogue Valley Int'l airport (Map/Lots 371W18DB TL 1800 & 371W18A TL 4200). After a preliminary review of the proposed application the Oregon Department of Aviation has no direct comment for the zone change of the subject property in the city of Medford; however ODA will have comments upon future development of the subject property.

Thank you for allowing ODA to comment on this development proposal. If you have any questions or need further information please feel free to contact me at 503-378-2529 or Jeff.Caines@aviation.state.or.us or Heather Peck – Projects and Planning Manager at 503-378-3168 or Heather.Peck@aviation.state.or.us.

Sincerely,

Jeff Caines, AICP
Aviation Planner

24

CITY OF MEDFORD
EXHIBIT # 6
File # ZC-16-041



RICHARD STEVENS & ASSOCIATES, INC.

P.O. Box 4368
Medford, OR 97501

100 E. Main St., Suite O
Phone: (541) 773-2646
Fax: (541) 858-8947

E-mail: rsco@mind.net
Website: rsaoregon.com

Dustin Severs, Planner II
City of Medford, Lausmann Annex
200 S. Ivy Street
Medford, OR 97504

RE: ZC-16-041, Jackson County

Dear Mr. Severs,

In regards to the Public Works comments for sanitary sewer and the proposed conditions. We are in agreement to a specific condition for "stipulating to only develop so the total sewer flows do not exceed current zoning limitations..." which is to the current SFR-6 zoning district maximum gross density.

Sincerely,

Richard Stevens & Associates, Inc.
Clark Stevens

CITY OF MEDFORD
EXHIBIT # H
File # ZC-16-041

medford land information system Technical Support Email

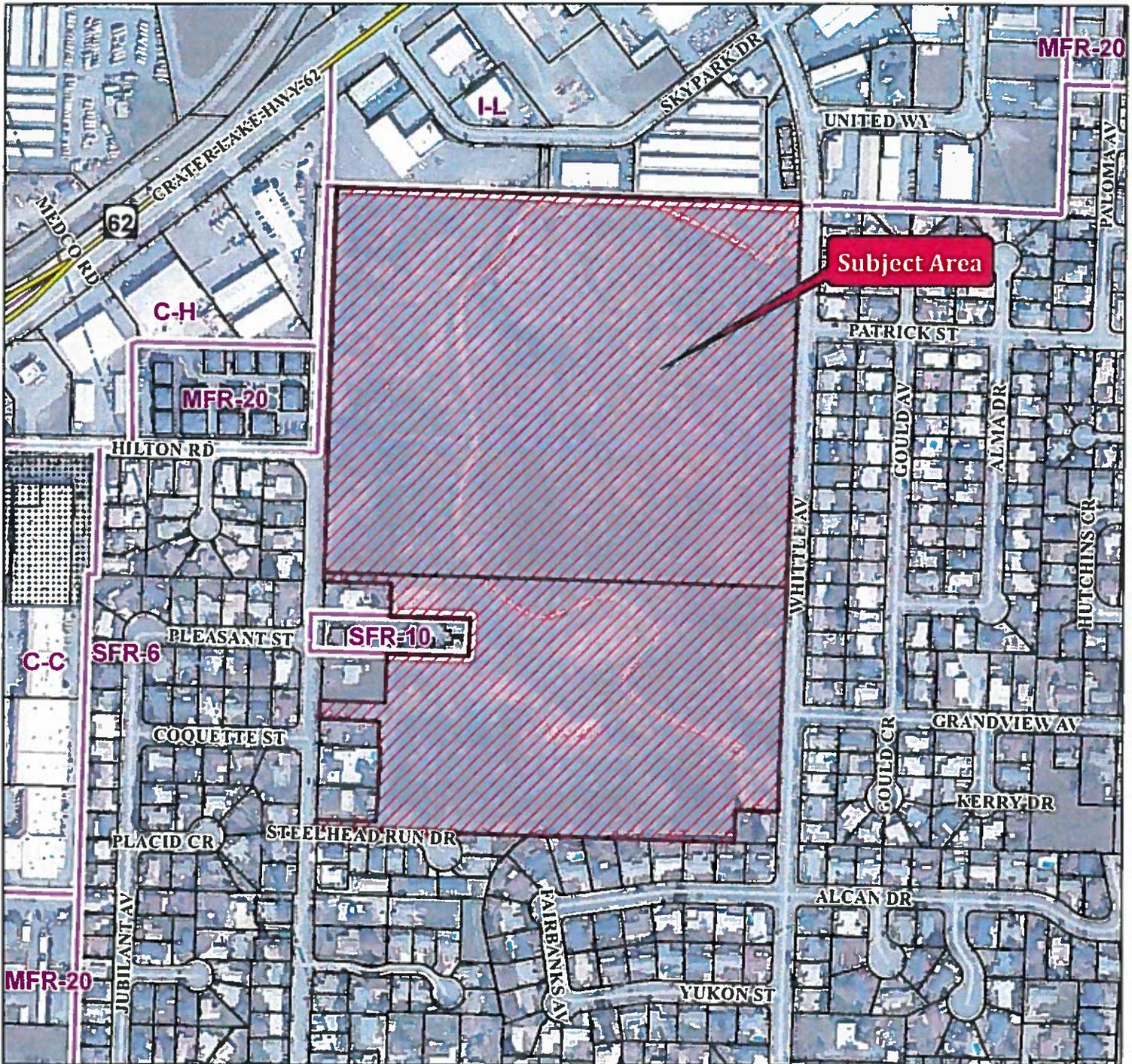
Search Layers Legend

Streets Aerial Topo

200m 900ft

CITY OF MEDFORD
EXHIBIT # I
File # ZC-16-041

Year: 2016 Version: 2.0



Project Name:

Medford Airport

Map/Taxlot:

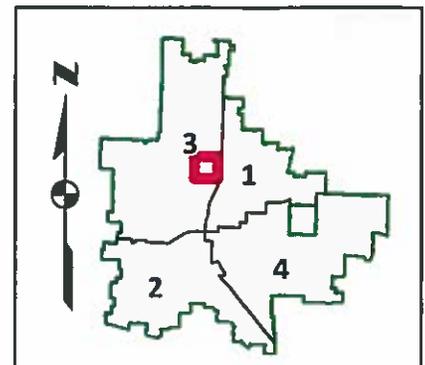
371W18DB TL 1 '00

371W18A TL 4200



Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots
-  Streets



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

IN THE MATTER OF APPROVAL OF AN EXCEPTION FOR)
) **ORDER**
COURT STREET PROPERTIES [E-16-047])

ORDER granting approval of a request for relief from the minimum lot area and lot width requirements for two properties totaling approximately 0.55 acres located at the southwesterly corner of E McAndrews Road and Court Street within the C-C (Community Commercial) zone district. (1165, 1173 and 1175 Court Street, Tax lots 372W24AC 2300 and 2403)

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.251 and 10.252; and
2. The Medford Planning Commission has duly held a public hearing on the request for an exception for relief from the minimum lot area and lot width requirements for two properties totaling approximately 0.3 acres located at the southwesterly corner of E McAndrews Road and Court Street within the C-C (Community Commercial) zone district. (1173 and 1165 Court Street, Tax lots 372W24AC 2300 and 2403), with the public hearing a matter of record of the Planning Commission on May 26, 2016.
3. At the public hearing on said exception, 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 exception approval and approved a final order with all conditions and findings set forth for the granting of the exception approval.

THEREFORE LET IT BE HEREBY ORDERED that the exception for Court Street Properties stands approved per the Staff Report dated May 19, 2016, 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 exception approval is hereafter supported by the findings referenced in the Staff Report dated May 19, 2016.

BASED UPON THE ABOVE, the Planning Commission determined that the exception is in conformity with the provisions of law and Section 10.253 criteria for an exception of the Land Development Code of the City of Medford.

Accepted and approved this 26th day of May, 2016.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT

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

Project Court Street Properties Exception
 Applicant: Court Street Properties, LLC; Agent: Neathamer Surveying, Inc.

File no. E-16-047

To Planning Commission *for May 26, 2016 hearing*

From Kelly Akin, Principal Planner *KA*.

Date May 19, 2016

BACKGROUND

Proposal

Consideration of a request for relief from the minimum lot area and lot width requirements for two properties totaling approximately 0.55 acres located at the southwesterly corner of E. McAndrews Road and Court Street, within the C-C (Community Commercial) zone district (1165, 1173 and 1175 Court Street, Tax lots 372W24AC 2300 and 2403).

Subject Site Characteristics

Zoning	C-C	Community Commercial
GLUP	CM	Commercial
Use		Retail businesses

Surrounding Site Characteristics

North	C-R	Regional Commercial, Northgate Center
South	C-C	Furniture store
East	C-C	Restaurant
West	I-H	Heavy Industrial, Medford Fabrication

Related Projects

PLA-15-171 Property Line Adjustment

Applicable Criteria

Medford Municipal Code §10.253

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

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

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

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

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

Corporate Names

According to the Oregon Secretary of State Corporation Division website, Martial E. Henault, P.C. is the Registered Agent for Court Street Properties, LLC. Members are the Elwin J Fordyce Trust and Marjorie J. Fordyce Trust, with Christine Fordyce named as Trustee for both Trusts.

ISSUES AND ANALYSIS

Background

The subject Lots 11-19 were created in 1929 by the subdivision named *Hockenyos Addition to the City of Medford* (Exhibit I). According to the Jackson County Assessor's records, the buildings on proposed Tracts 1 and 3 were constructed in 1948, while the southernmost structure on proposed Tract 2 was constructed in 1973.

This Exception application was submitted in association with Property Line Adjustment (PLA) application PLA-15-171. The PLA was submitted to correct the fact that all three structures were constructed over the property lines for Lots 11-19 created by the *Hockenyos* subdivision. The PLA proposes to consolidate and relocate the property lines to better accommodate the existing structures. The proposed Tracts 1 and 3, which encompass *Hockenyos* Lots 11-13, will not meet current development standards for lot area and width in the underlying C-C (Community Commercial) zone district.

Analysis

Site development standards for commercial properties are contained in Medford Land Development Code (MLDC) Section 10.721. The minimums required for lot area and width are shown in the table below.

	Lot Width		Lot Area	
	Code Standard	Proposal	Code Standard	Proposal
Tract 1	70	40	15,000	4,410
Tract 3	70	70	15,000	8,565

The Applicant's Findings explain the reason for the Exception is to eliminate the current nonconforming situation where the structures were built across property lines (Exhibit C). While the Land Development Code allows zero setbacks for buildings less than 20 feet in height, the Building Code requires fire separation walls when buildings are within three feet of a property line. The proposed property configuration reflects the structures that were constructed in the 1940's and 1970's.

A partition is not required for the proposed lot consolidation and reconfiguration. Should the Commission approve this request, staff will complete the administrative review of the Property Line Adjustment application pursuant to MLDC 10.297.

Agency Comments (Exhibits D – H and J)

Various City departments, the Medford Water Commission and ODOT responded to our request for comment on this proposal. There were no substantive comments. Any

easements needed for any utility services that end up crossing property lines will be obtained through the property line adjustment process as required in MLDC 10.297.

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

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

RECOMMENDED ACTION

Adopt the findings as recommended by staff and adopt the Final Order for approval of E-16-047 per the staff report dated May 19, 2016, including Exhibits A through J.

EXHIBITS

- A Proposed Site Plan received April 7, 2016
- B Assessor's Plat received April 7, 2016
- C Applicants Findings received May 11, 2016
- D Public Works Staff Report received April 27, 2016
- E Medford Water Commission Staff Memo received April 27, 2016
- F Fire Department Land Development Report received April 27, 2016
- G Building Department E-Mail received April 26, 2016
- H Addressing E-Mail received April 26, 2016
- I Hockenyos Addition to the City of Medford Subdivision Plat
- J ODOT E-Mail received May 13, 2016
Vicinity map

PLANNING COMMISSION AGENDA:

MAY 26, 2016

ABBREVIATIONS:

- CLF Indicates a chain link fence
- CMF Indicates an existing corrugated metal pipe
- EP Indicates the edge of a paved surface
- MF Indicates a mesh wire fence
- PVC Indicates an existing polyurethane vinyl chained pipe
- RCP Indicates an existing re-enforced concrete pipe
- RCF Indicates an existing rope-style chain fence
- SOAD Indicates an existing storm sewer area drain
- SDCO Indicates an existing storm sewer cleanout
- SDCI Indicates an existing storm sewer curb inlet
- SDCB Indicates an existing storm sewer catch basin
- SO LAT Indicates an existing storm drain lateral
- SSCO Indicates an existing sanitary sewer cleanout
- SSMH Indicates an existing sanitary sewer manhole
- TBC Indicates the top back of a curb line
- MBF Indicates a wood board fence
- WPTL Indicates a white painted fog line
- MV Indicates an existing water valve
- N, NE, SW Indicates a general direction, northerly, northeasterly, southwesterly, etcetera

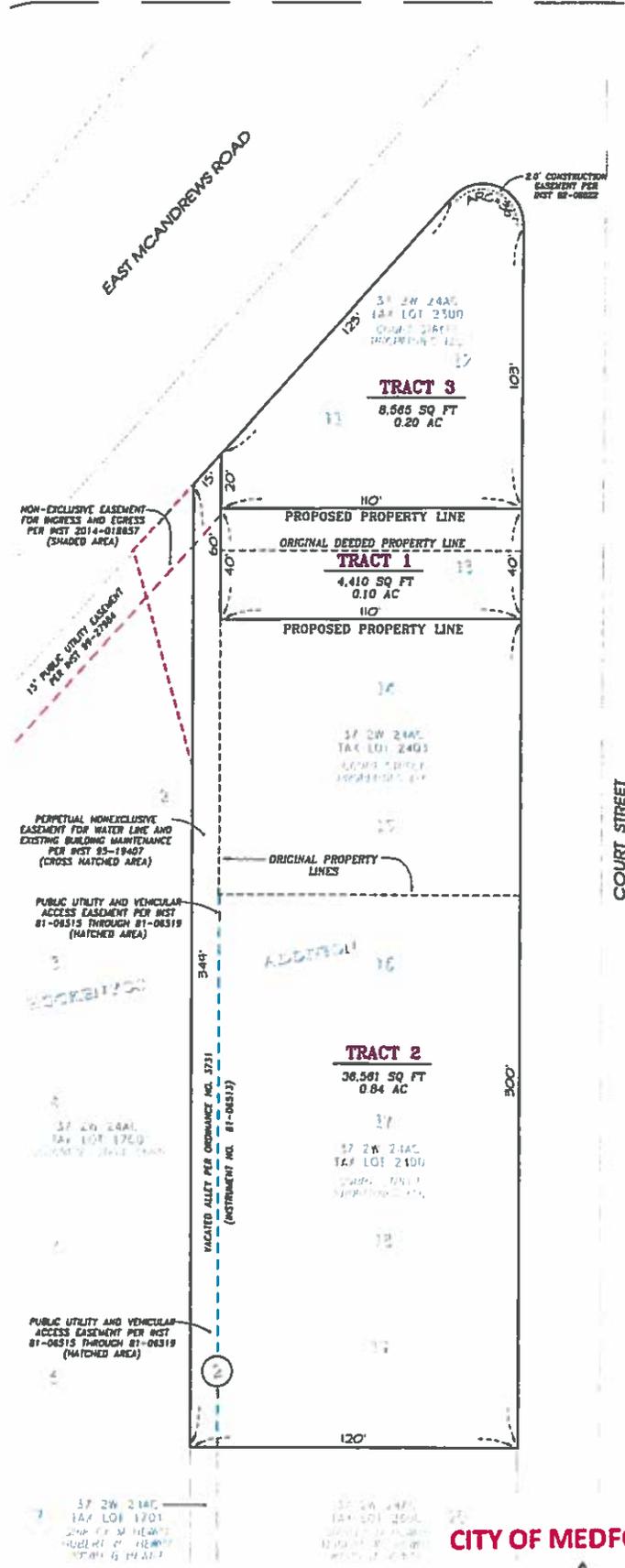


REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert V. Neathamer

OREGON
JULY 19, 1994
ROBERT V. NEATHAMER
2675

Renewal Date 12/31/16



CITY OF MEDFORD
EXHIBIT A 2008
FILE # E-16-047

**SITE PLAN
PROPERTY LINE ADJUSTMENT**

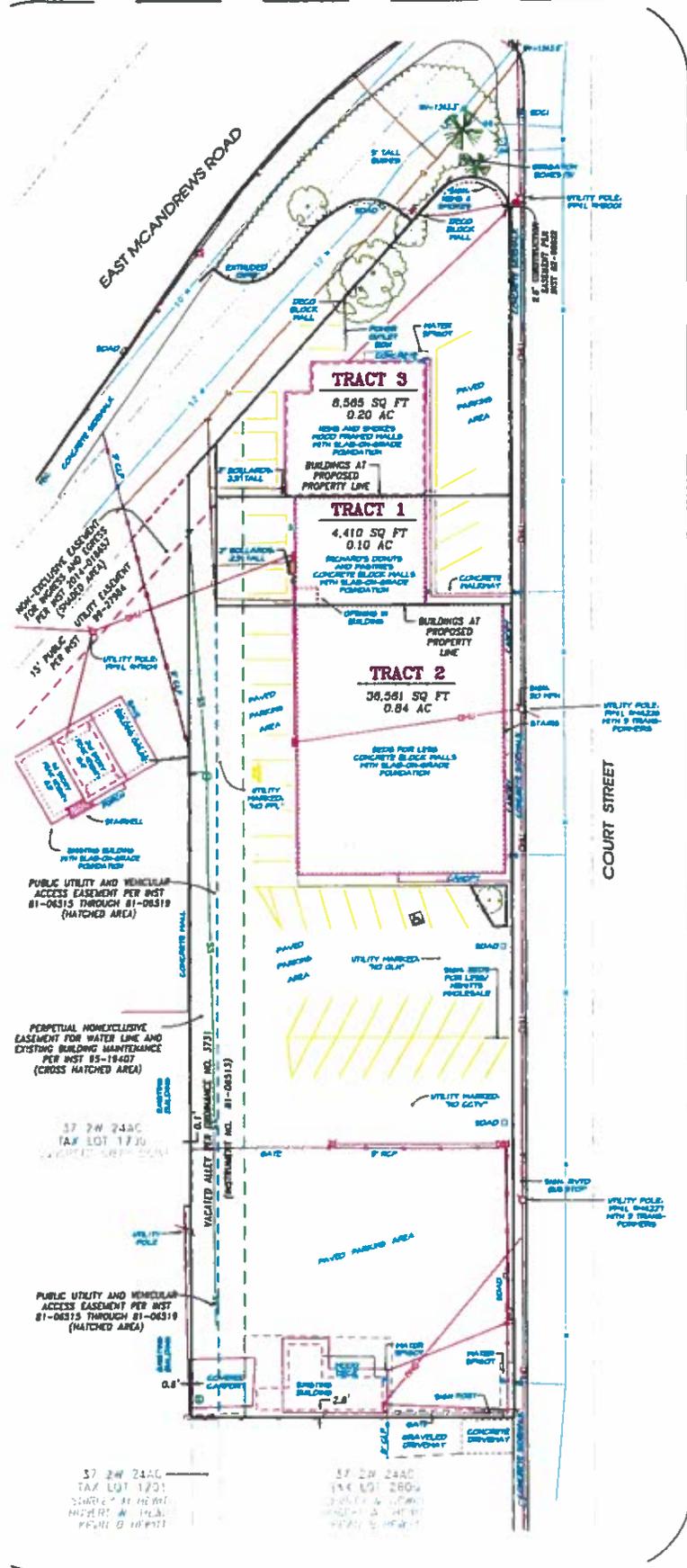
RECEIVED the Southwest One-quarter of the North
Quarter of Section 24, Township 31 South, R4
of the Willamette Meridian, in the City of
Medford, Jackson County, Oregon.

APR 07 2016

PLANNING DEPT.

PREPARED FOR:

COURT STREET PROPERTIES, LLC.
C/O: Law Offices of
Marital E. Henault
P.O. Box 727
Medford, Oregon 97501



LEGEND:

- Indicates a utility marked natural gas line
- Indicates an existing natural gas valve.
- Indicates an existing natural gas meter.
- Indicates an existing natural gas fiberglass pigtails.
- S— Indicates a utility marked sanitary sewer line
- S— Indicates an existing sanitary sewer manhole
- S— Indicates an existing sanitary sewer cleanout
- S— Indicates an existing sanitary sewer lateral
- SD— Indicates a utility marked storm drain line
- SD— Indicates an existing storm drain manhole
- SD— Indicates an existing storm drain cleanout, unless noted otherwise
- S— Indicates an existing mail box.
- S— Indicates an existing street light.
- S— Indicates an existing power lateral.
- S— Indicates an existing electric pedestal.
- S— Indicates an existing electric meter box.
- S— Indicates an existing utility pole and guy anchor.
- DU— Indicates an existing aerial utility line.
- DE— Indicates an existing aerial electric line.
- E— Indicates a utility marked electric line.
- T— Indicates a utility marked telephone line.
- S— Indicates an existing telephone pedestal.
- W— Indicates a utility marked water line.
- W— Indicates an existing water meter.
- W— Indicates an existing water valve.
- W— Indicates an existing fire hydrant.
- W— Indicates an existing water spigot.
- W— Indicates an existing domestic irrigation line.
- W— Indicates the location of an existing drain.
- W— Indicates a deciduous tree with drip-line diameter drawn to scale.
- W— Indicates a non-deciduous tree with drip-line diameter drawn to scale.
- 1000'— Indicates the elevation of the top of a valve nut for a water valve.
- X— Indicates centerline of an existing fence line as noted hereon.

BASIS OF BEARINGS:

The centerline of Court Street as depicted on Sur 1756, as filed in the office of the Jackson County Clerk.

PREPARED BY: **Neathamer Surv**
3126 State St., :
P.O. Box 1584
Medford, Oregon
Phone (541) 732-
FAX (541) 732-

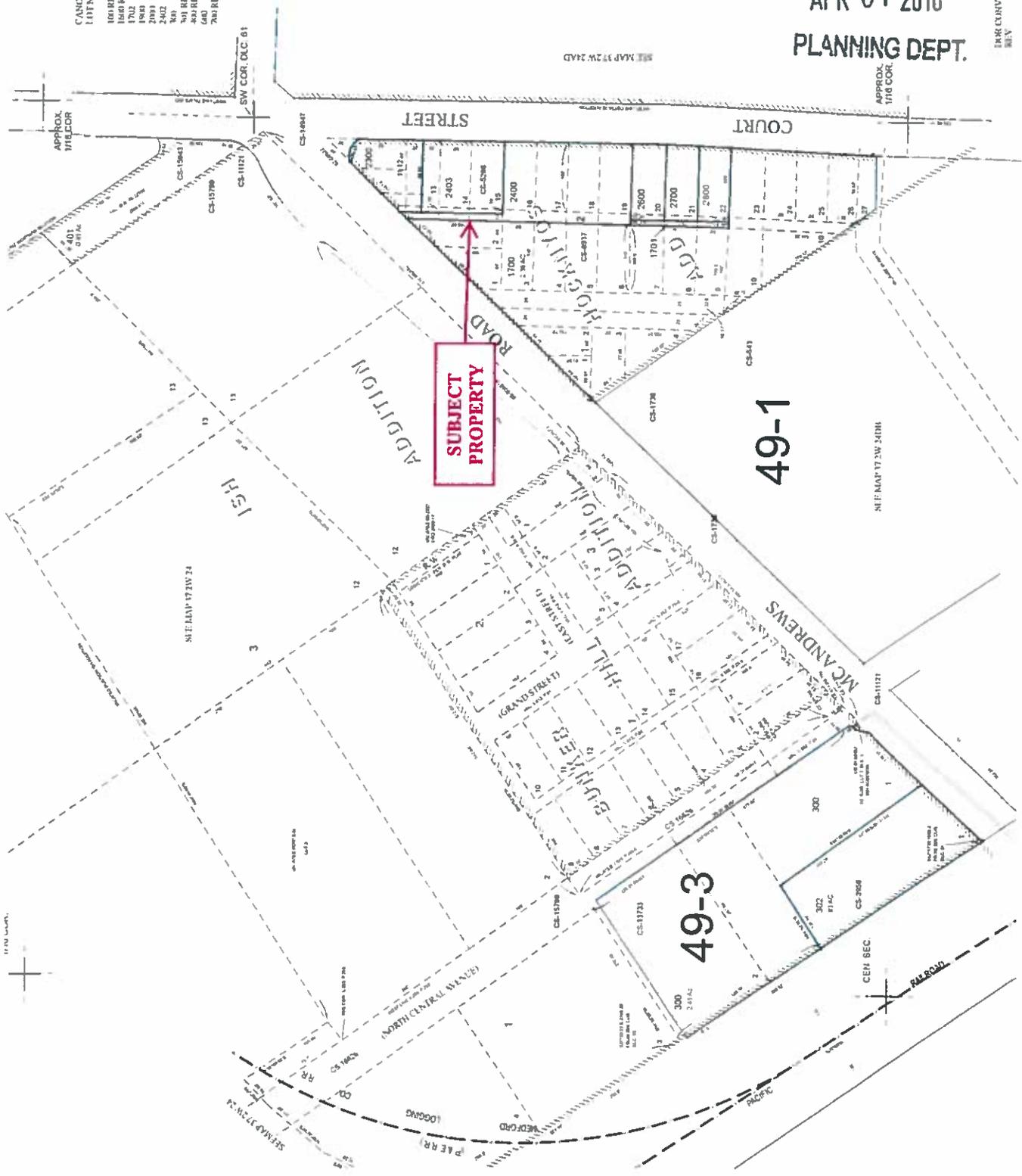
CITY OF MEDFORD
EXHIBIT A 3 of 3
FILE # E-16-047

PLOT DATE: April 5, 2016 PROJECT NUM

S.W. 1/4, N.E. 1/4, SEC. 24, T. 37S., R. 2W., W.M.
JACKSON COUNTY

37 2W 24AC
MEDFORD

FOR ASSESSMENT AND
TAXATION PURPOSES



CANCELLED TAX
LOT NUMBERS

100 REMAPPED TO 172W24
1200 REMAPPED TO 172W24
1800
1900
2000
2402
2403
2404
2405
2406
2407
2408
2409
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APR 07 2016
PLANNING DEPT.

37 2W 24AC
MEDFORD
1948 CONVERSION MARCH 14, 2008
REV. JULY 21, 2011

49-1

49-3

CITY OF MEDFORD
EXHIBIT B
FILE # E-16-047

FINDINGS OF FACT AND CONCLUSIONS OF LAW

**BEFORE THE CITY OF MEDFORD
SITE PLAN AND ARCHITECTURAL COMMISSION**

RECEIVED
MAY 11 2015
PLANNING DEPT.

**IN THE MATTER OF AN APPLICATION
FOR AN EXCEPTION TO LOT WIDTH AND
AREA STANDARDS FOR A PROPERTY
LINE ADJUSTMENT (PLA-15-171).**

APPLICANT: Court Street Properties
311 South Holly St
Medford, OR 97501

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

A. BACKGROUND INFORMATION

The subject properties (Tracts 1 and 3) are two of three properties that are involved in a Property Line Adjustment application that was previously submitted to the City of Medford in December 2015 (PLA-15-171) as shown on the attached Site Plan. The purpose of that application is to adjust the property lines to match the existing lines of occupation of the buildings located on said properties.

The property lines as they exist today do not coincide with the layout of the existing buildings. Furthermore, the northerly boundary of Tax Lot 2403, runs through the center of one of the buildings (being Richards Donuts & Pastries). The proposal contained therein, remedies the issue by adjusting the property lines to match the lines of separation between each building.

B. SCOPE, PURPOSE, AND OVERVIEW OF THE APPLICATION

Pursuant to Section 10.721-Commercial and Industrial Site Development Standards, of the Medford Land Development Code (MLDC), the minimum lot width requirement in the underlying Community Commercial zoning district is 70 feet and the minimum lot area is 15,000 square feet.

Currently, said Tracts 1 and 3 are non-conforming in the stated area requirement, with Tract 1 containing 13,750 square feet and Tract 3 containing 10,243 square feet.

Upon the approval of said Property Line Adjustment, Tract 1 will contain 4,410 square and Tract 3 will contain 8,565 square feet. Additionally, Tract 1 will have a resultant lot width of approximately 40 feet.

The purpose of this Exception application is to allow the reduction in lot width and area in order to support the Property Line Adjustment application and correct/adjust the boundaries to match the existing buildings and uses.

CITY OF MEDFORD
EXHIBIT C
FILE # E-16-047

C. APPROVAL CRITERIA

CITY OF MEDFORD LAND DEVELOPMENT CODE

SECTION 10.253 – CRITERIA FOR AN EXCEPTION

Section 10.253 of the Medford's Land Development Code (MLDC) states that:

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

- 1. The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met. (Effective Dec. 1, 2013).*
- 2. The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.*
- 3. There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.*
- 4. The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.*

D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

CRITERION NO. 1

- 1. The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met. (Effective Dec. 1, 2013).*

FINDINGS OF FACT

As it stands, the property lines of the subject Tax Lot do not accurately represent the current conditions, purpose and use of the property. As previously stated, the intent of this exception is to support a property line adjustment that will correct this existing problem. The buildings and associated improvements (parking areas etc.) are already constructed and there is no proposed additional development at this time. Upon approval of this exception application, the property lines of the subject property and the adjacent lots will be consistent with its current uses and occupation. Furthermore, the approval of the requested exception will not be injurious to the general area or negatively impact the general welfare or adjacent natural resources.

Additionally, when the lots were platted with the Hockenyos Addition to the City of Medford in 1929 and historically, the commercial lots within the City were rather narrow, with buildings constructed close to the property lines. Access to the lot was provided typically by an alley to the rear of the lot. The subject lot, for instance originally had a width of 50 feet and an area of 5,000 square feet with an alley running along the rear of the parcel.

CRITERION NO. 2

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

FINDINGS OF FACT

As all improvements are already constructed (and have been for some time), and there is no proposed change to the use of the property, the granting of this exception will not permit the establishment of a use which is not permitted in the Community Commercial zoning district. In fact, the granting of this exception will support its current use by allowing the property lines to accurately reflect its current, permitted commercial use.

CRITERION NO. 3

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

FINDINGS OF FACT

The existing property line resides in the middle of an existing structure and needs to be rectified, as it conflicts with building and land development code standards. Ownership and leasehold financing may be negatively impacted with this situation. As such, this is a unique and unusual circumstance, and is not typical. Furthermore, the strict application of the required lot widths would result in a

hindrance to the owner's effort to correct this matter.

Vehicular access and parking will not be affected by the proposed exception.

CRITERION NO. 4

- 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.*

FINDINGS OF FACT

The need for this exception is not due to an illegal act, nor is it established on the basis of a purchaser of the land. The property is negatively impacted by the current matter and would be alleviated by the granting of this exception.

The buildings have been constructed (again, for some time) and the configuration of the properties were never adjusted to accommodate the improvements. The granting of this exception would eliminate this discrepancy.

CONCLUSION OF LAW

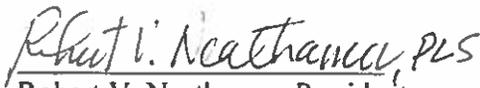
Based upon the submitted application materials and the above Findings of Facts, the Site Plan and Architectural Commission concludes that the application complies with the applicable provisions of the exception criteria.

E. ULTIMATE CONCLUSION

The Site Plan and Architectural Commission concludes that the application for an exception to the lot width and area requirement in the Community Commercial is consistent with the relevant criteria for an exception found in Section 10.253 of Medford's Land Development Code, and can therefore be approved.

Respectively Submitted,

Neathamer Surveying, Inc.


Robert V. Neathamer, President

Agent for Applicants:
Court Street Properties, LLC

Dated: May 10, 2016



Continuous Improvement Customer Service

RECEIVED
APR 27 2016
PLANNING DEPT.

CITY OF MEDFORD

LD Date: 4/27/2016
File Number: E-16-047

PUBLIC WORKS DEPARTMENT STAFF REPORT
Court Street Properties Exception

- Project:** Consideration of a request for relief from the minimum lot area and lot width requirements for two properties totaling approximately 0.3 acres.
- Location:** Located at the southwesterly corner of E. McAndrews Road and Court Street, within the C-C (Community Commercial) zone district. (1173 and 1165 Court Street, Tax lots 372W24AC 2300 and 2403).
- Applicant:** Court Street Properties, LLC., (Neathamer Surveying, Inc., Agent). Kelly Akin, Planner.

Public Works has no comments on the proposed exception request.

Prepared by: Doug Burroughs



Staff Memo

RECEIVED

APR 27 2016

PLANNING DEPT

TO: Planning Department, City of Medford

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

SUBJECT: E-16-047

PARCEL ID: 372W24AC TL's 2300, 2400, 2403

PROJECT: Consideration of a request for relief from the minimum lot area and lot width requirements for two properties totaling approximately 0.3 acres located at the southwesterly corner of E. McAndrews Road and Court Street, within the C-C (Community Commercial) zone district. (1173 and 1165 Court Street, Tax lots 372W24AC 2300 and 2403). Kelly Akin, Planner.

DATE: April 27, 2016

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

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The existing water meters shall remain in place and continue to serve the businesses.

COMMENTS

1. Off-site water line installation is not required.
2. On-site water facility construction is not required.
3. MWC-metered water service does exist to these properties. There is an existing 1" water meter serving business at 1175 Court St, a existing 3/4" water meter serving the business at 1173 Court St., and a 3/4" water meter serving the business at 1165 Court St. (See Condition 3 above)
4. Access to MWC water lines is available. There is an existing 10-inch water line in Court Street.

CITY OF MEDFORD

EXHIBIT 8

FILE # E-16-047

Page 1 of 1

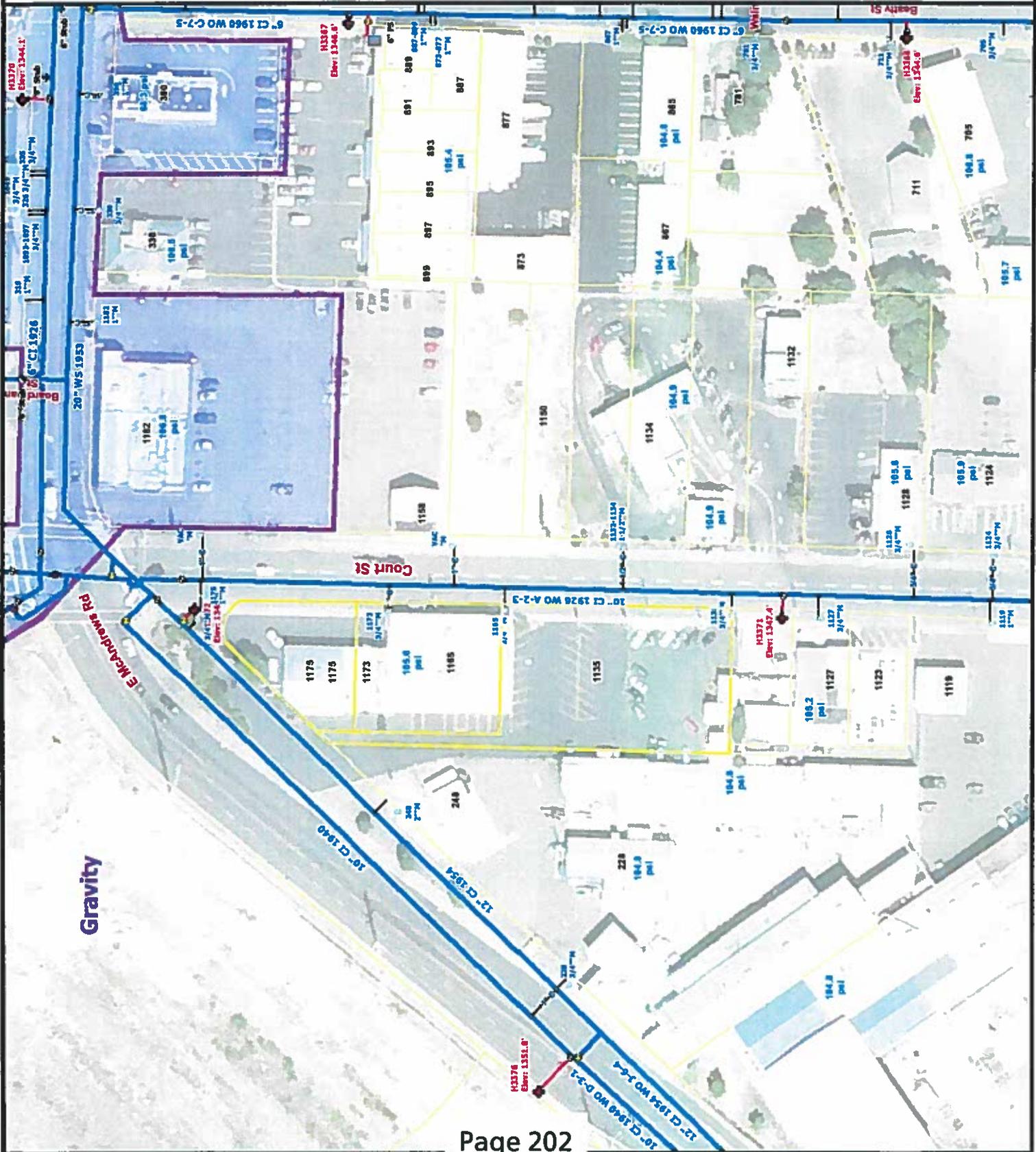


0 55 110
 Feet
 Scale: 1"=100'

**Water Facility Map
 for
 E-16-047**

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 Fire Department

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

RECEIVED

APR 27 2016

PLANNING DEPT

LAND DEVELOPMENT REPORT - PLANNING

To: Kelly Akin

LD Meeting Date: 04/27/2016

From: Fire Marshal Kleinberg

Report Prepared: 04/15/2016

File #: E - 16 - 47

Site Name/Description:

Consideration of a request for relief from the minimum lot area and lot width requirements for two properties totaling approximately 0.3 acres located at the southwesterly corner of E. McAndrews Road and Court Street, within the C-C (Community Commercial) zone district. (1173 and 1165 Court Street, Tax lots 372W24AC 2300 and 2403). Kelly Akin, Planner.

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

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

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

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

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

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

CITY OF MEDFORD

EXHIBIT F

FILE # E-16-047

Page 1

Kelly A. Akin

From: Chad E. Wiltrout
Sent: Tuesday, April 26, 2016 2:03 PM
To: Kelly A. Akin
Cc: Mary E. Montague
Subject: E-16-047

RECEIVED
APR 26 2016
VA
PLANNING DEPT.

Hi Kelly

There are no comments from the building department for this application.

Thanks,

Chad Wiltrout
Assistant Building Safety Director
City of Medford
Building Department
P (541) 774-2363
C (541) 944-8991
chad.wiltrout@cityofmedford.org

Kelly A. Akin

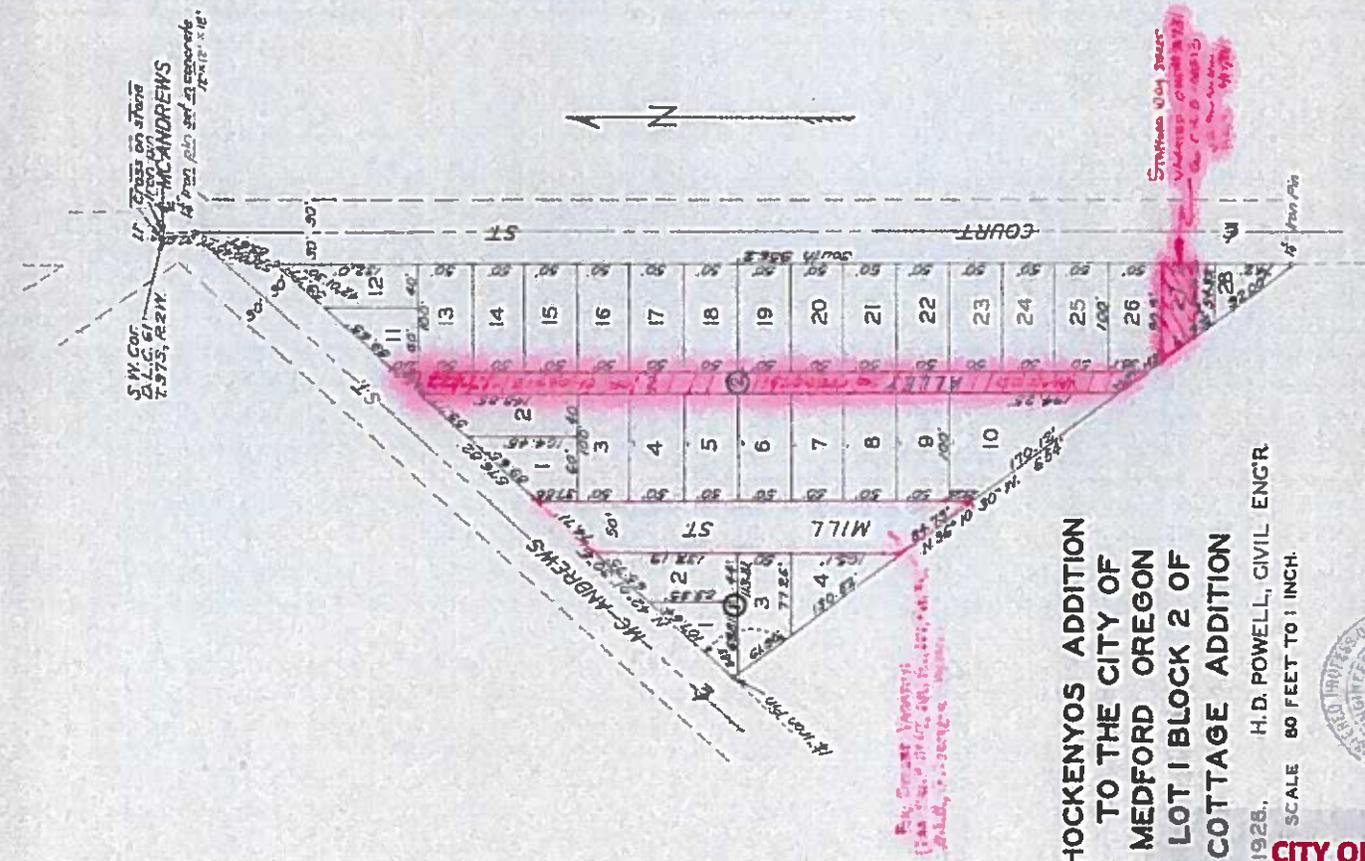
From: Jennifer L. Ingram
Sent: Tuesday, April 26, 2016 1:38 PM
To: Kelly A. Akin
Subject: E-16-047

RECEIVED
APR 26 2016
KA
PLANNING DEPT

Hi,

I won't be attending the LDC meeting tomorrow. I have no comments on the exception.

Thank you,
Jennifer Ingram
Address / Database Technician
City of Medford
541-774-2069



**HOCKENYOS ADDITION
TO THE CITY OF
MEDFORD OREGON
LOT 1 BLOCK 2 OF
COTTAGE ADDITION**

JAN 1928. H. D. POWELL, CIVIL ENGR
SCALE 80 FEET TO 1 INCH.



CITY OF MEDFORD
EXHIBIT I 102
FILE # E-16-047

DESCRIPTION

Beginning of an iron pin set in concrete at the Northernly Corner of Lot 1, Block 2, Cottage Addition which pin bears South 32° 00' East and South 21° 00' 45" West, 236.7 feet from an iron pin at the intersection of Court and McAndrews Streets, said pin being 1.10 feet East of S.W. Corner of D.L.C. No. 67, Township 37 South, Range 2, West of the Willamette Meridian, Jackson County, Oregon thence South 95° 2' West of the Court Street to an iron pin, thence North 35° 10' 30" West 65.4 feet to an iron pin, thence North 42° 01' 30" East 576.82 feet along Southwesterly line of McAndrews Street to the point of beginning, Being Lot 1, Block 2, of the Cottage Addition to Medford, Oregon.

DEDICATION

KNOW ALL MEN, BY THESE PRESENTS, that we, William J. Hockenyos and Maud M. Hockenyos his wife, are the owners in fee simple of the above described tract, that we have subdivided the same into lots, blocks and streets as shown hereon, that the number and size of all lots and the length of all lines are plainly set forth, that this plat is a correct representation of said subdivision, that we do hereby dedicate to the public for public use the street and alley as shown hereon and that we do hereby designate said subdivision as Hockenyos Addition.

Signed, William J. Hockenyos
Maud M. Hockenyos

Witnesses

STATE OF OREGON §5
COUNTY OF JACKSON

personally came before me a Notary Public in and for said County and State the above named William J. Hockenyos and Maud M. Hockenyos of said State and County to me personally known to be the above named and executed the above instrument and who acknowledged to me that they did the same freely and voluntarily Done this 5th day of June 1928.

J. P. Powell
Notary Public

My Commission expires July 26 1928

SURVEYOR'S CERTIFICATE

I, H. D. Powell, hereby certify that this map was made from notes taken during an actual survey in the field and that this map is a correct representation of said survey, and that I have set the corners as hereon designated.

Subscribed and sworn to before me this 5th day of June 1928
H. D. Powell
Surveyor

My Commission expires July 26 - '31
J. P. Powell
Notary Public

Examined and approved by the City of Medford Planning Commission, in regular session this 5th day of June 1928.
J. P. Powell, Secretary

Examined and approved by City Council in regular session this 9th day of June 1928.
Attest: J. P. Powell, Mayor

Examined and recommended for approval of County Court Paul B. G. G. G.
County Surveyor
All taxes paid in full to County 1928.

Examined and approved this 5th day of June 1928.
Maud M. Hockenyos, County Sheriff

For order of County Commissioners approving this plat, see Volume 21 page 311
of Commissioners Journal of Proceedings.

76121
Filed for record this 6th day of June 1928, of Medford Block 2, and recorded in 5 Volume of Plots, Page 107 of Records of Jackson County, Oregon.
J. P. Powell, County Recorder

Kelly A. Akin

From: MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>
Sent: Friday, May 13, 2016 4:31 PM
To: Kelly A. Akin
Subject: E-16-047

Hi Kelly,

Thank you for sending agency notice of a consideration of a request for relief from the minimum lot area and lot width requirements for two properties totaling approximately 0.3 acres located at the southwesterly corner of E. McAndrews Road and Court Street, within the C-C (Community Commercial) zone district. (1173 and 1165 Court Street, Tax lots 372W24AC 2300 and 2403). We reviewed this and determined that it would not significantly affect state transportation facilities under the State Transportation Planning Rule (OAR 660-012-0060) or State Access Management Rule (OAR 734-051-000). We have no further comments at this time.

Don Morehouse
Senior Transportation Planner
ODOT Region 3, District 8 (Rogue Valley Tech Center)
Ph: (541) 774-6399
Fax: (541) 774-6349
Donald.Morehouse@odot.state.or.us



Project Name:

Court Street Properties

Map/Taxlot:

372W24AC TL 2300,2400, 2403



04/20/2016

Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots
-  Streets

